



## Flexible Working Arrangements

Under “Workchoices” basic employment rights were slashed to a handful of minimum conditions. Many workers were forced on to dodgy non-union agreements and had no protection from unfair dismissal.

The employer had all the say and if you didn't like it, you had better look for another job. The Fair Work Act has introduced flexibility for working parents.

### Overview

The NES establishes your right to request your employer for flexible working arrangements. This means that when you make a request to change your hours of work, your employer can only refuse the request on ‘reasonable business grounds’.

### Request for flexible working arrangements

If you have been employed for longer than 12 months, you may make a request if you are a parent or have responsibility for the care of a child. The only conditions to this request are your child must either be:

- Under school age (the age at which the child is required to start attending school)
- Under 18 with a disability.

### Examples of flexible working arrangements

Some of the requests you may be likely to make include (but are not limited to):

- Changes to your start and finish times
- Reduction in hours worked
- Changes in patterns of work (e.g. split shifts or job sharing arrangements)
- Changes in location of work (working from home or another location).

### Are casual employees able to make this request?

If you are a casual employee, you will be able to make this request if you meet the following conditions:

- You have been employed on a regular and systematic basis for at least 12 months

- You have a reasonable expectation of continuing employment by the employer on a regular and systematic basis.

### What should I do if I want to make this request?

When you make the request, it should be made in writing, outlining the details of change that you are seeking as well as the reasons for the change. Your employer must respond to you within 21 days whether it has been granted or refused. If your employer has refused the request, the refusal must:

- Be made in writing
- Reasons for refusal must be stated
- The reasons must be based on *reasonable business grounds*.

### What are reasonable business grounds?

Reasonable business grounds may include:

- The financial impact as it relates to efficiency, productivity and customer care if the request is approved
- Inability to organise work among existing staff
- Practical difficulties in replacing or recruiting other employee to accommodate your request

### What do I do if my request is refused?

The NES does not require the employer to choose between granting your request in full or refusing the request. Rather, FWA encourages the employer and yourself to discuss possible working arrangements that balance both parties' needs. By law, your employer is required to provide you with written reasons for their refusal within 21 days. If this has not occurred, please contact LHMU immediately.

### Contact us

For more information on any of these topics, please see the other United Voice fact sheets. If you are unsure or require further advice, please contact your union delegate or call United Voice Member Assist on 3291 4600 or 1800 065 885 outside of the Brisbane area. Alternatively you can now lodge a request for information or assistance at [www.memberassist.org.au](http://www.memberassist.org.au)

