



# Flexible working arrangements – a guide for employers and employees





## What's it all about?

From 1 July 2008, employees who have caring responsibilities will have the statutory "right to request" flexible working arrangements.

This guide explains how the "right to request" under Part 6AA of the Employment Relations (Flexible Working Arrangements) Amendment Act 2007 works.

### To qualify employees must:

- Have care of another person.
- Have been employed by their employer for 6 months or more.
- Not have made another request, under Part 6AA, to work flexibly during the past 12 months.

### "Right to request" and "duty to consider"

Employers have a "duty to consider" seriously any requests from their employees.

Part 6AA provides certain employees with the "right to request" flexible working arrangements and employers have "a duty to consider" any requests made under this right.

So, employers have a legal obligation to consider an employee's request carefully.

### Start your request early

Employers must consider and respond to a request within 3 months of receiving it. Consideration may take longer if complications arise.

This is designed to ensure that employers have sufficient time to assess the impact of the request on their business.

It also means that employees requesting flexible working arrangements need to plan in advance.

So talk to your employer as early as possible so

that you can both explore what opportunities might be available well ahead of the proposed start date for your flexible working arrangement.

### How we can all benefit

You may already be familiar with flexible working arrangements.

These can be agreed between employers and employees either informally, perhaps through a workplace policy, or by seeking a variation to individual terms and conditions of employment under Part 6 of the Employment Relations Act 2000.

Many employers have already adopted flexible working arrangements because they see them as making good business sense. They can help:

- Retain skilled staff and reduce recruitment costs.
- Raise staff morale and decrease absenteeism.
- Meet labour market changes more effectively.

For employees, the opportunity to work flexibly can help them strike a better balance between their paid work and other responsibilities.

Flexible working arrangements benefit everyone—employers, employees, and their families.

## MAKING A REQUEST

### Under what circumstances can I make a request?

An employee can make a request for flexible working arrangements under Part 6AA only in order to help with the care of another person.

This may cover a range of circumstances. For example, it may allow the employee to:

- Spend more time with their children.
- Provide care when professional care is unavailable.

### Who can make requests under Part 6AA?

Any employee who has the care of another person.

The Act does not define “care” or require a particular level of care. It can include, but is not limited to, caring for:

- Children (either your own or others)
- Adults (e.g. elderly parents or others)
- Whānau or āinga
- Friends
- Neighbours.

You do not need to be related to those you care for or live in the same place.

### Which workers are covered?

Employees who have worked for their employer for 6 months or longer.

### How often can a request be made?

You can make only one request under part 6AA every 12 months.

It makes no difference if a previous request was made in relation to a different caring responsibility.

The 12 month period runs from the date when the first application was made.

But remember, you can talk to your employer at any time about varying your work hours as part of your terms and conditions of employment.

### Will employers ask for evidence or proof of caring responsibilities?

It is always helpful and good practice to provide employer's with as much information as necessary, such as evidence of a caring relationship – although this is not required by the Act.

In some circumstances, an employer might wish to be satisfied that a request is being made in good faith, but there is no requirement under the legislation to ask for proof of the caring responsibility.

Employees are not required under the law to demonstrate that any particular level of care is required. For example, an employee asking for a change in hours in order to care for an elderly parent will not need to show that the parent is unable to cope alone.

Nor are employees required to demonstrate why they personally are needed to provide that care. For example, a father asking for reduced hours in order to care for his child will not be required to demonstrate why the care cannot be provided by the mother or by somebody else.

Requests for flexible working arrangements under Part 6AA can, however, only be made for the purpose of providing care, and not for other purposes.

### What impact will a successful request for flexible working arrangements have on the employer's business?

When making your request you need to explain what changes, if any, the employer may need to make if your request is approved.

It is also a good idea to suggest how the proposed working arrangement may benefit the business.

For example, you may argue that arriving half an hour later will have minimal impact on the business as this is the quietest time of the day and you can make up the time during the lunch period when it is far busier.

Your employer will make the decision on whether or not your request can be granted on business grounds rather than your personal circumstances.

So your application is most likely to succeed if it shows consideration for your employer's business needs.

### **Will the change of working arrangements be permanent?**

Unless you specify that your request for a new working arrangement will be for a set period of time, your request will be a permanent change to your terms and conditions of employment.

Neither the employee nor the employer has a right to revert back to the previous working arrangement unless otherwise agreed. So, for example, if your new flexible working arrangement involves working reduced hours you have no right to revert to working the hours you previously worked unless your employer agrees that you can do so.

Making a permanent change to an employment agreement is a big step and should not to be entered into lightly.

It's a good idea for both employee and employer to consider a trial period or a limited period of working flexibly so that any problems can be ironed out before things are put on a permanent basis.

### **What kind of changes can be applied for?**

There is scope to apply for a wide variety of working arrangements. Eligible employees can

make a request to vary their:

- Hours of work
- Days of work
- Place of work.

Flexible working arrangements incorporate a wide variety of working practices.

It doesn't just mean being able to work part-time rather than full-time or being able to change shifts.

The options available are entirely up to you and your employer.

Some of the more common options are described in *Definitions of Flexible Working Arrangements*.

### **Make your request in writing**

Your request must be made in writing but you can do this in whatever forms suits you best.

You can communicate with your employer by:

- Letter
- Email
- Form.

### **What to include in your request**

The clearer your request is, the better its chances of success.

It's up to you to explain the working arrangement you want and how it can be made to work for both you and your employer.

To help you along, we've put together two handy guides:

#### ***Request Checklist***

This lists the information you'll need to include in your request and the issues you'll need to consider when preparing it.

#### ***How to help your employer approve your request***

This lists the types of things you'll need to include to help your employer make a decision.

## Request Checklist

When first putting your request together, make sure you cover the basic points listed in the *Request Checklist*.

### Basics

A request for flexible working arrangements under Part 6AA must:

- Be in writing.
- State the employee's name.
- Be dated.
- State that the request is being made under Part 6AA of the Employment Relations Act 2000.
- Explain the desired working arrangement and whether the new working arrangement will be permanent or for a period of time.
- Specify the date on which the employee proposes the new working arrangement take effect and, if the new working arrangement is for a period of time, the date on which the new working arrangement will end.
- Explain how the variation will help the employee provide better care for the person concerned.
- Explain, in the employee's view, what changes (if any) the employer may need to make to the employer's arrangements if the request is approved, e.g. changes to the way the team works together, changes to the physical set up of the workplace, etc.

### Things to consider

- Keep in mind that a new working arrangement will normally be a permanent change unless otherwise requested and agreed.
- Don't forget that if your request is approved, you can't simply revert back to your former hours of work if and when you want.
- Remember, you will probably have to agree to a reduction in pay if you want your employer to agree to you working fewer hours.
- If you have colleagues or friends who are already working flexibly, ask them about their experiences.
- Consider how your colleagues will manage if your working arrangement is changed.
- Think carefully about what effect changing your working arrangement will have on your job.
- Before you take parental leave, you might wish to discuss with your employer that you are interested in requesting to work flexibly on your return.
- If you want the changes to start on your return from parental leave, you should make your request in good time.
- If in doubt, you might want to discuss a trial period with your employer.
- You might be able to agree to have a trial period before the time frame for the formal request starts running.

The *Request Checklist* covers the basics.

Now you need to build a case that both meets your needs and those of your employer. To help you complete this part of your request, we've prepared the following guide.

Remember, in all cases, it is in your interest to be as clear and explicit as possible.

## How to help your employer consider your request

- State the date on which you would like your new working arrangement to begin.
- Give your employer plenty of notice —the approval process can take up to 3 months and sometimes longer if a problem arises.
- Clarify with your employer about how they like requests to be made, but ensure that everything is in writing. Your employer may have their own form. If you are unsure, use *Form A: Request Form for flexible working arrangements*.
- Provide as much detail as possible about the working arrangement you would like and why.
- Show how your plans would not have a negative impact on your employer's business and may in fact improve it. This may involve, for example, showing that you are available to provide extra cover at peak hours and that this would help improve customer service.
- Identify how the new working arrangement meets the needs of those you care for, your employer's needs and the needs of your colleagues.
- Show how any potential problems your plans may present to your employer can be overcome. For example, you may no longer be at work when the business opens but you may be able to show that this isn't important because, either, it is not a busy time, or, a colleague may be able to stand in for you.
- Check who will consider your request and make sure that you submit it to the appropriate person. If the person is absent, it may be necessary to send it to an alternative manager.

## Flexible Working Arrangements: Rights and Responsibilities of Employees and Employers

### Employees' rights

- To request a variation to their hours of work, days of work or place of work.
- To have their request considered properly in accordance with the set process and refused only where there is a Recognised Business Ground for doing so.
- Where a request is refused, to have an explanation for the ground for refusal.
- To seek assistance from the Department of Labour.
- In certain circumstances, take a complaint to mediation and the Employment Relations Authority.

### Employees' responsibilities

- To ensure their request is valid by checking that all the eligibility criteria are met and that they have provided all the necessary information.
- To ensure the request is made well in advance of when they want it to take effect.
- To provide enough information to enable their employer to give their request proper consideration.
- To be prepared to discuss their request in an open and constructive manner.
- If necessary, be prepared to be flexible themselves in order to reach an agreement with the employer.

### Employers' rights

- To reject a request where there is a Recognised Business Ground for doing so.
- To seek assistance from the Department of Labour.

### Employers' responsibilities

- To consider requests properly in accordance with the set process.
- To adhere to the time limits contained within the process.
- To provide the employee with appropriate support and information during the course of the request.
- To refuse a request only where there is a Recognised Business Ground and to explain to the employee why it applies.
- To ensure that any variation of the process is agreed in advance with the employee and recorded.

## WHAT TO DO WHEN YOU RECEIVE A REQUEST

### “Duty to consider” a request

Employers have a legal duty to consider all requests. You should consider each request objectively and not attempt to judge whether one applicant’s need for flexible working arrangements is greater than another’s.

### How should requests be acknowledged?

It is best practice to acknowledge receipt of the request. An acknowledgement slip is included on the bottom of *Form A: Request Form for flexible working arrangements*. This allows you to readily confirm the date on which the request was made and can be particularly important if there has been a delay in the request reaching you.

### What happens if the request is incomplete?

If an employee fails to provide all the information required, you should let the employee know what they have omitted and ask them to re-submit the request when complete. You should also inform the employee that you are not obliged to consider the request until it is complete and re-submitted.

## HOW TO CONSIDER A REQUEST

### Timing

Employers must deal with a request as soon as possible but no later than 3 months after they received it. Advice on what to think about when considering a request is provided in the *Factsheet for Employers*.

### What happens if the employer needs more time to reach a final decision?

While the 3 month time limit for dealing with a request should provide ample time for an employer to make a decision, it is possible that you may need more. In these circumstances, you should discuss this with the employee and come to an agreement about when a decision will be reached.

### What if the employer is unsure about accepting a request?

Experience shows that the best way for both parties to understand each other’s position and identify a solution that meets all their needs is to discuss the request face-to-face. However, such a meeting is not required under the law.

A discussion will provide both parties with the opportunity to talk about the desired working arrangement in depth and consider how it might be accommodated. It will help if both the employer and the employee are prepared to be flexible.

If the requested working arrangement cannot be accommodated, a discussion may help identify an alternative working arrangement.

### Would a trial period help?

Trial periods can help both employees and employers because they provide an opportunity, without commitment, to test a particular arrangement to see if it works out to the satisfaction of all.

An employee may, for example, be concerned about making a permanent change to their employment agreement, while the employer might be concerned about how the proposed working arrangement may affect other staff or business operations.

A trial period of, say, 12 weeks will give both the

employee and the employer a chance to find out whether the chosen arrangement will really work out well in practice.

### **How would a trial period work in practice?**

Trial periods can happen in two ways.

#### **Option One: Informal request**

The employer gives informal agreement to a trial before the employee submits a formal request.

After this informal trial period, employer and employee may conclude that a permanent change to the employment arrangement is not the best option.

This option also allows the employee to make a formal request at a later date.

#### **Option Two: Formal Request**

A formal request is made but an extension of time for the employer to make a decision is also agreed.

The trial period then takes place before a final agreement is confirmed.

If the trial period works out successfully, the new working arrangement can then be confirmed by a formal agreement.

However, if this option is taken, the employee has no right under Part 6AA to make another request for 12 months.

### **Put it in writing**

No matter how informal an arrangement is, it is always a good idea to put it in writing.

Recording the terms of the trial period in writing will ensure both employee and employer are clear about start and end dates and have an agreed understanding of other important considerations such as a reduction in the employee's wages or salary.

### **Would a temporary period of working flexibly be appropriate?**

A permanent change to an employment agreement may not always be the best option.

This might be the case, for example, where an employee is caring for someone who has a fluctuating condition.

In cases like this two options are available.

#### **Option One: Informal agreement**

This involves an informal agreement between employer and employee – outside the framework of Part 6AA – to flexible working for a limited period, or, a provision to make flexible work available as and when the need arises.

In this case, the employee still has the right under Part 6AA to make a formal request at a later date.

#### **Option Two: Time-limited agreement**

Alternatively, the employer and employee might agree to a time-limited change after which they would revert back to the original arrangement.

In this case, the employee would then have no right under Part 6AA to make another request within 12 months if he or she subsequently wanted the change to be made permanent.

## **Employer/Employee Checklist: How to ensure you get the most from a meeting to discuss a request**

### **Employers – you might want to:**

- Make a list or draft an agenda of the issues you want to discuss at the meeting, e.g., if you are already aware that the request can be granted, you may want to discuss a suitable start date before formally accepting the request.
- Prepare to be flexible. Consider whether there are any other working arrangements you would be willing to consider or if you would consider another start date or a trial period.
- Let your employee know if you have asked another party to join the meeting.
- Discuss with your staff if they would want to cover any extra hours that may be created as a result of granting the request.
- Familiarise yourself with the different types of flexible working arrangements available.
- If it would be helpful to involve external expertise, be open to the proposition.

### **Employees – you might want to:**

- Be prepared to expand on any points within your request.
- Prepare to be flexible. Your employer may ask if there are any other working arrangements you would be willing to consider, or if you would consider another start date or a trial period.
- Familiarise yourself with the different types of flexible working arrangements available.

## APPROVING A REQUEST

Employers who, after considering a request, agree with the new working arrangement, must notify the employee of their approval. You aren't required to put this notification in writing but it would be good practice to do so—that way there will be a record of the decisions made. *Form B: Flexible working arrangements request approval form* can be used to confirm a new working arrangement.

The agreed new working arrangement will be a permanent change to the employee's terms and conditions of employment, unless agreed otherwise. Where a trial period or time-limited period has been agreed this should also be detailed.

### Employer Checklist – how to action an approved request

- Check whether you need to inform others in your organisation, such as your personnel or human resources, of the new working arrangement.
- Check to see if the employee's pay needs amending in light of the agreed working arrangement.
- Check if all health and safety requirements have been satisfied. This might be particularly relevant where the employee is going to be working from another location.
- Consider who else you need to inform, including other employees.

## DECLINING A REQUEST

How should a request be declined?

There will always be circumstances where, due to the needs of the business, the employer feels they are unable to accept a request.

Employers are able to refuse a request:

- if the employee is not eligible to make a request under Part 6AA
- on one or more of the following Recognised Business Grounds.
- if it conflicts with a collective agreement.

### Recognised Business Grounds are:

- inability to reorganise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes
- burden of additional costs
- detrimental effect on ability to meet customer demand.

### Conflicts with a collective employment agreement

Employers must refuse a request if the proposed new working arrangement conflicts with the provisions of an employee's collective employment agreement.

Situations like this could arise in a number of sectors and industries.

However, there are also likely to be instances where a compromise can be reached between the employer, the employee making the request, and other employees in the workplace.

Employers, employees and unions are encouraged to discuss these issues with a view to developing procedures for dealing with such conflicts before they arise.

### Notification

Employers are required to notify the employee of their decision, and if the request is refused, to give reasons for the refusal.

You aren't required to put your notification in writing but it is always good practice to do so.

To make the process a bit easier, we've developed a Request Refusal Form.

*Form C: Flexible working arrangements request refusal form.*

### How should the refusal be explained?

In addition to providing a Recognised Business Ground, the employer must include an explanation of the reasons for that ground.

Making things clear always helps. Employees will always be disappointed if their request is declined but they are more likely to accept that their request has been considered seriously if the reasons for the decision are clear.

Your explanation should include all the key facts and clearly identify why the Recognised Business Ground applies in this case. It's good business practice and it will also help keep your staff on side.

## Example of how to explain the grounds for a refusal

A manager in a small firm that manufactures curtains receives a request from an employee to not work on Thursdays. The manager declines the request as the weekly fabric delivery is received on Thursday and preparations begin for the following day's despatch of customer orders. The explanation might say:

*Dear Bill,*

*I am sorry that I cannot grant your request to change the days that you work, but to allow you to not work on a Thursday would have a detrimental effect on the performance of the business.*

*Thursday is our busiest day of the week, when all staff are required to ensure that the machinists can continue making curtains while stock is received, and finished curtains are packaged ready to be despatched the following morning. You are aware that on a Thursday morning we receive our weekly delivery of fabric. This requires the involvement of all staff to help move the material from the delivery bay into the storeroom, before the newly made curtains can be prepared for despatch the following morning.*

*As I indicated when we met to discuss your request, if you decide to change the day you would prefer not to work to one earlier in the week, then I would be happy to reconsider your request.*

*Yours Sincerely,*

*B.E.M Ployer*

## What to do if you suspect an employee is ineligible to make a request under Part 6AA

Employers who have reason to think that an

employee is ineligible to make a request under Part 6AA, should request additional information from the employee.

Obviously, this will be something that will need to be handled sensitively as people are usually hesitant to talk about personal matters.

It is an issue, however, that will have to be broached sometimes — not the least because of the potential that exists to confuse the different provisions of the Employment Act.

Any employee can at any time and for any reason request a variation to their terms of conditions under section 63A of the Employment Relations Act.

So it is important to always clearly determine whether or not a request is being made under Part 6AA.

A request that at first may appear to fall under Part 6AA, may actually have been submitted on an entirely different and appropriate basis. So, if you have any doubts, checking the basics at the start is entirely appropriate.

However, if an employer is certain that the employee is ineligible to make a request under Part 6AA they can decline it on that basis.

## HOW TO DEAL WITH AN UNRESOLVED REQUEST

Most requests will conclude when the employer gives their decision.

But there will always be some instances where an employee feels their request has not been dealt with to their satisfaction. The employee may want to involve a third party or think about making a formal complaint. This section outlines the options available.

### Informal discussion between the employee and employer

In the first instance, it is likely to be in the interest of all parties to try to resolve the problem within the workplace.

It may be that the employee believes there has been a simple misunderstanding of the procedure and that this has affected the employer's decision.

If the employee feels able to discuss a complaint with the manager, it may be possible to resolve the issue without the need to resort to more formal mechanisms. Where a time limit has not been met, for example, it may be far more effective to speak to the manager directly. In this case, letting management know that they need to reply as soon as possible, rather than seeking to pursue the matter through the formal dispute resolution process, would be the best option for everyone.

### Third party assistance

Despite the best efforts of both parties, there will be cases where it may not be possible to resolve a disputed request in the workplace. However, neither the employee nor the employer may want to use the formal dispute resolution process. Both may want to try to resolve the matter in an informal fashion. In such circumstances, either party can seek

assistance from the Department of Labour.

In specific circumstances, employees may make a formal complaint first to a Labour Inspector and then possibly the Mediation Service and the Employment Relations Authority.

Another external third party may also be appropriate, for example, a union representative, a local business representative body or another person with appropriate expertise.

The third party may attempt to resolve the problem through discussion. They will talk through the issues surrounding the problem, outline the law relating to the case where necessary and generally help parties become aware of the options open to them.

### In what circumstances can a formal complaint be made?

Employees can make a formal complaint only where they believe the employer has made a wrong determination about their eligibility and/or if the employer has failed to comply with the process set out in Part 6AA.

If an employee believes that his or her employer has not complied with the process set out in the law, they can refer the non-compliance to the Department of Labour. The Department, through a Labour Inspector, must assist the employee and employer to resolve the matter to the extent practicable in the circumstances. If after working with a Labour Inspector, the matter remains unresolved, the employee may request mediation.

If mediation does not resolve the matter, the employee may apply to the Employment Relations Authority. A matter may be taken to the Authority if, for example, the reason for refusal given by the employer is not one of the Recognised Business Grounds (as this would be noncompliance with the required process).

Employees, however, have no right to make a complaint where they simply disagree with the grounds provided by the employer for refusing a request. The Authority does not have the power to question the employer's reasons for declining a request nor can it consider whether or not the employer acted fairly or reasonably.

As a matter of good practice, employers should always provide an explanation that is as full and open as possible.

### **Time limits**

Employees must apply to the Authority:

- Within 12 months of the employer's refusal of the request, or
- Where the request is not responded to, up to 15 months after the employer received the request.

### **Remedies and compensation**

If the Authority determines that the employer has wrongly determined that an employee is ineligible, the employer must follow the process to consider the request as soon as practicable.

If the Authority determines that the employer has not complied with the process as set out in the law, it can impose a penalty of \$2000 payable by the employer to the employee concerned.

The Authority cannot require the employer to accept and implement the requested working arrangement.

### **What is a labour inspector/mediation/the Employment Relations Authority?**

For information on the range of services and institutions available to support good employment relations, visit: [www.ers.govt.nz](http://www.ers.govt.nz).

### **How the "right to request" interacts with other legislation**

The "right to request" is one way for employers and employees to find flexible working arrangements that suit them both. Failure to follow the process will provide the employee with a basis to take their case to mediation or the Employment Relations Authority.

Other legislation that employers should be aware of when considering requests for flexible work includes the Health and Safety in Employment Act 1992 and the Holidays Act 2003. For information about these Acts, visit: [www.ers.govt.nz](http://www.ers.govt.nz).

# Some of the more common flexible working arrangements

Types of flexibility	Potential benefits of flexibility	Examples of approaches to flexibility
<b>FLEXI TIME</b>		
<p><b>Flexi hours</b> Options that allow employees to vary their work hours.</p>	<ul style="list-style-type: none"> <li>Improves efficiency if work schedules match employees' most productive hours.</li> <li>Gives employees more control over scheduling personal responsibilities during the workday.</li> <li>Allows for commuting outside of peak rush hours.</li> <li>Retains employees who need time off to care for dependents or to meet other responsibilities outside of paid work.</li> <li>Expands labour pool.</li> <li>Brings broader range of knowledge, skills and experience.</li> <li>Provides an option for employees who want to reduce their hours, but whose jobs cannot be done on a part time basis.</li> </ul>	<p><b>Flexi time / Adjusted hours</b> – employees work for an agreed total number of 'core hours' and choose when their working day begins and ends.</p> <p><b>Core hours</b> – hours (for example, 10am to 4pm) during which employees working flexi time must be at work.</p> <p><b>Staggered hours</b> – different start and finish times for employees in the same workplace.</p> <p><b>Time in lieu / Time banking</b> – any extra hours worked are compensated for by paid time off.</p> <p><b>Flexi breaks</b> – stopping for breaks at times that suit the employee's particular workload.</p> <p><b>Part time / Reduced hours / Job sharing / Job splitting</b> – these options mean that employees work less than full time hours. To achieve this, the job is often redesigned and responsibilities split between a number of part time employees.</p> <p><b>As needed hours / On call / Casual</b> – employees are on call and work hours as needed, either at home or in the workplace.</p>
<p><b>Flexi weeks</b> Options that allow employees to vary their weekly work pattern.</p>	<ul style="list-style-type: none"> <li>Improves productivity if some work can best be accomplished during quieter times of the day/week.</li> <li>Allows for more days off.</li> <li>Decreases the number of days employees commute.</li> <li>Allows for commuting outside of peak rush hour.</li> </ul>	<p><b>Compressed week</b> – weekly full time hours are worked over a shorter time period.</p> <p><b>Weekday/weekend swap</b> – employees swap working on a weekday for working on a weekend day.</p> <p><b>Shift self-selection</b> – employees contribute to development of shift work schedules and choose own shifts.</p> <p><b>Weeks on/weeks off</b> – working one or several weeks and taking one or several weeks off.</p>
<p><b>Flexi year</b> Options that allow employees to vary their yearly work pattern.</p>	<ul style="list-style-type: none"> <li>Provides options for employees to take limited or extended time off from work to manage various family and personal responsibilities.</li> </ul>	<p><b>Term-time working</b> – working during the school terms and taking paid or unpaid time off during school holidays.</p> <p><b>Annualised hours</b> – an agreed number of hours worked on a yearly rather than a weekly basis.</p> <p><b>Buyable leave</b> – employees exchange an agreed reduction in salary for extra periods of leave over a specified period.</p>



# Some of the more common flexible working arrangements

Types of flexibility	Potential benefits of flexibility	Examples of approaches to flexibility
<b>FLEXI PLACE</b>		
<p><b>Flexi location</b> Options that allow employees to work from locations other than their designated workplace.</p>	<ul style="list-style-type: none"> <li>• Offers alternative to relocation.</li> <li>• Expands labour pool geographically.</li> <li>• Reduces office space and associated costs.</li> <li>• Accommodates employees with disabilities.</li> <li>• Reduces or eliminates commuting.</li> <li>• Provides an environment with fewer workplace distractions.</li> <li>• Allows employees to work during their “personal best time”.</li> </ul>	<p><b>Tele-working / Tele-commuting / Home-working / Remote-working</b> – all these options involve working from home or another location outside of the workplace on either a full or part time basis.</p>
<p><b>Flexi worksite</b> Options that allow employees to work from different locations within the workplace.</p>	<ul style="list-style-type: none"> <li>• Encourages collaboration across work-groups and project teams.</li> <li>• Reduces permanent office space and associated costs.</li> </ul>	<p><b>Hot desking</b> – temporary use of a workstation.</p>
<b>FLEXI CAREER</b>		
<p><b>Flexi career</b> Options that allow employees to move in and out of the workforce and structure their career around other interests/responsibilities.</p>	<ul style="list-style-type: none"> <li>• Expands labour pool.</li> <li>• Provides options for gradual return to work after parental or other leave.</li> <li>• Allows gradual entry into retirement.</li> <li>• Provides opportunities for cross-training and skill enhancement.</li> </ul>	<p><b>Career break / Sabbatical</b> – extended periods of leave that are normally unpaid.</p> <p><b>Work transition</b> – provides opportunities for employees to make changes in their work hours, location, or job responsibilities. For example, moving to a less demanding job when approaching retirement.</p> <p><b>Phased retirement</b> – hours of work are progressively reduced until full retirement is reached at a specified date.</p> <p><b>Phased return / Gradual return</b> – hours of work are progressively increased until a final schedule of full or part time hours is reached at a specified date. Often used by parents returning from parental leave.</p> <p><b>Self managed work</b> – employees work in their own way, often without direct supervision, towards an agreed goal.</p> <p><b>Job rotation / Role rotation</b> – employees move between two or more jobs so they can cross-train and develop a wider variety of skills.</p>





# Request for flexible working arrangements

## Are you eligible for the right to request flexible working arrangements?

If you care for someone and have worked for your employer for 6 months or more, chances are that you will be eligible for the right to request flexible working arrangements.

To make certain you are eligible, it's best to check out the Department of Labour's guidelines at [www.dol.govt.nz/worklife/flexible/act](http://www.dol.govt.nz/worklife/flexible/act).

## How to apply

Once you've confirmed that you're eligible, requesting flexible working arrangements is straightforward. You can use this form to make your request.

The more information you give, the easier it will be for your employer to make a decision about your request.

Make sure that you complete all the sections of the request form, including the sections that tell your employer:

- How the flexible working arrangement will enable you to provide better care for the person concerned.
- What effect your new working arrangement will have on your employer and colleagues.
- How the effects on your employer and colleagues could be dealt with.

## Apply well in advance

Your employer has 3 months to deal with your request, but it could take longer if difficulties arise. So make sure you:

- Apply well in advance,
- Submit your request as soon as it's complete,
- Keep a copy of your request and note when you submitted it.

(Type/write your name and address)

**To** (Use either your employer's first name or surname) (Include full name and address)

I would like to request a variation to my current working arrangements under Part 6AA of the Employment Relations Act 2000. I confirm that I meet the eligibility criteria as follows:

- I have the care of a person, and
- I have been employed by this business for the last 6 months, and
- I have not made a request to work flexibly under Part 6AA during the past 12 months.

Date of any previous request to work flexibly under this right: (If applicable)



**My current working arrangement is:**

**Place of work:** *(Give full street address)*

**Days and hours of work:**

*Example: Monday to Friday 8.00am to 5.00pm*

**The working arrangement I would like to have in the future is:**

**Place of work:** *(Give full street address)*

**Days and hours of work:**

*Example: Monday and Tuesday 8.00am to 1.00pm, Wednesday to Friday 8.00am to 5.00pm*

**I would like the new working arrangement to be permanent and commence from:**

*Example: Monday 1 September 2008*

**OR**

**I would like the new working arrangement to be temporary commencing from:** *Example: Monday 1 September*

**and ending on:** *Example: Friday 31 October*

**The new working arrangement will enable me to provide better care for the person concerned**

**because:** *Example: I will be able to take care of my mother on Monday and Tuesday afternoons to give her regular caregiver a break.*

**The new working arrangement will affect my employer and colleagues in the following way:**

*Example: I will not be able to work with James on Monday afternoon as I do now.*

**I think the effect on my employer and colleagues can be dealt with by:**

*Example: James and I could work together on either Thursday or Friday afternoon.*

**Personal details**

Name:

Staff or payroll number:

Manager:

Signed:

Date:

**Note to your employer**

This is a request for flexible working arrangements made under Part 6AA of the Employment Relations Act 2000. You must deal with this request within 3 months of the date you received it.

You can confirm receipt of this request using the attached confirmation slip.

Forms and guidelines for responding to this request can be found at [www.dol.govt.nz/worklife/flexible/act](http://www.dol.govt.nz/worklife/flexible/act).

Return this form to your employee to confirm your receipt of their request.

**Employer's confirmation of receipt (to be completed and returned to employee)**

To:

I confirm that I received your request to change your working arrangement on:

Signed:

Date:

You will receive a response to this request within 3 months.

**NOW ATTACH THIS COVERING NOTE TO THE REQUEST FORM AND PASS TO YOUR EMPLOYER**

EMPLOYER

FORM  
B

## Approval of request for flexible working arrangements

### How to approve a request for flexible working arrangements

Once you've considered your employee's request for flexible working arrangements, you'll need to let them know your decision.

In some cases, you may be unable to approve the requested arrangement but you may want to explore alternatives to find an arrangement that works for you and your employee.

This form can be used to approve your employee's request or approve an alternative arrangement.

To: (Use your employee's full name)

I have considered your request for a variation to your working arrangements under Part 6AA of the Employment Relations Act 2000.

Either

**I confirm that I have approved your request.**

Or

**I am unable to accommodate your original request.**

However, I am able to offer the following alternative arrangement which we have discussed and you agreed would be suitable for you.

Your new working arrangement will be as follows:

Please note that the change in your working arrangement will be a permanent change to your terms and conditions of employment unless a specified period of time is identified and agreed for which the new arrangement will last. If the change is permanent, you will have no right to revert to your previous working arrangement unless otherwise agreed.

Your new temporary working arrangement will commence on dd/mm/yy and end on dd/mm/yy

If you have questions about the information provided on this form, please contact me to discuss them as soon as possible.

Signed:

Date:

**NOW RETURN THIS FORM TO YOUR EMPLOYEE**



## Decline of request for flexible working arrangements

It may not always be possible to agree to an employee's request for flexible working arrangements. However, it is important that you give any request your full consideration.

When declining a request, you must:

- State the ground/s for your refusal, and
- Explain the reasons for these ground/s.

This form can be used when refusing a request.

### Grounds for refusal

There are only certain grounds on which you can refuse a request for flexible working arrangements under Part 6AA of the Employment Relations Act 2000. You can find these at [www.dol.govt.nz/worklife/flexible/act](http://www.dol.govt.nz/worklife/flexible/act).

To: (Use your employee's full name)

I have considered your request for a variation to your working arrangements under Part 6AA of the Employment Relations Act 2000.

I am sorry but I am unable to accommodate your request on the following business ground/s: (state the ground as per the guidelines at [www.dol.govt.nz/worklife/flexible/act](http://www.dol.govt.nz/worklife/flexible/act))

The ground(s) applies in the circumstances because:

Signed:

Date:

**NOW RETURN THIS FORM TO YOUR EMPLOYEE**



FOR FURTHER INFORMATION ON FLEXIBLE WORKING ARRANGEMENTS, VISIT [WWW.DOL.GOV.TZ](http://WWW.DOL.GOV.TZ) OR PHONE 0800 20 90 20

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