

Flexible work is a key enabler of gender equality in the workplace. It enables workers to balance work and care, accommodate health concerns and disability as well as transition to retirement.

Flexible work arrangements



See Fair Work Act s. 65
for more information

Workers consistently report challenges negotiating flexible work arrangements. And when they have an arrangement in place, many experience discrimination and harassment, trouble access training and unequal access to career progression.

Women workers are ready for change.

Flexible workplaces benefit everyone. Being able to safely access flexible work when needed is essential to protect the health, wellbeing and financial security of all workers.

Understanding your rights is the first step in making sure your workplace is safe and inclusive for women.

Who can apply for flexible working arrangements?

Flexible working arrangement laws apply to all workers. This includes workers in maritime, manufacturing, warehousing and logistics and transport etc.

Under the Fair Work Act, if you have 12 months continuous service with your employer, and you meet one of the following criteria, you have a special workplace right to request a flexible working arrangement:

- You are experiencing family and domestic violence or you are supporting or caring for someone experiencing family and domestic violence
- You are a parent, or you have responsibility for the care of a child who is school age or younger (you might be a grandparent)
- You are pregnant
- You are a carer (caring for someone who has a disability, medical condition, mental illness or is frail or aged)
- You are a person with a disability
- You are 55 years or older

What changes can I ask for?

Changes might include, a temporary or permanent change to your:

- hours of work
- start and finish times
- shift patterns
- your location of work
- request to job share
- work from home
- flexibility in your hours to attend appointments
- frequency of your breaks
- temporary change to your position or the work you perform
- temporary change to your classification
- temporary change to any leadership responsibilities
- any other change you might need.

How should I apply for a flexible work arrangement?

In writing.

Reach out to your manager. You need to apply in writing. Send your request via email and keep a copy for your records.



If in doubt, use this template request:

What you need:

Set out clearly the changes that you need and provide some reasons for the change.

You do not need to provide personal medical information or information that might put your safety at risk.

Response in 21 days:

Your employer must let you know the outcome of your request in writing within 21 days.

The response must include whether your request is approved or refused.

“Flexible Working Arrangements are difficult to obtain and quite often do not meet the genuine needs of the required childcare. I requested to work certain shifts and it took 3 years to find a solution that worked.”

- Stevedore

“I reduced my hours. It was positively received and enacted swiftly. I was given more flexibility and understanding.”

- Principal Engineer

My request was approved. Is there anything I should know?

Congratulations. Secure the arrangement in writing and keep a copy for your records.

Flexible working arrangements can be negotiated for any period of time; there is no limit. Your situation might change in the future. For this reason, consider negotiating a temporary flexible working arrangement for maybe 12 months or 2 years. That way, if you have changed your hours of work (from full-time to part-time), you can retain your ongoing full-time entitlement and return to this sometime in the future.

My request was refused. What are my options?

Know your rights.

The law has changed. On 6 June 2023, the Fair Work Act was strengthened following Union advocacy.

Now, your flexible work request can only be refused on reasonable business grounds. Importantly, your employer must have:

- Discussed the request with you first
- They need to have genuinely tried to reach an agreement with you; and
- They must consider the consequences of refusing your request.

If your employer did not follow these steps, then they have not complied with the Fair Work Act. Raise this with them.

If you don't agree with your employer's response and you can't find a solution at the workplace level, you now have the option to file a dispute with the Fair Work Commission.

The Commission has new powers to hear and make orders about disputes about flexible working arrangement requests.

Is this discrimination?

Negotiating a flexible working arrangement was pretty rough. I now feel like my employer is treating me different ever since.

Know your rights.

Requesting and negotiating a flexible working arrangement is a protected workplace right.

Your employer must not do anything to prevent you from accessing it. This includes things like:

- Suggesting you don't have a right to ask for a flexible work arrangement
- Not responding to your request
- Unreasonably refusing your request, without providing reasons
- Unfairly withholding professional development opportunities
- Threatening to fire you
- Terminating your employment

This kind of treatment is called "adverse action" and it is against the law.

You have the right to apply for flexible working arrangements and to not be discriminated against.

You are not alone and you have options.

- Join the Union and fight collectively for change!
- [Click here](#) for steps you can take to effectively respond to harassment and discrimination when trying to access flexible working arrangements

"I'm usually 5 or so minutes late every day as kinder and daycare don't open early enough. Some co-workers look at their watch dramatically or comment when I walk in."

- Mechanical Technical Officer

"My partner and I both negotiated a flexible work arrangement. We both had different start times. My partner did not get hassled for making the change. I was hassled when I had to do things for my terminally ill mother."

- Instrument/ Electrical Technician

"I requested to leave early on Tuesdays to pick up my kids."

I feel our boss responded well but others have said things like 'oh it's half day Tuesday.'"

- Grain Handler

"Supervisors have been supportive to all genders of staff with families, allowing last minute leave, early days, etc. without penalty. My last job I had split from my partner who wasn't the father of my kids and told my work. They offered a hybrid role, some work out on site as I usually did, some work in the office so I could take the kids to school and pick them up and work from home once a week."

- Signal Technician

Join us!

Women make up 48% of the Australian workforce, but much fewer join male dominated industries. The Workplaces for Women Project is promoting and advancing equality in gender segregated industries and is helping to create workplaces where women are safe, respected, included and equal.



Rights at work
resources here

“Because the more of us that get into the workplace, the better it will be for us all. Workplaces and cultures will only change if we can get more women to help us change.”

- Trades Assistant

“I just think women thrive in this industry and we're bloody good at it!”

- Bus Operator

**Workplaces
FOR Women**
EQUALITY RESOURCES

weareunion.org.au/w4w

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Australian Government

