

UMSU Flexible Work Policy

Effective date	October 2024
Review Date	October 2025
Policy Owner	CEO

1. Purpose

- 1.1. The purpose of this policy (this Policy) is to define the University of Melbourne Student Union's (UMSU's) commitment to offering opportunities for employees to request Flexible Work Arrangements and to provide a policy and procedural framework for Flexible Work Arrangements which meets UMSU's obligations under its access and inclusion policy and relevant legislation.

2. Scope

- 2.1. This Policy applies to all continuing, fixed-term and casual employees of UMSU.

3. Definitions

- 3.1. **Flexible Working Arrangements** are changes to the conditions under the contract of employment, and include variations to the hours of work, work patterns (such as job sharing) and work locations, such as working remotely, and may be either Informal Flexible Working Arrangements or Formal Flexible Working Arrangements.
- 3.2. **Formal Flexible Working Arrangements** are arrangements requested subject to the *Fair Work Act 2009* (Cth).
- 3.3. **Informal Flexible Working Arrangements** are arrangements requested by an employee outside of legislative provisions and due to individual reasons. These may be either temporary *ad hoc* arrangements, or ongoing arrangements such as to work remotely on a regular basis, job share and/or to change the regular hours of work.
- 3.4. **School Age** means the mandatory starting age at primary schools in Victoria.
- 3.5. **Standard Workplace** means the buildings occupied by UMSU at the University of Melbourne campuses, or any other worksite identified in the employee's contract of employment.
- 3.6. **Work Area** means the Division, Department or Team within which the employee works.

4. Policy Statement

- 4.1. UMSU supports Flexible Work Arrangements which are accessible and inclusive, prioritise collaborative ways of working, and are in alignment with the organisation's operational needs as a campus based, student-led and student-facing organisation.
- 4.2. UMSU acknowledges that Flexible Work Arrangements play an important role in ensuring an accessible and inclusive workplace. It is committed to arrangements which maintain employee safety and maximise collaboration, productivity, team building, and initiatives that support employee wellbeing.
- 4.3. The organisation undertakes to ensure processes to request Flexible Work Arrangements are transparent, equitable and contribute to a positive and productive workplace culture.
- 4.4. Flexibility with respect to start and finish times must have regard to minimum duration lunch breaks, reasonable ordinary hours, and the ordinary hours of the organisation as a provider of student services.

5. Requesting Flexible Work Arrangements

FORMAL REQUESTS

- 5.1. An employee may request a Formal Flexible Work Arrangement if the employee:
 - 5.1.1. has a disability, medical condition and/or mental illness.
 - 5.1.2. is a parent of, or has the responsibility for the care of, a child who is of School Age or younger.
 - 5.1.3. is a carer, as defined under the Carer Recognition Act 2010 (Cth).
 - 5.1.4. is pregnant or breastfeeding
 - 5.1.5. is 55 or older.
 - 5.1.6. is experiencing family and domestic violence.
 - 5.1.7. is providing care or support to a family member or a member of their household who requires care or support because they are experiencing family violence and domestic violence.
- 5.2. UMSU will consider casual employee's requests for Formal Flexible Work Arrangements consistently with this Policy, notwithstanding that the *Fair Work Act 2009* (Cth) restricts eligibility for Formal Flexible Work Arrangements to casual employees who meet one of the criteria set out at 5.1 and who have been regularly and systematically employed by the organisation for a sequence of periods of at least 12 months with a reasonable expectation of continuing work with UMSU on a regular and systematic basis.

- 5.3. An employee who has been offered employment with UMSU but has not yet commenced may additionally request a Formal Flexible Work Arrangement if they meet the criteria set out at 5.1 or due to a personal attribute included in the Equal Opportunity Act 2010 (Vic) or Disability Discrimination Act 1992 (Cth).
- 5.4. For Formal Flexible Work Arrangements subject to 5.1 or 5.2, an employee may make a request to the Manager, Human Resources by completing the appropriate UMSU HR form – *Formal Request for Flexible Work Arrangements*, along with any supporting documentation.
- 5.5. Where requests do not include information to support the request, the Manager, Human Resources may request that the employee supply this information, which will be dealt with in accordance with relevant legislation and the UMSU *Privacy Policy*.
- 5.6. The Manager, Human Resources may delegate the decision to the employee's supervisor, or the relevant Divisional Manager who will consider the request and finalise a response on the Manager, Human Resources' behalf.
- 5.7. In considering the request, the decision maker must have regard to the employee's reasons for the request, balanced against reasonable business grounds which include:
 - 5.7.1. any unreasonable cost to UMSU in implementing the requested Flexible Work Arrangements.
 - 5.7.2. any impracticality in changing or inability to change the working arrangements of other employees to accommodate the requested Flexible Work Arrangements.
 - 5.7.3. Any likely significant loss of productivity or efficiency.
 - 5.7.4. Whether the requested Flexible Work Arrangements would be likely to have a significant negative impact on UMSU's operations or work.
- 5.8. UMSU will not unreasonably decline an employee's request for a Formal Flexible Work Arrangement but may decline a request on the basis of any of the considerations under 5.7.
- 5.9. All determinations under 5.1, 5.2, or 5.3 will be communicated to the employee in writing, setting out the reasons for that decision.
- 5.10. Where a request made under 5.1, 5.2, or 5.3 is approved, the Manager, Human Resources (or their delegate under 5.6) will document the arrangements in writing.
- 5.11. A request made under 5.1, 5.2, or 5.3 may be declined where:
 - 5.11.1. there has been discussion with the employee and a genuine attempt to reach agreement on the requested arrangements; and
 - 5.11.2. The decision has been made having regard to the consequences on the employee of declining the request; and
 - 5.11.3. The decision is based on one of the considerations set out at 5.7.

- 5.12. Where a request is declined, the decision, and the reasons for the decision in accordance with this Policy, will be provided in writing to the employee.
- 5.13. The written notice of the decision will set out the rights of the employee to request the Fair Work Commission to consider or arbitrate any dispute regarding Formal Flexible Work Arrangements.

INFORMAL REQUESTS

- 5.14. For regular and ongoing Informal Flexible Work Arrangements, an employee may make a request to their supervisor by completing the appropriate UMSU HR form – *Informal Request for Flexible Work Arrangements*.
- 5.15. Temporary and ad-hoc requests for Informal Flexible Work Arrangements must be made in advance to their supervisor verbally or in writing but do not require a form.
- 5.16. The employee's supervisor will consider all requests made subject to 5.14 and 5.15, and has the discretion to approve the request, approve the request in part, or with conditions, or to decline the request.
- 5.17. In making their determination, the supervisor will have regard to the following:
 - 5.17.1. The employee's stated reasons for making the request.
 - 5.17.2. Any existing, or additional, flexibilities, such as rostered days off, starting and finishing times, and how that impacts the inherent requirements of the employee's role.
 - 5.17.3. The impact on other employees of the requested arrangements, including their workload and workplace health and safety.
 - 5.17.4. Existing arrangements in the employee's team and work group.
 - 5.17.5. The potential impact on the employee's, workplace health and safety, productivity and/or efficiency of the requested arrangements.
 - 5.17.6. The operational requirements of the relevant Work Area, such as any impact on support for UMSU's student representatives and for students on campus.
 - 5.17.7. The nature of the employee's duties and responsibilities.
 - 5.17.8. Other ad hoc flexibility requests by the employee in place at the time of the request.
 - 5.17.9. Any overriding organisational requirements relevant to the employee.
 - 5.17.10. UMSU's overall mission, purpose and service delivery expectations on campus through its SSAF funding agreement.

- 5.18. Decisions in respect of requests made subject to 5.15 will be communicated directly to the employee.
- 5.19. In respect of requests subject to 5.14, the supervisor will document their decision and the reasons for that decision with respect to the considerations set out at 5.17 and provide these to the Divisional Manager.
- 5.20. The Divisional Manager may confirm or vary the supervisor's decision under 5.14 having regard to the considerations set out at 5.17.
- 5.21. The final decision and the agreed arrangements will be provided to the Manager, Human Resources, and the outcome, including the reasons for the decision, will be communicated in writing to the employee.
- 5.22. UMSU may terminate an Informal Flexible Work Arrangement upon reasonable notice, at its discretion, and will do so with written reasons, having regard to the considerations set out at 5.17.
- 5.23. All Flexible Work Arrangements will be reviewed periodically to ensure they continue to meet the needs of the employee, the Work Area and the organisation and to discuss whether any changes are required to improve the arrangement, including if circumstances change.

6. Remote Work Arrangements

- 6.1. For the purpose of Work Cover insurance in the event of a work-related injury or illness that occurs while working remotely, employees should only be undertaking remote work as part of an approved Flexible Working Arrangement and undertaking authorised duties within agreed hours.
- 6.2. The costs associated with a remote worksite including, internet access, monitor(s), and docking station may be at the employee's own expense.
- 6.3. Repairs, maintenance, or upgrades to any UMSU-provided laptop/equipment used with permission in a remote worksite must be arranged through the University of Melbourne IT Services.
- 6.4. Where an employee's request to work remotely as part of an approved Flexible Work Arrangement is approved, the employee must:
 - 6.4.1. Complete an UMSU Working from Home - OHS Checklist within five (5) working day of the arrangement commencing.
 - 6.4.2. Generally, ensure that their remote workspace is set up ergonomically and to optimise safety and comfort and that they adopt work practices to avoid injuries.
 - 6.4.3. Comply with all applicable OHS policies and procedures of UMSU.
 - 6.4.4. Notify their supervisor and the HSR (Health & Safety Officer) for their Designated Work Group as soon as possible of any work-related incident/injury that occurs whilst carrying out duties at home, including reporting the incident through the Incident Reporting Portal.
- 6.5. An employee may be required to make adjustments to their remote workplace at their own cost if the OHS Checklist at 6.4.1 identifies ergonomic or other OHS risks.

7. Responsibilities

Employees

- 7.1. Employees must make any requests for Formal or Informal Flexible Working Arrangements in accordance with this Policy.
- 7.2. Employees working under Flexible Working Arrangements have the same responsibilities as other employees to meet identified performance standards at UMSU.
- 7.3. During agreed work hours, employees must undertake all relevant work-related activities, communicate effectively with other employees, student representatives and volunteers, maintain satisfactory work standards, and comply with UMSU's workplace policies.
- 7.4. It is the employee's responsibility to ensure any UMSU or University equipment used off-site is kept secure and in good condition.
- 7.5. Employees engaged in remote work must ensure that all confidential information is stored securely and in compliance with required standards and is not disclosed for any unauthorised purpose.
- 7.6. Subject to the conditions of the approved Flexible Work Arrangement, employees may be required by UMSU to attend the Standard Workplace for reasons including:
 - 7.6.1. attendance at in person all-organisation meetings or activities.
 - 7.6.2. to cover for an employee who is on leave.
 - 7.6.3. to attend any mandatory in person training.

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- 7.7. All requests and documentation produced pursuant to this Policy will be assessed in conformity with UMSU's Privacy Policy, the *Privacy and Data Protection Act 2014* (Vic), the *Health Records Act 2001* (Vic), and the *Privacy Act 1988* (Cth).
- 7.8. All requests under this Policy will be responded to within 21 days.
- 7.9. In documenting the request and any agreed arrangements, only the minimum personal and/or health information necessary to assess or record the request and its outcome will be recorded.
- 7.10. UMSU will ensure that employees working under an agreed Flexible Working Arrangement will have the same development and career progression opportunities, will be supervised and supported and have their performance appraisals undertaken in the same way as employees who are not working under Flexible Work Arrangements.
- 7.11. UMSU will ensure employees who work under Flexible Work Arrangements are included in all workplace communications so that they remain engaged and committed participants in UMSU's operations.

8. Disputes Regarding Requests Under This Policy

- 8.1. If there is a disagreement on decisions regarding a request for a Flexible Work Arrangement, or the implementation of an agreed Flexible Work Arrangement, employees should first seek to resolve their concerns with their supervisor.
- 8.2. If, after taking the step set out at 8.1, the employee remains of the view that a decision in respect of this policy is unreasonable, they should raise the matter with the Manager, Human Resources for resolution.
- 8.3. Where resolution under 8.1 or 8.2 is not possible, an employee may raise a grievance or dispute as appropriate under the provisions of the UMSU Enterprise Agreement 2021-25.

Related Policy and Procedures	UMSU <i>Workplace Conduct Policy</i> UMSU <i>OHS Policy</i>
Related documents	<i>Fair Work Act 2009 (Cth)</i> <i>Occupational Health and Safety Act 2004 (Vic)</i> <i>Equal Opportunity Act 2010 (Vic)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Carer Recognition Act 2010 (Cth)</i> UMSU Enterprise Bargaining Agreement (in force at the time)
Responsibility for Implementation	CEO and Human Resources Manager
Status	FINAL – in force
Review	The Policy is to be reviewed 12 months from the effective date and varied or amended in accordance with the provisions of the UMSU Enterprise Agreement 2023-25.
Approval	CEO and Students' Council