

Flexible Work Arrangements Policy

People & Culture Policy

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New South Wales
Crime Commission

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Page 1 of 12

Contents

1	Purpose of the Policy	3
2	Responsibility for the Policy	3
3	Scope of the Policy	3
4	Definitions of the Policy	3
5	Policy Statements	4
5.1	NSW Government working principally in the workplace	4
5.2	Principles of Flexible Work Arrangements.....	4
5.2.1	Universal Flexible Work Arrangements.....	5
5.2.2	Mutually Beneficial Flexibility	5
5.2.3	Flexibility and the Team Context.....	5
5.2.4	Give and Take Assessment.....	5
5.2.5	Flexibility and Leadership.....	5
5.3	Types of Flexible Work Arrangements.....	5
5.3.1	Part Time Work.....	5
5.3.2	Job Sharing.....	5
5.3.3	Compressed Work Week/Compressed Hours	5
5.3.4	Work from Home	6
5.3.5	Telecommuting/Remote Work.....	7
5.3.6	Working from a Different Location.....	7
5.3.7	Shift Work.....	7
5.3.8	Shift Swapping.....	7
5.3.9	Split Shift.....	7
5.3.10	Ad Hoc Home-Based Work.....	7
5.3.11	Flexible Hours.....	7
5.3.12	Care for a Dependent	8
5.3.13	Employee Availability - Contact and Attendance On-Site.....	8
5.4	Business Continuity Plan and Work from Home.....	8
5.5	Variation to the standard Award bandwidth	8
5.6	Formal Documentation and Approval.....	8
5.7	Formal Review	9
6	Related Policy and Documents.....	9

1 Purpose of the Policy

This policy explains the flexible work arrangements available to NSW Crime Commission employees and outlines how staff may apply for such arrangements.

The Commission is committed to supporting employees by providing a flexible work environment and options to meet business objectives, improve employee engagement and productivity, and attract and retain a skilled workforce.

This policy aligns with the NSW Government's *'if not, why not'*¹ commitment to a sector-wide flexible workforce that benefits employees, employers and the wider community.

2 Responsibility for the Policy

This document is binding on all Commission employees (full time, part-time, ongoing, casual and temporary). The following Commission employees have specific responsibilities in relation to flexible work arrangements:

- Employees seeking a flexible work arrangement.
- Managers
- People & Culture Manager, People & Culture Team and Business & Finance Services
- Divisional Heads (Commissioner, Assistant Commissioner (Legal), Chief Operating Officer, Executive Directors)

3 Scope of the Policy

This attendance policy applies to all employees regardless of their position or type of employment.

4 Definitions of the Policy

This document is binding on all Commission employees (full time, part-time, ongoing, casual).

Flexible Work Arrangement is a formal agreement between an employee and Management that allows workplace flexibility in the form of working hours, working places and/or working practices.

Flexible Work Arrangements Register is a spreadsheet maintained by the People & Culture Team that documents an employee's flexible work arrangement.

Request for a Flexible Work Arrangement Form is a form completed by an employee requesting a flexible work arrangement.

¹ The *'if not, why not'* commitment refers to the NSW Government's approach to reshaping ideas around where, when and how work can be done in a way that benefits staff, agencies and customers as outlined in the Public Service Commission's paper *'Make Flexibility Count Strategic Framework for the NSW Government Sector'*.

Staff Variation Form is a document that notifies the People & Culture Team and Business & Finance Services of changes to an employee's current work arrangement.

Work Health and Safety Checklist for Home Based Work Site is a checklist completed by an employee regarding the adequacy of their home environment for a working from home arrangement.

Working from Home Agreement is a formal agreement between an employee, who has received approval for a flexible work arrangement, and the Commission.

5 Policy Statements

5.1 NSW Government working principally in the workplace

NSW Government Circular C2024-03 NSW Government Sector workplace presence provides that Government Sector employees should work principally in an approved office, workplace or related work site. This Circular does not strictly prescribe patterns of attendance and many workplaces allow for ad hoc variations according to the needs of employees and organisations. However, the starting position is that work is principally done in an approved workplace in NSW.

The Commission is responsible for our agency's flexible work policies, including to ensure we can deliver services effectively for the community. They may direct employees in relation to their working arrangements if the direction is lawful and reasonable.

The Commission's policy principally requires attendance at the office and where possible to spread attendance across all days of the working week.

5.2 Principles of Flexible Work Arrangements

Flexible work 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. The approach of 'if not, why not' means that everyone is able to begin a conversation about what type of flexible work is available to them, regardless of the reason for why they are seeking it.

Flexible work is available to all NSW government sector employees, including those who have recently commenced with the agency. Commission employees should reflect on how their role can be performed flexibly and consider how their proposed arrangement will continue to meet core business needs, serve clients and stakeholders, and align with the way their team works. too.²

Commission employees are to abide by the following principles reflective of the NSW Government's commitment to workplace flexibility:

² NSW Government Public Service Commission - <https://www.psc.nsw.gov.au/culture-and-inclusion/flexible-working/accessing-flexible-working>

5.2.1 Universal Flexible Work Arrangements

Commission employees may submit a request to their manager regarding the type of flexibility they consider appropriate for their role, if it meets the needs of their work situation, their team, and the Commission's operational and business objectives.

5.2.2 Mutually Beneficial Flexibility

On receiving a request for a flexible work arrangement, managers must take into consideration the individual merits of the application. Flexible work arrangements must not diminish productivity or increase labour costs but rather create the best outcome for their team members and the Commission.

5.2.3 Flexibility and the Team Context

Commission employees are to consider the impact flexible work arrangements will have on the performance and structure of their team. Any changes to workloads are to be fair and equitable for all team members.

5.2.4 Give and Take Assessment

Not all types of flexibility will be available for every role, and this will be assessed through the management review process. Flexible work arrangements may change or cease to meet operational and organisational needs when reviewed.

5.2.5 Flexibility and Leadership

Members of the Executive Team will promote work flexibility in their divisions/unit by openly discussing, modelling and enabling the benefits of such arrangements.

5.3 Types of Flexible Work Arrangements

The Commission provides the following types of flexible work arrangements:

5.3.1 Part Time Work

A regular work pattern where an employee works fewer than full time hours. The days worked can be varied by mutual agreement. Some positions may be permanent part-time. The salary and conditions for part-time employees are calculated as a percentage of full-time hours, but on a pro-rata basis.

5.3.2 Job Sharing

A full-time role is undertaken by two or more employees who are paid on a part-time basis for the hours they work.

5.3.3 Compressed Work 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-hour week may be worked at a rate of 8.75 hours per day (8 hours 45 minutes) for 4 days instead of 7 hours for 5 days. Similarly, under a

compressed hours working arrangement, 70 contract hours over a fortnight can be worked at a rate of 7.78 hours per day (7 hours 47 minutes) for 9 days instead of 7 hours for 10 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.

It should be noted that for employees on a compressed work week or compressed hours working arrangement the following apply:

- the non-workday that forms part of any such arrangements must be a nominated set day and cannot be changed from week to week.
- the additional daily hours associated with compressed work week or compressed hours working arrangements do not apply to leave days or public holidays.
- leave taken and public holiday entitlements will be debited at the standard daily hourly rate of 7 hours.
- where leave days or public holidays fall within a work cycle an employee will need to make up the additional hours that would otherwise have been worked on those days on the other workdays in that cycle.
- nominated non-working days that form part of leave taken in weekly, fortnightly, monthly etc lots, count as standard 7 hour leave days and not non-workdays and must be treated as such in both leave applications and flex sheet entries.

While this option is available, managers have a responsibility to ensure that compressed hours are managed within their teams to ensure appropriate coverage across the working week remains in place. To this end, no more than 2 team members may take the same compressed workday off in teams with less than 5 team members to ensure customer service levels can be maintained.

Key management considerations associated with compressed work week or compressed working hour arrangements include:

- flexible work arrangements require a balance between personal staff needs, the needs of the team and the needs of the organisation
- business operational requirements are satisfied (ensuring deadlines and key stakeholder expectations can be met when considering work arrangements including start and finish times)
- burnout consideration balance for team members (long work hours in a single day)
- coverage for leave (multiple people off on a single day due to flexible work arrangements, flex days, annual leave and unexpected personal leave etc)
- maintenance of acceptable individual and team performance levels.

5.3.4 Work from Home

Working from home some (or all) days of the week. This should not be used to provide care for dependent children (refer to 4.2.12). Where work from home approval is sought, the Commission expects that hybrid working principles will be maintained i.e. a balance of in office days (minimum 3 days per week) and work from home days.

Exceptions to this principle can only be authorised by the relevant Executive member. Conditions of employment remain unchanged and the number of days working from home can vary. To be eligible for this arrangement, the employee's duties and reporting requirements need to suit the business needs of the Commission.

It is mandatory for all employees to have completed and submitted a Work Health and Safety Checklist for Home Based Work Site prior to such arrangements.

5.3.5 Telecommuting/Remote Work

Working at a location other than the official place of work. Mobile working, distributed work, teams and telework are collectively referred to as telecommuting. This is subject to meeting Commission security requirements and if applicable a Work Health and Safety Checklist for Home Based Work Site.

5.3.6 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 working hubs, other government buildings/locations and is subject to meeting Commission security requirements.

5.3.7 Shift Work

Shift work enables service provision beyond the standard core business hours. Shift work is managed via a roster system to ensure the necessary coverage to meet business needs.

5.3.8 Shift Swapping

Shift swapping allows employees to trade shifts with each other, enabling flexibility to meet both work and personal needs, without sacrificing one or another.

5.3.9 Split Shift

A type of shift-work schedule where a person's workday 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).

5.3.10 Ad Hoc Home-Based Work

Sometimes a short-term need may exist for which an ad hoc home-based work arrangement may be granted without a formal agreement by a member of the Executive.

It is mandatory for all employees to have completed and submitted a Work Health and Safety Checklist for Home Based Work Site prior to such arrangements. Ad hoc requests for very short-term home-based work would typically be for one or two days and only up to a maximum of five working days, depending upon individual circumstances.

5.3.11 Flexible Hours

Flexible hours may assist employees to manage their work and personal commitments without changes to the total number of hours worked. Any change to work hours must consider the needs of the business and follow a management approval process.

5.3.12 Care for a Dependent

If a Commission employee is responsible for the care of a dependent, the employee may request a flexible work arrangement. The request may be refused if the arrangement is impractical, too costly, or result in a significant loss of productivity.

5.3.13 Employee Availability - Contact and Attendance On-Site

The employee is required to be contactable during business hours, both by phone and by email, and is also required to attend compulsory training, undertaken either at the Commission or off-site, when required.

5.4 Business Continuity Plan and Work from Home

In the event the Business Continuity Plan (BCP) is activated, and the decision is made for a larger number of Commission employees to work from home, special requirements may need to be implemented to ensure staff have the required resources to engage in their normal duties.

Please note: A Working from Home Agreement is not required when the Commission's Business Continuity Plan and Pandemic Response Plan are activated. However, all staff will be required to submit a current Work Health and Safety Checklist for Home Based Work Site.

5.5 Variation to the standard Award bandwidth

Employees can seek to have a variation to the core working hour bandwidth stated in the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 (The Award). The bandwidth under The Award is 07:30 am to 6:00 pm Monday to Friday.

As part of the flexible work arrangements policy, on application for a flexible working agreement and subject to meeting operational and or business requirements this can be varied to 6:00 am to 9:00 pm Monday to Friday.

This will enable staff to work flexibly and enables a wider application of flex time. Hours worked within this revised bandwidth can be recorded as flex time and utilised on that basis.

5.6 Formal Documentation and Approval

Employees seeking to apply for a flexible work arrangement must submit the appropriate forms outlined in the 'Flexible Work Arrangement Procedures'. Working from home proposals can only be approved by a member of the Executive Team. This approval cannot be delegated.

The approving Executive is responsible for ensuring follow-up documentation is provided to all relevant parties once a working from home proposal is approved. Ongoing flexible work arrangements must be formally reviewed every twelve months thereafter, or at another time checkpoint as agreed with the Executive

Copies of all approvals and supporting documentation should be provided to People & Culture Team to enable registration of the arrangement and copies to be placed in the employees' confidential HR personnel folder.

When necessary, the Commission's People & Culture Team will arrange additional training, coaching and support to Commission employees around flexible work arrangements and performance expectations.

5.7 Formal Review

Flexible work arrangements can be reviewed at any time by the staff member and their manager. A formal review of flexible work arrangements, including working from home is part of the Performance Development Agreement and Plan.

6 Related Policy and Documents

Links to:

1. [Flexible Work - Request for a Flexible Work Arrangement - Aug 2024 \(A2540216\)](#)
2. [Flexible Work - Working From Home Agreement - Aug 2024 \(A2540218\)](#)
3. [Flexible Work - Work Health and Safety Checklist for Home Based Work Sites - Aug 2024 \(A2540217\)](#)

Version Control

Version	Effective Date	Update Comments	Author
1.0	11May15	Initial version.	Governance Team
1.1	01Dec16	Section 3.1 Procedures amendment and minor naming updates.	Governance Team
1.2	16Oct18	Policy – 1. Purpose minor amendment. Working from Home Agreement – 1.7 Implementation procedures – minor amendments; Equipment 2.2 – minor amendments; removal of 2.6; Removal of 9. Training. Updated Work Health & Safety Checklist for Home Based Worksite.	Governance Team
1.3	06Dec18	Removal of Annexures - <i>Working from Home Agreement, Request for a Flexible Work Arrangement and Work Health and Safety Checklist for Home Based Work Site.</i> Addition of	Governance Team

Version	Effective Date	Update Comments	Author
		Objective file plan for templates. Removal of reference to Executive Director/Director and replacement with Divisional Heads. This change is also reflected in updated templates in Objective.	
2.0	26Oct20	Major rewrite of policy statements in line with NSW Government policy guidelines and Centium audit recommendations of December 2019. Revision of procedures to incorporate more HR input and review mechanisms. Development of new performance review forms.	Governance Team
2.3	18Jan22	Changes to Trial Periods, Compressed Hours, Work from Home, Remote Work, Ad-Hoc Home Based Work and Formal Documentation and Approval policy statements. Inclusion of Variation to the Standard award Bandwidth statement.	Governance Team
2.4	08Mar23	Small, grammatical adjustments and removal of restriction on compressed hours arrangements to PSSE staff only. Clarification of management responsibilities relating to compressed work arrangements and hybrid working arrangements.	People & Culture Manager
2.5	5 August 2024	Minor review and incorporation of Premiers Department Circular C2024-06 NSW Government Sector workplace presence - <u>C2024-03 NSW Government Sector workplace presence</u>	Chief Operating Officer

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Related Documents	<u><i>C2024-03 NSW Government Sector workplace presence</i></u>

