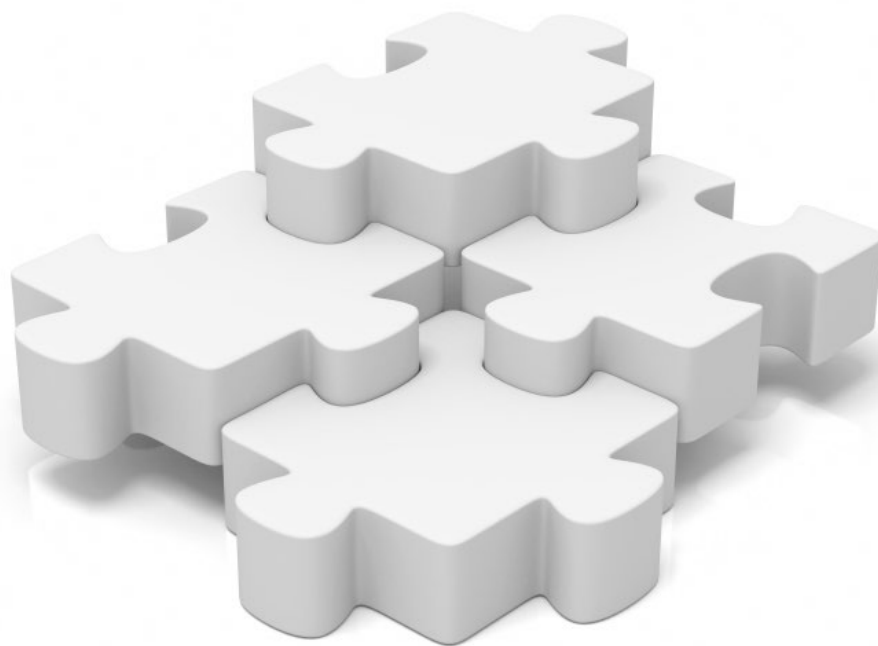


The WorkPac System

# Flexible Working Arrangements Procedure



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## 1. WHY WE DO IT

WorkPac values flexibility in the workplace and recognises the right for employees to request a flexible working arrangement (**FWA**) to their substantive role under the *Fair Work Act 2009* (Cth) (**the Act**). Through collaborative consultation, WorkPac is committed to finding practical solutions to support these employees whilst also managing the needs and interests of the business.

This procedure, to be read in conjunction with the Act and applies to all employees of WorkPac (both internal and Field Team Members). The provisions outline the relevant eligibility criteria for employees to request a FWA and provide guidance for managers to respond to such requests.

## 2. REQUESTING A FLEXIBLE WORKING ARRANGEMENT

### 2.1 Who is Eligible?

Immediately prior to making a request for a FWA, a permanent employee must have at least 12 months continuous service with WorkPac. For casual employees, the employee must have been engaged for 12 months on a regular and systematic basis and have a reasonable expectation of continuing employment with WorkPac on that basis.

Examples of a FWA may include a request to reduce/vary working hours, to work day shift only or to perform work from home, etc. An eligible employee is entitled to request a change to their working arrangements if the employee:

- Is pregnant;
- Is the parent, or has the responsibility, of a child school age or younger;
- Is a recognised carer;
- Has a disability;
- Is 55 years or older;
- Is experiencing family and domestic violence; or
- Provides care or support to a member of the employee's immediate family or household who is experiencing family and domestic violence.

### 2.2 Submitting a Request

If any of the circumstances above exist for an eligible WorkPac employee and that employee wishes to formally request a change to their working arrangement, the request must:

- Be in writing;
- Set out the details for the changes sought and the reasons for the request; and
- Be submitted to their direct manager.

## 3. RESPONDING TO A REQUEST FOR FLEXIBLE WORKING ARRANGEMENTS

### 3.1 Accepting a Request

If, on review, an employee's request for a FWA can be accommodated by WorkPac, the manager must provide a written response to the employee within 21 days of receiving the request and confirming acceptance of the FWA request. The manager should engage the support of the Employment Relations Team to draft the acceptance correspondence.

The employee and WorkPac have the right to review a FWA to ensure that it continues to support the employee, as well as the ongoing operational requirements of the business. If a FWA is accepted and

enacted, a copy of same must be forwarded to Internal Staff Changes to be placed on the employee personnel file.

## 3.2 Refusing a Request

There are certain criteria and legislative obligations that managers must meet before an employee's request for a FWA may be refused.

WorkPac may only refuse a request if:

- The FWA has been discussed with the employee;
- There have been genuine attempts to reach an agreement (i.e. suggested suitable changes to the FWA);
- An agreement cannot be reached;
- The manager has considered the consequences for the employee; and
- Refusal is on reasonable business grounds.

Reasonable Business Grounds (RBG) include (but are not limited to) the following:

- The FWA requested would be too costly for WorkPac to implement;
- There is no capacity to change the working arrangements of other employees to accommodate the FWA requested;
- It would be impractical to change the working arrangements of other employees, or require the recruitment of new employees, to accommodate the FWA requested;
- The FWA would be likely to result in a significant loss in efficiency or productivity;
- The FWA would be likely to have a significant negative impact on customer service.

If the above obligations have been satisfied and an employee's request for a FWA is ultimately refused, the manager must provide a written response to the employee within 21 days of receiving the request, refusing same. The manager should engage support from the Employment Relations Team during the refusal process.

The Employment Relations Team will draft the refusal correspondence and the written response must explain the reasons for refusal, specifically:

- Details of the reasons for refusal, including (but not limited to):
  - The employer's particular RBG(s); and
  - An explanation of how the RBG(s) apply to the request;
  - Either:
    - set out the changes to the FWA that the employer is in a position to accommodate; or
    - state that the FWA cannot be accommodated; and
  - Set out information regarding the dispute resolution process (through the Fair Work Commission).

## 4. EMPLOYEES REFERENCED IN THIS PROCEDURE

- All Employees