

## Policy

# Policy Directive: compliance is mandatory

## Flexible Workplaces Policy Directive

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**Summary** The SA Health Flexible Workplaces Policy Directive and supporting Guideline has been reviewed to provide flexibility to actively support employees to balance their work, family and other personal obligations and interests.

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# Flexible Workplaces Policy Directive

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SA Health

## Document control information

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# Flexible Workplaces Policy Directive

## 1. Objective

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SA Health is committed to flexible working arrangements which enable the organisation to respond to changing demands and provide flexibility to actively support employees to balance their work, family and personal commitments. This policy also contributes to *South Australian Strategic Plan Targets 13: Work-life balance* and *52: Women – Have women comprising half of the public sector employees in executive levels (including Chief Executives)*.

The objective of this policy is to:

- promote a positive workplace culture where employees feel valued and supported;
- retain and attract the best talent, making SA Health an employer of choice;
- increase productivity by assisting employees to balance their work, family and other personal obligations and interests;
- contribute to SA Health's commitment to foster flexible working conditions;
- improve employee satisfaction, health and wellbeing and commitment, leading to an environment of continuous improvement; and
- ensure consistency with legal, industrial and policy frameworks within which SA Health operates.

## 2. Scope

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This Policy Directive outlines voluntary flexible working arrangements which apply to all SA Health employees.

## 3. Principles

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This Policy Directive is based on the following general principles:

- Flexible working arrangements should be designed to achieve the best possible match between the interests of SA Health and the needs of individual employees;
- Applications for a flexible working arrangement are to be assessed on their individual merits;
- Flexible working arrangements should be offered to support SA Health employees who are carers;
- Requests for flexible working arrangements should be given positive and reasonable consideration;

- Where not operationally practicable to meet an employee's original request, both manager and employee are to work co-operatively towards a mutually agreeable outcome.
- Proposed arrangements that will have a negative impact on a business group's ability to meet its responsibilities should not be agreed to;
- Flexible working arrangements should not negatively impact on an employee's terms and conditions of employment, although they may in some instances, have an effect on superannuation and employee entitlements;
- Employees are entitled to equitable opportunities for training and development, equipment, remuneration, recognition of skills and freedom from discrimination and harassment regardless of their working arrangement/s;
- Flexible working arrangements are voluntary for employees and include the option to cancel the arrangement, giving reasonable written notification (at least 2 weeks' notice), and in consultation with the appropriate manager;
- Flexible working arrangements are to be reviewed on a regular basis (generally every three (3) to six (6) months) from initial implementation and six (6) to 12 months thereafter;
- Flexible working arrangements must be in writing, signed by the employee, manager/delegate and maintained in the employee's personal file;
- Flexible working arrangements must be re-negotiated should an employee leave their current role for another role within SA Health or in another agency;
- All flexible working arrangements must comply with managers and employees' obligations under the *Work Health and Safety Act 2012* and other relevant Acts, including the *Equal Opportunity Act 1984* and the *Disability Discrimination Act 1992*.

## 4. Detail

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Under the provisions of this Policy Directive, the following mutually beneficial flexible working arrangements may be available to employees:

### 4.1 Flexitime

Eligible employees are able to apply to work a flexible arrangement which allows them to negotiate how and when hours will be worked within agreed limits and conditions.

### 4.2 Compressed Weeks

Eligible employees may be able to compress their nominated number of working hours in a fortnight to fewer days, so as to provide a nine (9) day fortnight or 19 days per four (4) week cycle.

### 4.3 Part Time and Job Share

A part time employee works less hours than a full time employee with hours worked generally fixed and constant.

Job sharing is a voluntary arrangement where a full time job is shared between two (2) or more people with each person working part time on a regular continuing basis.

### 4.4 Purchased Leave

Purchased leave is an arrangement which enables permanent/ongoing employees to exchange an agreed reduction in their salary over a specified period for extra periods of leave. The period or periods of purchased leave

are planned in advance and funded by salary deductions spread evenly over the total period of the agreement.

#### **4.5 Working from Home**

Working from homes enables an employee to work specified hours at home instead of at their usual worksite location.

#### **4.6 Transition to Retirement**

Eligible employees may access a proportion of accrued superannuation benefits as regular income while working a reduced number of hours and/or in a lower classification.

#### **4.7 Combining Work and Breastfeeding**

Available to employees who will be allowed, where possible, a flexible working schedule in order to express breast milk, breastfeed or bottle feed their child, either in a private space or using alternative appropriate facilities nearby.

#### **4.8 Long Service Leave**

##### **4.8.1 Long Service Leave (LSL) payout in lieu of taking leave**

Whilst not a flexible working arrangement, LSL payout in lieu of taking leave relates to work life balance and is, on occasion, requested by eligible employees to help assist in cases of financial hardship.

##### **4.8.2 Patterned Long Service Leave (PLSL)**

Eligible employees are able to participate in an agreement where single days of PLSL are accessed on a patterned basis so that the employee is able to attend work on a part time basis without reducing the total fraction of time for which they are employed/paid. Single days may also be taken on an ad hoc basis, as negotiated with management.

#### **4.9 Parenting**

There are a range of provisions to assist employees to fulfil their parenting obligations, including those obligations that cannot be attended to outside working hours. These include Paid Maternity and Paid Adoption Leave, Commonwealth Paid Parental Leave, short term Special Leave (with or without pay) and long term Special Leave without Pay.

#### **4.10 Requests to participate in a Flexible Working Arrangement**

An employee who wishes to participate in a flexible working arrangement must complete the SA Health Flexible Work Request Form to their Manager.

An application to participate in a flexible working arrangement must be submitted well in advance of when the change is take effect using the Flexible Work Request Form.

#### **4.11 Considering a request to participate in a Flexible Working Arrangement**

On receipt of the SA Health Flexible Work Request Form, the Manager will arrange to meet with the employee to discuss their request and how best it may be accommodated.

The meeting will also provide an opportunity to consider alternative working arrangements should the original proposal prove unworkable.

The employee may wish to be accompanied by a support person or a work colleague. In certain circumstances, it may be possible for the Manager to agree to a request to participate in a flexible working arrangement without the need to meet with the employee.

#### 4.12 Decision

Where a request to participate in a flexible working arrangement is agreed to, the Manager must complete Section B of the Flexible Work Request Form and notify the employee of their decision within five (5) working days.

Where a request to participate in a flexible working arrangement is not being supported, the Manager must meet with the employee within five (5) working days to explain the reason/s they are declining the request. The Manager must also confirm their decision in writing by completing Section B of the Flexible Work Request Form.

A copy of the Flexible Work Request Form must be forwarded to the local Human Resources Unit for placement in the employee's personal file.

#### 4.13 Review of decision

An employee who is dissatisfied with the outcome of their request to participate in a flexible working arrangement may apply for review of the decision as follows:

- **Public Sector Act** employees aggrieved and directly affected by a management decision may apply for review of the decision by the Department for Health and Ageing in accordance with the *Public Sector Act 2009, Section 59*, and *Public Sector Regulations 2010, Sections 26 and 27*. This provision will, effective 1 July 2016, also apply to **Health Care Act** employees whose employment is covered by the *SA Government Wages Parity Enterprise Agreement: Salaried 2014* and Part 7 of the *Public Sector Act 2009*.
- **Health Care Act** employees dissatisfied with a decision shall first discuss the grievance with their immediate supervisor and between them attempt to resolve the matter. The employee may seek the help of their local Human Resources Officer, union representative or another appropriate person in resolving the grievance with the immediate supervisor.

If the grievance cannot be resolved or if the employee is not satisfied with the proposed settlement or immediate supervisor's decision, they may submit the matter in writing to the Chief Executive Officer (or delegate) for decision. Refer to Part 3 *Grievances and Disputes* in the SA Health (Health Care Act) Human Resources Manual.



## 5. Roles and Responsibilities

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### 5.1 Chief Executive

This policy is issued under the authority of the Chief Executive, SA Health.

### 5.2 Executive Director, People and Culture

The Executive Director, People and Culture is responsible for maintenance and review of this policy directive.

### 5.3 Managers

Managers are responsible for determining the availability and the circumstances of flexible working arrangements for employees within their team, having regard to the nature of the work undertaken and the potential for other employees to concurrently participate in a flexible working arrangement.

Managers will:

- Establish clear performance expectations for their employees and provide regular feedback.
- Take into account the different needs and challenges associated with an employee who provides unpaid care to another individual.
- Ensure that the flexible working arrangements policy directive and associated guidelines are promoted to employees.
- Consult with affected employees prior to any decision to enter into or terminate (by providing written notice) an individual agreement.
- Ensure that the reasons for declining a request to participate in a flexible working arrangement are documented, a copy is provided to the employee and a copy placed in the employee's personal file.
- Manage and review flexible working arrangements so that operational requirements can be met and an appropriate level of client service maintained.
- Ensure that appropriate records are kept and maintained so that individual agreements can be managed and reviewed and reporting requirements met.
- Be aware of and meet industrial and health and safety obligations, particularly with regard to hours worked and the taking of required breaks.
- Be transparent in their decision making when approving or not approving requests for flexible working arrangements.
- Manage flexible working arrangements so that expected business outcomes are achieved.

### 5.4 Employees

Employees requesting and/or participating in flexible working arrangements have the responsibility to:

- Be aware of, seek advice and determine the impact of a flexible working arrangement on superannuation contributions and the effect in superannuation entitlements and any additional impacts on their personal situation/entitlements and make arrangements accordingly.
- Request (in writing) and receive approval prior to participating in a flexible working arrangement.

- Be aware of and comply with industrial and health and safety obligations, particularly with regard to hours worked and the taking of required breaks.
- Be aware that proposed arrangements which may have a negative impact on a business group's ability to meet its responsibilities will not be agreed to.
- Comply with the flexible working agreement, including the provision of prompt and appropriate notice of any decision to cancel, vary or continue an existing agreement.

## 6. Reporting

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Managers may be required to report on:

- The availability of each of the flexible working arrangements within their respective sites.
- The number of employees participating in each of the flexible working arrangements.
- The number of employees declined flexible working arrangements.
- The reasons for any exclusion or refusal.

## 7. EPAS

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N/A











## 8. Exemption

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N/A

## 9. National Safety and Quality Health Service Standards

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<a href="#">National Standard 1</a> <a href="#">Governance for Safety and Quality in Health Care</a>	<a href="#">National Standard 2</a> <a href="#">Partnering with Consumers</a>	<a href="#">National Standard 3</a> <a href="#">Preventing &amp; Controlling Healthcare associated infections</a>	<a href="#">National Standard 4</a> <a href="#">Medication Safety</a>	<a href="#">National Standard 5</a> <a href="#">Patient Identification &amp; Procedure Matching</a>	<a href="#">National Standard 6</a> <a href="#">Clinical Handover</a>	<a href="#">National Standard 7</a> <a href="#">Blood and Blood Products</a>	<a href="#">National Standard 8</a> <a href="#">Preventing &amp; Managing Pressure Injuries</a>	<a href="#">National Standard 9</a> <a href="#">Recognising &amp; Responding to Clinical Deterioration</a>	<a href="#">National Standard 10</a> <a href="#">Preventing Falls &amp; Harm from Falls</a>
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## 10. Risk Management

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SA Health is committed to ensuring that the following risks are managed through the application of the Flexible Working Arrangements Policy Directive:

- Opportunities for inappropriate use of flexible working arrangements are minimised through appropriate levels of scrutiny.
- Terms and conditions of the flexible working arrangement are met.
- Audit requirements are met through appropriate record keeping.

## 11. Evaluation

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Evaluation of the effectiveness of flexible work arrangements with regards to:

- Impact on customers.
- Impact on business requirements.
- Impact on employee absenteeism.
- Impact on employee productivity.

## 12. Definitions

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In the context of this document:

- **carer** means an employee who provides personal care, support and assistance to another individual in need of support due to disability, medical condition, including terminal or chronic illness, mental illness or is frail and aged.
- **compressed weeks** means an arrangement in which an employee works his/her normal hours (eg 37.5 hours in a week) in fewer than the normal number of days per month.
- **flexitime** means a flexible working arrangement which allows an employee to negotiate how and when hours will be worked within agreed limits and conditions.
- **part-time** means an employee who works less than a full-time employee with the hours generally being fixed and constant.
- **patterned long service leave** means an agreement which allows an employee to access single days of long service leave on a patterned basis so that the employee is able to attend work on a part-time basis without reducing the total fraction of time for which they are employed/paid.
- **purchased leave** means an arrangement which enables an employee to exchange an agreed reduction in their salary over a specified period for extra periods of leave.
- **transition to retirement** means an arrangement which enables an employee aged 55 years or over to transition out of their existing employment and into retirement by reducing either the number of hours worked and/or their classification while accessing a proportion of accrued superannuation benefits as regular income.
- **working from home** means an arrangement which enables an employee to work specified hours at home instead of at their usual worksite location.

## 13. Associated Policy Directives / Policy Guidelines

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- Flexible Workplaces Policy Guideline.
- Transition to Retirement Policy Guideline.
- Domestic Violence Policy Directive.
- SA Health Carer Participation Position Statement.
- SA Health Outside Employment or other remunerative activity Policy Directive (once approved).
- SA Health Return to Work following a Non-Work Related Injury or Illness Policy Directive.
- SA Health Partnering with Carers Policy Directive.
- SA Health Attendance Management Guideline.
- SA Health Remote or Isolated Work Safety (WHS) Policy Directive.
- SA Health Domestic Violence Policy Directive.
- SA Health Safety Incident Reporting and Investigation Policy Directive
- SA Health ICT Security Policy Directive.
- SA Health Electronic Communication Policy Directive.
- SA Health Software and Hardware Management Policy Directive.
- SA Health Acceptance Use Policy Summary.
- SA Health Information Asset Classification Policy Directive
- Domestic Violence Policy Directive.

## 14. References, Resources and Related Documents

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- SA Health (Health Care Act) Human Resources Manual.
- Local Human Resources Instrument of Delegations and Schedule of Authorisations.
- Workforce Operations Advice WOA0010-15 - Requests for Payment in lieu of Long Service Leave.
- Australian Government Fair Work Ombudsman Best Practice Guide – Work and Family.
- Flexible Work Request Form.
- Formal Working from Home Agreement.
- Home based Worksite Inspection Checklist.
- *Disability Discrimination Act 1992 (Cth).*
- *Equal Opportunity Act 1984 (SA).*
- *Fair Work Act 1994 (Cth).*
- *Public Sector Act 2009 (SA).*
- *Health Care Act 2008 (SA).*
- *Conditions of Employment for Weekly Paid Employees 2013.*
- *Work Health and Safety Act 2012 (SA).*
- *Carer's Recognition Act 2005 (SA).*
- *Disability Services Act 1993.*
- *Mental Health Act 1993.*
- *Workplace Gender Equality Act 2012 (Cth).*
- *Long Service Leave Act 1987 (South Australia).*
- Commissioner's Guideline and Determination: Flexible Workplaces.
- Commissioner's Determination 3.1: Employment Conditions - Leave

- Office for the Public Sector: Diversity.
- *SA Health Salaried Medical Officers Enterprise Agreement 2013.*
- *SA Health Visiting Medical Specialists Enterprise Agreement 2012 - consolidated.*
- *Department of Health Clinical Academics Enterprise Agreement 2014.*
- *Nursing/Midwifery (SA Public Sector) Enterprise Agreement 2013.*
- *SA Ambulance Service Enterprise Agreement 2011.*
- *SA Government Wages Parity (Plumbing, Metal and Building Trades Employees) Enterprise Agreement 2011.*
- *SA Government Wages Parity (Salaried) Enterprise Agreement 2014.*
- *SA Government Wages Parity (Weekly Paid) Enterprise Agreement 2015.*
- *Grant Funded Scientists Unregistered Agreement.*
- Gender Equality in Leadership: A strategy for gender equality in the South Australian Public Sector.
- *International Labour Organisation Convention. Equal Opportunities and Equal Treatment for Men and Women Workers.*
- *World Alliance for Breastfeeding Action (1996). Achieving Mother Friendly Workplaces. ACTU. Melbourne, Vic.*
- *National Health and Medical Research Council 2012, Infant Feeding Guidelines. NHMRC, Canberra, p59.*