



What are flexible work arrangements and can you request them?

Date: Tuesday June 9, 2020

If you're an employee (other than a casual employee) who has worked with the same employer for at least 12 months, you can request flexible work arrangements including:

- working from home;
- changing your hours of work (including the number of hours and days you are working and your start and finish times); and
- changing the type of work you undertake.

If you're a casual employee, you are entitled to make a flexible working arrangement request if:

- you have been working with the same employer on a regular and systematic basis for a sequence of periods of employment of at least 12 months immediately prior to making the request; and
- there is a reasonable expectation of continuing employment with the employer on a regular and systematic basis.

If your request for a flexible working arrangement is denied, your employer is required to provide reasons for denying your request. Your employer can only refuse a request on reasonable business grounds.

What are reasonable business grounds to deny your request?

Reasonable business grounds can include the following:

- The requested arrangements are unreasonably costly for the business;
- Other employees' working arrangements can't be changed to accommodate the request;

- It's impractical to change the other employees' working arrangements or hire new employees to accommodate the request; or
- The request would result in significant loss of productivity or have a significant negative impact on customer service.

What are your rights to flexible work arrangements during COVID-19?

During the coronavirus pandemic, many employees' work arrangements are likely to change. It is preferable that employees and employers work together to find the most beneficial and workable solutions to suit their workplace.

If you are eligible, you may request, for example, to start work later to avoid catching a train to work during peak hours. This will assist with alleviating pressure on public transport over-crowding and maintain social distancing measures.

Whatever your reason for requesting flexible work arrangements, you will need to comply with the requirements of any award or enterprise agreement that applies to you. If you are not covered by an award or enterprise agreement, it is important that any arrangement (including its duration) is in writing.

Can I request to work from home during COVID-19?

If you have been directed to attend work, then depending on:

- the nature of your work;
- the steps taken by your employer to manage the risk to you of contracting COVID-19, including how you are to travel to and from work; and
- whether you fall into one of the high-risk categories;

you may be able to insist on working from home. You can find out more about your entitlements in relation to this, in our article ["Working from home during COVID-19"](#).

Get help from an employment lawyer

If you require advice on whether you are entitled to request a flexible working arrangement or your employer has refused your request, you should [seek expert advice from a lawyer experienced in employment law](#). You can contact us by phone or email to arrange a telephone or videoconference consultation.

Legal advice and assistance continues during COVID-19

We continue to provide our client services during the coronavirus outbreak.

Most of our teams have now returned to their respective offices with others remaining fully equipped to work remotely, where necessary.

You can contact us by phone or email to arrange your consultation; either face-to-face at one of our offices, by telephone or by videoconference consultation.

Phone: 1800 659 114

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