



Home Based Work Guidelines

A handwritten signature in black ink, appearing to read 'Daryl Karp', with a stylized, looping flourish at the end.

Daryl Karp
Director

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Due for review June 2023

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Version control

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V2.2	June 2021	EMG	Review & Comment	Draft
V2.3	June 2021	Director	Endorse/Signature	Final

Team responsible for overview and updates of the policy:

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1. General information

MoAD is committed to providing a workplace which is flexible, supportive, safe and innovative. Home Based Work (HBW) can benefit both employees and the agency as it assists employees to balance their work and personal commitments. HBW arrangements may also assist employees who require adjustments to their work arrangements as a result of an illness or disability (subject to advice from the agency's Work Health & Safety (WHS) provider).

Under the *Work Health and Safety Act 2011* (WHS Act) the agency has a duty of care to ensure the health, safety and welfare of their employees, including those employees working from home. This involves undertaking a WHS assessment of the home office in addition to addressing other relevant factors with the employee.

HBW should be managed within the context of other agency initiatives that support work-life balance and is one way of providing flexible working conditions. HBW in conjunction with a return to work program following an injury shall be negotiated and assessed for suitability with the Rehabilitation Case Manager and a legally qualified medical practitioner as defined in the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

Each application for HBW will be assessed on its merits, with reference to the worker's needs, the operational requirements of the workplace and subject to a suitable home based work site being available.

MoAD will not accept any liability for injuries or damages arising to a third party who is not an MoAD worker at the home based site.

2. Authorities/Delegations

The following may approve HBW arrangements:

- Director
- Deputy Director
- EL2 Finance and Business
- EL1 People and Strategy

For further details, please refer to the Human Resource Delegations.

3. Home Based Work (HBW)

HBW is official agency duties performed at an employee's home rather than in the workplace. A HBW arrangement may be initiated by either the agency or an employee. Where an employee initiates a HBW proposal in respect of his/her own position, the agency has the right to refuse the proposal. Similarly, where the agency proposes a HBW arrangement, the employee has the right to refuse the proposal.

Employees in a HBW arrangement are expected to maintain involvement in all agency and work unit communications and activities and participate in the Performance Development Scheme. The agency will ensure, as far as possible, that an employee in a HBW

arrangement has the same opportunities for career development and training as office-based employees.

It is the responsibility of the employee to inform their manager of any changes or incidents in the home environment that could adversely impact on the security or WHS requirements at the home.

It is the responsibility of the employee and their manager to ensure that all requirements in the HBW agreement are followed and these guidelines are met on an ongoing basis.

MoAD and the employee retain their normal employment rights and responsibilities under a HBW agreement. Employees participating in HBW arrangements are provided with the same employees' compensation coverage as employees working on MoAD premises. Coverage only occurs providing the employee is carrying out agreed agency duties and complies with all HBW requirements.

Types of HBW

For the purpose of these guidelines there are three types of home-based work:

- long term – an agreement is entered into for HBW over a specified period in excess of one month
- regular – an agreement is entered into for HBW on a regular basis with or without a specific work pattern, i.e. one or two days per week on an as needs basis (days may vary from week to week) for a period up to three months
- ad-hoc – arrangements that are entered into for a short period of time and are not extended, i.e. less than 10 working days per financial year

Applications for long term and regular HBW are made by completing the HBW agreement form. Applications should be supported by the manager and approved by the delegate. These arrangements may be subject to review. Ad-hoc arrangements may be agreed informally with the manager's support and delegate approval.

Managers must be satisfied that ad-hoc arrangements will not involve significant work health and safety and/or security risks, and that the cost to the agency will be minimal. Where ad-hoc situations arise the general principles and guidelines in this document are to be followed.

What is not HBW

This guideline specifically supports Clause I1 - Home Based Work of the *Old Parliament House Enterprise Agreement 2017-2021* (EA). It does not apply to home based work arrangements required in response to exceptional circumstances, such as MoAD's response to the COVID 19 pandemic, as this situation more appropriately falls within the scope of MoAD's Business Continuity Plan

HBW will not include instances where approval from a manager has not been sought and the employee has, of their own volition, chosen to take work to a place outside the normal workplace e.g. home, hotel room or while travelling, whether or not they are on duty. HBW will also not include instances where an employee is required to work, as part of their duties in another agency or organisation. Please note that this may also constitute a security breach.

Requesting HBW

Long term or regular HBW requests should initially be discussed with an employee's manager. If the HBW is agreed in principle the requesting employee and their manager will complete the HBW Agreement form and forward to HR.

Where a long term HBW arrangement is requested, a WHS assessment of the HBW site must be completed prior to approval or commencement of a HBW arrangement. This is a self-assessment conducted by the employee, or if deemed necessary a formal assessment undertaken by a WHS provider. The completed assessment will be attached to the HBW Agreement Form for delegate approval. A WHS assessment is not required for ad hoc HBW arrangements, however managers must be satisfied that such arrangements will not involve undue WHS risks.

Once the WHS assessments has been completed, the HBW application will be forwarded to the delegate for approval.

4. HBW office equipment

Although employees may use their own equipment, it is preferable that employees use equipment owned and supplied by MoAD for work related duties at the home based site and use this equipment solely for MoAD purposes.

The home based worker is to take all reasonably practicable precautions to ensure that equipment owned by the MoAD and used at the home based work site is treated in the same manner which would apply at the worker's usual place of work to mitigate the risk of damage to the equipment. Employees in a HBW arrangement must comply with the agency's IT and Internet Usage Policy. The relevant work area will meet the cost of supplying and maintaining agency IT and office equipment and materials required for an employee to work from home.

A HBW agreement should include an understanding of the level of financial support the agency will provide in respect of required IT and/or office equipment and telephone and/or internet access for the HBW site.

Generally, IT and office equipment may include a computer, or laptop and a secure storage container. A chair or other workstation equipment considered necessary by a WHS assessment or to meet specific job requirements may also be provided.

Where there are reasonable additional expenses incurred and relevant to a HBW arrangement, reimbursement will be provided subject to prior approval from the relevant manager and receipt of supporting documentation for delegate approval.

All equipment used for the purpose of HBW must be returned on termination of the HBW agreement.

Employees are encouraged to seek independent taxation advice to identify any taxation implications related to HBW arrangements.

5. Ongoing monitoring of a HBW agreement

An approved agreement should be reviewed on an annual basis by the employee's manager. HBW reviews will ensure that arrangements continue to comply with security and health and safety requirements and that the employee is able to perform work to the required standard.

Employees on a HBW agreement are responsible for informing their manager of any changes or incidents in the home environment that could adversely impact security or WHS requirements at the home.

6. Variation or termination of a HBW agreement

An approved agreement may only be varied by agreement between the employee and delegate. In some circumstances an agreement may be terminated by the Delegate.

Reasons for terminating an agreement may include, but are not limited to:

- changes in agency operational requirements
- inefficiency or ineffectiveness of the HBW agreement or performance issues
- failure to comply with requirements of the HBW agreement
- change of HBW address, unless the arrangement is re-negotiated prior to the change of address
- failure to comply with security arrangements.

7. Approving a HBW agreement

In determining whether to approve a HBW agreement, the delegate should consider the following:

- reasons for the HBW request. Whilst HBW provides a flexible work arrangement to employees, managers/supervisors and the delegate should carefully consider the business requirements of the work area. HBW arrangements are not, for example, intended to substitute as a full-time childcare alternative or other dependent care duties
- nature of the work. For example, whether the job requires a high level of face-to-face contact on a daily basis with clients or other team members or whether there is a high degree of autonomy or clearly defined areas of individual work (such as project work and report writing)
- whether the employee requires a high degree of supervision or has supervisory responsibilities
- the type of official information and duties involved in the HBW and the security environment appropriate for the protection of the official information the cost to the agency of providing a secure HBW environment.

Supporting documentation

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulations 2011](#)

[Safety, Rehabilitation and Compensation Act 1988](#)

[Old Parliament House Enterprise Agreement 2017-2020](#)

[Privacy Act 1988](#)

[MoAD Privacy Policy](#)

[Old Parliament House Instrument of Human Resources Delegation](#)