

Flexible working arrangements



Requests for flexible working arrangements rules

Some employees who've worked for the same employer for at least 12 months can request flexible working arrangements, such as changes to hours, patterns or locations of work.

There are rules about how to make the request and how employers should respond.

Employees covered by an award also have some extra rights when asking for flexible working arrangements.

Read more about requests for flexible working arrangements below.

What are flexible working arrangements?

Examples of flexible working arrangements include changes to:

- hours of work (eg. changes to start and finish times)
- patterns of work (eg. split shifts or job sharing)
- locations of work (eg. working from home).

Who can request flexible working arrangements?

Employees (other than a casual employee) who have worked with the same employer for at least 12 months can request flexible working arrangements if they:

- are the parent, or have responsibility for the care, of a child who is school aged or younger
- are a carer (under the Carer Recognition Act 2010)
- have a disability
- are 55 or older
- are experiencing family or domestic violence, or
- provide care or support to a member of their household or immediate family who requires care and support because of family or domestic violence.

Examples: Eligibility for flexible working arrangements

Greg wants to start work at 10am instead of 9am so he can take his son to pre-school. He can request flexible working arrangements to help him care for his son.

Shirley is 60 years old and wants to finish early on Wednesdays so she can volunteer at her local hospital. She can request flexible working arrangements because she is over 55 years old.

Casual employees

Casual employees can make a request if:

- they've been working for the same employer regularly and systematically for at least 12 months
- there's a reasonable expectation of continuing work with the employer on a regular and systematic basis.

How do employees request flexible working arrangements?

Requests for flexible working arrangements have to:

- be in writing

- explain what changes are being asked for
- explain the reasons for the requested change.

What should employers do with a request?

Employers covered by an award must first discuss the request with their employee to try to reach an agreement about changes to the employee's working conditions, taking into consideration:

- the needs of the employee
- consequences for the employee if changes in working arrangements aren't made
- any reasonable business grounds for refusing the employee's request.

All employers who receive a request must provide a written response within 21 days which outlines whether the request is approved or refused.

Employers can only refuse a request on reasonable business grounds. If a request is refused the written response must include the reasons for the refusal.

Awards (www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards) contain specific information on what needs to be included in the written response if the request is refused or if a different change in working arrangements is agreed. Use our 3 step form to help you [Find your Award \(www.fairwork.gov.au/awards-and-agreements/awards/find-my-award\)](http://www.fairwork.gov.au/awards-and-agreements/awards/find-my-award) .

Learn more about responding to requests with our free [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) .

What are reasonable business grounds?

Reasonable business grounds can include:

- the requested arrangements are too costly
- other employees' working arrangements can't be changed to accommodate the request
- it's impractical to change other employees' working arrangements or hire new employees to accommodate the request
- the request would result in a significant loss of productivity or have a significant negative impact on customer service.

Do state and territory laws still apply?

If a state or territory law provides an employee with a better entitlement to flexible working arrangements this will continue to apply.

Source reference: Fair Work Act 2009 s.65-66 [☞ \(http://www.comlaw.gov.au/Series/C2009A00028\)](http://www.comlaw.gov.au/Series/C2009A00028)

Think a mistake might have been made?

Mistakes can happen. The best way to fix them usually starts with talking.

Check out our [Help resolving workplace issues \(www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default\)](http://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-resolving-workplace-issues/default) section for practical advice on:

- figuring out if a mistake has been made
- talking to your employer or employee about fixing it
- getting help from us if you can't resolve it.

What to do next

- Use the [Template letter \(DOC 67KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Request-for-flexible-working-arrangements-letter-template.doc.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Request-for-flexible-working-arrangements-letter-template.doc.aspx) to request flexible working arrangements
- Check the [Example letters \(DOC 68.5KB\) \(www.fairwork.gov.au/ArticleDocuments/766/Request-for-flexible-working-arrangements-example-letters.doc.aspx\)](http://www.fairwork.gov.au/ArticleDocuments/766/Request-for-flexible-working-arrangements-example-letters.doc.aspx) for ideas on how to request flexible working arrangements
- Read the [Best practice guide \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/the-right-to-request-flexible-working-arrangements\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/the-right-to-request-flexible-working-arrangements) for more information on flexible working arrangements
- Visit [Supporting working parents \(http://www.supportingworkingparents.gov.au/\)](http://www.supportingworkingparents.gov.au/) [☞](http://www.supportingworkingparents.gov.au/) for information, examples and advice on requests for flexible working arrangements after parental leave

Help for small business

- Find tools, resources and information you might need on our [Small business page \(www.fairwork.gov.au/Find-help-for/Small-business/default\)](http://www.fairwork.gov.au/Find-help-for/Small-business/default) .

You might also be interested in

- [Request for flexible working arrangements fact sheet \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/requests-for-flexible-working-arrangements\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/minimum-workplace-entitlements/requests-for-flexible-working-arrangements)
- [Individual flexibility arrangements \(www.fairwork.gov.au/employee-entitlements/flexibility-in-the-workplace/individual-flexibility-arrangements\)](http://www.fairwork.gov.au/employee-entitlements/flexibility-in-the-workplace/individual-flexibility-arrangements)
- [Maternity and parental leave \(www.fairwork.gov.au/Leave/maternity-and-parental-leave/default\)](http://www.fairwork.gov.au/Leave/maternity-and-parental-leave/default)
- [Protection from discrimination at work \(www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work\)](http://www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work)

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Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

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