

## ADVICE NOTE: Workplace Flexibility

### Key Points

Workplace flexibility is an important enabler of gender equality. Attracting and retaining diverse talent is crucial to future-proofing the workplace and the Australian economy more broadly. Making workplaces more flexible and responsive to the needs of employees is a key way of doing this.

Flexible working arrangements offer a range of benefits to an organisation, including but not limited to<sup>1</sup>:

- Increased staff loyalty, satisfaction and commitment
- Improved workplace productivity such as reduced costs of employee turnover and absenteeism and enhanced attraction, recruitment and retention
- Improved service delivery
- Being recognised as an employer of choice
- Providing smoother transitions for employees between work and parental leave
- Enabling employees to maintain their effectiveness at work by meeting the needs of the work area, while also accommodating other personal responsibilities
- Enabling people of all genders access to equal opportunities and outcomes
- Increased morale
- A more resilient workplace
- Meet legal requirements<sup>2</sup>

### What is workplace flexibility?

A flexible work arrangement is an agreement between a workplace and an employee to change the standard working arrangement to better accommodate an employee's commitments out of work.

Flexible working arrangements usually encompass changes to the hours, pattern and location of work. Flexibility is becoming increasingly important for all employees as employees and managers balance competing priorities in life.

Flexible working is not just for office workers. There are numerous examples of shift-based roles with access to flexibility. Some examples include:

- Giving employees the ability to design their own rosters with remote access through rostering and shift-swapping applications
- Flexible start and finish times
- Combining and sharing roles, for example: four days in an operational role and one day in a role that allows for remote working.

*Current employee expectations mean that flexibility is essential for talent attraction and retention and, at a time of skills and labour shortages, providing effective flexible working arrangements is also becoming a way to reach and secure previously untapped labour.*

*Champions of Change Coalition,  
2022*

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<sup>1</sup> WGEA, 2016, Unpaid Care Work and the Labour Market

Managers can sometimes confuse some relatively minor and ordinary work adjustments with the idea of flexible working arrangements. For example, someone taking time off as carer's leave, compassionate leave or parental leave is not the same as working flexibly. These arrangements fall into the same category as annual leave and personal leave, in that they are standard employee rights at work. While part-time work is currently considered to be a flexible working arrangement, the realities of part-time work are often much the same as those of full-time work and may not offer much flexibility around time or location of work<sup>3</sup>.

## What can flexible work look like?

Flexibility comes in many forms, and different arrangements will suit different workplaces, jobs and employees. Common examples of flexible working arrangements include<sup>4</sup>:

- flexible start and finish times
- compressed hours (working more hours over fewer days)
- changing from full-time to part-time or casual work
- job sharing
- flexible rostering
- working from home or another location
- 'purchasing' extra paid leave
- unpaid leave
- taking rostered days off as two half days
- time off in lieu
- flexitime (allowing employees to 'bank' extra hours which are then exchanged for time off)
- gradual increase or decrease in work hours (for example, after parental leave, or as an employee transitions to retirement).

## Who can request flexible working arrangements

The Fair Work Act and National Employment Standards contain provisions in relation to flexible work including who has a legal right to request flexible work and the process for considering these requests. To support flexible work for all staff best practice is to offer flexible work opportunities to all staff over and above National Employee Standards.

Under the Fair Work Act, full-time and part-time employees can request flexible work arrangements if they've worked with the same employer for at least 12 months and they:

- are the parent, or have responsibility for the care, of a child who is school aged or younger
- are a carer (under the [Carer Recognition Act 2010](#))
- are a person with disability
- are 55 or older
- are pregnant
- are experiencing [family and domestic violence](#), or
- provide care or support to an immediate family or household member who is experiencing [family and domestic violence](#).

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<sup>3</sup> WGEA <https://www.wgea.gov.au/flexible-work>

<sup>4</sup> Fairwork Ombudsman - Flexible working arrangements – Best Practice Guide

Casual employees can request flexible work arrangements if:

- they meet one of the above criteria (such as being a person with disability, being a carer or pregnant)
- they've been working for the same employer regularly and systematically for at least 12 months
- there's a reasonable expectation of continuing work with the employer on a regular and systematic basis.

## How different genders use flexible working options

There are different patterns to the uptake and types of flexible work used across genders.

Data collated by the Victorian Commission for Gender Equality in the Public Sector<sup>5</sup> in 2021 found that:

- Across defined entities<sup>6</sup> in Victoria more than three-quarters of those using formal flexible work arrangements were women. Men comprised 22% of those using a formal flexible work arrangement and people of self-described gender comprised 0.1%.
- At the industry group level, women with formal flexible work arrangements outnumbered men in all but one industry group- the transport sector.
- Among those accessing flexible work, most types of flexible work were accessed fairly evenly by women and men. This included working from home (or an alternative remote work location) and utilising flexible start and finish times.
- Women, however were three times more likely than men to access part-time work as a flexible working arrangement. The Baseline Audit noted that part-time work and job sharing were much more common arrangements for women in senior leadership roles compared to men in senior leadership. These types of flexible work arrangements are more likely to entail a financial penalty than others and can thus contribute to gender pay gaps.
- Almost 8 in 10 parental leave takers were women.
- Access to flexible work alone does not result in equitable uptake among employees or ensure equitable career outcomes for those who adopt it.
- The gendered trends in flexible working arrangements and update of leave entitlements across defined entities are likely tied to gendered arrangements within households.

The Commission concluded that “the gender imbalance in formal flexible working arrangements visible in the Commission’s data suggests defined entities must continue monitoring the gendered impacts of flexible working arrangements on women’s disproportionate load of unpaid work and care, as well as the associated consequences for women’s career progression”<sup>7</sup>

Research reported in 2021<sup>8</sup> found that *Australian women were more likely than men to request to work from home in order to accommodate the higher burden of unpaid domestic and care*

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<sup>5</sup> Commission for Gender Equality in the Public Sector (2022) Baseline report – 2021 workplace gender audit data analysis

<sup>6</sup> Defined entities are public sector organisations covered by the Victorian Gender Equality Act

<sup>7</sup> <https://www.genderequalitycommission.vic.gov.au/baseline-audit-report-2021/leave-and-flexible-work>

<sup>8</sup> ABS and Borgkist, cited in Commission for Gender Equality in the Public Sector (2022) Baseline report – 2021 workplace gender audit data analysis

*responsibilities. Men were more reluctant to request flexibility as a result of masculine norms and because of perceived or actual impact on their career progression.*

Research by GenWest into the experience of working fathers in Melbourne's west shows that fathers wanted to take on a more equal share of the care but face barriers accessing parental leave mainly due to workplace culture. This research found that workplace cultural factors were the most significant barrier fathers faced when trying to take sufficient parental leave. These barriers included that men's leave taking is not normative; men's leave taking is not a strategic company issue; a workplace "job comes first" mentality and the belief that leave taking should minimally disrupt the workplace<sup>9</sup>.

These patterns of access should be considered when developing, promoting and measuring flexible work uptake. To maximise the benefits of workplace flexibility for employers and employees and to be transformative in their nature flexible work options should consider these gendered patterns and particularly ways to enable employees to manage work and caring / family responsibilities. For example:

- supporting more fathers, carers and guardians to take up parental leave and other caring responsibilities (such as care for parents) and flexible work arrangements
- reviewing leadership roles to enable part time and job share roles
- promoting supportive workplace cultures that recognise and respect both parents' roles as caregivers.

## How organisations can create a culture that supports workplace flexibility

To create a culture that supports workplace flexibility organisations should aim to move towards systems and cultures where flexibility is embedded and is not a barrier to progression, and where no value judgements are attached to the flexibility needs of employees.

Strategies to support a flexible work culture:

- Have a clear policy supporting workplace flexibility and allow all employees to request flexible arrangements. Have the conversation with all employees about workplace flexibility.
- Speak positively about flexibility. Be mindful of language that can unintentionally send the wrong message. For example, making comments like 'leaving early again?' to an employee who does school pick-up sends the message that such arrangements are not normal or accepted.
- Normalise and role model workplace flexibility at all levels across the organisation including in executive and senior leadership. Showcase examples of employees who are combining work and family, especially fathers.
- Implement family-friendly initiatives. There are many kinds of family-friendly strategies and practices. The key is to select arrangements that best suit both the employee and the employer. This is generally guided by the resources and size of the business, the type of work your employees do and their needs.
- Communicate expectations and show trust in your employees to do their job and deliver what is required, no matter where or when they might be working.

*To realise the full benefits of workplace flexibility, best practice employers go beyond their minimum legal obligations allowing all employees the ability to request flexible work arrangements, regardless of how long they have been employed and their personal circumstances.*  
*Fair Work Commission*

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<sup>9</sup> GenWest 2024, Working Dads: Towards Equal Caregiving, GenWest, Melbourne.

- Be clear on the organisations support for workplace flexibility when recruiting and be proactive in discussions with employees at the application and interview stage.
- Create opportunities to re-structure work within organisations to normalise flexibility where it is possible to do so, acknowledging the fact that many employees require a level of flexibility to manage their responsibilities to work and family.
- Measure the uptake of flexible work arrangements using sex disaggregated data in context with other workplace performance measures such as absenteeism.

## Suggested Resources

**Fair Work Ombudsman** - <https://www.fairwork.gov.au/employment-conditions/flexibility-in-the-workplace> This site contains best practice guides and information regarding flexible working arrangements.

**Workplace Gender Equality Agency** - <https://www.wgea.gov.au/flexible-work> . This site includes guidance for executives, leaders and staff regarding use of workplace flexibility. The site includes a flexibility readiness assessment to help organisations plan action to embed workplace flexibility.

**Champions of Change** – <https://championsofchangecoalition.org/> The report Shifting Expectations looks at how to enable flexible work in frontline, shift and site-based roles.

**Commission for Gender Equality in the Public Sector** - <https://www.genderequalitycommission.vic.gov.au/insights-and-research-> results from the analysis of the 2021 baseline audits of Victorian defined entities.

**Gen West** - Working Dads: Towards Equal Caregiving, Gen West 2024 <https://genwest.org.au/news-and-events/working-dads-towards-equal-care/>

**Women’s Health Grampians** - CoRE Alliance Community of Practice on Workplace Flexibility (recording), November 2022 - <https://www.youtube.com/watch?v=lp1pODY4VNs>

## Policy Template

Women’s Health Grampians has developed a policy template for CoRE Alliance member organisations. This policy is informed by the National Employment Standards and outlines processes for considering flexible work requests – contact your CoRE Consultant for a copy of the policy template.