

SESLHD PROCEDURE COVER SHEET



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KEY TERMS	Flexible work practices, flexible working, working from home, remote working.
SUMMARY	This Flexible Work Practices procedure and the supporting documents provide guidance to employees and their managers about flexible working arrangements.

COMPLIANCE WITH THIS DOCUMENT IS MANDATORY

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1. POLICY STATEMENT

South Eastern Sydney Local Health District (SESLHD) recognises that to create a positive experience in all workplaces for all our employees we must be agile in our workforce management, and flexible working is one instrument that helps achieve this objective. Flexible working enables us to attract people with the best skills and attributes to develop a workforce whose diversity reflects our patients, consumers and the people of NSW.

Flexible working is recognised as a valuable way to attract and retain employees across all age groups and genders. It drives employee engagement and productivity as well as boosting employee wellbeing and happiness. Access to flexible working is linked to improved organisational productivity, enhanced ability to attract and retain employees, improved employee wellbeing and future-proofing the workplace.

This Flexible Work Practices Procedure and the supporting documents provide guidance to employees and their managers about flexible working arrangements.

2. BACKGROUND

SESLHD supports the New South Wales Government's commitment to implement flexible working arrangements wherever practicable and appropriate to do so. We recognise our diverse workforce and acknowledge the complexities of balancing work and family commitments.

The hospital and healthcare setting can be a challenging environment for implementing flexible working arrangements and it is important to acknowledge that while some options are suitable for certain areas, they may not be for others. For example, positions involving daily, continuous contact with patients and families are unlikely to be suited to a working from home arrangement.

SESLHD offers a range of different ways for arranging working patterns so that employees can meet the needs and requirements of both their personal and employment responsibilities.

3. FLEXIBLE WORKING PRINCIPLES

These principles set out the standards and values to guide managers and employees in carrying out their respective roles with respect to flexibility.

For everyone

All employees are able to request the types of flexibility that are suitable within their role. What that arrangement looks like will vary depending on the role.

Mutually beneficial

Successful flexibility embodies the best outcome for employees, managers and patients.

Flexible work must maintain or improve delivery of healthcare for the residents and patients of SESLHD and not increase costs to the organisation.

Team work

Flexible working should be considered in the context of the team, with all arrangements taking an overview about how work will be distributed and support provided. This includes communication and the ability to support each other.

Consistency with industrial awards, policies and procedures and legislation

Flexible working arrangements need to be consistent with the provisions of any applicable industrial awards, relevant policies and procedures and legislation.

This includes work, health and safety (WHS) legislation, privacy considerations, Award provisions, the NSW Health Code of Conduct, and policies and procedures relevant to devices and network use.

For consistency reasons, requests to return to work on a full-time reduced hours basis following maternity, adoption or parental leave are not covered by this procedure as these requests need to be made, and considered, in accordance with the relevant award requirements.

Maintain relevance

Flexible working arrangements may change and cease due to a number of reasons, including business and operational needs.

Flexible working arrangements should be reviewed regularly to check they are working well and address any issues that may have arisen. Reviews should be undertaken annually and, for ease in making arrangements, can be planned to coincide with annual performance reviews.

4. WHAT IS FLEXIBLE WORKING?

Flexible working means employees have access to flexibility across all roles, for any reason, enabling them to have successful and engaging careers. This involves flexibility in time, leave and place, which improves the performance and wellbeing of the organisation, teams and individuals.

It does not mean every role, or individual, can or should (or must) work flexibly but that every employee can begin a conversation about what type of flexible working is available to them, regardless of the reason they are seeking it.

4.1 Types of Flexible Working Arrangements

The following is a summary of some of the flexible working arrangements available for consideration.

4.1.1 Part time hours

This option involves a regular work pattern where the employee works fewer than full time hours. Requests to work part time may be temporary or permanent. If permanent, the arrangement would not be subject to the review arrangements contained in this procedure. Temporary part time hours are also an option.

Points to consider

- Part time hours must comply with award requirements. For example, a number of NSW health awards require part time hours to be between two and thirty two weekly hours.
- The payment of salary and leave accrual will be pro-rata to full time salary and leave entitlements.

4.1.2 Varying work hours

This option enables the employee to start and finish outside the traditional start and finish times (i.e. early start – early finish, late start – late finish).

Points to consider

- Possible increased costs that may arise, such as the application of penalty rates for hours that are outside the span of ordinary hours in the relevant Award.
- The availability of work that can be performed during the varied hours, the need for supervision and the ability to work with, or in consultation with other staff across the organisation.
- Staffing levels necessary to ensure the provision of quality and safety in service delivery.
- The need to ensure a meal break can be taken in accordance with the relevant award.
- Maintaining flexibility for the employee to vary the arrangement to attend their usual work location in the event of meetings, team absences, emergency situations or similar.

4.1.3 Compressed working weeks

This option allows the employee to work longer hours over less days per week. An example of this is when an employee may work a nine day fortnight.

Points to consider

- Possible increased costs that may arise, such as the application of penalty rates for hours that are outside the span of ordinary hours in the award.
- The availability of work that can be performed during the varied hours.
- The need to ensure that appropriate meal breaks can be taken in accordance with the relevant award.
- Staffing levels necessary to ensure appropriate service provision are maintained.
- Adjustment for the non-accrual of allocated day offs (ADOs) when working a compressed week/fortnight. Ideally, the number of working hours for employees working a compressed week is thirty eight hours and for a compressed fortnight seventy six hours, meaning no ADO is accrued and a change to the roster pattern entered in StaffLink is required.
- Fixed rosters such as ten hour shift patterns worked by nurses are not included under flexible arrangements and continue to accrue ADO's.

4.1.4 Part time leave

This provision enables the employee to work a reduced portion of a day and/or a reduced number of days by using available leave.

Points to consider

- The need for employees to be available to cover the entire operational period of the work unit and ensure appropriate service delivery.
- The length of time paid leave is available.
- Staffing levels necessary to ensure appropriate service provision are maintained.

4.1.5 Extended leave without pay

This option allows employees to request an extended period of leave without pay (up to twelve months) once all other leave has been exhausted. The maximum duration that can be approved is twelve months, after which the employee is expected to return to work.

Points to consider

- Staffing levels necessary to maintain service provision and, possibly, the ability to recruit to replace the employee.
- The requirement to seek secondary employment approval should the employee intend to work elsewhere during the leave.
- The effect on continuing professional development.
- Ensuring that the leave has approval from a manager with appropriate delegation. For example, leave without pay of over one month and up to twelve months requires General Manager level approval.

4.1.6 Job sharing

This option enables one full time role to be shared by two or more part time employees.

Points to consider

- Suitability of the role for this arrangement.
- Capacity for handover between job sharing partners.
- The division of accountabilities and work between partners.
- Both job share partners' skills and experiences meet the role's position description.
- Recruitment and/or selection of job share partners is transparent and complies with relevant policies (e.g. Recruitment and Selection of Staff to the NSW Health Service) and equal opportunity principles.

4.1.7 Career break (for nursing and midwifery staff only)

This scheme is included in the Public Health System Nurses' and Midwives' (State) Award and allows employees to defer twenty percent of their net pay over four years – allowing them to take the fifth year off work and be paid the accumulation of the deferred pay. For further information on the Career Break Scheme, refer to clause 56 in the award.

Points to consider

- Potential requirement to limit the number of employees participating in the scheme to ensure appropriate staffing levels and maintain service delivery.
- When applying to participate in the scheme, staff are aware and acknowledge they have considered the financial implications.

4.1.8 Working from home/remote working

This option enables employees to work from home or away from the workplace. It is acknowledged that not all roles can be undertaken at home because of the requirement to interact directly with patients and/or other stakeholders.

Health and Safety and remote working

Under the Work Health and Safety Act 2011 and Work Health and Safety Regulations 2017, SESLHD is responsible for the health, safety and welfare of employees at work and while working remotely.

Employees seeking a remote working arrangement must complete a Remote Working Request via [SARA \(sara.health.nsw.gov.au\)](https://sara.health.nsw.gov.au), accurately recording and identifying the remote work location and declaring that the home-based work site conforms to the required Work Health and Safety (WHS) standards.

WHS obligations also include the need to identify if the employee can work free from the threat of psychological, emotional and physical harm from others in the remote working location, including home environments.

If such a threat exists at any time, then the employee needs to identify to their manager that the remote work location is not a suitable place to work from and then work from their designated workplace location or another approved location.

If at any time the employee identifies that the remote work location is not a suitable place to work from no further information or questioning will be required by the manager.

Working from home/remote working arrangements must be reviewed at least every six months.

Points for managers to consider:

- Suitability of the role for this arrangement.
- Agreement on a work schedule that details how often and on what days of the week, the employee will work from home.
- That necessary office equipment is available and is supported for remote access to the SESLHD network.
- That no increase to costs will occur due to the arrangement, including any costs related to WHS compliance.
- Communication processes are established to ensure that the employee is aware of developments during the time when they are not at the workplace.
- Strategies for monitoring and managing performance are able to be identified.
- Recognition that working from home can be isolating for the employee and that strategies are incorporated in order to limit isolation.
- Maintaining flexibility for the employee to vary the arrangement to attend their usual work location in the event of meetings, team absences, emergency situations or similar.

- Confidentiality and record management obligations can be met when working remotely in accordance the NSW Health Code of Conduct and relevant privacy considerations.
- The requirements of the NSW Health Mobile and Smart Device Policy Directive are met.
- The requirements of the NSW Health Remote Access Policy Directive are met.

Once approval is granted to work remotely, or from home;

Employees are expected to:

- Continue with normal business as usual (BAU) work unless advised otherwise by their manager.
- Work their usual days, and usual start and finish times unless advised otherwise by their manager.
- Be available and contactable at all times during their usual working hours via SKYPE, work email and mobile phone.
- Be contacted by their manager two or three times per working day for a welfare check.
- Abide by the NSW Code of Conduct and all NSW Health and SESLHD policies and procedures.
- Be prepared to cease the working from home arrangement at short notice and be redeployed to a facility or work location, and/or be assigned different duties/responsibilities.
- Keep SESLHD equipment and property secure from misuse and loss.
- Use SESLHD equipment and property only for the purposes it is intended for.
- Communicate with their manager in the same way as they would if they were in the workplace ie. let them know when they are too sick to work, need to attend a medical appointment etc.
- Maintain confidentiality and privacy of information and records.

4.1.9 Temporary Individual Roster Arrangements (TIRA)

TIRAs are an agreed temporary rostering arrangement for the employee to work (or not to work) specific hours, specific shifts or specific days.

TIRAs are different to requesting to work part-time but would be applicable if, as part of the request to temporarily work part time, it is also intended to request a specific shift or not to work a specific day.

TIRAs can be agreed for a maximum of 12 months and may be implemented on a trial basis over a twenty eight day roster period. For more detailed information on TIRAs refer to the SESLHD Rostering Best Practice Procedure.

Points to consider:

- Potential implications for other employees.
- Skills set and competencies of the employee.
- Impact on leave accrual and requirement to adjust roster pattern entered in Stafflink.

5. RESPONSIBILITIES**5.1 Employees will:**

- Discuss their proposed workplace flexibility arrangement request with their manager.
- If requesting a flexible work arrangement other than remote working, complete the Flexible Work Practice / Temporary Individual Rostering Arrangement (TIRA) application form.
- If requesting to work from home, complete the Remote Working Request via [SARA](https://sara.health.nsw.gov.au) (go to sara.health.nsw.gov.au, select Make a Request and then to Remote Working Request) and ensure that the manager with delegation to approve your request is selected as the Approving Manager.
- In consultation with their manager, design strategies and plans to ensure flexible working arrangements operate successfully.
- Inform their manager of any change in circumstance that may impact the flexible work arrangement.
- Seek information and guidance, if necessary, from Human Resources Advisory Services in relation to flexible work practices and procedure.

5.2 Line Managers (other than Approving Managers) will:

- Inform employees of the availability and conditions of employment for flexible work practices.
- Review and provide feedback on applications for flexible work arrangements in a timely manner (at least every six months for remote working/working from home, and at least every 12 months for TIRA's).
- Monitor and regularly review all flexible work arrangements in the department and discuss any concerns with the Approving Manager.
- Ensure employees with a flexible working arrangement have equal opportunity with other employees.
- Consider occasions to redesign existing positions (as they become vacant) to promote part time or job sharing opportunities.

5.3 Approving Managers will:

- Inform employees of the availability and conditions of employment for flexible work practices.
- Review, assess and provide feedback on applications for flexible work arrangements in a timely manner.
- Monitor and regularly review all flexible work arrangements in the department.
- Ensure employees with a flexible working arrangement have equal opportunity with other employees.
- Consider occasions to redesign existing positions (as they become vacant) to promote part time or job sharing opportunities.
- Review all requests for flexible work practices in accordance with this procedure.
- Ensure the needs of the service are considered when reviewing flexible work practices/arrangements.
- Provide the employee with an explanation when a flexible work practice request is not approved.

- Document all agreed flexible work arrangements and set a future review date (no more than twelve months) for evaluation, considering impact on service and future planning.
- Ensure familiarity with this procedure and seek Human Resources advice when required.
- Consider occasions to redesign existing positions (as they become vacant) to promote part time or job sharing opportunities.

5.4 Human Resources Advisory Service will:

- Guide and support managers to apply flexible work practices that are fair and consistent and in accordance with policies and procedures.
- Provide guidance to managers on the range of flexible work options available.
- Provide timely support, advice and guidance to managers and employees on the procedure, both generally and specific to individual cases.

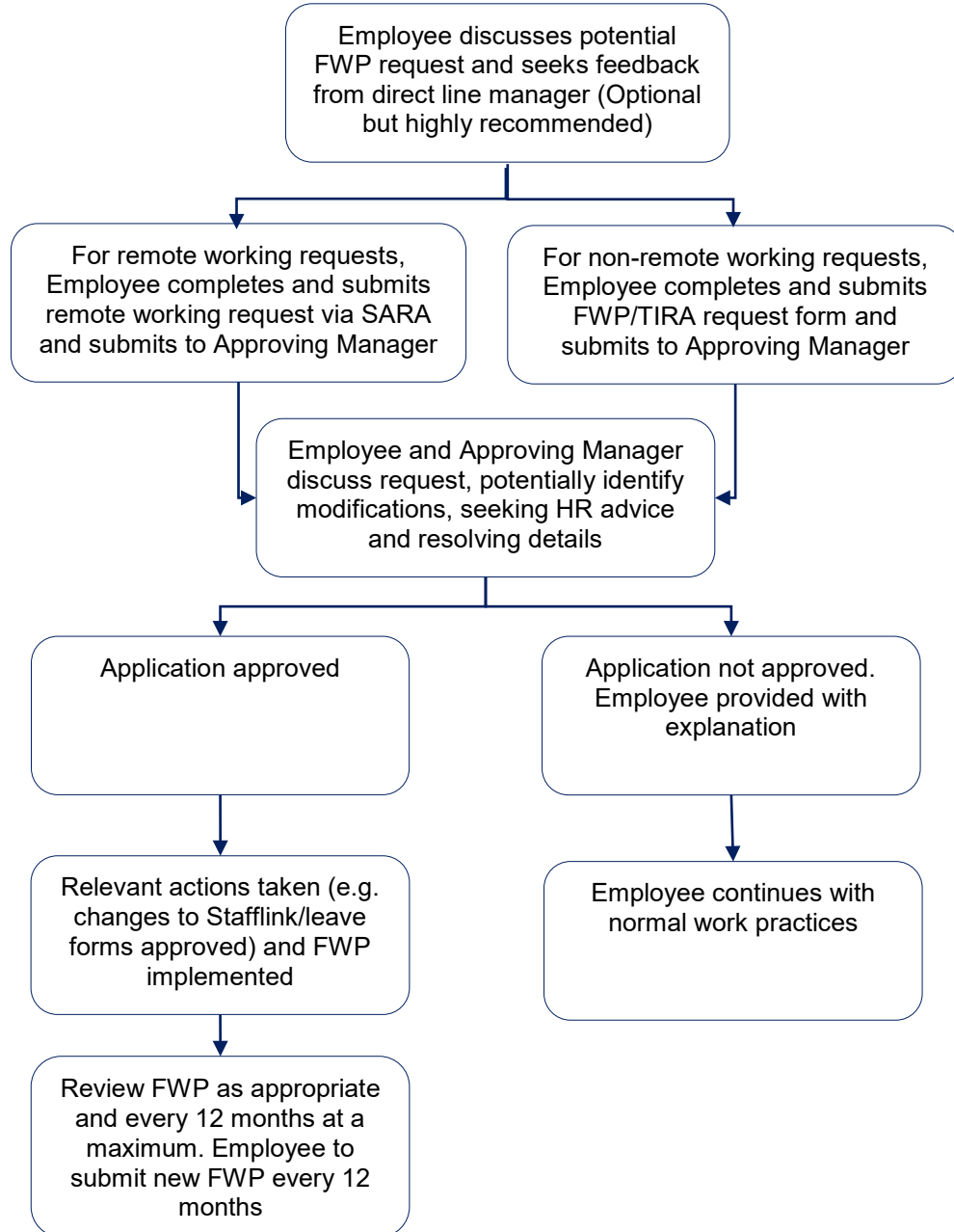
6. APPROVAL

Approval for flexible work arrangements can be approved by the relevant senior manager. For the purposes of this procedure, senior managers are identified as follows:

Employees working within a facility or Mental Health	Employees working within District Directorates or non-facility based services
<p>Nurse Managers who report to the Director of Nursing and Midwifery Services, or Nursing Co-Directors</p> <p>Managers who report to the General Manager</p>	<p>Managers who report to the Tier 2 Director.</p>

Approval for arrangements requested by the senior managers identified above will be the relevant line manager.

7. REQUEST PROCEDURE



8. TERMINATING A FLEXIBLE WORK ARRANGEMENT

All flexible work practices can be terminated by either the employee or an approving manager, with a minimum of two weeks' notice (14 calendar days).

The approving manager may temporarily suspend the flexible work practice with less notice where work health and safety is compromised, if required due to an emergency situation or in response to performance or misconduct matters. Written advice must be provided to the

employee by the manager outlining the reasons for the suspension of the flexible work practice and copies of this advice be placed in the employees personnel file.

All flexible work practice agreements cease if there are variations to the original agreement, on transfer or appointment to another position or work location, or where a new agreement has not been negotiated prior to the 12 month expiry (six months for remote working/working from home). It is the responsibility of the employee to initiate a review of the flexible work practice by submitting a new application at the expiry.

9. DOCUMENTATION

SESLHD Flexible Work Practice/Temporary Individual Rostering Arrangement Form.
[SARA](#) Remote Working Request (go to sara.health.nsw.gov.au, select Make a Request and then to Remote Working Request).

10. AUDIT

Not required.

11. REFERENCES

- NSW Public Service Commission flexible working resources (psc.nsw.gov.au/culture-and-inclusion/flexible-working)
- Work Health and Safety Act 2011 (NSW)
- Work Health and Safety Regulations 2017 (NSW)
- NSW Health Industrial Awards
- [NSW Ministry of Health Policy Directive PD2020_036 - Remote Access Policy](#)
- [NSW Ministry of Health Policy Directive PD2020_037 - Mobile and Smart Devices Policy](#)
- [NSW Ministry of Health Policy Directive PD2020_046 - Electronic Information Security Policy](#)
- [NSW Ministry of Health Policy Directive PD2015_036 - Privacy Management Plan](#)
- [NSW Ministry of Health Policy Directive PD2009_076 - NSW Health Communications - Use & Management of NSW Health Communication Systems](#)
- [NSW Ministry of Health Policy Directive PD2015_049 - NSW Health Code of Conduct](#)
- [SESLHDHB/027 - Delegations of Authority Manual](#)
- [SESLHDPR/529 - Rostering Best Practice Procedure](#)

12. REVISION AND APPROVAL HISTORY

Date	Revision No.	Author and Approval
August 2015	1	Endorsed by Executive Sponsor
January 2016	2	Minor change to wording section 7, endorsed by Executive Sponsor
August 2017	3	Major changes
November 2017	3	Changes endorsed by Executive Sponsor
December 2017	3	Endorsement by DET
November 2018	4	Minor review approved by Executive Sponsor
December 2020	5	Major review commenced. Published on Draft for Comments page.
January 2021	6	Feedback considered. Final version approved by Executive

		Sponsor. Processed by Executive Services for tabling at Corporate Executive Council for approval to publish.
March 2021	6	Approved by Corporate Executive Council. Published by Executive Services.