



Tiwi Islands Regional Council

Title:	Flexible Working Arrangements Policy
Policy No:	60
Adopted By:	Council
Next Review Date:	March 2024
Responsibility:	Manager Organisation Development and Change
Magiq ID:	232707

Version	Decision Number	Adoption Date	History
1	Resolution 52 of 25-3-20	Wednesday 25 March	Version 1

Background

Tiwi Islands Regional Council (TIRC) Flexible Working Policy seeks to achieve a fair balance between work and family responsibilities. Different flexible working arrangements may be considered depending on the degree of flexibility necessary to best accommodate employees' family commitments, without compromising the achievement of the Council's business objectives. The benefits of reviewing and implementing flexible working arrangements can include improved productivity, retention of skilled staff and improved employee satisfaction.

The Policy should also consider arrangements following the outbreak of incidents such as the Coronavirus pandemic and consider the possibility that there may be times will some staff will need to work from home. In these eventualities, Council will follow the directions of State and Federal government.

Only some Council staff can usefully work from home – typically this would cover General Managers, and Managers where their role involved a significant percentage of office based work.

Policy Statement

The Fair Work Act 2009 provides that certain employees (referred to in this policy as “eligible employees”) are entitled to make a written request for flexible working. Eligible employees may make a request to change their working arrangements, such as working part-time, compressed hours, flexible hours, job sharing, and working from home, split shifts and work re-design. TIRC will consider such requests and provide a written response.

- The Council may consider an eligible employee's request for flexible working and respond in writing to inform the employee whether their request is granted, partially granted or refused.

Employees must satisfy the one or more of the following before making a written request for flexible working:

- must have been continuously employed by the Council for at least 12 months before making their request
- the employee is a parent, or has responsibility for the care of a child who is of school age or younger

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- the employee is a carer (within the meaning of the Carer Recognition Act 2010)
- the employee has a disability
- the employee is 55 or older
- the employee is experiencing violence from a member of the employee's family.

Procedure

An employee who believes they are eligible to make a request for flexible working and considers that a change to their working arrangements would have a positive impact on their ability to balance their work and family responsibilities should set out their request in writing to their manager. In order for TIRC to properly consider the employee's request, it will be helpful if as much detail as possible is included in the employee's request. For example, the employee's request should include the following:

- the type of flexible working arrangement that is requested, or different options of flexible working that could benefit the employee
- how a new working arrangement would benefit the employee in their day to day life
- a proposed start date and if relevant, an end date
- suggestions as to how the employee's proposed flexible working arrangement could impact their fellow employees and how this could be overcome
- if it may be unclear to the Council why the employee is eligible to apply, then provide details as to why the employee believes they meet the eligibility requirements
- Any other relevant information.

Once TIRC receives the employee's written request to change their working arrangements it will consider the request, taking into account the employee's proposals and their impact upon the Council's ability to continue to meet its business objectives. A written response from the CEO will be provided to the employee within 21 days of TIRC receiving the request. The response will set out whether the employee's request is granted, partially granted (for instance, it may be granted with conditions or for a fixed period) or refused. In making its decision, the Council will take into consideration some or all of the following objectives: its staffing requirements, technical operations, output and productivity, workplace health & safety and the specific circumstances of the employee.

If the employee's request for flexible working is agreed in full, then the start date of the new arrangement will need to be agreed, a review date decided and the relevant change to the employee's terms and conditions will be documented in a Flexible Working Arrangement Record. It is possible also that the employee will be asked to execute a new employment contract to reflect the changes (though this will depend on the nature of the changes).

If the employee's request for flexible working is partially agreed, further discussion will then take place between the employee and the Council to come to a mutually convenient arrangement. If the employee's request is refused, the Council will explain in its response



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letter the reasonable business grounds that led to the Council's decision to refuse the employee's request.

Reasonable business grounds may include but are not limited to:

- the effect on the workplace and the Council's business of approving the request, including the financial impact and the impact on efficiency, productivity and customer service
- the inability to organise work among existing employees
- the inability to recruit a replacement employee or the practicality or otherwise of the arrangements
- that may need to be put in place to accommodate the employee's request
- the effect the arrangements will have on the Council's other employees
- the arrangements that will be required to enable the employee to fulfil their parental or carer responsibilities
- the timing of the request. For example, how quickly do the new arrangements need to begin and how long do they need to stay in place for.
- what effect of not having the flexible work arrangement may have on the employee
- whether other legal obligations will be breached by modifying the work arrangements, for example, workplace health & safety laws.

Safe Home Working Environment

Council has a duty of care to ensure that employees who work from home have a safe workplace within the home. Employers may still be liable if an employee is injured while working from home.

An assessment of the home needs to be conducted to ensure it complies with health and safety requirements. Matters to be considered include:

- a working smoke alarm
- a first aid kit and fire extinguisher
- appropriate work area lighting, heating, cooling and ventilation
- safe and non-slip flooring
- removal of potential trip hazards
- clear exit in case of emergency,
- An employee may be directed to work from home under a number of circumstances – electrical failure in the office, lack of internet connection in the office or a pandemic such as the Coronavirus outbreak

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- Employees must communicate at agreed times with their supervisor or manager and Council will put in place measures to manage performance and productivity.

Associated Resources

<http://www.fairwork.gov.au/>

<https://www.safeworkaustralia.gov.au/>