Building a flexible working culture

A conversation guide for managers

NSW GOVERNMENT

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FLEXIBLE WORKING

Contents

We've developed this guide to help you talk to your team about flexible working.

The NSW Government committed to making all roles in the government sector flexible by the end of 2019 on an 'if not, why not' basis. This means that everyone can begin a conversation about what type of flexible working is available to them, regardless of the reason for why they are seeking it, but it does not make it an entitlement; all arrangements need to maintain or improve service delivery. This guide helps you ensure that happens.

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Who can ask for flexible working

This policy commitment applies to all employees in the NSW government sector, including the following services, as defined in s.3 of the *Government Sector Employment Act 2013 (GSE Act)*:

• the Public Service

• the Teaching Service

• the NSW Police Force

• the NSW Health Service

• the Transport Service of New South Wales

• any other service of the Crown (including the service of any NSW government agency)

• the service of any other person or body constituted by or under an Act or exercising public functions (such as a State owned corporation), being a person or body that is prescribed by the regulations for the purposes of this definition.

This means that a person engaged in ongoing employment, temporary employment or casual employment whether on a full time or part time basis can ask to work flexibly. Contractors may also request to work flexibly; but they will need to discuss it with their third-party labour hire company.

Anyone can ask to work flexibly for any reason: the policy commitment is available to everyone, which means that employees no longer need to justify why they might ask, serve any probation periods, or have their eligibility defined by their performance. The key decision you will make as a manager is 'will this maintain or improve the quality of the work done?'. This guide will help you to make that decision.

We've also provided employees with a similar guide that outlines their responsibilities and obligations under this policy commitment, and how to decide the best arrangement for them to balance their needs with their work commitments. This should help to make your task easier – if their proposal for an ongoing flexible arrangement has been well considered, the task becomes easier for all concerned. We'll explore this in more depth in the section on 'Successful one-on-one conversations'.

Some employees have additional rights

Some NSW public sector employees have additional legal rights for flexible working. While the GSE Act allows for employees to work flexibly and covers the majority of NSW public sector employees, a small percentage are covered by the *Fair Work Act 2009 (Cth)*. The National Employment Standards in the *Fair Work Act 2009* require all "national system employers" to consider their employees' requests for flexibility – those employees who have worked for longer than 12 months and are from a certain category of employee (has carer responsibilities, is over the age of 55, has a disability, etc.).

These employees have a "right to request" rather than an absolute right to flexible work arrangements under the legislation. Employers may only refuse the request on reasonable business grounds, which places the onus on the employer to say, "if not, why not". The *Fair Work Act 2009 (Cth)* applies to a small number of agencies in the NSW government sector. Ask your Human Resources business partner if you think this could apply to you.

Learn about flexible working, and what is possible

The *Anti-Discrimination Act 1977* and *Disability Discrimination Act 1992 (Cth)* are also relevant as they allow for workplace adjustments for the categories of employees covered by these Acts.

Flexible working is just one form of workplace adjustment for employees with disability. Frequent breaks during the day, ergonomic desk set up, hot desking at alternate locations closer to home, a special chair or a standing desk are other examples of workplace adjustments that you can offer to an employee (or potential employee) with disability in your team. The best way to find out what might help is to ask the employee who needs it; they'll be the expert on their needs and what will help.

Explore what flexible working is possible in your agency

Flexible working is about rethinking the where, when and how work can be done, in a way that maintains or improves service delivery for the people of NSW.

When you understand the types of flexible working available, and what to take into account when setting up a flexible working arrangement with your team members, you can establish a successful arrangement that benefits everyone.

That said, not everyone will want to work flexibly, and flexible working may not be an option for every role. The key is to start a conversation with employees about what is possible in their context. This means that each arrangement can be quite different, depending on what the employee is seeking and what is possible given the inherent requirements of their role.

The PSC has listed on its website a few basics about the types of flexible working commonly possible, but check your agency policies and intranet to see which might be feasible under your current human resources (HR) and industrial relations (IR) settings.

Not all types of flexible work will be possible in all agencies, depending on the specific industrial arrangements, but you can discuss with your team the various types that are possible, and what options may suit your team member(s).

Employees enter, exit, and can re-enter the workforce, and may need to increase or decrease their workload at different life stages, depending on their personal needs. The type of flexible arrangement they may need will vary as a result, especially when considered in the context of their role and its inherent requirements.

For example, employees who are transitioning to retirement may want to use flexible working such as part-time or job share. Another example is when an employee's leave entitlements are taken in a flexible way, i.e. study leave or parental leave to allow them to juggle multiple responsibilities. Your agency's industrial arrangements will likely set the parameters of what is possible, but speak with your HR contact for any questions.

[1] Part 2-2, Division 4, Part 65 of the Fair Work Act 2009

Learn about flexible working, and what is possible

Flexible working can be ad hoc or ongoing

Flexible arrangements can be ad hoc and used only on an as-needs basis, or a more formal, ongoing change in employment or the way work is arranged.

Ad hoc flexible working

Ad hoc flexible working is where an employee uses flexible working arrangements from time to time on an occasional basis, such as requests to work from home to attend to a carer's requirement (or plumbing disaster) or shift swaps.

We recommend a work environment where people do not need to ask permission (that is, you're not the gatekeeper of requests), but they do have to stick to a a set of protocols that you have developed as a team. We'll explain more about how to set these up in Step 2, Talk to your team.

As a guiding principle, ad hoc flexibility should be a given and people should not feel like they need to seek permission or have burdensome rules around notice periods, but it must be managed by the employee so there is no net negative impact on the broader team, external stakeholders and the work. However, personal needs are not always predictable, so an approach that acknowledges this, with safeguards, is pragmatic.

Ongoing flexible working arrangements

Ongoing flexible working arrangements are established in a more formal way between a manager and an employee (although you can also set them up as a team conversation). Your role as a manager is to ensure that every arrangement finds an equilibrium between the person, their team and the business needs of your agency (e.g. coverage of certain skill sets over a set period). Examples can be switching to part-time, compressed hours, job share or an ongoing fixed day working from home. They may require more consideration and more planning as the impact on the work and the team can be larger.

Before we talk through what it takes to set up a flexible working arrangement formally, it helps to know why the NSW Government is committed to it.

Learn about flexible working, and what is possible

Why the NSW Government supports flexible working

The NSW Government made this policy commitment because it helps government sector workforces to respond to a number of emerging workforce challenges:

1 It helps us to meet our diversity and inclusion goals, for example, the ability to offer job share and adjusted hours is highly attractive to many demographics currently under-represented in the workforce because they're unable to vary their hours or work location.

2 It helps to manage costs, such as unplanned leave. Our data indicates that the more an agency reports flexible work usage, it also reports lower rates of paid unscheduled absences, a significant cost saving (source: NSW Workforce Profile and People Matter Employee Survey data, 2017).

3 It helps us to face some of the demographic shifts occurring across the workforce, such as older, experienced colleagues moving towards retirement, and younger workforces seeking portfolio careers; for example, vertical job share can be a solution to capture the experienced employee's knowledge and mentor the younger worker, who then has time to work on their passion project as well.

4 It helps us work in agile environments, where mobile work locations require flexible mindsets and a move beyond presence as a way of measuring productivity. Knowing how to work flexibly helps tremendously when it comes to agile office spaces.

5 It is linked to a more engaged workforce, with stronger perceptions of their career opportunities, their willingness to go above and beyond, better job satisfaction and ability to manage work-life stress, based on our employee survey data (source: People Matter Employee Survey data 2017).

6 And ultimately, more engaged employees lead to better service outcomes, which leads to better outcomes for clients/customers.

Learn about flexible working, and what is possible

Build an awareness of your HR and IR landscape

Most agencies have a page on their intranet that details your agency policy, and any additional requirements for specific arrangements, e.g. switching to part-time or working from home. Make sure you familiarise yourself with these, and what you and your team can do.

Your industrial award and enterprise flexible working agreement will usually set out the framework for how your agency's policy is designed, and things such as timesheets will be designed on that basis as well. While you're not expected to become an expert on these, it is often worth discussing any concerns or limitations with your HR partners and seek their guidance on what may/may not be possible. While your agency leaders are responsible for implementing change across these areas, you can still implement flexible working within your workplace, at least through the systems and processes you are responsible for, and especially where your agency's policy on flexible working supports you to do so.

Many awards and agreements have little-known clauses that allow for a truly 'local' (or bespoke) arrangement outside the standard ones between a manager and employee, but always seek advice about it from HR before entering into one regarding protocols, success measures or any safeguards that may need to be in place. These bespoke arrangements typically require executive approval as well.

Workplace health and safety is also a critical consideration for any arrangement, whether it is rostering rules to prevent over-work or working from home and ensuring a safe environment. Again, review your agency guidance or policy and reinforce it with your team.

Learn about flexible working, and what is possible

Check your own flexible working capability

The role of managers in flexible working is to both coordinate and support team members to make the most of flexible working. Managers discuss performance as part of reviewing flexible working arrangements and ensure that flexible working continues to meet team and business needs. Managers of flexible working teams need to be:

Good communicators, especially good listeners

Good at helping remote staff communicate amongst each other

Good at helping their staff manage their time effectively

Good at understanding remote staff members' needs in relation to support and social activities

A workplace culture where team members feel they can openly raise concerns and have them addressed adequately helps minimise negative attitudes from team members. Attitudes to flexible work are easier to manage when flexible working is embedded within the way your team functions.

You can do this by:

1. Speaking positively about flexible working, promoting the benefits and role modelling.

2. Addressing misconceptions that people working flexibly are unproductive or not interested in a career.

3. Promoting the wins and successes of flexible working and directly address the challenges.

4. Communicating the contribution that all team members make, working flexibly or not.

5. Making sure everyone knows that flexible working is an option for every team member. Be consistent and fair about decisions while at the same time, sensitive to team members' right to privacy around the reason(s) they are requesting to work flexibly.

6. Ensure that you schedule team meetings at times most people can make it, which may mean rotating timeslots/days.

The good news is that most of the skills needed for managers to facilitate workplace flexibility are the same skills they already possess: managing a team, monitoring workloads, supervising, appraising and supporting employees.

PSC has developed a <u>self-assessment tool</u> that you can use to identify any skills gaps to focus on as you build confidence as a manager of flexible working teams.

Complementary to the self-assessment tool is a <u>development guide</u> that includes suggestions of activities and resources to uplift your skills.

Learn about flexible working, and what is possible

Understand your own misgivings about it

While most of us want to support flexible working, we can all have misgivings about how to make it work, especially if everyone wants to do it. As managers, you probably already face challenges in balancing managing budgets, workloads and KPIs, and caring for your team's welfare - particularly if your team does difficult work in a stressful environment. Some members of your team may share these misgivings as well.

We've collected some of the most common concerns and suggested potential workarounds or solutions. Most challenges with flexible working can be mitigated with thought and planning, while some others are people or capability challenges, rather than flexible working itself.

Misgivings		Potential solutions
Productivity	How will flexible working arrangements of team members affect the team's ability to deliver their work on time, to a high standard and maintain business and service requirements?	• Discuss as a team the potential impacts in advance and what can be done to overcome them, especially in peak periods. • Suggest a trial phase. • Agree on key KPIs. To measure if a trial is working or not
Commitment	The belief that team members who work flexibly are not committed to their jobs.	• This fear can often stop people from asking. Proactively offer and communicate that employees who work flexibly can still progress in their career. From your perspective, you will know how committed team members are over the period of a trial phase when you see them deliver on their KPIs, and see them engaged in their work. • You may also have some high-profile executives in your organisation who work flexibly; it isn't the career limiter it may have been in the past. Ask if they can speak at a team meeting.
Trust	That team members will be unproductive, particularly if they are working off-site, without direct supervision.	• Set and agree upon clear goals and expectations for the work to be done • Schedule the 1:1s frequently, and focus them on progress against the goals set • Schedule in face time for specific work issues that arise.

Learn about flexible working, and what is possible

Scheduling	How to schedule flexible hours so that they work within the team environment.	• Discuss scheduling conflicts or times when the team will be short staffed and devise ways to ensure service delivery and business requirements are met. • Ask the team to be flexible in their arrangement to meet time needs.
Communication	The loss of informal communication mechanisms, particularly if team members are working off site.	• Introduce more ways to communicate, such as social media, instant messaging, online training and monthly on-site meetings. Technology is usually an easy quick win in this case.
Entitlement	A very few employees may adjust to considering their flexible arrangement as an individual entitlement they have, rather than a negotiation that needs to work for the team, the customer and the individual	• Reiterate the importance of everyone in the team having a shared responsibility towards their own and team outputs and measure their progress against those. It may be possible to work a compressed week, take study leave and have a flex, but few succeed at that and getting all of their job done. Coach realistic goals and their achievement, and ensure they are aware of their responsibility not to leave work to their colleagues while they pursue an individual plan.
Scale	What if everyone in the team wants to work flexibly, and some arrangements clash? How will the work get done?	• 'If not, why not' means that potentially everyone can work flexibly, but the work still needs to get done. This is why discussing it as a team is the best place to start; agree your team goals and what work has to be maintained or improved, and only then consider what flex arrangement might work. If arrangements clash, consider a coverage plan, taking turns, and considering who may not be able to work at all if not for a given arrangement. Step 2 will explore this is more detail.
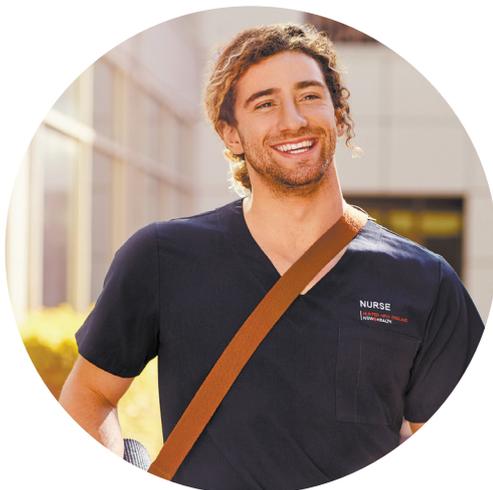
Consider how flexible working could help you manage workforce challenges

While the reasons for asking for a flexible arrangement do not matter in the decision to grant it, the way flexible working is used can open up the workforce and career development to people whose may have great skills, but for any given reason may not fit the mould of the 'ideal worker'. In this section, we explore some of the ways it can be of mutual benefit to your need to recruit and build a team of talented, capable people, and their need to manage work and life.

1 **You want to promote an employee who is worried the role will be 'too much', or resigns because their circumstances change, and they don't think the role could be done differently.**

This is a typical challenge for many (but not all) parents returning to work; how to juggle a demanding role with an adjustment to a more demanding home life as well. Many flexible working initiatives have come about as a response to preventing that resignation, and putting supports in place. Typical supports include encouraging the whole team to book meetings during school hours only, being open (where your industrial arrangements allow) to compressed hours, offering working from home days, or trialling a job share paired with an entirely remote arrangement, as was the case for Service NSW.

Case Study
Service NSW

Jody Grima, Executive Director, Service Delivery, Service NSW, was able to retain talented workers by offering a job share arrangement to Kristie Clarke and David Walsh.

Here she shares how she did it:

"Kristie submitted her resignation to move up north for her family, but I didn't accept it. Instead, we discussed other options, such as working remotely and working part-time. I could see that her role needed full-time coverage, and I wondered if a job share could work. I asked Kristie if she would consider trying it. David was at a different point in his life, wanting to wind back work in order to travel. By supporting job share, it meant I could access two different perspectives, strong outputs, and a diversity of thought.

We all saw job share as an experiment, and understood from the start that the role would need to evolve from how it had been done before. For example, we initially tried to keep the team whole, so everyone reported to both Kristie and David. But we quickly found that this caused duplication, and for Kristie and David, keeping each other informed was taking up almost as much time as the work itself.

So we played with the model; for example, assigning a lead for select day-to-day initiatives, while the other person would step in when the lead was not there. We experimented with what worked and didn't work. There was no fixed approach – just a recognition that the job share would need to adjust to fit its people and team context.

The combination of Kristie and David is superb. Getting a good rhythm and pattern in their job share meant they needed to work with each other, and have flexibility in their structure. We adjusted reporting lines and the accountabilities of the role, to ensure there was both individual and collective ownership. There are some initiatives that only one person runs, but for some things they are jointly accountable. As a leader, I have two hard workers for the price of one. Kristie and David are both really engaged in the workplace, and Kristie's regional location adds another lens through her engagement with her community and how she goes above and beyond with it.

From an employer's perspective, this job share has been wonderful, and their outputs have lifted the bar for the larger team. Not only did we get to keep a great Director, we've shown the benefit of working with the team to work out the right model, as well as providing a great example for the larger organisation on how it can work."

Learn about flexible working, and what is possible

"Lack of flexibility has been shown as one of the primary barriers to greater workforce participation of women."

WGEA, 'A strategic approach to flexibility'.

2 **You have an employee you can see is at risk of burnout or struggling to manage multiple commitments, but may be worried that if they ask for flexible work people will think they're not serious about their career, or they have their own biases about who gets to ask (it's only for working mothers, employees who have been here for ages, etc).**

As a manager, while everyone is under pressure to hit targets, burn out is a risk in every workforce and every sector, and it is better to be pro-active about offering flexible working to these employees. As we know, their productivity is unlikely suffer, but you will probably avoid their needing an extended break or even resignation.

For some colleagues, a poor experience of having asked for cultural or community leave before can also prevent them from asking. Yet using flexible working can make it so much easier for them to balance these commitments plus also take the pressure off, leaving more time and headspace to focus on their role. For example, it may help during important cultural events such as NAIDOC week, when time off to travel and attend events can be covered via NAIDOC leave, but some work could also be done from a remote location to minimise the total time away from work – if doing that makes sense. However, you may need to pro-actively raise or recommend this as a solution, as your employees may variously not be aware this is possible, be concerned to ask because of past bad experience, or have ruled themselves out because they assume they're not eligible. Raising it in conversation could help find a solution that works for them, for your team and your outputs.

Take time to communicate that flexible working is available to everyone, for any reason, and don't underestimate how many are wary of asking from guilt or worry over their career. Be a visible role model by using it yourself (if you want to) and discussing why you use it. It makes a difference.

Case Study
NSW Local Land Services (LLS)

Chief Executive Officer, David Witherdin role models flexible working and actively encourages employees to "make family events the first priority and to find the right balance between work, family, friends and community". He recently used technology to participate in a senior executive meeting by video conference so he could attend the graduation ceremony of his daughter.

Learn about flexible working, and what is possible

We also know from the PSC 2018 Workforce Profile data that most Aboriginal employees are in regional areas (63.2% in 2018), yet only a minority of overall senior leadership roles are located outside Sydney (18.9% in 2018). Re-thinking where roles are located can assist more Aboriginal employees in regional areas to enter into leadership career pathways.

Case Study
Roads and Maritime Services (RMS)

RMS offers a variety of flexible working options to help employees balance their life with work, including NAIDOC leave for Aboriginal and Torres Strait Islander employees.

Jinaya Walford, Policy Support Officer, Program Management uses flexible working to celebrate NAIDOC and balance work with community and cultural responsibilities.

Tell us a bit about yourself, who's your mob?	I am a Bundjalung and Gamilaroi woman. My mother is from the far north coast, Lismore and my father is from out far west, a town called Walgett. My parents met at Kirinari Aboriginal hostel at Gymea; it provides housing for remote Aboriginal students. After school they moved back west and dad worked on the railways.
	Although my bloodline and home is where my family originates, I grew up in Bathurst. When I was a teenager, my mum received an opportunity to work in Corrective Services and our family made the big move to Sydney where we have stayed since. Mum still works there and is a great role model to me and many others.
How will you be celebrating NAIDOC this year?	I'll be going to the National Centre for Indigenous Excellence at Redfern on 13 July. I will be taking NAIDOC leave to attend. It's fantastic to see everyone embracing our culture and it's a great opportunity to connect the community.
	I will also be MC'ing a NAIDOC event here in Parramatta which is another opportunity to showcase our culture and share our stories.

Learn about flexible working, and what is possible

Case Study
Roads and Maritime Services (RMS) continued

How often do you have the opportunity to visit your country?	As often as I can. I visit family in beautiful Bundjalung country where mum comes from. Our family up there is pretty large. Walgett is way hotter, so my mother's home town wins for the most visits. Going back home to either country is my way to rejuvenate my mind and my spirit. Connection to land and family is important to me.
Have you ever used your NAIDOC leave day to attend NAIDOC activities?	I've used my NAIDOC leave to attend community events and my boss is always supportive. They understand that at this time of the year I am out of the office a bit.
What other flexible work arrangements have you used to help balance your work life with family, cultural and community responsibilities?	I have used a combination of flexible options to find that balance. Sometimes I work from home, particularly when I am travelling up north and want to get out of Sydney before the rush. I've worked in other RMS locations, even a heavy vehicle inspection station and I worked part-time after maternity leave. These days I start and finish at different times to meet the needs of my family and support the business. I've also used annual leave for Sorry Business (the period of mourning for deceased Aboriginal people). I have lots of relatives so need to be with them at times like that.
What programs, information or resources help you balance work and community and cultural responsibilities?	Many years ago I had to extend my leave for Sorry Business and my manager didn't understand. The Aboriginal Engagement team assisted to help explain the cultural and family responsibilities of Aboriginal people. Sometimes it's hard to talk about those needs and in that instance I found that the people in that team were a good voice for me. I would consider the team a valuable resource. I always read news updates on the intranet; it's been a good way to keep updated on what's available. I am also an active networker and my family helps keep me updated with what's happening in the community.
Do you have any tips for how people can better balance work and their community and cultural responsibilities?	Communicate your needs to your manager. Show accountability and manage your workload while using flexible arrangements. You need to be accountable for your work but you also need to communicate to your manager if you need days off.

3 **You have an employee (or potential employee) who has a temporary or ongoing medical condition or disability they need to manage**

All of us, particularly as we get older, are at risk of developing either a temporary or ongoing medical condition that may mean we need to adjust how we work; the hours, the place or how we do it.

It may take the shape of rest periods or longer periods for medical appointments, breaks for treatment or adjusting start and finish times because of medication side effects. They may benefit from job share, input into their roster, part-time work or working from home. Ask the person what they need, and you may find the solution is relatively easy to implement; flexible working, is after all one of the mostly commonly requested workplace adjustments, although noting that adjustments extend far beyond just flexible working.

For prospective employees who experience disability, ask at the interview if any accessibility adjustments , including flexibility, could help them to do the role. Adjustments let a person with disability perform the essential requirements of their job. They can include changes to premises, facilities, equipment, work practices or training.

Asking what could help can start the conversation about working out how to better support them, which is a useful conversation starter for any potential employee.

You may be also be asked by an employee with disability to have a confidential conversation about their need to work flexibly. Before attending, encourage them to think of arrangements that may meet their needs, as they'll understand their disability best. You can also prepare by seeking advice from HR or your workplace's disability employment network.

Of course, other workplace adjustments may be supported by the Employment Assistance Fund, which is at no cost to your workplace.

The wider context is that the NSW Government has a Premier's Priority to double the representation of people with disability to 5.6 per cent by 2027. Access to flexible working for these employees will help the sector achieve this goal.

Case Study
Dawson Ko, Senior Advisor (Public Service Commission)

"Living with disability (blindness) I've embraced flexible work practices to maintain my sanity! On Monday - Thursday I work from our CBD office, and on Fridays I have an agreement with my manager that I work from home (all I need is WiFi connection and a hot cuppa and I'm all set!). To tell you the truth I don't mind navigating the crowds and obstacles in the city 4 days a week, but there's nothing like starting and finishing work relaxed and free from anxiety on Fridays! #Winning!"

4 **You have a valued and experienced employee who tells you they want to scale back their work, rather than retire completely at the expected date next year**

All that experience and memory is so vital to capture, and flexible working can help you and your employee handle this transition.

After a lifetime of work, an increasing number of employees do not want to completely exit the workforce on turning 60 or 65, yet many who report wanting to retire at 65 often do by 60. In this instance, an arrangement like a vertical job share (sharing their role with a more junior employee seeking development and being paid for the proportion they complete) could help grow skills for the other employee, yet free up time for the older employee. Job share is an effective way to gain two skill sets and perspectives for the price of one, and is generally highly productive.

Some older employees also enjoy part-time work, and looking at the way their role is designed can help free them up to focus on the parts they may especially enjoy or be expert in, and offering the other components to other employees wanting development in these areas. You could also see if it is possible to work from other locations or work from home, as many employees may 'tree' or 'sea' change in the lead up to retirement.

The Willing to Work: National Inquiry identified flexible working as a key workforce strategy for retaining older workers, amongst others such as recruitment and retention practices that are non-discriminatory, provided targeted education and training in the workplace, building healthy workplaces, and facilitating transitions for mature aged workers.

Case Study
Roads and Maritime Services (RMS)

One branch of RMS, the Operations and Compliance Branch, has a workforce demographic of almost 20% aged 55 and over.

Through the Diversity and Inclusion Plan 2020, RMS has identified flexible working arrangements such as job share or part time work as a phase-to-retirement or succession plan strategy.

Learn about flexible working, and what is possible

5 **You may be struggling to attract good people to entry-level roles in a competitive labour market**

Depending on where your agency is located, you may have a tougher time attracting employees to your agency roles, especially if you require a niche or highly specialised skill set. This may particularly the case for younger employees with different expectations of their roles, who may want a portfolio career (i.e. a number of part-time roles, to build different skills), or want time to pursue a side, passion project.

Flexible working, such as job share or compressed hours can attract this demographic and encourage retention. Providing time to pursue other pursuits through innovative rostering arrangements or compressed hours (where feasible) can be especially attractive to younger workers, who have very high rates of volunteering (as distinct from unpaid placements)[1].

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1 NSW Commission for Children and Young People, Submission on volunteering and unpaid work placements among children and young people, available online, May 2014

A growing body of research points to the growth of the alternative workforce—particularly as it relates to many millennials "opting out" of the traditional workforce. In the United States, more than 40 per cent of the workforce now works on a contingent basis, and more than two-thirds of millennial and Generation Z workers work "side hustles".

Deloitte, 'Human Capital Trends Report' (2016).

Case Study
Better Regulation Division

Anna Wade is a Policy Manager in the Better Regulation Division of the Customer Service cluster. She has job shared with Julie Wright for over 6 months so that she can have job security and experience a challenging government sector role, while at the same time pursue her own business on the days that she is not in the office.

We discussed in Step 1 cases where your team may be worried about approaching you individually about flexible working because of perceptions they're not serious about their career, don't want to look like they're asking for special treatment or mistakenly assume it's only for certain people.

The other challenge to plan for is how you can offer flexible working to everyone in your team – how do you do this at scale, and yet still meet targets, budgets and KPIs?

The solution in both instances is to be pro-active and take a team-based approach. While late in 2019 the PSC will release a toolkit with two suggested methodologies for running a flex work trial using team-based design, you can get started almost straight away with a few core principles, and ongoing conversations.

Schedule a team meeting to discuss it

To begin a conversation about flexible working, set up a team discussion to specifically address it – you may need around two hours. Prepare beforehand by building your own knowledge base on what is realistically possible at your agency, as described in Step 1.

Then, you can run the meeting using this structure:

1. Begin by discussing the work the team has to deliver over the coming year. Discuss and agree your shared objectives, goals, and an understanding of what everyone has to do. This can include clarifying who your key stakeholders are, and their expectations.

2. Confirm your typical peaks and troughs of work, and when things may need adjusting

3. Discuss any awards or agreements that may influence the flexible working options available, and then list the options available (a pre-conversation with HR will help here, or they may be happy to attend for this section). Make sure all options possible are discussed – the where, when and how. Ensure your team knows where to find the policies and processes, and try to understand what is and is not possible.

4. Confirm the technology you have and will all use to keep in touch

5. Then, and only then, explore what flexible working might be available for everyone in the team who wants it, and agree to trial it for a while, e.g. 3-6 months.

6. Check the technology again – will these plans require anything additional, and is this possible or reasonable? For example, if someone already has a workspace provided in the office, it should not be an agency responsibility to fund the setup of a different workspace at their home or elsewhere (although some agencies may have specific guidance otherwise). If the entire office is moving to work at home entirely, however, this is a different (and much larger) conversation. If the technology is not available, consider if there are any workarounds that you can sensibly support to make flexible working happen (such as remote access via an employee's device). Alternately, new technology and how it will release people from their desks or counter could be the catalyst for this entire discussion.

Talk to your team

7. Together, ask the team to plan for changes and decide together how to overcome any possible challenges they can see – or adapt accordingly.

8. Plan for how you will inform other teams, senior stakeholders or customers who may notice the new arrangements, although no arrangements should have a negative impact.

9. Set up regular checkpoints, i.e. monthly for your team, and any other 1:1s for job performance discussions where someone may want to discreetly raise an issue with an arrangement that is having an impact (theirs or someone else's). At the team checkpoints, discuss how it is going compared to the shared objectives, goals, and work you all agreed had to be done, as a measure of whether it is working or not.

10. And act quickly when it is not working – flexible working is not a five-year software transition, it can be built and dismantled relatively easily. But start that conversation from a place of 'is there another way we can make this work'?

A team-based approach

Taking a team-based approach in the workplace is an opportunity for teams to more strategically plan and arrange their work, with a view to making it more efficient and building an understanding of shared goals and responsibilities amongst team members. It also gives everyone an equal chance to ask; they may not get all they want, but the shared process builds an understanding of why.

When ⟶ **Where** ⟶ **How**

This is also an opportunity to build and demonstrate trust with your team. If you trust them to do their roles in the office, they should be able to do it outside the office. If there is a performance issue, it is also possible that flexible working can help (e.g. consistent lateness or absenteeism from juggling commitments solved through a later start time or another work location).

Discussions with your team may include scheduling time to talk through concerns that any team members may have and need to explore further, to address these and come up with solutions. During this session, respectfully address any concerns or biases, and see if their concerns can be resolved through planning or team protocols.

Case Study
Mirvac

Mirvac launched its Building Balance program in 2016, aiming to challenge the attitudes and behaviours embedded in the construction industry and re-think the way processes and procedures are undertaken. The program included various initiatives around improving flexibility, communications, productivity and streamlining processes.

An unexpected success from Building Balance was 'My Simple Thing'. This initiative asked construction employees to think of one simple change they could incorporate into their work lives to improve their work-life quality, such as starting later to drop off the kids from school or finishing earlier one day per week for sports training. This simple idea, without significant infrastructure to support it, snowballed and drove significant change.

Without many systems and policies in place, teams began making informal arrangements to allow 'My Simple Thing' to work for them. Sites began developing site plans that detailed each team member's 'My Simple Thing' and how teams could work together to make it happen (e.g. "You're leaving early Wednesday afternoon to go soccer training so I'll cover your jobs and you can cover for me on Friday morning, when I start later after dropping off my kids").

The percentage of employees using formal flexible working agreements (i.e. agreements that require documentation) has now increased from 14% to 20%. 76% of construction employees now report they have the balance they need between work and life quality.

Read more here

Set up the rules of the road

It's also a great idea to set up some 'rules of the road' for how you will all work flexibly as a team. For example, agree on the processes for communication you'll all use if a team member is working elsewhere; e.g. home, hub, another government office.

- What is the process for team meetings or sharing information? Can these be scheduled on a day that everyone is working from the office?

- How will the team use email, Skype, phone conferencing etc.

- How might the structure of meetings change to get the most out of the 'connected' time?

Other operating principles might be to:

Coverage plan	Have a weekly team "coverage plan" that includes: • Work objectives and allocation; • Team meetings; • Who is where, when; and • Procedures for handovers and back-up.
Client conversations	Have transparent conversations with clients about flexibility, including team working patterns and how quality outcomes will be ensured.
Work demands	Develop a plan for responding to peaks and troughs (and be transparent in communicating potential shifts in work demands) and check in to see if changes are needed.
Meetings	Decide how to include anyone working remotely in meetings, or to at least be advised of the discussions and decisions that affect their work, if meetings are held on their days off.
Technology	Use technology. Share calendars so everyone knows where team members are or use a team calendar. You can use software such as Trello to track work in progress.
Remote access	Provide remote workers with a laptop with remote/VPN access. Use conference call facilities, Skype/ Facetime for meetings and technology such as Confluence to collaborate.

Talk to your team

Manage multiple arrangements with planning

One of the common concerns in office-based workforces is that managers will look around the office and most or all their team will be missing. However, it is not unreasonable or impossible to set an expectation that team members will coordinate their flexible working arrangements so that there is adequate coverage in the office over a normal working week, if that is genuinely needed. Achieving this may require some extra planning and team-based discussion but you can achieve this by using a work schedule and calendar (which will also help you plan for employee holidays and extended leave periods). If they're working elsewhere, do not worry about the optics of an empty office, but challenge the convention that presence means productivity. Encourage curious colleagues to use Skype (or equivalent) to find remote colleagues rather than relying on interrupting others in the office for information they may not have.

Give and take

Some ways to cover employees' work when they are not in the office include:

It is reasonable to require your employees to give as much notice as possible, preferably 24 hours' at least, if they plan to work away from the office. Clearly communicate your expectations about whether your team members are required to attend certain meetings or events face to face. The clearer you make your expectations, coaching your team members to know how to work flexibly in the context of your team, the more satisfactory the arrangement will be for both you and your team members.

Frontline roles will require a different conversation, although the principle of setting up 'rules of the road' still applies, but perhaps it relates instead to roster requests, where industrial arrangements allow it. Think through what are the non-negotiables in service delivery, then have a team-based conversation about how the service can be delivered, and if there is opportunity to offer some flexibility to everyone.

Buddy systems
Another employee could respond to urgent queries

Mutual flexibility
Employees agree to be flexible with their arrangements when emergencies and unforeseen deadlines occur.

Work intensification

In an age where employees can be responding to emails and phone calls at any time and in any place, the issue of work intensification is one that affects employees both working flexibly and those who are not.

Many employees who are working flexibly can feel guilty or "lucky" for their arrangement, causing them to overcompensate and work more than the role requires, to prove the arrangement is working and they can still meet performance expectations.

These habits require managers to maintain a 'radar' so that they can raise it with employees and communicate clearly about reasonable use of email, etc., and safeguard against burn out and loss of the employee to the organisation.

Role model good flexible working yourself

Creating the right environment for flexible working includes proactively adapting your own management style and approach to account for employees' flexible working arrangements, to model an openness and acceptance to new ways of working.

To increase the uptake of flexible working, managers will need to network with other managers, trouble shoot the existing barriers and develop innovations so that flexible working becomes commonplace and all employees are adept at working collaboratively with those who are working flexibly.

Whether or not you decide to work flexibly yourself, employees will take their cues from how you respond to flexible working, and how you publicly celebrate the benefits and success stories. Many people managers are unaware of the shadow their own approach to flexible working casts on their teams, with employees once removed unwilling to ask if they sense hostility. 'Leaving loud' creates permission for others to ask.

Talk to your team

Have solid performance tracking systems in place

Regular and meaningful conversations about performance and how work is going provide an opportunity to continuously improve by focusing on productivity, challenges and successes. In the context of flexible working, this may include conversations about changing personal circumstances, technology barriers and impacts on the team.

Managers of flexible working teams practise outcomes-focused performance management which involves[2]:

1 **Establishing accountability**

Flexibly working teams often need greater transparency about the work being done across the team, and this can help ensure accountability. One way to achieve this is by using an online tools such as Smartsheet or Trello so that everyone can see what others are working on.

2 **Building in autonomy**

Flexibility often means that employees will work more autonomously. Research and experience clearly show that when employees are given greater autonomy to decide how they achieve work outcomes, they work more productively and are more engaged. Arranging one on one check ins with team members every 2 weeks, or even longer, will give your team members the chance to 'find their own way' between check ins. You will need to use your intuition when it comes to knowing how regularly you should meet with individual team members. Some people thrive on more support and contact, others on less.

[2] WGEA Manager Flexibility Toolkit: https://www.wgea.gov.au/sites/default/files/documents/42373_manager_flexibility_toolkit.pdf

3 Discussing performance as part of reviewing flexibility arrangements

Employees need clear, factual feedback about how they're tracking in relation to performance objectives. Discussions should focus on objective, observable facts. If a results-based management framework is in place, there will be clear and readily accessible information about the person's performance to hand, and they should know what is expected of them from the outset.

For example, if there was a set date for a set of tasks to be delivered, you can assess if each task has been completed within the agreed timeframe.

A performance plan will help identify what the employee's performance is being measured against, i.e. what are the specific goals or key performance indicators (KPIs) that both you and your employee have agreed will be met, and by when.

A performance plan will also assist you to monitor and evaluate how the flexible arrangement is working over time, although it is important to remember that an employee's poor performance isn't necessarily because they have a flexible working arrangement.

The range of causes of poor performance should be identified and addressed, including a strategy for how the employee can adjust the way they work to more effectively meet their KPIs, what supports or training they may need, and what type of flexible working will complement this strategy.

4 Celebrating and recognising success

Reward good performance, especially when the excellent outcomes were met working flexibly. Not only does rewarding good performance contribute to stronger results, it also improves morale and employee engagement, and gives you a 'good news story' to broadcast to the rest of your agency about how well your team has adopted flexible working.

It is important you find ways of measuring productivity when team members are not visibly present in the workplace.

Conversations focused on outcomes[3] may involve:

Direction setting

- What do we need to achieve and why?
- Are there broader strategies that drive or influence our work?
- What problem are we aiming to solve?

Planning and design

- What is the best way to achieve this and have we got the required capability and capacity?
- How can we engage and reflect the relevant diverse stakeholder voices?
- What are the best indicators of success?
- How can we ensure flexibility and agility in delivery?
- What are our strengths to leverage and challenges to address?

Implementation and delivery

- Are we implementing and delivering as planned, and managing our capability and risk effectively?
- What progress have we made so far and what adjustments are needed to progress further?
- Are we delivering in a manner that is consistent with public service ethics, values and standards while meeting standards of timeliness, quality and accuracy?

Review

- What impact have we had and what improvements can we make?
- Are there any unintended consequences to consider?
- Does the employee need to update their diversity information?

Support flexible roles to perform effectively. This means you will ensure that employees have the skills to work flexibly.

What do they need to know, say and do to perform in their role, work collaboratively and stay connected with the team?

You can access the PSC flexible working skill sets assessment tool and development guide for employees here. This is an excellent resource for managers to identify and communicate with their teams about what it takes for employees to successfully work flexibly.

[3] QLD Public Service Commission https://www.forgov.qld.gov.au/file/31711/download?token=Vvj3escr

Successful one-on-one conversations

The guidance in this section relates primarily to ongoing flexible working proposals, including those that may involve a temporary or ongoing adjustment to employment arrangements (such as going part-time or job sharing).

Receiving a flexible working proposal from a team member is a good sign that you are building an open and trusting environment.

Tips & tricks of making flexibility work

Start from the position of **'how can we make this work?'**

Be creative and solutions focused – flexibility can take many forms.

No one size fits all – everybody and every situation is different.

Promote a 'guilt-free' attitude to requests. Be open to options and outcomes focused.

Cultivate an **open & trusting environment**.

Poor performance is not a reason to deny a proposal to work flexibly.

Flexible working must be **mutually convenient** to the employee & the agency.

It is important to stay open to options and be outcomes focused, starting from a conversation that focuses on, 'how can we make this work?'

If an employee flags that they would like to consider a flexible working arrangement, ask them to let you know what they're proposing, then set up a time to discuss it with them as soon as practicable (and definitely within 21 days of receiving their suggested arrangement). Ask them to come prepared to discuss how they plan to make it work, using a tool such as the PSC's checklist for preparing a proposal, or any guidance your agency has prepared.

Prepare for the discussion by considering these points:

- Explore the implications of the proposed flexible working preferences on the business needs.

- Speak with any team members and/or stakeholders who may be affected by the flexible working arrangement in order to gather their feedback/suggestions.

- If your team member is proposing a job share arrangement, consider how this type of flexible work will need a bit more planning and thinking around how to divide the responsibilities between job sharers, depending on the model of job share used. See the PSC guide, Job share for managers.

During the discussion, cover these points:

- If your team member is asking for flexible working arrangements to manage their disability at work, take the time to understand their needs and how the approach they identify can help meet those needs.

- If what they've proposed is unrealistic because of the requirements of the role, a lack of technology or industrial arrangements, or if the arrangement will negatively impact on team cohesion, see if there are any alternative options that could work for the team and the employee.

- Discuss how the proposal can be implemented, including any costs, monitoring to see how it is going, and how to assess whether it is working.

- Be ready to discuss other flexible work options if after these steps you have concerns about the viability of the proposal.

Tools to develop a flexible working agreement

The PSC has developed a checklist for managers to consider when reviewing a flexible working proposal. The checklist assists you as a manager to explore all aspects of the arrangement and develop a proposal for the ongoing agreement, or to identify any alternatives in the case that the suggested arrangement may not work.

Access a copy of the Manager's Guidance for considering a Flexible Working Proposal from the PSC website.

It will also help if your agency has a template that can be used by employees and managers to help you formalise an agreed upon arrangement with an employee. The example provided below helps you work through the arrangement from the business perspective but this conversation is also a good opportunity to connect with your team member about how flexible working will make a positive difference to their work / life balance and how they anticipate it will impact on the way they feel about their role, their team and the agency.

Use the following steps in order to review and approve the flexible working proposal	Yes	No	N/A
How does the arrangement proposed continue to support and deliver business outcomes?	☐	☐	☐
Flexible working can improve service delivery and customer satisfaction. How will the arrangement continue to meet the needs of the customer (internal/external)?	☐	☐	☐
Does the arrangement proposed require an adjustment in workload or the way the work is arranged, and can this be accommodated within the team or other means?	☐	☐	☐
Does the flexible working arrangement proposed address any potential impacts on the broader team?	☐	☐	☐
Are there any operational or business restrictions on when and where the work proposed can be performed? If yes, identify them and why, for discussion with the employee.	☐	☐	☐
Do the team and the individual have the resources needed for the arrangement to work (i.e. remote access, technology, communications, IT security, minimum capability requirements), or propose a reasonable workaround?	☐	☐	☐
Have the WHS arrangements been considered and documented as per agency requirements?	☐	☐	☐
Consider how the arrangement will be reviewed (e.g. ongoing or periodic basis). When and how will the arrangement be measured? Set timeframes for check-ins.	☐	☐	☐
Have you discussed the grounds on which you would terminate the arrangement, should that prove necessary?	☐	☐	☐
If the proposal is unsuitable, have you identified other types of flexible working that could suit this role and/or outlined next steps?	☐	☐	☐

Put it in writing

When you have talked through the proposal with your employee, ask them to submit the formal proposal to you in writing.

You will need to respond within 21 days of receiving the proposal. It is important that you let them know what your agency's process is for review of the proposal and whether or not there is an appeal process they can use.

If all goes well, you should be able to sign off and assist the employee to get started in their new flexible working arrangement as soon as the team and any other stakeholders have been notified of the changes.

If the proposal received is still not workable in your opinion, ask your manager in turn to discuss it with you. We recommend a second pair of eyes on any refusal so the employee can see a fair process has been followed.

Trials and check ins

A trial period is generally useful, for example, working from home options may be agreed on a trial basis of three or six months and, after this time, can be discussed and next steps agreed. Set a date for when you will review the arrangement and how often e.g. annually after that.

Flexible working doesn't always run smoothly the first time around and can require some adjustments in habits and perspectives all round, sometimes in areas neither you or your team could anticipate. Success requires some effort from both managers and team members to adjust arrangements until the right mix is found. But it's designed for trial and error; just be prepared to adapt or think of fixes as you go.

Over time you can make quick adjustments as and when issues arise and get feedback from your team member about how the trial phase is progressing.

It is important to discuss and agree to frequent 1:1 'check ins' to be able to respond to any changes to the work being performed or the team set up, so that the arrangement continues to work for everyone. New arrangements can take adjusting to, so be prepared for some trial and error while issues are ironed-out. These reviews could also be included in quarterly performance management discussions, when you are already having a conversation about whether performance goals are met.

A lack of performance is not justification for removing an employee's flexible working arrangement – this may even exacerbate the reason they are not performing. The idea is to work together to find an arrangement that works best for the agency, the team and the employee.

- Distinguish between the impact of flexibility and sub-par performance.

- Follow the normal procedure if performance is identified as being the cause of the issue.

- If the issue is due to the arrangements, talk with your team member about how to vary them or identify possible alternatives.

- Continue to seek feedback and evaluate progress

Successful one-on-one conversations

When you need to say no

It is reasonable and responsible to refuse a flexible working request if your employee will not be able to perform their role effectively, or if the arrangement will prevent others in your team from getting their job done effectively or impact team cohesion too much. Here is a quick guide on what to do:

1. Use the role description and its key responsibility areas and performance criteria as the basis for refusal – it will explain the inherent requirements of the role. Relate the request to these requirements, and discuss it with your employee. Talk with them to see if a different arrangement could work better. If it can't, ensure you discuss this with your own supervisor, and have them endorse your decision on operational grounds.

2. It is important to document your decision-making process to show how you genuinely reviewed their proposal to work flexibly, including your rationale for why you believe the role cannot be done successfully under the proposed arrangement. For employees covered by the Fair Work Act, this documentation is required – discuss it with your HR contact.

Using inadequate time served, performance issues or employment status (e.g. casual) are not adequate reasons for refusal, unless your agency policy specifically provides for refusal on these grounds. The PSC has suggested a range of scenarios that should generally not be used to refuse a request.

WHS and working remotely

Working from home or another location requires some thought, but only that which any reasonable person would take to ensure their wellbeing and safety at any time, during work hours or otherwise. Your agency may have a checklist for your employees to complete to demonstrate that care and consideration of their safety has been reviewed, before you allow them to work remotely. Some of the factors to ask employees to consider are:

• They have adequate lighting, ventilation and minimum noise disturbances;

• There are no slip or trip hazards or other hazards such as electrical, fire, intruders;

• They have access to a first aid kit, fire blanket and well-maintained smoke alarm;

• If they are working with sensitive information, they have adequate security measures in place to preserve the confidentiality of the information;

• The workspace supports their ergonomic needs: desk, chair, equipment, computer;

• You have established good communication channels so that you know where they are, how to contact them, and who to contact if they become uncontactable and you are concerned for their safety;

• You have a team procedure in place if they will be dealing with difficult calls or clients, and need to debrief;

• They can 'switch off' at the end of the work day to avoid intensification.

If the employee has a disability, encourage them to make use of the Employee Assistance Fund.

Navigating tricky scenarios

Here are some of the typical dilemmas about flexible working requests that we've encountered, and our suggested ways to handle them:

Request	Response	
"I'd like to work from home today. My 3 year-old is sick again, and I'm worried about the days I've missed lately."	While your employee is demonstrating commitment to their work goals, flexible working is not a substitute for child care, and they should take carer's leave instead, particularly if the child requires any medical attention. The work deadline will either need re-negotiation or a team mate to cover it. There could be some cases when a sick child can be at home and work can still get done; e.g. a 16 year old with a temperature who wants to watch TV. Discuss these instances with your employee to gauge how much work disruption there would realistically be.	
"I've been sick. I am pretty sure I can get work done from home – but I don't think I could make it in to the office. I'd like to work at home"	Discuss this one with your employee. As a rule, employees should use their sick leave to get the rest and recovery they need. However, there will be times when they are generally well enough to do some work at home, especially if there is a long commute. Discuss it with them and exercise judgment.	
"I would like to work from one of our offices closer to home. Do you think that would be possible?"	Flexible working is about the team, which means it is very important to have some team/face to face time. Use the team principle to negotiate with this employee how many days they would like to do this yet can still effectively interact, collaborate and stay in the loop. You'll also need to talk with a manager at the other office to see if there's space, and clarify with HR any travel expenses (typically only allowable where someone has been directed to travel and their nominated job location is other than where they are working).	

Successful one-on-one conversations

Request	Response
"I'd like to do a compressed week, with all of my hours done in four days"	Your first step is to check with your HR contact to see if this is possible under your policy or agency flex work agreement/policy – it may not be the case. Your second step is to talk with your employee about the reality of compressed hours – they sound theoretically great, but can the job genuinely be done effectively in four days, with no need for colleagues to call on them for the fifth, and mitigate the risk of slowing down the work of others'? Compressed hours are often more stressful than they appear for those using them, and require real flexibility to adapt days according to deadlines and deliverables. You will also need to consider if flexi time can be accrued under these arrangements – again check with your HR contact.
"I have a regular working from home day, and while I recognise we have a team event on that day, I will not change my day"	Use the flexible working principles of 'give and take' and 'about the team' to discuss this with your employee. As a general rule, making inflexible arrangements around flexible working is not sustainable. Everyone will need to adjust their arrangements some time, especially when a given project or piece of work requires it. While it's ideal to have team events on days everyone can attend, sometimes it's unavoidable or out of your control. While remote access or recording may be an option, it isn't always the case. Ultimately, you will need to talk with your employee, and explain that flexibility is a two-way street, and not an entitlement.
"I want to work flexibly, so I can study and use study leave, work from home and bank my flexis to use as a block during school holidays. Can we talk about doing this? You said you were committed to flex".	The last statement in this sentence is likely to make you feel you're on the back foot, but rather than focus on the flex arrangements and how many they're proposing, re-focus the conversation on how the work is going to get done. How will this colleague achieve their outcomes and goals to the standard required? Is their proposal realistically achievable? Gently push – many of us have a tendency to bite off more than we can chew, then things start to suffer across the board. Ultimately, this employee needs to demonstrate how their proposal will still get the work done. Use the principle of 'mutual benefit' to ensure they've thought it through – arrangements are not entitlements, and the work still has to get done.

Request	Response	
"I'd like to work flexibly like \<colleague's name\> does from now on. It's not fair that she is part-time and doesn't work Tuesdays, and I want to as well"	If there are coverage requirements in your team, then use the principles of 'context matters' to discuss this with your colleague. Fair and equitable access does not mean the exact same arrangements are the result. There could be good reasons that this other employee needs their arrangement to be every Tuesday for now, as they could not otherwise do their job (e.g. they have no childcare that day). That said, if it is convenience rather than necessity, explore if there is a way to rotate coverage, as both may need to give and take.	
"I want to work from home two days per week, but I need a certain software on my computer to do my job. Will the agency purchase this for me?"	Context matters. While some agencies have specific policies to address this, generally the principle applies that if an agency is already providing the tools needed to do a job at the office, then an employee cannot reasonably expect an alternative location be established at agency cost, and should explore other flexible options, or if the work done at home can be planned so the software is not needed.	
"I am worried that there will be days when none of the team is in, so I'll set caps or a percentage on how much flex we have in our team"	Like scenario 7, it's important to embrace the principle that context matters. Setting artificial limits can be just as risky as allowing a free-for-all; there is no 'right' amount of flex, there's just what works to get the work done. Using a team-based approach allows you to work with your team to establish the work to be done, and then considering what flex will be possible. Starting with a fixed upper limit in mind will risk creating haves and have nots, which can be corrosive to team culture. However, if your team are not adhering to the 'rules of the road' you've set, you may need to consider a temporary rule around usage.	
You are asked by someone whose performance has deteriorated in the last six months to work from home one day per week.	Flexible working is not a reward, and poor performance is not a reason to say no. It is very reasonable, however, to discuss their recent performance with them and ask how they plan to address it. Agree the goals and outcomes to be achieved, and then trial the flexible working arrangement. Having pre-agreed goals gives you something to measure their performance against in your 1:1s. Ensure you consult your HR contact around these discussions.	

Discussing flexible working with new employees

New employees

Employing someone new is an opportunity to implement flexible working from the get-go. Use flexible working to attract excellent candidates who may otherwise worry about the demands of the role and not apply.

Think about the structure of the role.

As a manager you can change aspects of a role to enable flexibility in where, when and how it can be done. Talk to your HR team if you'd like some advice on how to do it. One example is advertising a role as job share for the first time, such as an executive role, where the benefits of having 'two heads' and a much wider range of skills in one role are well documented. This could mean you attract applications from talented people who need part-time work for whatever reason, but because quality part-time roles are rare, they're not active in the job market.

Advertise your support for flexibility.

If you can offer flexibility, promote this in your role advertisements so that applicants know they can request it if they get the role. Again, it makes your role more competitive in job markets where you may not be able to compete on price.

Include your agency's support for flexible working in the interviews.

Include mention of your support for flexible working in the interview, and how it could be done in the role and agency context. Ask the candidate if they have any flexible working requirements or ask if they have worked flexibly in any previous roles. For example, you can let them know that your team members are able to work remotely, but that you encourage everyone to be in the office on a common day for regular team meetings, etc. You could mention your support for part-time, if that's feasible, or job share.

Include flexibility in the way you welcome a new employee.

When someone accepts a role, forward ahead of time any checklists or forms needed for any flexible working arrangement you've agreed, and step them through your agency's approval process for the arrangement. Making sure new employees know what the agency's flexible working policy is from the start will help everyone stay on the same page. This includes how their flexible working arrangement will be discussed at regular check ins. If they're job sharing, have a joint email for the role set up (see the PSC's job share guide for hiring managers, and other resources).

What if the arrangement is not working?

What if a flexible working arrangement is not working?

Flexible working arrangements must work for the employee, manager, the team and the agency. Set the expectation that everyone will need to 'give and take' when it comes to accessing flexibility in the workplace. For example, employees may at times be required, if possible, to swap their day off or remote working day, to respond to urgent business needs.

Give and take is important.

The arrangement may need to change permanently depending on a range of factors, influenced by the work being done, the team, the agency direction and/or the employee's own situation. If at any time the arrangement is no longer mutually beneficial, managers and employees should meet to discuss what has changed and to negotiate an alternate arrangement that continues to meet both the needs of the employee and the business needs.

If you believe that the flexible working arrangement is no longer working, schedule a meeting with the employee - or your whole team if it involves the team. If possible, a one up manager or HR contact could also be part of these discussions or their planning. Talk with your team member about how to vary their arrangements or identify possible alternatives.

If it seems the issue is actually conduct or performance-related and not flexible working related, follow your standard agency processes.

At this meeting, outline how the operational requirements of the role/s, or any agreed protocols around ways of working are not being met (e.g. not providing enough notice of needing an ad hoc change, or not letting people know where they are). Agree on what needs to be improved, and clarify how that can be done. Confirm what will change, and follow it up in writing. Agree a trial period for the new approach.

If, over time, the improvement needed is not made, then discuss with your HR contact your agency's process to unwind the arrangement, giving the employee as much notice as possible in case they need to unwind any personal arrangements. The level of complexity here will depend on how formal the flexible working arrangement is; for example, a return to full-time work is different to a reminder to provide 24 hours' notice for working at home ad hoc.

Continue to seek feedback and evaluate progress. Remember, sometimes arrangements may not work out, and this is not a failure. Others may have teething problems that can be ironed out. Be patient and prepared either way.

Employment Assistance Fund

The Employment Assistance Fund gives financial help to buy work related modifications, equipment, Auslan services and workplace assistance and support services.

This fund is available to eligible people with disability who are about to start a job, are self-employed or who are currently working. It is also available to people with disability who need Auslan assistance or customised work equipment so that they can seek employment.

The fund can help people with disability buy workplace modifications and services such as:

• assistive technology

• modifications to your physical workplace

• modifcations to work vehicles

• information and communication devices

• Auslan interpreting services

• disability and mental health awareness training for the workplace.

For more information about the Employment Assistance Fund, visit www.jobaccess.gov.au/employment-assistance-fund-eaf.

For more information about the Employment Assistance Fund, visit www.jobaccess.gov.au/employment-assistance-fund-eaf.

For helpful guidance for managers with team members who may be experiencing mental health issues, access the 'R U OK?' Conversation Guide.
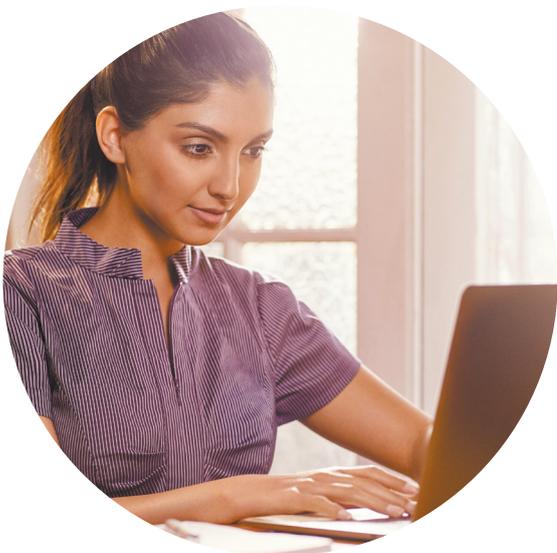
Flexible working for Aboriginal and Torres Strait Islander employees dealing with trauma

Aboriginal culture is made up of many communities and many societies. At the heart of each Aboriginal society are values that include an immense physical and spiritual connection to family, community and country.

The impact of trauma

Since British colonisation began in 1788, Aboriginal and Torres Strait Islander peoples have experienced a loss of spirituality, loss of land, loss of culture and loss of language, and been adversely impacted by Government policies, including the forced removal of children. Many Aboriginal people continue to face racism in their daily lives and workplaces.

Between 1863 and 1969, over 6,000 Aboriginal children in NSW were forcibly removed from their families and communities, and placed into institutions, fostered out or adopted by non-Aboriginal families. It is estimated that between 1 in 10, possibly as many as 1 in 3, Aboriginal children were removed in this way between 1910 and the 1970s. Not only did these children, who became known as the Stolen Generations, and their families and communities suffer the trauma of separation, many were abused at the hands of their carers. Ongoing racism and dispossession from lands has also caused profound trauma for many of these communities, even for those who did not feel the impact of forced removals.

Trauma has had devastating and ongoing consequences for Aboriginal people. The disruption of culture and the negative impacts on the cultural identity of Aboriginal peoples has had lasting unresolved negative effects, sometimes passed from generation to generation. This transgenerational trauma is transferred from the first generation of trauma survivors to the second and further generations of offspring of the survivors.

The symptoms of trauma can vary on an individual basis but include chronic pain, depression, low self-esteem, guilt, violence and distrust. The impacts for Aboriginal communities are experienced as poor health, education, substance abuse, incarceration and low income. Recognition of these injustices is the first step towards healing.

For Aboriginal people, healing is a holistic process, which addresses mental, physical, emotional and spiritual needs and involves connections to culture, family and land. Aboriginal kinship also means that their family structure includes extended family members and other Aboriginal people in the community.

How flexible working can help

In order to improve outcomes for Aboriginal people, managers can and should be culturally aware, and also learn how to respond to team members healing from trauma. Where possible, managers should seek the advice and support of their Aboriginal work colleagues or their Aboriginal employee network.

You can do this by firstly becoming aware of Aboriginal and Torres Strait Islander culture, of the history of Australia's treatment of Aboriginal peoples, and of the trauma that has been passed on through generations. The PSC will also launch an eLearning course to assist managers to explore in depth trauma within Aboriginal society and the workplace around February 2020. Check the PSC website for further information.

Providing a culturally safe workplace is important for helping all Aboriginal people know they belong and are respected and valued in your team. You can read the PSC Aboriginal Protocols Guide and learn what events are particularly important for any Aboriginal and Torres Strait Islander team members to attend.

Managers are encouraged to pro-actively assist Aboriginal team members to access flexible working and relevant leave entitlements to maintain connection with family, culture and country. This supports your employees and colleagues to attend culturally significant events, to spend time on country, to attend to Sorry Business when there has been a death, and by using their NAIDOC leave to promote recognition of the Aboriginal culture.

By using flexible working, your Aboriginal and Torres Strait Islander team members can balance their family and community commitments with the responsibilities to your team and their role. Your team member could be working remotely while they are on country but still staying on top of their workload. You could allow them to adjust their start and finish times to attend events, or offer job share as a way to juggle community, family and work, yet progress their career. In the NSW Government sector, over 60% of our Aboriginal and Torres Strait Islander workforce is located outside the Sydney region, meaning a thorough consideration of the 'where' a role is located can be hugely helpful in attracting this talent – especially in leadership or leadership pipeline roles, which are rarely located outside Sydney .

Whatever the solution, don't wait for your team members to request flexible working. Ask team members what events will happen throughout the year that they may need to participate in, and build them into your workplan so that your team can still deliver on its projects.

What are the different types of flexible working?

When we say **flexible working**, we mean re-thinking the way we plan and arrange…

When it takes place → **Where** it takes place → **How** we organise it

Types of flexible working can include, but are not limited to:

When

Bid rostering	Lines of work/shifts are generated and then bid for by team members/employees.
Flex time and banked time	Working extra hours where required over several days or weeks and then reclaiming those hours as time off.
Flexible rostering	Employees submit requests for the shifts they would like to work and the days they want to be rostered off. The roster is then built taking these requests into consideration, trying to accommodate all requests where possible and practical. Rosters can often accommodate part time and job share via different combinations (e.g. a 40% allocation of total shifts per roster period, a 75% allocation, etc).
Flexible working hours/ Flexible scheduling	An alternative to the traditional 9 to 5, 35/38-hour work week. It allows employees to vary their arrival and/or departure times. Employees and managers should familiarise themselves with the provisions of their relevant Flexible Working Hours Agreement.

Where

Activity based working/ Agile working	Employee do not 'own' or have an assigned workstation. Rather, the broader workspace provides employees with a variety of predetermined activity areas that allow them to conduct specific tasks including learning, focusing, collaborating and socialising. They can adjust where they work or who they work near according to the nature of the task or outcome required.
Telecommuting/ Remote working	Working at a location other than the official place of work. Mobile working, distributed work, virtual teams and telework are collectively referred to as telecommuting.
Working from a different location	An employee may work from an office closer to home or closer to meetings they need to attend during the day. This could also include workings hubs, other government buildings/locations.
Working from home	Working from home some (or all) days of the week

📥 How

Compressed working week/ Compressed hours	An employee may work the same number of weekly working hours, compressed into a shorter period of time. For example, a 35 hours week may be worked at a rate of 8.75 hours per day for 4 days instead of 7 hours for 5 days. Changes to salary are not required but public holidays, treatment of hours beyond the contract hours (e.g. potential for claim for overtime) and leave arrangements need to be taken into consideration.
Job share	A full-time role is undertaken by two or more employees who are paid on a part time basis for the hours they work.
Part-time work	A regular work pattern where you work fewer than full time hours. Note the days worked can be varied by mutual agreement.
Shift swapping	Allow shift workers to trade shifts with each other, enabling flexibility to meet both work and personal needs, without sacrificing one or another.
Split shifts	A type of shift-work schedule where a person's work day is split into two or more parts (such as morning and evening) separated by more than the normal periods of time off (as for lunch).

Not all types of flexible work will be possible in all agencies, depending on the work involved and sometimes specific industrial arrangements, but you can discuss with your team the various types that are possible, and what options may suit your team member(s).

For more information
visit the PSC website.

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FLEXIBLE WORKING

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