



## Workplace Flexibility

Australian businesses are increasingly finding that having flexible work arrangements for their employees enables them to be more productive<sup>1</sup>. It also reduces business costs while increasing customer satisfaction by allowing employers to adjust their workforce to meet demand and serve customers at times that suit them.

In the long term, creating a more flexible, diverse, and inclusive South Australian workforce will generate productivity, increase workforce participation and improve workforce culture. Recent surveys have found that:

- 48% of Australian firms believe that flexible work is lower cost than fixed location work<sup>2</sup>.
- 68% of Australian businesses believe that flexible work allows the business to generate more revenue<sup>3</sup>.
- 64% of Australian businesses feel that employees are more energized and motivated as a direct result of flexible work<sup>4</sup>.

Flexibility gives employees the freedom, trust, and empowerment to choose the way to work to deliver the best outcomes for themselves, their clients, the organisation and their team.

### Flexibility means different things for different people and may include:

- Flexible work hours – Working your contracted hours in a flexible way, which may include varying the times at which you start and finish your work.
- Compressed weeks – working longer hours over fewer days
- Part-time – working less than full-time hours
- Job sharing – An arrangement where two or more people share one role and work on a part-time basis
- Altered work location – working from home or remotely or from another location of your choice.
- Graduated transition to work return - Returning to work on a graduated basis after extended leave or in preparing for retirement.
- Flexible Workplace - Creating a work environment that enables connection and collaboration, giving people the freedom to work how and where they get their best work done.

### We shouldn't assume that:

**Flexibility only works for some jobs:** Changes in service delivery and technology mean most jobs can allow some form of flexibility.





**Only working mothers want flexibility:** All employees may be interested in some type of flexibility at different stages in their career.

**Employees have to be present to be productive:** Research and experience with COVID-19 has shown that, if their job allows it, employees can be even more productive working off-site.

### Many Employees have the legal right to request flexible working arrangements

In December 2022, The Australian Government passed the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022. This legislation amends the Fair Work Act to change a number of existing rules and introduces a range of new workplace laws including employees' rights to request flexible working arrangements.

Previously, permanent employees or long term casual employees who were parents & carers, have a disability, are affected by domestic violence, or are aged over 55 years had the right to request flexible work arrangements. From 6 June 2023, the right to request flexible working arrangements will also apply to:

- employees, or a member of their immediate family or household, experiencing family and domestic violence
- employees who are pregnant.

Employers have new obligations before they can refuse a request from an employee for a flexible working arrangement. Employers will have to:

- discuss the request with the employee
- make a genuine effort to find alternative arrangements to accommodate the employee's circumstances
- consider the consequences of refusal for the employee
- provide a written response that includes:
  - an explanation of the reasonable business grounds for refusing the request and how these grounds apply to the request
  - other changes the employer is willing to make that would accommodate the employee's circumstances or that says there aren't any changes
  - information about referring a dispute to the Fair Work Commission (the Commission).
  - If an employer and the employee have discussed the request and agreed to make changes to the employee's working arrangements that are different to what the employee requested, the employer needs to confirm these agreed changes in writing within 21 days of the request.

The Commission will be able to hear and make orders about disputes about flexible working arrangement requests if the parties can't resolve the dispute at the workplace level. For example, if an employer:





- refuses an employee’s request, or
- doesn’t respond to a request within 21 days.

The Fair Work Commission has the power to start court proceedings for alleged breaches of these provisions.

For more information, read the Department of Employment and Workplace Relation's fact sheet **Right to request flexible work arrangements**. <https://www.dewr.gov.au/secure-jobs-better-pay/resources/right-request-flexible-work-arrangements>

For other employees employers must have “reasonable grounds” to deny employee requests for flexible work. Considering all the circumstances, these reasons may be “reasonable”:

- Too costly for the business
- Significant loss of productivity
- Significant negative impact on customer service
- Impractical or no ability to change arrangements for other employees or to recruit new employees

### **Flexibility Maturity Model**

This model has been designed to help understand where you are on your pathway to implementing workplace flexibility and identify, plan, and review your organisation’s progress in manageable phases.

#### **PHASE 1**

##### **Making a start**

##### **Defining your flexibility strategy**

- ✓ Understanding workplace flexibility
- ✓ Developing a flexible working policy
- ✓ Demonstrated leadership commitment to flexibility
- ✓ Enabling mobile technologies

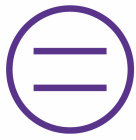
#### **PHASE 2**

##### **Learning and enhancing**

##### **Creating your flexibility action plans**

- ✓ Understanding the challenges of flexibility and dispelling the myths
- ✓ Managers are equipped to have conversation and implement flexible working policy
- ✓ Capability building
- ✓ Have flexibility incorporated into other processes such as performance reviews, goal setting, learning and development plans, as well as recruitment





### PHASE 3

#### Leading and promoting Monitoring flexibility benchmarks

- ✓ Regularly measure success and make improvements
- ✓ Cultural change: flexibility becomes normalised
- ✓ Flexibility forms part of overall company strategy

##### *Phase 1 – Making a start*

- **Start with you** – Consider exploring further reading on the core aspects of unconscious bias by those who are developing the Flexible Workplace Policy.
- **We all have bias** – Remember, it is how we accept, identify, and mitigate our biases that will have the lasting impact.
- **Context** – Understand more about the challenges of unconscious bias and flexibility. In particular some of the myths and facts concerning flexible workers, gender bias and the flexibility stigma along with the legal implications of setting up your flexibility policy.
- **Demonstrated leadership commitment** – Consider your own business; who is a manager or senior person who can role model this behaviour? e.g. openly talk about supporting or working flexibly

##### *Phase 2 – Learning and enhancing*

- Train line managers on unconscious bias awareness. Specifically, how unconscious bias will impact the decisions they make, the quality of the questions they ask and the conversation they have.
- Encourage unconscious bias training for those leading other processes e.g., performance review, salary review and for those deciding on spend for learning and development plans to ensure an integrated approach to flexibility in your business.
- Review your current policies in the above areas and change those that don't easily allow for flexibility.

##### *Phase 3 – Leading and promoting*

- **Leader involvement** – 'Once it appears that bias is widespread and systemic... it is unarguable that a fundamental responsibility lies with individuals (especially leaders) to implement steps to remedy the situation'<sup>9</sup>.
- As leaders and business owners, the decisions you make, the quality of the questions you ask and what you reward creates the culture.





- **Talk about your progress and your wins** – Be true to yourselves about what is and isn't working and adjust with long term success in mind around developing a flexible workplace.
- **Leverage your success** – your flexibility strategy can play a key role in attracting new employees and retaining key talent to sustain and grow your business.

## References

<sup>1</sup> Regus, (2012) Flexibility Drives Productivity.

<sup>2</sup> Making Flexible Work a Success: A Guide to Promoting Work Life

Balance in the Victorian Sector State services Authority, Department of Communities and Social Inclusion, 'Questions and Answers, Managing Flexibility: A manager's guide to Flexible working relations' (July 2013).

<sup>3</sup> Ministry of Business Innovation and Employment New Zealand,

'Review of Part 6AA: Flexible working Agreements' <<http://www.dol.govt.nz/er/bestpractice/worklife/flexiblework/part-6aa/findings.asp>> (2010).

<sup>4</sup>As above.

## Resources

Fair Work Australia, Workplace Flexibility Online Course

[www.fairwork.gov.au/how-we-will-help/online-training/online-learning-centre/workplace-flexibility](http://www.fairwork.gov.au/how-we-will-help/online-training/online-learning-centre/workplace-flexibility)

