Flexible Work Policy

Section 1 - Purpose

(1) The University of Newcastle (University) is committed to building a high performance culture that delivers an outstanding and inspiring experience for staff and students, grounded in our values of excellence, equity, engagement and sustainability.

(2) As part of this commitment the University recognises the value in supporting our staff to balance the demands of their work and life commitments, while enabling us to provide an outstanding student experience.

(3) This policy sets out the flexible work arrangements available to staff of the University. This Policy should be read in conjunction with the University's enterprise agreements and the Flexible Work Toolkit.

Section 2 - Scope

(4) This policy applies to continuing, fixed-term, and contingent staff members employed within Australia whose employment is covered by the University's Enterprise Agreement(s).

Section 3 - Flexible work principles

(5) Campus first: We value the importance of in-person connection and are committed to delivering a face-to-face learning and campus experience for our students, and a face-to-face collaboration experience for our staff. For this reason, we aim for the majority of our working time to be on-campus. For a full-time staff member this would mean working at least 3 days per week on campus depending on operational circumstances and needs. Some individual circumstances may require exception to this.

(6) Balancing three tiered needs: In establishing flexible work arrangements, consideration needs to be given to:

a. the overarching needs of the University to ensure we create an outstanding and inspiring experience for students and staff, and to achieve long-term financial sustainability in a competitive environment;
b. the operational needs of each work unit to support teamwork, collaboration and service delivery; and
c. the needs of individuals with the requirements of their role.

(7) Trust and shared responsibility: Making flexible work arrangements a success requires a shared commitment to trust, communication and transparency. We need to work in the best interests of the University, its students, staff and stakeholders at all times.

(8) Balance is key: We are committed to providing staff with the opportunity to better balance their work and home lives and recognise the benefits of flexible work.

(9) Focus on excellence: We support flexibility to help drive high performance, achieve quality outcomes and impact for individual and institutional excellence.

(10) No one size fits all: Flexible work arrangements support and recognise diverse individual needs and life situations,

as well as functional differences across the University.

(11) Safe work environment: All workplaces should be safe and sustainable, irrespective of location.

(12) Time bound: Flexible work arrangements are subject to a trial period and regular review (every 3 months) and can be put in place for a period of up to 12 months.

Section 4 - Flexible work arrangements

(13) Location flexibility – Depending on the nature of their role, staff may be able to work from home or an alternative work location where it is safe and productive. This may include full or partial days away from campus working from home or an alternative location (including other University campuses).

(14) Hours flexibility – Based on operational needs and opportunities, staff may be able to take advantage of flexibility in their usual schedule of work. This may include, but not be limited to varied start, lunch-break and finish times; working normal weekly hours of work over fewer days; varying normal working days (Mondays through Fridays); moving to a fractional load; or working hours over part-year periods.

(15) Role flexibility – Staff may apply to share their role, or part of their role, with one or more other staff members. Role sharing may be approved where the specific role or duties to be shared are able to be undertaken by another staff member. This may include split/alternate days and/or weeks.

(16) Leave flexibility - Staff may apply to purchase additional annual leave during a calendar year. Staff may apply for various forms of paid and unpaid leave in accordance with the University's Enterprise Agreements. Some forms of paid leave may be granted at full or half pay.

Section 5 - Accessing flexible work arrangements

(17) A staff member may discuss a flexible work arrangement with their manager at any time.

(18) Flexible work arrangements that do not change conditions of employment should be managed locally through discussion between the staff member, their manager and the wider team (if required). Such arrangements may include, but are not limited to:

a. flexible start, lunch break, and finish times within core hours of work (see span of hours as per the relevant Enterprise Agreement); or
b. working from home or at another location on an adhoc basis;

(19) Flexible work arrangements that change the staff members conditions of employment require approval from the relevant manager, and the change confirmed in an employment contract variation. This includes:

a. changes to employment fraction (FTE), including part-time employment or decreased hours of work;
b. compressed working week; and
c. job-share arrangements.

(20) All staff who wish to work from home on an adhoc basis are required to complete the Remote Work Request Form. This form is to facilitate discussion, understand responsibilities and ensure a safe work environment. Where it has been identified that a proposed off-site workplace is not safe such that physical and psychological risks cannot be minimised to a reasonable level, the staff member is not permitted to work from the remote location and must work from campus.

(21) Within hours flexibility, staff who wish to work normal weekly hours over fewer days (ie. fulltime load in a compressed working week) or accrue flextime, must do so on campus.

(22) Staff may apply at any time in writing for flexible work arrangements that change conditions of employment. This should be done by first discussing and agreeing arrangements with your manager and then submitting a Variation or Change to Employment Form. Applicants may request flexible work arrangements for a period of up to 12 months, noting that arrangements are approved on a trial basis, at the manager's discretion, for an initial period of up to three months.

(23) All requests for flexible work arrangements will be considered and can only be refused on reasonable business grounds (see Flexible Work Toolkit for a definition). The manager should discuss the request with the staff member, including the potential of any alternative arrangements, before making a decision.

(24) Where a staff member's application for flexible work arrangements is not supported by their manager, the staff member can seek advice from their HR Business Partner to review the decision. If the application is not supported on the basis of work environment, the staff member can seek advice from healthandsafety@newcastle.edu.au.

(25) All flexible work arrangements are subject to a trial period and regular review (at least every 3 months). Should circumstances change, an arrangement can be rescinded based on reasonable business grounds with reasonable notice.

(26) Approved flexible work arrangements will not automatically continue where a staff member changes roles and/or work areas or where a new manager is appointed. The staff member must seek approval for the continuation of the flexible working arrangement from their new manager.

(27) Staff may also apply for flexible work arrangements in certain circumstances as prescribed by the National Employment Standards under the Fair Work Act 2009 (Cth) (the Act).

(28) Flexible work arrangements must consider all work health and safety risks and comply with work health and safety requirements and responsibilities, when working remotely and on campus.

Section 6 - Flexible work arrangement responsibilities

(29) Managers are responsible for:

a. being aware of where their staff are working from and be able to advise staff location in the event of an emergency;
b. modelling a positive approach to flexible work;
c. considering a flexible work arrangement request in the context of the particular circumstances of individual staff;
d. assessing the impact of a proposed flexible work arrangement on the staff member's role, team workloads and operation, as well as student and other stakeholder expectations;
e. enabling fair and equitable flexible work arrangements as appropriate for all staff, whilst also considering the individual needs of the staff member making the request;
f. proposals from staff members who make a request for flexible work arrangements under the Act;
g. considering the opportunities that the University's digital resources can provide to support a proposed flexible work arrangement;
h. considering and discussing alternative flexible work arrangement options, where a staff member's request does not meet operational requirements;

i. taking into account any health, safety, and wellbeing risks and benefits in considering a request for a flexible work arrangement;
j. contacting Human Resource Services for advice where they:
    i. consider there are reasonable grounds to refuse a request for a flexible work arrangement; or
    ii. may need support in resolving any issues identified in an existing flexible work arrangement.
k. establishing clear performance expectations with agreed outcomes and effective communication strategies, including team communication, to support a flexible work arrangement; and
l. monitoring and periodically evaluating (minimum every 3 months) the effectiveness of a flexible work arrangement and discussing changes to the arrangement if required.

(30) Staff members are responsible for:

a. discussing a proposal for a flexible work arrangement with their manager as well as alternative options if the initial proposal is not feasible;
b. considering, and including in their application, details of:
    i. the benefits for themselves; and
    ii. how the proposed flexible work arrangement can be reasonably accommodated;
c. having a clear understanding of performance expectations and agreed outcomes;
d. maintaining effective communication with their manager and team members;
e. advising their manager of their work location;
f. being aware that at times, and at a managers discretion, staff may be required to attend meetings or events face to face on campus;
g. understanding their health, safety and wellbeing obligations and responsibilities associated with their work arrangements;
h. understanding their responsibilities for the security of the University's information and systems when working remotely;
i. being aware of the guidelines relating to privacy when working remotely; and
j. for professional staff, where flexible working hours have been approved, recording all hours worked, including start and finish times; hours accrued; and absences.

Section 7 - Legislation and Resources

(31) Federal Laws/Guidelines:

a. Fair Work Act 2009 (Cth);
b. NSW Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017;
c. Code of Practice: Managing the Work Environment and Facilities
d. Work and Family Best Practice Guide (Fair Work Ombudsman);
e. Sex Discrimination Act 1984 (Cth);
f. Disability Discrimination Act 1992 (Cth);
g. Equal Opportunity for Women in the Workplace Act 1999 (Cth);
h. Workplace Gender Equality Act 2012 (Cth);
i. WGEA Employer of Choice for Gender Equality: Criteria and Guidelines;
j. Carer Recognition Act 2010 (Cth);
k. Carer Recognition Act 2010 Guidelines.

(32) NSW State Laws/Guidelines:

a. Anti-Discrimination Act 1977 (NSW), Part 4B;
b. Carers (Recognition) Act 2010 (NSW);
c. Carer's Responsibilities Discrimination: Guidelines for Employers (Anti-Discrimination NSW).

(33) Supporting Documents:

a. Academic and Teaching Staff Enterprise Agreement 2023;
b. Professional Staff Enterprise Agreement 2023;
c. Flexible Work Toolkit.

Status and Details

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Effective Date	28th April 2022
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Responsible Executive	Martin Sainsbury Chief People and Culture Officer martin.sainsbury@newcastle.edu.au
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Glossary Terms and Definitions

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"Campus" - means any place or premises owned or controlled by the University, but may also specifically refer to a designated operating location such as the Callaghan Campus.

"Student" - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"HR Business Partner" - The member of Human Resource Services (HRS) appointed as the business partner for the relevant Unit or College.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.