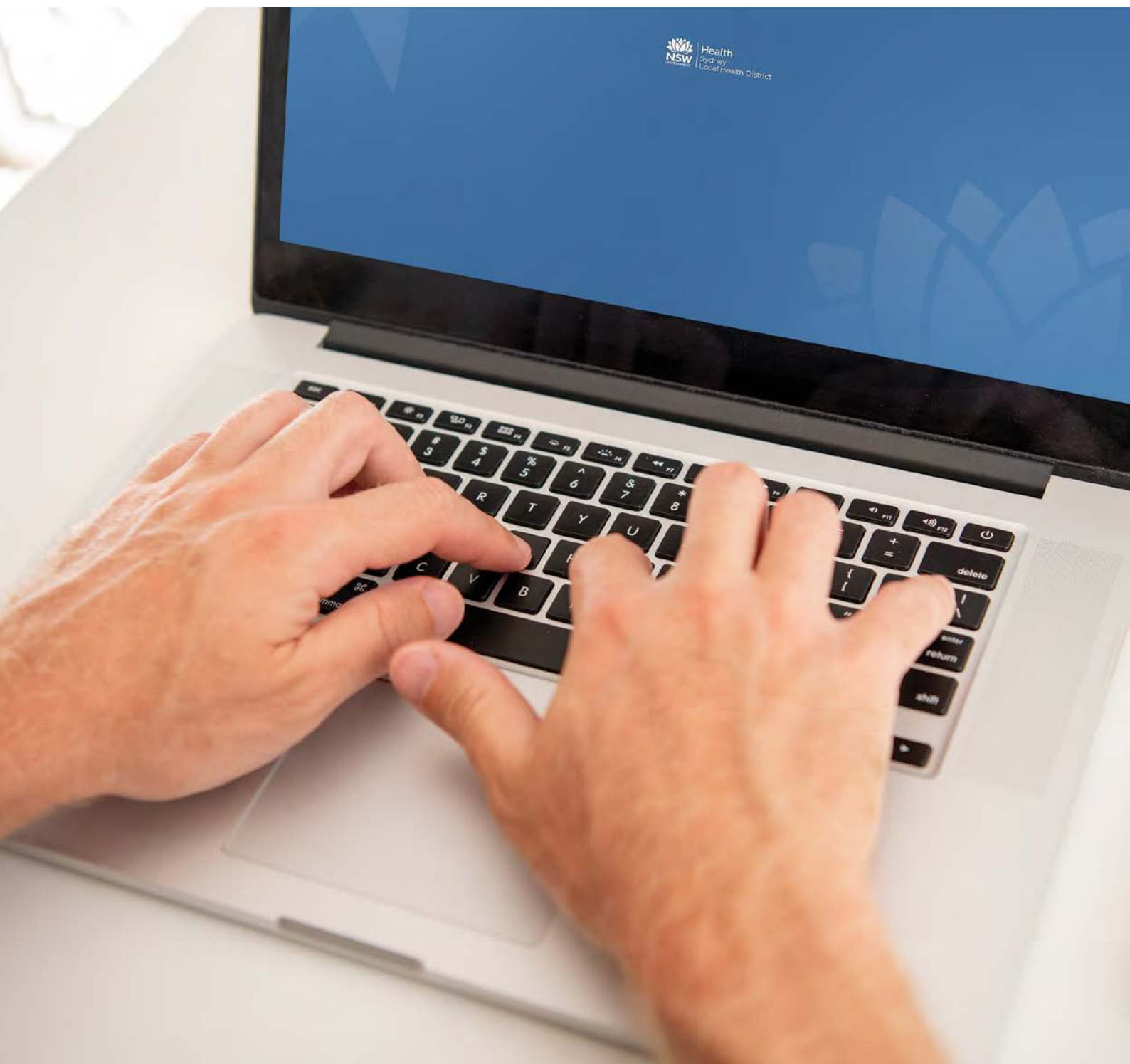




Health
Sydney
Local Health District



Flexible Working

A guideline for managers and staff

Flexible Working

A guideline
for managers
and staff

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A guideline for managers and staff

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Our commitment

Sydney Local Health District (the District) is recognised as a leader in healthcare and is committed to its strategic vision of excellence in health and healthcare for all.

Equally, the District recognises that our vision cannot be achieved without a motivated, engaged and high-performing workforce. The District acknowledges the diversity of its workforce, the different needs and preferences employees may have with respect to how they work, and is committed to supporting employee wellbeing.

This commitment will enable a culture that supports flexible working arrangements while ensuring high levels of service provision are maintained. New ways of thinking and creativity will be required to explore the possibilities of flexibility within the context of departmental and team working environments.

The transformation of District facilities through planned redevelopments and refurbishments, new models of care and enhanced information, communication and technology systems will enable our workforce to work more flexibly now and in the future.

These guidelines have been developed to:

- enable a comprehensive, consistent and coordinated approach to managing flexible work requests within the District
- support sustainable employment by attracting and retaining talented staff
- balance the competing demands of the District's operational services and workforce

What is 'flexible working'?

Flexible working refers to where, when and how District employees conduct their work. It relates to flexibility in time, leave, place and choice and is designed to improve performance and the wellbeing of teams and individuals. Flexible working can be ad-hoc, short-term or long-term.

Principles of flexible working

For everyone

All permanent and temporary full-time/part-time District employees are eligible to apply and be considered for a flexible working arrangement. The suitability of different flexible work arrangements depends on several factors including the operational requirements of the employee's role and their work unit.

Each request should be considered on a case by case basis with managers and their teams to consider what is possible on the basis of 'why not?'

Mutually beneficial

Arrangements must be of benefit to the District, the employee and either maintain or optimise service delivery.

About the team

Flexible working arrangements should be considered in the context of the team. Consideration should be given to how work will be distributed and take into account any legislative provisions relating to flexible working that apply to certain categories of employees.

Give and take

Not all flexible working options will be available for every role and every employee all the time. Flexible working arrangements require give and take between employee, manager and team.

Leader-led

The Executive team is committed to supporting our leaders and staff to explore new ways of thinking and working that suit the unique nature, and variety of roles, within our District.

Context matters

Given the size and diversity of the District workforce, different flexibility options will suit different roles, working environments and take into account relevant industrial or legislative provisions.

Maximum of 12 months

Flexible working arrangements in the District are intended as temporary arrangements only, for a period of twelve (12) months or less. Applications for ongoing flexible working arrangements should be submitted on an annual basis for reconsideration and approval.

These arrangements should also be reviewed at regular intervals to ensure the arrangement continues to be mutually beneficial.

Flexible working options

Temporary reduction in hours

A temporary reduction in hours provides an opportunity for full-time employees to work part-time, or for part-time employees to reduce their hours further if required. It gives staff greater flexibility to balance their work and family responsibilities. It provides the District with an opportunity to utilise employees more efficiently and effectively in managing service delivery to patients, their families and the community.

Job sharing

Job sharing is a voluntary arrangement where the responsibilities of a role are shared between two part-time employees. Job sharing allows managers to implement a greater variety of employment options and provides flexibility for employees to choose preferred work patterns. This requires both employees to be proactive in how they work and communicate with each other.

Part-year employment

A part-year employment option is where an employee, by agreement with the employer, may elect to take unpaid leave in addition to their entitlement of annual leave.

Short-term leave

Short-term leave gives the option for employees to take leave to meet family, community or other personal responsibilities for part of the day, a day or a number of days. Flexible arrangements of working hours and a range of leave provisions may be used to enable employees to meet those needs. In accordance with the [Leave Matters for the NSW Health Service Policy Directive](#), there are various provisions of leave available to employees such as:

Learning and development leave

Annual leave

Sick leave

Family and community services leave (FACS)

Personal/Carers leave

Maternity, adoption and parental leave

Long service leave

Special leave

Leave to undertake defence force duties

Trade union leave

Leave without pay

Time in lieu

Shift-swapping

Following the publication of the roster, shift swaps are the responsibility of the employee. The employee wishing to swap must identify an appropriate employee to swap the shift with, based on the skillset of the other employee. They must obtain agreement from the employee, their Roster Manager or delegated manager, and complete relevant documentation. For further information, please refer to the [District's Rostering Best Practice Compliance Procedure and forms portal](#).

Working from home

Working from home may be a viable option for employees as a short-term or long-term option. It may allow employees to continue their employment during some temporary or unforeseen circumstances that prevent their attendance in the workplace. It also allows employees to work at home when the manager and the employee are in agreement that their work or components of their work can be completed efficiently in this manner.

It should be noted that many service delivery roles involve direct contact with the public, therefore a working from home arrangement would not be suitable.

Working from an alternate NSW Health location

This is generally a short-term option and dependent on individual circumstances. Arrangements would need to be made with the relevant NSW Health facility and include Workplace Health and Safety considerations.

Transition to retirement

A transition to retirement flexible working option provides an opportunity for employees considering retirement from the workforce, to reduce their hours rather than making an abrupt departure on retiring from ongoing employment. Any of the flexible working options may form part of a transition to retirement arrangement. Employees should seek independent financial advice on taxation and superannuation implications prior to considering a transition to retirement request.

Variation of work hours

Temporary Individual Roster Arrangements (TIRA)

Employees can apply for short term changes to their usual hours of work to meet demands or requirements outside their workplace. These short-term variations should be documented via the [District's TIRA Form](#), have a regular review date and are for a maximum of 12 months. For further information, please refer to the TIRA section of the [District's Rostering Best Practice Policy Compliance Procedure](#).

Career Break Scheme

NSW Health Award provision for Nurses and Midwives

The Career Break Scheme is an award provision under the [Public Health System Nurses' and Midwives' \(State\) Award](#). The scheme enables staff to defer 20% of their salary for four (4) years and be paid this deferred salary in the fifth year whilst they take a break of one (1) year away from their position.

Career break

A career break enables employees to take a period away from work for personal reasons such as study, travel, professional development, voluntary work or for purposes such as extended parental leave. This type of arrangement would be dependent on whether the service can accommodate this request.

Lactation breaks

This is a NSW Health Award provision and is regarded as a local level arrangement between the employee and their manager. A 'Flexible Working in Sydney Local Health District' form is NOT required. A lactation break is provided for breastfeeding, expressing milk or other activity necessary to the act of breastfeeding or expressing milk; and is in addition to any other rest periods and meal breaks provided to the employee.

Making a request for flexible working

Factors for consideration

The unique ways you and your team work

Flexible working arrangements may require you, your manager and the team to work differently. To set up and maintain a successful flexible work arrangement, as an employee you must:

- understand the operational and service requirements of your role and parameters for flexibility. This may have already been discussed with your team
- review the flexible options available and explore how to use the communication technology available
- establish ways to make the results of your work transparent to your manager and team
- ensure the quality, quantity and timeliness of your work is to the required standard
- establish clear performance indicators or results with your manager.

Documenting your flexible working agreement

Your agreement must be documented to confirm you and your manager have the same understanding of how the arrangement will operate and to ensure clear expectations are established. A list of the documents required, and when and how to complete them, is available in the [Flexible Working Flowchart](#) in the Resources section of this document.

Requesting flexible working arrangements in advance

Where practical and possible, applications for flexible working in Sydney Local Health District must be submitted **two months** prior to the expected start date to allow for approvals and rostering arrangements. Exceptions to this requirement are Shift Swapping, Time in Lieu and other ad hoc requests under one month.

Requests to work from home

All working from home arrangements require the completion of the District [Working From Home WHS Checklist and Action Plan](#). Your manager will review and consider if your home is an appropriate workplace. Any questions should be directed to the District Risk Management Unit.

Privacy and security of District information and assets

You must comply with all NSW Health and District policies when working from home or remotely:

- District patient and organisational information must be protected at all times from unauthorised use, access, disclosure, misuse or loss
- employees must only use their @health.nsw.gov.au email address to conduct District business. Personal email addresses must not be used to perform District business
- employees must not have District or patient information visible (printed or on a screen) to family and/or friends at any time
- employees must also take the necessary precautions to ensure audible information is not overheard when working remotely or allow family or friends to access work equipment.

Assessing requests

Requests for flexible working arrangements are assessed to identify (and attempt to eliminate) any potential barriers to supporting the requested working arrangement.

Requests for changes to working arrangements should not be unreasonably denied.

Maintaining appropriate levels of service delivery, together with the following considerations (in consultation with the employee) should form the basis of the assessment.

Considerations when assessing a request for a flexible working arrangement include:

- any Award or legislative provisions
- the proposal and reasons outlined by the employee in their request
- is the person considered a 'Vulnerable Health Worker' as defined in the [COVID-19 WHS Advice for NSW Health](#)
- where the employee has Carer responsibilities as defined in the [NSW Carers Recognition Act 2010](#), the principles of the [Carers Charter](#) must be considered
- the nature of the employee's role including face-to-face and/or supervisory requirements
- in the context of the employee's request, whether the tasks can be undertaken by the employee outside the usual hours of work or in another location
- whether there is an operational requirement for the employee to be present in the workplace at all times or whether other arrangements are viable
- the level of supervision necessary for the employee
- impact on other employees, the team, and whether this impact can be minimised
- opportunities for potential improvements to service delivery
- any Work, Health and Safety risks and whether they can be eliminated or controlled.

Please refer to the [Manager's Checklist](#) (available online and in the Flexible Working Resources section of this document) to assist with assessing a flexible working arrangement.

Refusing a request

Reasonable grounds for refusing a request include:

- if there are unreasonable costs required to implement the request. A cost/benefit analysis should be undertaken when considering requests
- there is no capacity to accommodate the arrangements
- it would be impractical to do so
- the request will result in significant loss of efficiency or productivity
- the request is likely to adversely impact customer service
- the request presents an unacceptable level of risk to the business or the employee. For example, a proposed work from home environment does not meet District Work Health and Safety standards.

Delegated authorising officers

All applications are to be assessed and either approved/declined in accordance with these Guidelines and the District [Delegations Manual](#) as varied from time to time.

Managing flexible working arrangements

Establishing system requirements for productivity and effectiveness

Following the approval of a flexible working arrangement, employees are encouraged to proactively implement and demonstrate effective organisational skills in their role. They must work with their manager to set clear goals, work outcomes and timeframes that will maximise the achievement of performance objectives.

Establishing regular communication methods between employees, their manager and/or team, and receiving appropriate and timely feedback will enhance the success of the arrangement.

It's good practice to have a trial period when implementing a changed work arrangement, monitoring the agreement at regular intervals to ensure the arrangement continues to work and there are mutual benefits.

All arrangements must be documented in the [Flexible Working Application Form](#) and need to include:

- proposed start dates, trial period, methods of communication and contact, performance criteria and how success will be measured
- scheduled meetings with the employee's manager and/or team to review progress, particularly during the initial phase of the trial.

Changing or terminating arrangements

There must be clear organisational reasons to change or terminate agreements within the approved period.

Before any action is taken, a discussion must occur with the employee to determine whether there are possible alternative arrangements. Following any discussions, reasonable notice must be provided in writing to enable the employee to make other arrangements.

Likewise, employees who wish to end a flexible working arrangement must discuss their intention with their manager and provide reasonable notice to allow for any workplace adjustments and rostering arrangements.

Exclusions to flexible working applications

A flexible working application does **not** need to be completed in the following situations:

- the arrangement is requested for less than one (1) roster period or as a one-off occasion. These requests should be managed at the local level. However, should a pattern emerge where these types of requests are being made on a regular basis, a formal application may be required
- employees taking lactation breaks
- employees taking approved time in lieu
- employees taking approved leave in accordance with the [Leave Matters for the NSW Health Service Policy Directive](#) as varied from time to time.

Review process

Should the outcome of a flexible working application be unfavourable, a request to review this decision can be made to the Chief Executive or delegate within 14 working days following written notification of the decision. The request for review must be received in writing, clearly state the basis of the appeal and provide any supporting/additional documentation.

Roles and responsibilities for flexible working arrangements

	Employees	Line managers	Delegated authorising officers	Workforce
Be aware of the factors managers must consider when assessing applications for flexible working arrangements				
Proactively work with their manager to negotiate a mutually-beneficial flexible working arrangement				
Work with managers to ensure flexible work arrangements operate effectively				
Adhere to all conditions stipulated within the approved flexible working arrangement, noting review and expiration dates				
Communicate effectively with their manager to ensure current and new flexible working arrangements can be reasonably accommodated				
Ensure all employees are aware of the Flexible Working Guideline				
Promote and support flexible working options where there is a particular need in the case of illness, disability, caring or cultural responsibilities				
Reasonably consider all requests for flexible working arrangements in conjunction with the identified needs of the team, unit, facility/service and position in question				
Ensure the flexible working arrangement application is in line with the guidelines and appropriate stakeholders have been consulted				
Ensure agreements and conditions are established and adhered to				
Ensure flexible working arrangements are periodically reviewed to accommodate relevance of the circumstances regardless of outcome (supported and unsupported)				
Work with the employee to negotiate a mutually-beneficial flexible working arrangement				
If the request is not approved, explore opportunities with employees for potential alternative arrangements				
Communicate any subsequent changes to team members, clients and stakeholders				
Ensure a copy of all flexible working applications are maintained on the employee's personnel file				
Ensure all local arrangements (which do not require a flexible working application) are managed in line with the guideline requirements and document the review discussion with the employee				
Ensure flexible working arrangements are appropriately and equitably offered to all employees				
Review all flexible working arrangements in line with the guidelines, relevant award and legislative provisions				
Ensure any concerns are discussed directly with the manager and alternatives considered				
Ensure that operational service provision and needs of the District are considered in relation to the decision to approve flexible working applications				
Provide timely support, advice and guidance to managers and employees to enable a fair and equitable assessment of all flexible working applications				
Record the flexible working arrangement in StaffLink				
Issue the outcome letter to the employee and manager				
Ensure a copy of the flexible working application is added to the employee's personnel record				
Conduct regular monitoring, reporting and auditing of flexible working arrangements across the District				

Useful links

References and supporting legislation

[Make Flexibility Count – Strategic Framework for the NSW Government Sector](#)

[Leave Matters for the NSW Health Service](#)

[NSW Health Code of Conduct](#)

[NSW Health Remote Access](#)

[Relevant NSW Health Awards](#)

[NSW Government Sector Employment Act 2013](#)

[NSW Anti-Discrimination Act 1977](#)

[Commonwealth Disability Discrimination Act 1992](#)

[NSW Disability Inclusion Act 2014](#)

[NSW Carers Recognition Act 2010](#)

[NSW Health Records and Information Privacy Act 2002](#)

[NSW Privacy and Personal Information Protection Act 1998](#)

[State Records Act 1998 \(NSW\)](#)

[Work Health and Safety Act 2011](#)

[District Mobile Phone and Smart Device Use Guideline](#)

[District Rostering Best Practice Compliance Procedure](#)

[District Delegations Manual](#)



- ☐ [Flexible Working Flowchart](#)
- ☐ [Flexible Working Employee Fact Sheet](#)
- ☐ [Flexible Working Manager's Checklist](#)
- ☐ [Flexible Working Application Form](#)
- ☐ [Temporary Individual Rostering Arrangement \(TIRA\)](#)
- ☐ [Medical Shift Swap Form](#)
- ☐ [Time in Lieu Template](#)
- ☐ [Working From Home WHS Checklist and Action Plan](#)
- ☐ [Workstation Ergonomic Risk Management Checklist](#)

Flexible Working Flowchart

		Tools	Reference	Timeline
Request	Employee submits <u>Flexible Working Application Form</u> to their manager	<u>Flexible Working Application Form</u> <u>Working From Home WHS Checklist and Action Plan</u>	<u>Flexible Working: A guideline for managers and staff</u> <u>Employee Fact Sheet</u>	21 days total
	Employee considers flexible work in line with the District Flexible Working Guideline			
Consideration	Manager reviews Flexible Working application and <u>Working From Home WHS Checklist and Action Plan</u> (if applicable)		<u>Flexible Working: A guideline for managers and staff</u> <u>Managers Checklist</u>	
	Manager meets with the employee to discuss their application			
Approval	Delegated authority reviews the application			
	Approved/Declined			
Implementation	Workforce Services issue the outcome letter to employee/manager, and records the arrangement in accordance with the Workforce Internal Business Rule	Outcome letter	Workforce Internal Business Rule	
	Manager to implement the arrangement for approved applications only			
Review	Manager to review at the agreed date			

Flexible Working Employee Fact Sheet

Before considering an application for Flexible Working, it is recommended you read **Flexible Working: A guideline for managers and staff**.

In preparing for a discussion with your manager, the below will outline possible considerations when assessing your application.

Understanding your requirements

- Do your current circumstances fit within the Flexible Working: A guideline for managers and staff?
- What adjustments do you require? For example, altered working hours, start/finish times, duties.
- What is the duration of these arrangements? Can the arrangements be ad-hoc?
- Have you considered alternative solutions?

Understanding the potential impacts to your role and team

- Are you currently on a regular shift or rotating shift?
- Are you currently job sharing with anyone in your team?
- Is your role a non-patient or client-facing role?
- How will your arrangements impact the team or department?

Understanding potential adjustments

- Are there any work priorities or commitments restricting you from flexible working?
- Is your role managed autonomously or are others dependent on you?
- How will communication change between you, your manager and team?
- Can your team manage additional workload if any?
- Are you required to be physically on-site?
- Can these arrangements be implemented to include other members in your team?
- Are you working with secondary employment?

Considering Workplace Health and Safety

- How will the changes impact on your fatigue levels?
- In case of an emergency, will you be easily contactable if required?

Please refer to the [Flexible Working Flowchart](#) for further information about the process, and the expected timeframes to help you with your request.

Remember to prepare for your meeting, document your statements and be ready to clearly articulate the reason for your application. Start each sentence with a statement, such as 'I would...', 'I want...', 'I will...' or 'I can...', which will help your manager to clearly understand your message.

If you require further assistance, please contact your local **Workforce Services Team**.

Flexible Working Manager's Checklist

The below outlines example considerations when assessing a Flexible Working application.

Impact on the role and team

Can the key accountabilities of the employee's role be achieved with the proposed arrangement?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Can the arrangements be accommodated with minimal impact to service delivery?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Will this be the case if adjustments were made to arrangements of the role and/or team?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Can the key accountabilities be effectively re-allocated (if necessary)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Does the employee require constant accessibility to achieve the key accountabilities of their role?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Can the key accountabilities be completed outside the usual hours or in another location?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Are there employee face-to-face requirements?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Is the level of supervision necessary?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Are there alternate arrangements to support the key accountabilities of the team?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Will there be an impact to emergency plans for the team?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Will there be significant disruption to the workflow of the department or other departments?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Are there any mitigating strategies?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Are there local processes to Flexible Working?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Has this been communicated to employees?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a

Other considerations

If the request is for an individual employee, are they considered to be a vulnerable health worker as defined under the current COVID-19 WHS Advice for NSW Health ?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Have customer and patient requirements been identified as adequately addressed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Are there going to be adverse impacts to patients or customers with the proposed arrangement?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Have productivity measures been considered?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Is this vastly different from the key accountabilities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Have carer responsibilities been considered in line with the Carers Charter?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Has the Working From Home WHS Checklist and Action Plan been completed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
If the arrangements will significantly impact fatigue, can this impact be managed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
If working from home/remotely, can workplace communication be diverted to a mobile/landline?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Have the award provisions been considered (i.e. skill mix)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Is there a financial impact to the District in meeting the proposed arrangement?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Are there tangible benefits for both the employee and organisation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a
Does the employee have excessive annual leave?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/a

When completing the assessment, the outcome should be communicated to the employee, and an opportunity provided to add any further relevant information before a final decision is made. These circumstances may change and it is required the Flexible Working arrangements are reviewed on a regular basis.

If you require further assistance, please contact your local [Workforce Services Team](#).

