

# Briefing note: managing requests for flexible working arrangements

## Overview

For many managers, the need to consider how to implement flexibility only arises when their organisation or employees start expressing an interest in it. At this stage, the core questions most managers want to address are to do with the type of flexible work options that could work for the team and how to prepare for the challenges and opportunities ahead. During this phase a number of flexibility options may be considered.

This briefing note provides guidance to help managers positively respond to employee requests for flexible working arrangements.

## Step 1: Understanding flexibility

### WGEA resources

- [Briefing note: about workplace flexibility](#)
- [Legal requirements for workplace flexibility](#)

Before deciding whether or how to implement flexible working arrangements, it is important to familiarise yourself with the key concepts and issues associated with workplace flexibility.

There are a number of resources on the [WGEA website](#) that will help you understand how to successfully implement flexible working arrangements.

In particular, these resources should help you:

- understand what is meant by flexible working arrangements and appreciate the full range of flexibility options available
- understand how flexibility could work in your specific organisation and how different roles may suit different flexibility options.

Once you have reviewed these materials, it is important to become familiar with your organisation's flexibility strategy and policy. A key marker of an organisation's commitment to flexibility is how embedded their strategy is in their overall organisational framework.

It is also important for employers to understand their legal requirements in relation to flexible work. The *Fair Work Act 2009* provides certain groups of employees<sup>1</sup> with the right to request a change in their working arrangements. These requests must be responded to within 21 days and can only be refused on 'reasonable business grounds'. While the Act specifies the groups that can statutorily request flexible working arrangements, any employee can approach their employer with such a request.

You can familiarise yourself with the current minimum legal requirements at [www.fairwork.gov.au/flexibleworkingarrangements](http://www.fairwork.gov.au/flexibleworkingarrangements).

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<sup>1</sup> Employees who have worked for an organisation for more than 12 months and who are the parent or carer of a child who is school aged or younger; are classified as a carer under the *Carer Recognition Act 2010*; have a disability; are 55 years or older; are experiencing family or domestic violence; or are caring for or supporting a family or household member experiencing family or domestic violence.

## Step 2: Responding to an employee request for flexible work

### WGEA resources

- [Running flexibility focus groups](#)
- [Flexibility readiness assessment](#)
- [Manager toolkit](#)

When an employee requests flexible working arrangements, it is a good idea to take time to think about which types of flexibility would work best for that person and their team.

Key actions you may want to consider at this point include:

- **Meeting with your staff member and team to discuss alternatives:** explore each of the available options and

decide on a small set that have the best potential. You may want to consider running focus groups for more in-depth, focused discussions.

- **Providing leadership:** set a vision of what you need to aim for together. Express positive support for flexibility in general and work together to settle on the best solution.
- **Checking the flexibility policy:** if your organisation has a flexibility policy, it is important to ensure that the options being discussed are consistent with it.

## Step 3: Assessing the flexibility request

There are eight key factors to consider when assessing flexibility requests:

- **Leadership:** how can you lead your team in a way that will make flexibility successful and sustainable?
- **Team culture:** how well will flexibility integrate into the existing team culture?
- **Resource planning:** will resources need to be reallocated to accommodate flexibility, and if so how?
- **Information flow:** what changes need to be made to the day-to-day communication in the team?
- **Performance:** how can you establish a transparent, trust based system for tracking performance?
- **Self-management:** what changes do you need to make to your expectations to help flexibility work?
- **Stakeholder engagement:** how can you help stakeholders feel comfortable with flexibility in the team?
- **Legal risk management:** what are the legal obligations and ramifications of introducing flexible work?

## Step 4: Approving the flexible working arrangement

If you decide to approve the employee's request for flexible work and have settled on the most appropriate form of flexibility for the employee and the team, key actions you may need to take include:

- seek relevant higher approvals
- complete any required documentation
- decide whether to formalise the flexible working arrangement (recommended if it is a long-term change) or leave the arrangement as informal (recommended if it is a short-term change)
- implement a schedule of reviewing the flexible working arrangement and suggest a short trial period to allow everyone to test it out and make changes if needed.

If you decide not to approve the employee's request, make sure you provide the decision in writing with a clear and specific explanation of the reasons for refusal.

## Step 5: Communicating the arrangement

The first communication consideration when implementing a new flexibility arrangement is to document the detail of the agreement. Documenting is a good opportunity to clarify whether both sides have the same understanding of what the arrangement will look like in terms of when, where and how the work will be done. It is vital that clear expectations are established between yourself, your team and your flexibly working staff member(s). Documentation is a final check to ensure expectations are clear and shared by all involved.

It is also important to ensure the flexible working arrangement is communicated with other teams and key stakeholders, both internal and external. It can be helpful to change an employee's email signature so it specifies their working hours and block out days in electronic calendars so that it is clear when someone is not on site. It can also be helpful to have a joint team calendar that contains working hours for all team members.

## Step 6: Document a trial and be open to change

To implement flexibility successfully you will need to be willing to try out different approaches until you find the one that works best for you and your employee. Prior to locking in a flexibility arrangement, it is recommended that you implement a 3-to-6 month trial period with regular reviews embedded in the arrangement, keeping in mind you may need to make adjustments quickly if issues are identified.

If you and your employee choose to adopt a trial approach, it is important to document your agreement to trial flexibility. In the preparation stage you will document more details around the trial.

Key decisions to be made before trialling:

- agreed flexibility option to be trialled: when, where and how the work will occur
- length of the trial, adjustment and maintenance phases
- agreed solutions that will be established by your manager, your team and yourself to resolve challenges, together with timeframes
- establish methods for monitoring the trial
- decide how frequently you'll monitor progress during the trial
- discuss your decisions around monitoring the trial
- establish an expectation that issues will be openly discussed during the trial
- establish a shared expectation that the arrangement is in a trial phase and not yet permanent
- identify and discuss adjustments that need to be made and implement them quickly. For example:
  - improving remote access to core work systems
  - increasing or decreasing the rate of reporting
  - clarifying expectations regarding work outcomes
  - changing days out of the office
  - refining the team communication protocol.

Major adjustments should be made with fair notice, particularly if they could have a significant impact on your flexible worker, your team or your stakeholders.

It is important to continue to monitor all flexible working arrangements to ensure appropriate support is in place for success.

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