



APVMA Policy

Flexible Working

Direction to staff

This document is instructional material for the Australian Pesticides and Veterinary Medicines Authority (APVMA) under its Knowledge Management Framework. All staff must comply with it.

Purpose of this document

The purpose of this document is to provide a statement on the policy position of the APVMA on flexible work arrangements. It provides an overall framework for complying with legal requirements as well as for the responsibility and accountability of both employer and employees.

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Policy statement

The APVMA is committed to a performance-based culture where flexibility is an accepted part of how work gets done. Flexible arrangements are designed to increase workforce agility and provide employees with the opportunity to enhance work life balance and better integrate their professional and personal commitments, where this is technically and operationally viable. Flexible working arrangements are available to facilitate the accomplishment of work and assist the APVMA to reach its operational and strategic objectives.

Flexible working arrangements include changes to:

- hours of work (for example, changes to start and finish times)
- patterns of work (for example, job sharing or part time work)
- locations of work (for example, working from home).

Employment terms and conditions in the [APVMA Enterprise Agreement](#) such as leave, hours of work, working patterns, and attendance apply to all employees, including those working outside of the office.

This policy applies to ongoing, non-ongoing and casual employees as per the eligibility criteria outlined in the policy.

This policy is valid until 30 June 2022 and subject to review thereafter.

Objective of this policy

The objective of this policy is to set out the flexible working arrangements available at the APVMA to enable employees to optimise their contribution to the workplace whilst assisting managers to meet basic legal obligations and make consistent and reliable decisions.

This policy is designed to assist the APVMA to:

- meet legal requirements
- maintain employee satisfaction and commitment
- support workplace productivity
- reduce absenteeism and employee turnover, resulting in lower recruitment and training costs
- attract, retain and develop talent, and
- be recognised as an employer of choice.

This policy is not intended to cover circumstances where the APVMA may require staff to work under alternative arrangements, such as during a pandemic. Arrangements in those circumstances will be determined on a case by case basis.

Legislative framework

Flexible working arrangements are not an automatic entitlement for employees, however employees have a right to request a flexible working arrangement.

[Section 65\(1\) and 65\(1A\)](#) of the [Fair Work Act 2009](#) (FW Act) provide that certain employees who have worked with the same employer for at least 12 months have a right to 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.

Where employees make a request under the above conditions, the APVMA is obliged to consider each request on its merit and respond formally within 21 days of receipt of a proposal. The APVMA can only refuse a request on reasonable business grounds.

All other requests will be considered in line with operational requirements.

Reasonable business grounds for refusing a flexible working arrangement under the FW Act include but are not limited to:

- the new working arrangement requested by the employee would be too costly for the employer
- there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements requested by the employee
- it would be impractical to change the working arrangements of other employees, or recruit new employees, to accommodate the new working arrangements requested by the employee
- the new working arrangements requested by the employee would be likely to result in a significant loss in efficiency or productivity, or
- the new working arrangements requested by the employee would be likely to have a significant negative impact on service.

[Section 84](#) of the FW Act provides for a return-to-work guarantee for employees returning from parental leave (including maternity leave). Employees may, upon their return to work, apply for part-time employment under this policy.

Principles

This Policy is supported by the following principles.

Flexible work arrangements:

- require trust, cooperation, and mutual respect
- must meet the needs of the APVMA and the employee, and be cost effective
- focus on employee availability, commitment and performance
- should be applied consistently across the APVMA, and should not be limited to a specific group of people
- will not impact on the provision of equitable opportunities for employees including promotion, transfer, special projects, training or management responsibilities
- will be reviewed on a regular basis
- will vary depending on the employee and operational requirements across the APVMA
- are not suitable for all employees/roles all of the time, and
- require regular and effective communication between all parties.

Flexible working options

Informal arrangements

Informal flexible working arrangements can be used to accommodate short-term or occasional working arrangements that span less than 4 weeks. These arrangements must be agreed in advance between an employee and their manager and must have the details documented (for example, via email). Details should include the expected work outcomes and contact details during the informal arrangement. Note, informal arrangements **do not** require an application form to be completed.

For eligible APS1 to APS6 employees, flex-time may be used to accommodate occasional or short-term flexible working arrangements to vary work hours (for example, finish work early to attend an appointment). Employees who are not entitled to flex-time may still request informal flexible working arrangements which must be discussed and agreed between the employee and their manager.

Informal arrangements may need to change at short notice to cover unforeseen circumstances or absences from the office, and this must be negotiated between the employee and manager.

Formal arrangements

Employees can discuss or propose flexible working arrangements which may be tailored to achieve the best fit for them, subject to meeting operational requirements and management agreement. Formal flexible working arrangements are for an individual employee's regular pattern of work that extends beyond a 2-week period.

Formal flexible working arrangements under this policy include:

- part-time work
- job-sharing
- variation to ordinary hours of work, and
- working away from the office.

Part-time work

Part-time work is defined under section 19 of the [APVMA Enterprise Agreement 2017-20](#) as one whose ordinary hours are less than 147 over a four-week period. Remuneration and other employment conditions are calculated on a pro-rata basis.

With the agreement of their manager, a part-time employee may utilise some elements of the APVMA's flex-time provisions, for example, flexibility in relation to precise start and finish times.

Where a part-time employee is scheduled to work on a public holiday they are entitled to observe that public holiday.

If an employee is returning directly from parental, maternity, adoption or foster parent's leave they will, upon request, be provided with access to regular part-time employment. To facilitate access to part-time employment, the employee may be required to work in a different position (at their substantive level) which aligns with their skill set, as there may not be a suitable part-time role in their substantive area.

If the employee wishes to return to full-time work prior to an agreed end date, the employee must discuss the details with their manager who must agree to the change. Ending a part-time arrangement before the agreed end date (on an employee's request) cannot always be guaranteed as it may have implications on backfill arrangements, or the work area's budget.

Job-sharing

Job-sharing involves two or more part-time employees at the same classification level who can meet the requirements of a full-time position. In a job-sharing arrangement, each employee works part-time on a regular, continuous basis and are paid on a pro-rata basis for the part of the job they complete.

Not every position will be suitable for job sharing arrangements and the manager in consultation with the delegate will determine the suitability on a case by case basis, taking into account operational requirements and funding.

Variation to ordinary hours of work

A variation to ordinary work hours may include;

- later/earlier start and finish times,
- working compressed hours, or
- a mixture of designated long and short days.

Ordinary hours of work are defined under section 16 of the Enterprise Agreement. Any variation to work hours will not attract overtime or penalty payments.

A variation to ordinary work hours may be utilised by all employees which includes those who are eligible and those who are not eligible for flex-time. These arrangements must ensure the ordinary hours are worked: namely 36 hours and 45 minutes per week (or 147 hours per 4-week settlement period).

A compressed hours work arrangement allows an employee to work longer hours on some days to meet their required weekly hours. The employee can then take a day or part-day off with the time they have accrued.

No employee should work more than 10 hours per day, with the exception of approved overtime or approved work related travel.

The usual working day must include an unpaid meal break of not less than 30 minutes after 5 hours of work on any one day.

A common arrangement is where the employee works extended hours over 9 days in a fortnight (usually 8 to 10 hours each day but this can be varied), allowing them to have a day off per fortnight.

Where a public holiday falls on a day where an employee on a compressed work arrangement would normally not be scheduled to work, they cannot substitute a day in lieu to reflect the public holiday.

Working away from the office

Working away from the office (WAFO) is where an employee performs part of their role and responsibilities from their home. Employees working under a WAFO working arrangement are expected to work from the APVMA office a minimum of one day per week.

A WAFO work day must include an unpaid meal break of not less than 30 minutes after 5 hours of work on any one day.

Employees in WAFO arrangements are expected to be available to attend at their designated office, if reasonably required. Circumstances may include, but are not limited to, meetings, special projects, absence of other employees, management responsibilities, training, or supporting new employees. Commuting time and costs are at the employee's expense.

Employees who work greater than half their time from home are not guaranteed a permanent workstation in the office and may be required to book a workstation for the period they attend the office.

All home-based offices must have suitable network connectivity as determined by the APVMA. Employees are responsible for ensuring a reliable internet connection.

Employees are reminded they are subject to the [Australian Public Service Code of Conduct](#) while working from home.

When WAFO arrangements may not be appropriate

When considering WAFO arrangements, Delegates must be satisfied business outcomes can continue to be met. WAFO arrangements may not be suitable for all employees, or roles. A number of situations where WAFO arrangements are not appropriate are outlined below.

WAFO arrangements:

- must not to be used as an alternative for personal or other leave or working part time
- are not intended to be used to allow a parent or carer to provide primary care for a child or dependant during the time they are performing home based work activities
- are not to be used to enable outside employment
- are not suitable for an overseas location
- are not suitable where the arrangement would pose a security risk to APVMA information, data or assets
- are not suitable where the arrangement would have a negative impact on the team's ability to carry out key functions or place unreasonable burden on other team members.

Work Health and Safety

The APVMA has a responsibility (primary duty of care) under Section 19 of the [Work Health and Safety Act 2011](#) (WHS Act) to take all reasonably practicable steps to provide a safe and healthy work environment. Where employees are working from home, the home office is considered the employee's place of work.

Employees also have an obligation to ensure their own health and safety. Employees who work from home are obliged to make themselves aware of the WHS requirements that apply to them whilst working at home and to take all reasonable care to ensure they do not do anything (which includes failing to do something) that creates or increases a risk to their health and safety or others.

The employee must complete the working from home Work Health Safety Checklist before the commencement of a WAFO agreement.

Where the Work Health Safety Checklist identifies the need for certain ergonomic equipment, the employee is responsible for covering costs for any reasonable adjustments to ensure the home-based office meets WHS requirements (for example, purchase of ergonomic equipment), while the APVMA is responsible for covering such costs in the APVMA workplace.

Security

An employee who enters into a flexible working arrangement is responsible for the security of any APVMA information, systems or classified materials at their place of work as outlined in the [Information Security Policy](#).

Employees working from home under flexible work arrangements must not transmit any APVMA information via any email system other than their official APVMA email address.

In order to satisfy the requirements of the physical security assessment, home based work area must:

- a) have adequate door and window locks

- b) be in a separate work area away from family areas
- c) have lockable storage for all work-related material
- d) not have classified material at the site unless authorised or appropriate.

Employees must ensure that the devices used to perform APVMA work are kept in a secure location both at home and whilst commuting between home and the designated office.

Equipment and ICT requirements

Where employees are not *required* to work from home, it is the responsibility of the employee to procure a suitable desk and chair for their home-based work area. Adequate internet connection at home is the responsibility of the employee.

The APVMA will provide all employees with a laptop. Employees are not to access the APVMA systems/network or emails with any device that has not been issued by the APVMA unless under an individual agreement under the [Mobile Device Management Policy](#).

The APVMA will provide all employees with one keyboard, mouse and headset. These are considered portable assets, and employees may transport these between home and work. Alternatively, employees may purchase their own portable assets. In accordance with information security policies, Bluetooth / Wi-Fi mice and keyboards are not to be connected to APVMA IT equipment.

APVMA employees working one day or greater from home are eligible to request up to two monitors and a docking station for use at home.

Subject to any work health and safety obligations, employees working greater than half their time at home may not have an allocated workstation in the office.

Employees may purchase additional IT equipment for home-office use. Where employees are providing their own IT (including monitors, keyboards, docking stations and mice) or office equipment (including desk and chair), it is their responsibility to ensure they are fit for purpose. For example, the desk and chair must meet minimum WHS requirements.

Connecting to personal printers with APVMA laptops is not permitted.

As in the office, employees may not use the APVMA provided equipment for unreasonable personal use.

For employees who are performing regular work at home outside of normal business hours in order to meet agency requirements (such as international meetings), and do not have a formal flexible working arrangement in place, application can be made for approval for additional IT equipment outside of this Flexible Working policy.

IT Services

Employees working from home continue to have access to the IT Service Desk. When working from home, it is the employee's responsibility to have access to a landline or mobile phone so that they may contact the Service Desk if required.

In the event of loss of IT services or failure of APVMA IT equipment, the employee should immediately contact the IT Support desk to resolve the issue. Where IT Support staff determine that direct manual intervention or replacement of APVMA IT equipment is required, the employee must arrange and comply with agreed times to return to the office with the equipment for repair or replacement as necessary.

It may be necessary for the employee to work from the office for a period of time until the equipment is repaired or take annual leave if they are unable to return to the office in a reasonable time and not able to work due to equipment failure.

If there is an extended IT communications or systems outage, work arrangements for those operating under flexible work arrangements will be managed in accordance with the APVMA Business Continuity Plan.

An employee working from home under flexible work arrangements must not:

- make private arrangements for repairs and maintenance of APVMA provided equipment (with the exception of testing and tagging)
- store APVMA information on portable hard drives or removable media (for example, USB/thumb drives) unless specifically authorised by the AD ICT Operations in writing.

Care of Commonwealth property

The APVMA does not require an employee to insure Commonwealth equipment located at the home office, however, the employee is expected to take reasonable precautions to protect and care for any APVMA property.

Training

For employees to be eligible to work from home, they must complete the training modules as outlined in the [Flexible Working Form](#) and confirmation of completion supplied to the Delegate as part of the application process.

Eligibility and exclusions

Some mandatory requirements exist for flexible working arrangements. These include:

- **eligibility:** Flexible work arrangements are available to all APVMA employees in mutual agreement with their manager in consultation with the relevant delegate and subject to the considerations of the appropriateness of such an arrangement where an employee is undertaking a performance improvement plan.
- **operationally viable:** The nature of the employee's duties must be suitable.
- **performance based:** the employee must be able to meet expected performance standards relevant to their role and have a rating of 'meets' or 'exceeds' expectations in their annual Personal Mutually Agreed Achievement Plan (PMAAP).
- **regular reviews:** Formal flexible working agreements will be reviewed every 6 months (usually as part of the PMAAP process) or at any other time by request of the APVMA or the employee.
- **Core training:** completion of the Flexible Working core training module is a prerequisite for all flexible working agreements.

Application and approvals

Each application for flexible working arrangements must be considered on a case by case basis and approved by the employee's director (the Delegate). In making an application for a formal flexible arrangement, employees must discuss their proposal with their manager before submitting a [formal application](#).

The application must set out the details of the proposed arrangement and be formally responded to within 21 days. When assessing requests, the Delegate must consider:

- operational requirements
- any impact on the team
- reason/s behind the request.

Flexible working arrangements can only be approved for a maximum of 12 months. If an employee wishes to extend their arrangement, they must discuss their request with their manager at least four weeks prior to the expiry of the existing agreement and seek approval under a new formal agreement.

Where an application is not approved, the Delegate will discuss the non-approval with the employee and provide clear reasons for the decision in writing. If the Delegate is considering rejecting an application, it is recommended they first contact Human Resources.

Review, extension, suspension and termination

Review

All flexible work arrangements should be reviewed as follows:

- Twice per year (usually as part of the PMAAP process).
- When the duties of the employee change due to promotion, higher duties, special projects or transfer.
- In the event of changes in the operational requirements, structure or staffing levels in the employee's work area.
- In the event of changes to the business of the work area leading to a reassessment of the operational practicalities of the arrangement.
- In the event of changes in personal circumstances impacting the arrangement.
- When unsatisfactory performance has been identified.
- In the event the employee develops a workplace injury.
- At the natural expiry of an agreement to determine whether or not the arrangement will continue, and for what period.

Extension

If an employee's flexible work arrangement is due to expire and they wish to continue their arrangement for a further period, they must discuss this with their manager before the end date. Once agreement in principle is obtained from the manager, the employee must submit a new application form for approval of an extension to the flexible work arrangement.

Suspension and/or Termination

An employee may request to cancel their flexible work agreement at any time, however, reasonable notice should be provided to ensure operational arrangements can be made as required.

Agreements can be suspended or terminated by the Delegate at any time and if that occurs, the employee will be required to return to their designated office location.

An agreement can be suspended or terminated by the Delegate for the following reasons:

- if the employee's performance is unsatisfactory
- if there is a breach of flexible working rules and conditions
- the employee is no longer able to effectively complete their role under a flexible work arrangement
- there is genuine concern for the employee's health or wellbeing, or
- for operational reasons.

Prior to termination of an agreement, reasonable steps must be taken to examine options to adjust the flexible working agreement to address the reasons for termination. To enable this, the agreement may be suspended for a period up to 4 weeks to determine if any adjustments can be made to the agreement to satisfy any of the above reasons for termination. This is at the Delegate's discretion.

If a flexible work agreement is suspended or terminated, the employee must be given at least 5 business days' notice that they are required to return to their regular work pattern and/or office, as agreed between the employee and the manager. This may be reduced in extenuating circumstances as approved by the Delegate.

Cessations and variations of Flexible Working agreements must be documented by the Delegate who is responsible for notifying Human Resources.

If an employee is dissatisfied with a decision, a review of the decision can be requested in accordance with the [Review of Actions Policy](#).

Definitions

The following table defines terms used in this document.

| Term | Definition |
|-------------------------------------|---|
| Manager | EL1 or above |
| Delegate | Director or Executive Director |
| Designated office | Primary office location for the position as outlined in the organisational structure and recorded in Aurion. |
| Home office | A space designated in a person's residence for official business purposes away from shared living areas. |
| Part-time work | A part-time employee is one whose ordinary hours of work are less than 147 over a four week period. Employees who job share will be classed as part-time. |
| Job-sharing | Where more than one employee shares the responsibilities, hours, and facilities of one full time position. |
| Ordinary hours | As outlined in the Enterprise Agreement. Ordinary hours are 7 hours 21 minutes per day which may be worked between 7am and 7pm. Core hours when an employee is required to be on duty are 9:30am to 12:00 noon and 2:00pm to 4:00pm. |
| Variation to ordinary hours of work | A variation to ordinary work hours may include; <ul style="list-style-type: none"> • later/earlier start and finish times, • working compressed hours, or • a mixture of designated long and short days. |
| Working away from the office | Where an employee performs part of their role and responsibilities from their home. |

Related material

- Australian Government Protective Security Policy Framework (PSPF)
- APVMA Enterprise Agreement 2017-2020
- *Fair Work Act 2009 (FWA)*
- *Privacy Act 1988*
- *Public Governance, Performance and Accountability Act 2013 (PGPA)*
- *Public Service Act 1999 (PS Act)*
- *Work Health and Safety Act 2011 (WHS Act)*
- *Safety, Rehabilitation and Compensation Act (SRC Act) 1988*

Document information

The following table contains administrative metadata.

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|---------|------------|--|
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| 1.1 | 28/02/22 | Update of exceptions for eligibility and updated policy published. |