



NSW Police Force

HR POLICY STATEMENT

NSWPF Flexible Work Arrangements Manual

Intent:

This manual applies to all employees of the NSWPF and aims to support flexibility for all employees to meet family and work commitments within the conditions of their relevant employment legislation, awards and entitlements.

Our commitment is to ensure that the NSWPF:

- Manages flexible work provisions in a strategic, considered, fair and consistent manner for all employees. The NSWPF recognises the importance of its role in supporting employee wellbeing and police families.
- Supports access to flexible work practices and that flexible work options are applied consistent with the [NSW Police Force Corporate Plan](#), and the [Inclusion and Diversity Strategy](#).
- Supports NSWPF goals and operational/business requirements in line with the *Police Act 1990* requiring the effective, efficient and economical management of resources, balanced with the requirements of legislation, including but not limited to the [Anti-Discrimination Act 1977](#) (where applicable), awards, policies and procedures.
- Supports employees in achieving a work life balance; NSWPF expects that access to flexible work arrangements is approached by employees and commander/managers in a cooperative and consultative manner. This allows thorough consideration of requests, by assessing and considering operational and business requirements of the NSWPF and the needs of employees.
- Provides commanders/managers and employees a consistent and equitable approach to flexible work applications and clear information about the conditions associated with flexible work arrangements.

Responsibilities:

- **Senior Executive** - approve and support flexible work options and applications that align with government legislation, support employee responsibilities and the priorities of the *NSWPF Statement of Strategic Intent*.
- **Commanders/Managers** – communicate and engage with employees on proposed flexible work options that align with internal policy and guidelines and support employees affected by flexible work needs empathetically and respectfully.
- **All employees** - to have an awareness and understanding that flexible work practices are subject to operational and business requirements being met and having an openness to being prepared to negotiate to achieve that balance.

Reference material:

- [Crown Employees \(Police Officers – 2021\) Award](#)
- [Flexible Rostering Consolidated Guidelines \(Police Only\)](#)
- [Crown Employees \(NSW Police Force Administrative Officers and Temporary Employees Award\) 2009](#)
- [Flexible Rostering Administrative Officers](#)

Assistant Commissioner Dean Smith
People and Capability Command



NSW Police Force

New South Wales Police Force Flexible Work Arrangements Manual

Workforce Relations People and Capability Command

NSW Police Force Flexible Work Manual

This manual serves to inform and enable decision making where delegation allows and is to be read in conjunction with the *Crown Employees (Police Officers - 2021) Award*, the *Police Act 1990* and the *Crown Employees (NSW Police Force Administrative Officers and Temporary Employees) Award 2009* and other applicable instruments.

Commanders/Managers should have regard to both the operational requirements of the NSWPF and as far as practicable, the preferences of the individual when managing Flexible Work Arrangement (FWA) requests.

For related FWA information including fact sheets, forms and support services please visit the PCC Intranet.

This document should be read in conjunction with the:

- *Crown Employees (Police Officers – 2021) Award*
- *Crown Employees (NSW Police Force Administrative Officers and Temporary Employees) Award 2009*
- *Flexible Rostering Consolidated Guidelines (Police) - Preferred Shifts Section 87 Agreement No 17 of 2008.*
- *Flexible Rostering Administrative Officers*

Document Control Sheet

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1.0	1 September 2022	Workforce Relations & Reform	Original. Consolidation of the <i>Flexible Work Arrangements Guidelines and Procedures, Working from Home Policy & Procedures, Part Time Work for Police Officers Policy & Guidelines, Decision Making & Flexible Work Practices</i> and the <i>NSWPF Flexible Ways of Working</i>
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1.3	January 2024	Workforce Relations & Reform	Amendments to the <i>Flexible Work Arrangements HR Fact Sheet, Flexible Options Form</i> and <i>Working from Home Arrangements Checklist</i> . (D/2023/1218394)
2.0	February 2024	Manager, Policy, WR&R	Document standards reviewed as per CET directive



NSW Police Force

FLEXIBLE WORK ARRANGEMENTS MANUAL

Provides commands context and a framework on flexible work options for police and administrative employees

Parent Documents

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DEFINITIONS

Command EFT occupancy: the total percentage of position occupancy filled within a command based on authorised strength.

Designated Workplace: an employee's principle place of work which is and will remain their usual place of work.

Employee: Police officer, administrative employee, temporary employee, special constable (police band) or special constable (security).

Equivalent Full Time (EFT) occupancy: the percentage of a full time position filled by the occupant up to 100%.

Flexible Work Agreement (FWA): a mutually agreed arrangement between an employee and their command for a defined period which may include flexible work hours, part time leave without pay, part time annual leave while on parental leave (sworn only) and temporary changes to work locations.

Home based work site: an area designated in the employee's residence which has been approved for use to perform home based work.

Job Share: an arrangement in which one position is shared amongst part time employees performing the role of one position.

Organisational Unit: a business unit with a unique organisation code within a command/region.

Part Time Work: working hours that are less than full time hours either on a temporary or on-going basis. May be permanent part time or part time leave without pay.

Part Time Leave Without Pay (PTLWOP): temporary change to an employee's contractual working hours facilitated by an FWA.

Permanent Part Time (PPT): a permanent change to an employee's contractual hours to work less than full time hours. While the reduced weekly or fortnightly number of hours agreed to may be changed, the patterns of the hours worked remain subject to operational requirements.

Sharing SAP Occupancy: two part time officers of the same rank and duty type may occupy one SAP position, up to 190% occupancy.

Temporary Change in Work Location: alternate place of work inclusive of working from home or another NSWPF site resulting in a temporary change in work location. This does not alter the usual place of work.

Unutilised occupancy: the difference between 100% occupancy and the percentage occupancy of a part time officer.

Usual place of work: the place where the employee normally attends for work when not working at an alternate work location.

1. FLEXIBLE WORK ARRANGEMENTS

Flexible working is about considering the where, when and how your work can be done, in a way that maintains operational capability of the NSWPF. The NSWPF supports flexible working arrangements and invites discussions around what future ways of working may look like for our teams. It does not mean every role or every individual, can, should, or must work flexibly but it does mean that every employee may begin a conversation about what type of flexible working is available to them.

With the diversity of jobs across the NSWPF and the people doing them, there is no 'one-size-fits all' approach to flexible working. What a flexible working arrangement looks like, and how it works, will be different according to the individual employee, the job, the team, the service being delivered and the location.

In a NSWPF context, flexible work practices are subject to operational and business requirements being met. The NSWPF provides a 24-hour, seven-day operational response to the community. The level of flexibility command/business units can offer may be affected by factors such as First Response Policing Agreements, Work Health and Safety, duty type, the overall level of demand for flexible work arrangements and the role the employee performs.

Flexible work practices can support the workforce in two ways:

- greater capacity and flexibility for NSWPF to deliver services
- greater support for employees to manage the demands of work and life – particularly family and carer's responsibilities.

Flexible work practices can be positive in other aspects of working life, including customer service; job satisfaction; a reduction in absenteeism and sick leave; workplace morale; and staff retention.

2. PRINCIPLES

- FWAs must support NSWPF goals and operational/business requirements in line with the *Police Act 1990* requiring the effective, efficient and economical management of resources, balanced with the requirements of legislation, including but not limited to the *Anti-Discrimination Act 1977* (where applicable), awards, policies and procedures.
- FWAs are subject to consideration based on whether operational and business requirements can be met and the personal needs of an employee. The exception being parental leave, which is an entitlement, although patterns of work are still subject to negotiation.
- When a FWA is approved, employees remain responsible for performing their duties and meeting reasonable work expectations.
- FWA approval relies on job tasks and responsibilities being adaptable to the arrangement.
- The employer and employee have a mutual responsibility to negotiate arrangements that meet employee needs and business/operational requirements.
- Applications should be submitted as early as possible to allow time for consideration and discussion.
- Requests for FWAs should identify the particular need of the employee so that reasonable options may be explored to meet this need.
- Best outcomes are achieved by both parties considering a range of options. What is agreed to may not be either parties preferred outcome.
- Each request should be genuinely considered by the commander/manager on a case by case basis and assessed on its merits with consideration to the operational requirements of the command.
- FWAs can be approved for periods not exceeding 12 months. At the end date the employee will revert to full time conditions unless a further period has been applied for and is still under negotiation/review. Further periods may be approved through

subsequent application prior to the end date of the agreement. Agreements should be reviewed in accordance with this manual.

3. EXISTING AWARD PROVISIONS

3.1. *Flexible Rostering – Police Officers*

Flexible rosters are required to provide employees with at least one rostered leave day (RLD) per fortnight (average) in addition to rest days, in each roster cycle. Areas that work longer shift lengths will afford a greater number of RLD's but may also require rotational shift work. Where flexibility beyond the above provisions are sought, employees are required to apply for a FWA.

3.2. *Flexible Rostering – Administrative Employees*

Flexible rostering applies to some administrative roles that require shift work in accordance with the operational and business needs of the unit. Commanders/managers and employees should refer to the *Flexible Rostering - Administrative Officers and Ministerial Employees* for further information.

3.3. *Flex Time – Administrative Employees*

Employees are fundamentally deployed according to operational and business needs however they may request a FWA that modifies their span or pattern of working hours. All adjustments must have proper regard for the considerations in the application form, supporting fact sheets and the relevant industrial provisions. Flexible working hours allows for:

- Access to flexible start and finish times within the bandwidth of 7am to 7pm. Employees can commence work any time from 7am up to 9.30 am and finish any time from 3pm to 7pm. A daily average of 7 ordinary working hours is required. Commencing and finishing times will take into consideration supervision, operational and business requirements.
- A change to the range of start and/or finish time by changing the standard bandwidth and/or core time.
- Accrual of any time worked above 7 ordinary hours per day as flex time or banked days (this is subject to the availability of work). Up to 6 Flex days may be taken off in any 12-week settlement period.

Where flexibility beyond the existing award provisions are sought, employees are required to apply for a FWA.

4. FLEXIBLE WORK ARRANGEMENT OPTIONS

4.1. *Preferred Shifts Agreement – All employees*

With the approval of their commander/manager an employee may enter into a FWA Agreement to work a preferred shift (i.e., a day, afternoon, or night shift) or part thereof on preferred days per week.

For **police officers** working part time, shift allowances are payable in accordance with Clause 49 of the *Crown Employees (Police Officers – 2021) Award*.

For **administrative employees** working part time, shift allowances are payable in accordance with Clause 89 of the *Crown Employees (NSW Police Force Administrative Officers and Temporary Employees) Award 2009*.

Employees will not be advantaged or disadvantaged as a result of a preferred shift agreement. Full time employees who enter into a FWA as a preferred shift worker that is not consistent with usual rostering arrangements for the duty performed, are not entitled to the payment of applicable shift allowances beyond those that otherwise would have been payable had the officer been working the ordinary roster pattern.

4.2. Change of Duty Type Within the Organisation

A temporary change of duty type/role may occur at rank/grade, with the agreement of the employee, where an alternative role may increase accessibility to increased flexible work options.

Police Officers

If a range of flexible options in an officer's current duty type/position have been reasonably considered and are not able to be accommodated, a temporary change of duty type may be considered i.e., within the PAC/PD or broader Region. Where more permanent arrangements are considered refer to the *Guidelines on the transfer of NSW police officers*.

Administrative Employees

A temporary movement into an alternative administrative role that allows the employee increased flexibility options, can be facilitated at the same grade under the *NSWPF Government Sector Employment (GSE) Rules*. A temporary assignment can occur where a suitable vacancy exists, for up to 12 months, and is with the agreement of the employee.

4.3. Work Location – work from home / alternate work location – all employees

Temporary changes to an employee's work location provides employees more flexibility in meeting their work and personal responsibilities. The temporary change may include working from home or alternate work locations at other NSWPF facilities, (subject to the approval of the commander/manager at the alternate NSWPF facility).

A temporary change to an employee's work location is based on a voluntary and cooperative arrangement negotiated between an employee and their commander/manager on the understanding that:

- the designated workplace is, and will, remain the usual work location
- circumstances may change
- the employee may be required to return to their usual place of work.

Working from a temporary work location is not a formal employee benefit or entitlement and is not automatically available to any employee. Each application for a temporary change to an employee's work location will be assessed on a case by case basis consistent with relevant NSWPF policies including the *Code of Conduct and Ethics*, the *Safety Management System* and *Anti-discrimination legislation*.

Alternate Work Location - general conditions

In some roles, a hybrid working model may be able to be facilitated. The following principles should be taken into consideration:

- The terms and conditions of employment between the employee and the NSWPF that apply at the employee's usual place of work will also apply at the alternative work site.
- If necessary, a trial period may be implemented for up to three (3) months to ensure the arrangement works for both parties.
- There should be no expectation that temporary changes to the employee's work location approved in the first instance will be automatically approved in a future application.
- An employee working under a FWA is prohibited from contracting out his/her work.
- The commander/manager and the employee must agree that the work can be efficiently and effectively performed from the employee's proposed temporary work location without any adverse effects on the provision of customer service and delivery.
- Additional hours/overtime will generally only be available in exceptional circumstances and must be directed and authorised in advance. Similarly, any flex time accrued should be discussed with the commander/manager prior to working the additional flex hours.
- The commander/manager and the employee must take joint responsibility for the success of the temporary work location arrangement.
- The command responsible for the employee may be required to meet costs associated with the implementation of an employee working from home and the commander/manager should factor these costs when considering these applications. Costs will be determined and confirmed by the commander/manager during the FWA negotiation process.
- All use of NSWPF devices and systems must be in accordance with the [Code of Conduct](#)

[and Ethics](#), and the [NSWPF Information Security Manual](#).

- Working from home is not available to meet carer/parental responsibilities, that is, an employee should not be undertaking care/parental responsibilities whilst working from home.
- All employees must maintain a presence in their usual work location with the agreement of their Commander/Manager.
- The Commander/Manager of the workplace should ensure that there is team coverage in the workplace every day of the week.
- Where teams may stagger workplace attendance days amongst team members, there should be a collective office day for the team every week to facilitate connection and collaboration.
- Where multiple work locations are being considered, local practices should be adopted to maintain oversight of team member whereabouts for example: Team members may be required to update their Teams status daily to reflect their work location for the day, i.e., PAC, PHQ, WFH etc.

4.4. Part Time Work for Police Officers

The option of working part time is a FWA that may be approved for officers needing to reduce their ordinary hours to meet personal responsibilities. These may include care of children or other dependents, study, tapering work prior to retirement or managing an injury or illness.

An officer may apply to work on a part time basis:

- if a reduction in average weekly hours of duty less than the full time average weekly hours (i.e., 38 hours per week) can be accommodated
- where a position has been identified as suitable for job share
- when a number of shifts have been identified for part time work
- if an arrangement that meets operational requirements and is suitable to both parties is negotiated and agreed.
- by requesting a period of applicable part time parental leave, in which case an entitlement exists to negotiate a suitable arrangement between the commander/manager and the officer.

Part time work is a valuable option for both management and officers. Planned and well managed part time work may contribute to better work performance, productivity, and officer retention.

4.5. Part Time Work for Administrative Employees

Part time arrangements can occur by temporarily reducing the average weekly hours worked in the role, where workload permits.

Where new flexible work arrangements which include part time leave without pay is negotiated and approved, commander/managers should be mindful that the employee will have a right of return to a full time position at the expiry of the agreement.

4.6. Permanent Part Time for Police Officers

Applications for permanent part time work should follow the process in section 6 and where supported by the command/business unit, should be referred along with a covering report to the Director, Workforce Relations and Reform for approval, articulating that the officer understands the implications of leave and right of reversion. If approved, a [Flexible Work Options Form](#) is to be completed by the officer and signed by the commander/manager. It is then placed on the officer's P file. Whilst permanent part time arrangements do not require review, a review of patterns of work still apply.

Requests for permanent part time arrangements may also be considered giving regard to whether the request can be sustained indefinitely by business operations and ongoing business requirements.

There is no requirement for an officer to be placed on a permanent part time arrangement, after being on a part time LWOP arrangement for a more extended period or once a child reaches school age. As with any FWA, a renewal request will continue to be reasonably considered by commander/managers.

Officers working permanent part time may be reclassified to full time work upon application and subject to NSWPF requirements. Reversion to full time employment depends on the availability of a full time position.

Where an available position within the command exists, the commander/manager can consider placing an officer into another vacancy having regard to necessary skills and qualifications or other requirements of the position. The usual requirements under the *Guidelines on the transfer of NSW Police Officers* (Transfer Guidelines) will apply.

4.7. Permanent Part Time for Administrative Employees

Permanent part time arrangements can occur through placing two permanent part time employees into one full time position or alternatively by obtaining approval from the relevant delegate to create a permanent part time position.

Applications for an employee to work permanent part time should follow the process in Section 6 and where supported by the command/business unit should be referred along with a covering report to the Director, Workforce Relations and Reform for approval. If approved, a *Flexible Work Options Form* is to be completed by the employee and signed by the commander/manager. It is then placed on the officer's eP file.

4.8. Job Share Arrangements

Job sharing is an arrangement in which one job is shared amongst two or more employees, who each work less than full time hours. The workload and performance expectations should reflect this.

Police Officers

Job sharing can be facilitated by placing two or more officers working part time hours into one position. However, the total occupancy of the PAC/PD or equivalent Organisational Units authorised strength will not exceed 100%.

Excess workloads can also be shared by an officer working part time while placed in an alternative position but not performing the position's function e.g., an officer attached to a GD's position but assisting with excess workloads in the CMU.

Commander/managers should be aware that officers on a part time FWA, who are on parental leave or any other form of leave that maintain 'right of return' entitlements, these need to be considered when reviewing job share arrangements.

Commander/managers should review the considerations in section 6.2 before approving any job share arrangements.

Administrative Employees

Job sharing can be achieved through an employee working under a part time leave without pay arrangement sharing their full time role with a temporary administrative employee or a part time employee on a temporary assignment. Alternatively, a full time role may be filled with two permanent part time employees. Permanent part time roles may also be created (i.e., a role less than 100% EFT due to work requirements).

4.9. Providing prayer breaks and facilities

Employees may follow religions that require them to pray at specific times during the day. This can usually be accommodated by utilising a quiet, clean room. Where it is practicable and reasonable, employees may wish to use their breaks to coincide with prayer times.

For further information, contact #HRDIVERSITY.

5. GENERAL CONDITIONS OF WORKING PART TIME

5.1. Shift Classifications for Police Officers

Non-commissioned officers

Part time officers will be classified in accordance with the equivalent full time position in the business unit. Full time classifications will apply to officers working part time including preferred shift arrangements, as follows:

- "7 Day Shift Worker (Flexible Roster)" - officers who normally work from Sunday to Saturday and whose services are normally required on public holidays. (6 weeks annual leave)
- "7 Day Shift Worker (Default Roster)" - officers working 8 hour shifts who normally work from Sunday to Saturday and whose services are normally required on public holidays. (6 weeks annual leave)
- "5 Day Shift Worker (Flexible Roster)" - officers who normally work from Monday to Friday and whose services are not normally required on public holidays or weekends. (4 weeks annual leave)
- "5 Day Shift Worker (Default Roster)" - officers working 8 hour shifts who normally work from Monday to Friday and whose services are not normally required on weekends. (6 weeks annual leave).

Commissioned Police Officers

Inspectors who qualify for three or more additional working days (through working Sundays and public holidays) under sub clause 17.5 of the *Crown Employees (Police Officers - 2021) Award* are entitled to 6 weeks annual leave. All other commissioned officers are entitled to five weeks annual leave.

5.2. Work Patterns

While there is no definitive pattern for part time work, the primary way it will be achieved is through a lesser number of working shifts/days per week. Shorter hours in each shift/day can also be requested and considered for approval.

Irrespective of whether a lesser number of shifts/days or shorter hours in each shift/day are worked, the rostered hours of work may only be performed on a maximum of five days each week (averaged) over the roster/settlement period. All FWA requests must be balanced against the operational requirements.

5.3. Hours of Duty

An employee working part time is required to work the weekly hours approved under the FWA. Unless working a flexible roster, hours worked each week must be less than full time hours when averaged over the roster/settlement period.

The specified (average) weekly hours of an employee working part time cannot be permanently changed without agreement and a new application for part time work approved by the commander/manager. The specified (average) weekly hours of an employee working part time may be temporarily varied by the consent of both parties.

Employees working permanent part time do not accrue an entitlement to either rest days or recurrent leave days.

5.4. Part Time Entitlements

The following entitlements will accrue/be paid on a pro rata basis for employees working part time:

Remuneration

An employee working on a part time basis will received a salary on a pro rata basis in accordance with the hours documented on their approved FWA.

Shift allowances

Where an agreement is entered into to commence work at the usual start time applicable to employees working the normal full time roster in that location, but less hours per shift are worked, the relevant shift allowance is to be paid on a pro rata basis for the number of hours worked.

Where an employee has elected to work shorter hours per shift commencing duty part way through the standard full time shift, penalties will be paid where the standard full time roster determines a penalty should be paid. For example, an employee working part time commences at 12 noon and the full time roster for that duty type commences at 8 am, there is no entitlement to a pro rata afternoon shift allowance. Should an employee working part time be directed to commence duties part way through the standard full time shift pro rata shift penalty is payable.

Preferred shift worker agreement

Employees who enter into an agreement as a preferred shift worker working a shift arrangement, that is not consistent with usual rostering arrangements for the duty performed, are not entitled to the payment of applicable shift allowances.

Allowances

Expense related allowances are paid at a full time rate e.g., meal and travelling allowances. Employees receiving other forms of allowance will continue to receive payment for that allowance on a pro rata basis proportionate with their part time hours.

Increments

Will be paid on the normal incremental date, subject to mandatory competency and performance requirements being met as determined by the relevant Award.

5.5. Requirements While Working Part Time

Employees remain subject to the full application of performance, development and management as recorded in My Performance. All part time employees are able to be considered for promotion and mobility.

In addition, employees remain subject to recall to duty, court and training attendance and similar matters arising from the performance of their duty.

5.6. Training

The hours of duty may be varied by agreement for the purpose of attending in service training courses conducted in excess of agreed hours. Employees are eligible for all developmental opportunities e.g., study assistance, relieving, special projects and training, with appropriate consideration as to location, duration and timing. Commander/managers should attempt to meet the personal needs of the employee.

5.7. Rostering Requirements

Employees will be rostered as per their roster classification (Shift Classifications) or as agreed in the case of a preferred shift arrangement.

Under the Flexible Rostering Consolidated Guidelines (Police Only), the roster of a part time leave without pay employee is to reflect the rostered shift, rest day and non-work day.

Effect of Public Holidays – Police Officers

Rostering on public holidays for an officer working part time will be in accordance with the shift classification of the equivalent full time position in the business unit as follows:

7 Day Shift Worker (Flexible and Default Roster)

- A public holiday during a roster period has no effect on 7-day shift workers. These days will continue to be rostered as either duty, rest or recurrent leave or LWOP (or non-work day in the case of a permanent part time officer).

5 Day Shift Worker (Flexible Roster)

- A public holiday on either a Saturday or a Sunday will have no effect. These days will (unless required for duty) be rostered as a rest day.

Public holidays that occur on a weekday will generally be rostered "free of work" if normally rostered on that day or LWOP or RLD if not rostered (or non-work day in the case of a permanent part time officer).

"Free of work" will count as a normal flexible shift worked for the purpose of totalling the hours worked for the flexible roster period.

A public holiday, during a period of annual leave, which occurs on a Saturday or Sunday shall have no effect. During a weekday an officer will (if not required for duty) be granted "free of work" and will not be debited against their annual leave entitlements.

5 Day Shift Worker (Default Roster)

A public holiday on either a Saturday or a Sunday will have no effect. Such days will (unless required for duty) be rostered as a rest day.

Unless required for duty, a public holiday on a weekday that falls on an officers work day, will require a mutually agreeable option to be accommodated i.e. the officer takes annual leave; rostered as a rest/recurrent leave day (or non-work day in the case of a permanent part time officer) and work a shift on an alternate day or LWOP.

Preferred Shift Workers

Public holidays will be administered as above, in accordance with the equivalent full time position in the business unit i.e., 7-day shift worker (Flexible Roster), 5-day shift worker (Flexible Roster) or 5 day shift worker (Default Roster).

5.8. Leave conditions for employees working part time

Additional Annual Leave	Accrues in accordance with the clause 17.5 of the <i>Crown Employees (Police Officers – 2021) Award</i> and clause 89.8.1 of the <i>Crown Employees (NSW Police Force Administrative Officers and Temporary Employees) Award 2009</i> and is based on the number of part time shifts of agreed length worked on Sundays and/or Public Holidays during the qualifying period.
Additional (Gazetted) Public Holidays – Police Officers only	Accrues in accordance with part 2 (9) of the Flexible Rostering Guidelines.
Annual Leave	Annual leave shall be accrued on a pro rata basis proportionate to the part time hours worked and is to be debited in accordance with the ordinary hours the employee would have been rostered to work had they not been on leave.
Extended Leave	Employees are entitled to extended leave on the same basis as full time employees, but the leave accrues and is paid pro rata. The eligibility period for extended leave accrues in the same way i.e., after 7 years’ service a pro rata entitlement exists.
Family and Community Service Leave	FACS leave shall be accrued on a pro rata basis subject to the usual conditions.
Military Leave	May be granted subject to the usual conditions and paid at the part time rate.
Sick Leave	Sick leave entitlement accrues on a pro rata basis and when used, is debited to the value of the ordinary hours that the employee would have worked during the period of absence.
Special Leave	May be granted subject to the usual conditions and paid at the part time rate.
Study Assistance	A pro rata allocation of study time may be granted.

5.9. Annual Leave for Police Officers

Annual leave for a police officer working part time will accrue on a pro rata basis proportionate to their part time hours.

Prior to commencing the part time arrangement, annual leave is converted to a pro rata of the full time maximum accrual (342 hours) (see example below). Any annual leave accrued in excess of the part time maximum entitlement must:

- be taken in full (at the full time rate) before commencing part time work, or
- if not taken before commencing part time work, any balance must be taken in one continuous period only, by reversion to full time work during the period of part time work, or

- alternatively, an officer may request to defer the taking of full time annual leave until they resume full time work, or until their part time hours stabilise up to 12 months after returning from parental leave. If accrual of leave in excess of the part time maximum threshold is approved the commander/manager will enter into a written agreement with the officer stating the manner and time at which the excess leave will be taken.

For example, a non-commissioned officer has approval to commence a part time leave without pay arrangement working 24 hours per week. The officer currently has 290 hours of full time annual leave.

To work out the maximum entitlement to part time annual leave, the following calculation is to be used:

$$\text{Part time hours / full time hours} \times \text{full time maximum accrual of annual leave} \\ 24 / 38 \times 342 = 216 \text{ hours.}$$

In this example, the officer would have 216 hours of annual leave that is able to be taken at the part time rate (i.e., 24 hours per week). The remaining 74 hours of annual leave are to be taken in accordance with the above.

Upon commencing the part time arrangement, the part time officer will manage their leave to ensure there is no projected accrual of leave above the part time maximum entitlement i.e., in this example 216 hours.

5.10. Excess Annual Leave

Pro rata excess annual leave is calculated for employees working part time arrangements as follows:

Police Officers

A full time officer working an average of 38 hours per week reaches excess annual leave limits at 9 weeks or 342 hours (38 hours x 9 = 342 hours)

A part time officer working 25 hours per week reaches excess annual leave limits at 9 weeks or 225 hours (25 hours x 9 = 225 hours).
 $25/38 \times 342 = 225 \text{ hours}$

Administrative Employees (working a 35 hour week)

A full time employee working an average of 35 hours per week reaches excess annual leave limits at 6 weeks or 210 hours (35 hours x 6 = 210 hours)

A part time officer working 25 hours per week reaches excess annual leave limits at 6 weeks or 150 hours (25 hours x 6 = 150 hours).
 $25/35 \times 210 = 150 \text{ hours}$

5.11. Overtime for Police Officers

These provisions do not apply to commissioned officers (refer to Managed Time in the *NSWPF Police Leave Manual*).

Non-commissioned officers working part time are entitled to payment of overtime for any hours worked that would be payable as overtime for a full time officer as follows:

- Where an officer works in excess of the hours of the standard shift length of police working the normal full time roster in that location.

For example, if an officer works 6 hours per shift and the local applicable flexible roster provided for full time shifts of 12 hours, overtime would only apply for time worked in excess of 12 hours on any shift. Alternatively, if an officer is working two full shifts per week, overtime rates would apply for all time worked in excess of 12 hours on each of those shifts: or

- If an officer has worked more than an average of 38 hours per week over a roster cycle, for example, through the use of additional hours.

3. If an officer working part time is required to work on a rostered rest or recurrent leave day and is not notified of this change of rostered duty at least 24 hours prior, the officer will be paid the overtime rate specified in the *Crown Employees (Police Officers – 2021) Award*.

Commander/managers may approve part time officer requests to work Transport for NSW funded and User Pays overtime. For user charges duties refer to NSWPF Cost Recovery and User Charges Policy.

5.12. Additional Hours

Additional hours can be a mutually beneficial arrangement between an employee and the NSWPF, subject to operational requirements and agreement between the commander/manager and the employee. Additional hours can be included in initial FWA discussions. Additional hours should be performed on a needs basis with prior approval subject to the needs of both the organisation and the individual.

Police Officers

Additional hours apply where overtime is not payable in accordance with section 5.11 and hours additional to the FWA Agreement are worked. Additional hours are paid at the ordinary rate applicable (not overtime rates) plus 1/12th loading to compensate for annual leave.

For example, when an employee working part time works full time daily shifts on fewer shifts per week and performs additional duty on a day which is normally not worked, that officer will be paid at the ordinary rate, plus a loading of 1/12th up to the maximum hours normally worked for shifts at that location (i.e., 'additional hours').

Employees working part time leave without pay or permanent part time who are required to work a shift on a LWOP day or non-work day (respectively) and are not notified of the additional rostered duty or change of shift at least 24 hours prior to the commencement of that shift, will be paid additional hours, plus 1/12th loading. This applies unless, the officer has worked an average of 38 hours per week over a roster cycle in which case they would be paid overtime rates. The 1/12th loading will not apply for that day.

Administrative Employees

The NSWPF may request, but not require, a part-time employee to work additional hours. For the time worked in excess of the employees usual hours and up to the normal full-time hours for the classification, part-time staff employees may elect to:

- (a) be paid for additional hours at their hourly rate plus a loading of 4/48ths in lieu of recreation leave; or
- (b) have the time worked credited as flex time.

For time worked in excess of the full-time hours of the classification, or outside the bandwidth payment shall be made at the appropriate overtime rate in accordance with clause 97 of the *Crown Employees (NSW Police Force Administrative Officers and Temporary Employees) Award 2009*.

5.13. Recall to Duty

Non-commissioned officers recalled to duty are entitled to overtime payable in accordance with Clause 52 'Recall to Duty' of the *Crown Employees (Police Officers – 2021) Award*. This provision does not apply to commissioned officers.

Administrative Employees recalled to duty are entitled to overtime payable in accordance with Clause 93 'Recall to Duty' of the *Crown Employees (NSW Police Force Administrative Officers and Temporary Employees) Award 2009*.

5.14. Court Attendance for Police Officers

Officers working under part time arrangements, including those in job share arrangements, are required to change the days of the week or hours on which work is performed to meet court attendance requirements.

Protracted court matters (i.e., one which extends beyond the specified (average) weekly hours of the part time officer) will require the hours of duty of a part time officer to be temporarily varied in order to comply with the court commitment.

Where an officer is required to attend court on a day additional to their specified (average) weekly hours, that officer will be paid at the ordinary rate plus a loading of 1/12th for time spent in attendance (i.e., 'additional hours'). Except where an officer has worked an average of 38 hours per week over a roster cycle, in which case the officer would be paid overtime rates. If the officer elects to change a rostered shift to meet this need, they will be paid the normal daily rate. The 1/12th loading will not apply for that day.

An officer shall be given at least 24 hours' notice of court attendance on a non-work day if practicable.

Where less than 24 hours' notice is given, a part time officer may elect to:

- be paid a minimum of 8 hours salary at the ordinary rate applicable, plus a loading of 1/12th of that additional salary
- take the equivalent time off in lieu of payment on an hour for hour basis and be paid the 1/12th loading of that additional salary.

Notice requirements for rest and RLD's are in accordance with Clause 49.7 of the *Crown Employees (Police Officers – 2021) Award*.

Commander/managers should attempt to meet the personal needs of the officer. OIC's of court matters should advise prosecuting personnel of unavailable dates where officers work part time.

5.15. *Part Time Annual Leave for Police Officers when returning from Parental Leave*

Officers who enter into a FWA for their return to work from parental leave may negotiate with their commander/manager to take a period of annual leave at the same number of hours applicable to the part time arrangement. The period of part time annual leave will be taken immediately prior to the officer's return to work for up to a maximum of nine (9) weeks.

A formal application for part time work must be made on the *Flexible Work Options Form*, at least four (4) weeks prior to the requested part time annual leave commencement date. Once an agreement has been reached *Part C5 – Agreement – Part Time Annual Leave while on Parental Leave of the Flexible Work Options Form* must be completed by the commander/manager and signed by both parties.

When an officer enters a FWA Agreement following parental leave and then commences the arrangement on annual leave, the period of annual leave is counted as part of their part time parental leave entitlement. This is because when the officer commences part time annual leave, they are accessing part time parental leave without pay.

An officer may only request to change their part time work agreement before commencing work where there are extenuating circumstances relating to the officer's return to work. If an officer needs to change their arrangement, they must give their commander/manager at least four (4) weeks' notice and any changes will need to be negotiated with the commander/manager. Where changes are made, *Part F of the Flexible Work Options Form* must be completed by the commander/manager and signed by both parties.

Other than outlined above annual leave whilst on parental leave is to be taken at the rate of pay that paid parental leave was granted i.e., full time payment or part time payment.

5.16. *Superannuation*

When making application for part time work, officers should make independent enquiries with the appropriate superannuation fund regarding the impact the part time work arrangement may have on their contributions and/or entitlements.

6. FLEXIBLE WORK APPLICATION PROCESS

6.1. *Application*

While all employees have a right to apply for a FWA, all applications must be reviewed on a merit basis with reasonable consideration given.

The [Flexible Work Options Form](#) provides the details of the initial application and agreed outcome. This should be completed initially by the employee and then by the employee's commander/manager. Failure to submit an application within the required time frames i.e., a minimum of four weeks prior to requested start date, and/or complete all information on the form, may delay a commander/manager's ability to reasonably and genuinely consider the application.

FWA applications should clearly identify the particular need of the employee, the type FWA applied for and provide specific detail of the flexibility sought.

All requested workplace adjustments must have proper regard for the considerations in the FWA process and the relevant industrial provisions. Agreements can be approved up to a 12-month period where the command can support the agreement.

6.2. *Assessment*

Decision making can be complex and uncertain with each decision presenting its own unique challenges. Exercising discretion can add a level of complexity into the decision making process as the solution may not be immediately evident.

Before exercising discretion, it is necessary to gather relevant information and consider the specific merits of the application. In some circumstances the decision maker may need to seek specialist advice from the region Human Resource Manager (HRM) or Employee Relations.

When assessing applications for FWAs against operational and/or business requirements, the "test" will be whether the organisation has made reasonable attempts and given consideration to accommodate the application. No two applications are ever the same and application timing, existing agreements and operational needs are relevant command considerations. For this reason, granting approval to one employee does not automatically set a precedent for the approval of another during the same period.

The employment/industrial framework is based on a notion of 'fairness' and 'reasonableness'. Decisions cannot be based on the way we perceive a person, personal biases regarding work practices and / or family arrangements, or by what commanders/managers had to do at a similar time in their own careers.

The [Anti-Discrimination Act 1977](#) requires commanders/managers to give proper and genuine consideration to FWA applications for reasons relating to grounds for discrimination, i.e. carer's requirements, disability, age etc. Other flexible work requests may be considered and approved where the arrangement enhances or supports business requirements. Commanders/managers should discuss the FWA application with the employee to understand their reasons and need for an FWA and seek further information to support the FWA application if required.

Employees and commanders/managers should consider the following when applying for, discussing or considering a FWA application.

General considerations

- Will the FWA request allow the employee to continue to perform the inherent requirements of their role
- Can career development opportunities continue to be provided to the employee
- Ensure the employee has the opportunity to participate in employee meetings and other employee networking activities
- If the employee is to work less hours as part of the FWA, how will workload of the role be managed

- How will the FWA impact the staffing and service delivery and what strategies can be implemented to minimise the impact.
- Consider if appropriate, alternative flexible options that may suit for consultation
- Consider approving a short term trial of a FWA for assessment and approval
- For employees subject to performance/conduct management plans, consider how the plan will be met under the FWA requested. For assistance, please refer to Professional Standards Command.

Alternate work location considerations

- Does the employee's current performance demonstrate an ability to complete the work efficiently and effectively without supervision
- Determine how the employee can continue to be supervised efficiently and effectively whilst working in another location
- How will the output and quality of work produced by the employee be monitored and reviewed
- Can appropriate communication processes be established
- Identified welfare needs, e.g., weekly check ins
- Required equipment to enable the application
- Required accesses, e.g., remote access (Citrix), staff ID access to facilities.

Work health and safety considerations

NSWPF has a duty under the *NSW Work Health and Safety Act 2011* to ensure, so far as is reasonably practicable, the health and safety of its workers and to eliminate or minimise risks to health and safety at their workplace, which includes employees working from home and their home workspace/work site.

Employees also have a duty to take care for their own health and safety, which includes while working from home (WFH), and must follow any reasonable policies or directions their employer gives them. This means employers and employees both share responsibility for ensuring a safe working environment.

Before approving a FWA application for a WFH request and prior to the commencement of any WFH arrangements, an assessment of the home based work site through the completion of a [Working From Home Arrangements Checklist](#) is required, so as to be satisfied that the employee working from home, including their home workspace (e.g., home office, study nook, etc), is not at risk of physical or psychological harm. There may be instances where a home based work site inspection is required and is to be conducted by a Work Health & Safety coordinator or other appropriate skilled person that has the qualifications to undertake the assessment.

It is a requirement for the approval of a FWA to WFH, that the employee can demonstrate that they have the appropriate first aid and safety equipment onsite. Generally, the obligation is on the employee to provide these items. An application should be refused, due to safety reasons, if this cannot be demonstrated by the employee.

The [Working From Home Arrangements Checklist](#) must be completed by the employee, with photos of the home based worksite provided as an attachment to the application prior to the approval and commencement of any working from home arrangements. The following points should also be considered:

- Are there health and safety issues associated with the home based work site that need to be addressed
- What is the type and cost of equipment required by the employee to work safely at a home-based work site
- Is the employee familiar with safe working procedures and have they been provided with the necessary information and training to enable them to complete work safely from the home-based work site
- Is there an awareness of any possible exposure to an event, or threat of an event which is potentially violent or disturbing for the employee i.e., verbal or physical abuse

- What materials can and cannot be safely stored at the home-based work site. Can the security of sensitive or classified information, to be accessed at home, be ensured
- Can the home-based work site be furnished with storage containers appropriate to the security classification of the material.

Cost considerations

The command responsible for the employee will meet all reasonable costs associated with implementing a temporary alternate work location arrangement. This may include the provision of IT equipment, replacement of consumables, and the conduct of home-based work site inspections where required. Evidence is required to be produced quantifying that cost where possible.

The employee will meet all costs associated with electricity, internet and telephone and any damage or depreciation of employee owned property, resulting from ordinary use of the home based work site. The savings in travelling time and costs should outweigh these costs except in exceptional circumstances.

Job share Considerations

Consider the following when designing or considering a job share arrangement prior to commencement:

- Temporary period or an ongoing arrangement.
- The type of leave the substantive occupant is on and any 'right of return' they maintain that prevents an ongoing recruitment or a police officer job share arrangement.
- Agreed hours and days to be worked.
- Dependent upon the business unit requirements coverage across the working week between the occupants should be considered.
- How the duties can and will be split and/or shared between employees.
- Arrangements to facilitate attendance at courses, special operations, court commitments, leave absences etc.
- Methods of communication between job sharers, their supervisor/s and other employees.
- What will occur if one job sharer leaves, for example:
 - reviewing the arrangement including the hours worked of the remaining occupant/s
 - recruiting against the vacancy
 - the remaining sharer returning to full time work
 - if the position/role is not filled in a reasonable period of time, consideration of alternate duties being offered to the remaining occupant/s etc.
- The right combination of people and skills needs to be considered as follows:
 - the ability to communicate effectively
 - a strong sense of accountability and work engagement, ability to build an effective partnership.

6.3. Negotiation

Consultation and Negotiation Principles

All applications are subject to negotiation and early discussion is critical. When negotiating arrangements, it is important to understand the other parties' perspective. Employees need to be aware there are a range of operational/business considerations that will be taken into account by the command/business unit. During a period of negotiation of a new agreement, any existing FWA remains in place, pending the final outcome of the review.

Discussions should be held between the parties to fully explore the employee's need, their request and all available options. During this discussion, consideration may be given to operational issues, short term trial periods, any identified issues and/or proposed solutions for both parties to consider and comment.

Meetings are an opportunity for the commander/manager and the employee to understand each other's needs; explore the extent of flexibility that is available from each party; consider options and alternatives and negotiate a suitable arrangement.

All parties involved in any flexible work discussion or negotiation process should:

- be professional and conduct themselves in line with the *Respectful Workplace Behaviours Guidelines*
- listen to different viewpoints
- be flexible (open to options/alternatives)
- collaborate and develop options based on operational/business requirements
- focus on solutions, not individuals.

Where difficulty occurs in negotiating an agreement, assistance can be sought from the Respectful Workplaces Unit, People & Capability Command.

Accepting or Declining a Request for FWA Application

Commanders/managers may only decline an application for a FWA on reasonable grounds related to the effect on the workplace and/or operational requirements.

If after proper consideration of options, an employee is unable to accept the alternative opportunities being made available (if any), a request may need to be formally declined. If declined, the reasons must be made clear to the employee. It is not sufficient for 'operational reasons' to be cited without clarification.

Commanders/managers should record the reasons for the decision on the *Flexible Work Options Form* and provide a copy to the employee.

Review of Declined FWA Applications

All attempts should be made to resolve application issues at the local level. Commander/managers and employees should seek the assistance of the HRM or equivalent. Where difficulty occurs in negotiating an agreement, assistance by either party can be sought from Respectful Workplaces Unit, People & Capability Command.

Where applications for FWA's are not supported, an employee may utilise the usual avenues for resolution under *NSWPF Grievance Procedures* or the dispute resolution procedures contained in the relevant Award.

Where a particular need is unable to be met or is difficult to accommodate the commander/manager may consider:

- implementing the requested FWA or an alternative arrangement on a trial basis to assess its feasibility
- consider whether the employee has an entitlement to a FWA for a specific period and reasonable options for this period have been identified e.g., during a period of part time parental leave without pay
- consider options such as realigning duties, relieving other employees into the role, enabling the employee to move into another position/role etc have been fully explored
- entering into a FWA for a specific interim period, conditional upon increases or changes occurring at the end of the interim date, to give an employee time to make alternative arrangements
- for police officers, transfer into an alternative position in which the arrangement can be accommodated in consultation with the officer. This may be temporary or permanent and should first be considered at the officers' place of attachment – transfer and tenure provisions apply. The HRM or equivalent may be able to assist in identifying locations in which the particular need may be accommodated.

Any trial or interim arrangement agreed to must be documented on the Flexible Work Options form.

Where subsequent applications have been lodged in a timely fashion, during a period of review or negotiation, any existing FWA remains in place pending the final outcome.

6.4. Agreement

The commander/manager has the Commissioner's delegation under HR 36 to approve FWAs. Where a new FWA that includes part time leave without pay is negotiated and approved, commanders/managers should be mindful that the employee will have a right of return to a full time position/role at the expiry of the agreement (unless otherwise stated).

The [Flexible Work Options Form](#) should be signed by both the commander/manager and employee and a copy placed on the employee's eP File.

Managing a Flexible Workforce

- Establish regular times to discuss work progress with the employee.
- In the case of an approved temporary change to work location agreement, ensure team meetings are scheduled on days when the employee will be in the workplace, where practicable or organise a conference call facility/virtual meeting option.
- Include the employee in training and professional development opportunities.

Impact of Transfer, Promotion and Remote Locations on FWA

Specific business requirements and capacity for flexibility can differ from one command/business unit to another. For this reason, flexible arrangements in place at one command/business unit may not be directly transferable to a new command/business unit or duty type, for the purpose of transfer or promotion. Employees with existing FWAs, who seek a transfer to another location and/or duty type, are to contact the command/business unit or commander/manager at the earliest opportunity to negotiate a suitable arrangement prior to commencement.

Employees need to take into consideration their need for work/life balance when applying for a transfer or promotion. Considerations may include, whether the changes are personally manageable in terms of safe travelling distance to and from work, hours of duty, duty type and any additional hours such as on call requirements prior to accepting the position and subsequent flexible working arrangements.

In assessing applications for FWA's made by police officers appointed to a remote or special remote location, consideration will need to be given by the commander/manager to the availability and cost of housing, where accommodation of the request would involve backfilling. Advice should be sought from the Transfers, Mobility and Secondments Unit and Police Property Group.

6.5. Review

Reviews of an FWA should be regularly scheduled, at a minimum halfway through the agreement and at least four weeks prior to the expiration of the agreement, however a review of a FWA can be initiated by the commander/manager or employee at any time. The current FWA will remain in place until the review has been finalised. Review dates should be documented on the [Flexible Work Options Form](#) at the time of negotiation.

Reviews may address:

- changes to the employee's personal needs or circumstances
- a change in workplace circumstances
- accommodation of performance/conduct management plans
- employee or commander/manager ability to provide additional flexibility
- problems identified with workloads or operational requirements
- more effective options or alternatives for implementing flexibility arise
- providing employees notice of future need to change their flexible work conditions or increase part time hours
- confirmation for both parties that the FWA is acceptable and will continue in the same format.

At the end of a FWA the employee, if working under an approved part time FWA, will generally revert to full time conditions unless a further period has been applied for and is still under negotiation/review. Further periods may be approved through a subsequent application prior to

the end date of the agreement. In circumstances where requested, a FWA may be extended for a further 12 months period following the initial agreement. Where an employee seeks to extend the agreement beyond a period of 24 months a new *Flexible Work Options Form* will need to be completed.

6.6. *Modification or Termination of an FWA*

The *Flexible Work Options Form* should cover the majority of circumstances within the NSWPF. However, this agreement is not exhaustive, and additions or alterations should be made to suit specific circumstances. Any alternative agreement must retain the core elements of the standard agreement.

A FWA may be terminated at any time by either party. Reasonable notice, generally considered to be four weeks, should be given in writing.

Any modifications to the original agreement must be negotiated by the employee and the commander/manager and recorded in Part F – Review of Previous Flexible Work Arrangements of the *Flexible Work Options Form*.

An approved FWA does not carry over to any new permanent or temporary position arising from a transfer or a promotion. The employee must submit a new application for the new position.

6.7. *Resumption to Full Time Duty*

Part Time Leave without Pay (PTLWOP) – Employee at work or on sick leave

For employees working at part time leave without pay, the return to full time duty is the end date as specified in the FWA, unless a further agreement is entered into. An employee may return to full time work prior to the end date of the agreement by giving four weeks' notice of their intention to do so. Reversion to full time will occur when the employee commences full time duties or when the agreement expires whichever comes first.

For consideration of special circumstances (e.g., officers on sick leave/out of the workplace) regarding reversion, advice should be sought from #PCCER which is subject to consideration of the specific circumstances of the matter.

When returning to full time work prior to the end date of an agreement, a lesser period of notice may be agreed to by the employee and their commander/manager. Longer periods of notice may assist a commander/manager to make necessary arrangements for an officer's return to full time work.

For an employee requesting to revert full time before the end date of their FWA any further arrangements at the time of reversion, for preferred shifts or changes to start and finish times etc, including continued temporary placement away from the employee's substantive location, will be subject to negotiation and a new FWA.

Sufficient EFT should be maintained to accommodate an employee's right to return to full time work on the end date of their FWA or prior to the end date when giving 4 weeks' notice.

Employees on part time parental leave without pay have a right to change their full or part time arrangement once within the first 12 months of parental leave.

Request by Employees on Sick leave for Further Periods of Part Time LWOP

Under the *Workplace Injury Management and Workers Compensation Act 1998*, an employee has a responsibility to actively take part in the recovery at work program.

For employees with carers responsibilities who may have been working part time under a FWA to meet their carers responsibilities prior to their injury or illness, the responsibilities may continue or dissipate. Should carers responsibilities continue, these should be reflected in the current FWA. Communication with the injured employee in this regard is essential including renegotiation where necessary of agreements that may have expired.

7. FLEXIBLE WORK ARRANGEMENTS DOCUMENTATION

Flexible Work Agreements

- [Flexible Work Options Form](#)
- [Flexible Work Agreements Fact Sheet](#)

Additional Working from Home Documentation

- [Working from Home Arrangements Checklist](#)
- [Workstation Self-assessment Checklist](#)

Additional Working from Home Support Documentation

- [Working Ergonomics Guidelines \(SMS 2.5.1\)](#)
- [Stretches for office workers \(SMS 2.5.3\)](#)