



## Flexible Work Guidance

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### Overview

The University of Waikato aims to provide a working environment that recognises that our employees will benefit from flexible approaches to balancing family commitments and outside interests alongside their work responsibilities.

As a large employer, we recognise that flexible working offers numerous benefits at the individual level as well as the organisational level and for our stakeholders.

#### For our People

Demonstrating a willingness to consider flexible working arrangements attracts a broader talent base. Employees with flexible work arrangements often show more loyalty and have longer tenures with their employers.

#### For the Organisation

It is common for people in flexible roles to work smarter and perform well because they feel they have more control over their work.

#### For our Stakeholders

Incorporating flexibility and being willing to adopt changes means we are ready to meet the changing needs of our stakeholders in a digitised world.

Being more flexible in the way we work is about:

- Having an open, two way conversation about flexible working options in line with role requirements and organisational needs
- Focussing on outputs; managing performance by results
- An arrangement that works for individuals, roles and the needs of the organisation, customers and stakeholders; one size doesn't fit all
- Working together to make flexibility work where possible – there is give and take in working flexibly and ultimately organisational needs must be met
- Committing to effective outcomes for all.

### Five core principles for flexible working at the University of Waikato

The following five core principles guide our flexible working approach at the University of Waikato.

When a line manager and an individual discuss, or review, a flexible working arrangement, it is helpful to work through each of the areas that need to be addressed including the 'what', 'when', 'where' and 'how' of flexible working.

In addition to the discussion about the flexible working logistics, it is very important to discuss the broader impact. The core principles are a good place to start.

#### 1. The needs of students, colleagues and other stakeholders must come first

It is paramount that the needs of student, colleagues and other stakeholders come first. Where roles require staff to engage with students, colleagues or other stakeholders on-site then their primary workplace must be on-site. Certain team meetings and events may also require face-to-face attendance regardless of any flexible working arrangement.

It is important to consider the contribution of the flexible work arrangement to employee engagement, well-being and health, as well as the impact on the wider team and stakeholders. For example, there needs to be equitable allocation of any work that must be done on-site among the staff employed in any one area. This will ensure the ongoing development of collegial relationships within the University community.

Many roles that do not require a regular on-site presence may still benefit from maintaining ongoing face-to-face interaction. Challenging conversations, group connections and opportunities to share ideas with others are often best conducted in-person (although can also be conducted online) and casual corridor conversations can be beneficial in building rapport and collegiality. Some level of onsite presence can ensure that the opportunity for casual connections and serendipity is not lost.

Potential questions for discussion:

- Who are the customers and stakeholders?
- What will the impact be on customers, colleagues and stakeholders?
- How can you ensure the arrangement will not create additional work for colleagues?
- How will expectations be managed?
- How will individuals keep connected with their customers, colleagues and stakeholders?
- What are the challenges and how will they be overcome?

*Note: Customers include external customers e.g. students, community members and other key stakeholders and internal customers e.g. other University staff members.*

## **2. Health and safety requirements must be met**

As set out in the [Safety and Wellness Policy](#) and in legislation, the University has responsibilities with respect to the provision, maintenance and continuous improvement of a safe and healthy work environment. Line managers must know where staff are located during normal work hours, including remote working and travelling nationally or internationally on business for the University.

Staff members must comply with the Health and Safety requirements as set out in the [Flexible Working Arrangements Policy](#) at all times. The University takes steps to ensure that on-site workplaces comply with these requirements; if staff members request to work remotely they must confirm compliance with the requirements.

The University appreciates that when staff work from home, this will usually be in a comfortable and safe environment. The University does not wish to set out highly prescriptive obligations for its employees who work from home. However, we must be mindful that the University's obligations under the Health and Safety at Work Act 2015 extend to any place where work is customarily carried out for a business, which may include an employee's home. The University therefore requires that employees working from home take responsibility for the following common-sense precautions:

- Carrying out work in a stable routine which does not compromise the employee's need for recreation and night-time sleep;
- Arranging chairs, keyboards and monitors so that their workspace is comfortable and ergonomically sound;
- Taking regular breaks and performing stretches during periods of work;
- Ensuring the workspace is kept clear and free of obstacles or tripping hazards, and that it is well lit and not draughty;
- Ensuring that interruptions and other potential stressors are kept to a minimum.

The employee will, if required, permit an ergonomic consultant nominated by the University to inspect and report on their workspace. The employee may also be required to provide a photograph of the workspace or other evidence that the foregoing requirements are being met.

Because an employee will usually be working from home as a matter of personal preference and individual flexibility, the University will not be obliged to assume any responsibility for equipping an employee's home with ergonomic equipment. However, in situations where an employee will be working from home for

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extended periods the University may be willing to provide them with such equipment at the University's discretion.

Health, Safety and Wellness must be part of an ongoing discussion between managers and individuals. It is expected that individuals will immediately raise any concerns they have in relation to Health, Safety and Wellness with their manager. It is also expected that individuals will immediately bring to their manager's attention any changes to their flexible working environment, as it relates to Health, Safety and Wellness.

Potential questions for discussion:

- How and how often will staff members keep their managers informed of their whereabouts?
- How will individuals ensure compliance with Health and Safety requirements?
- What, if any, health, safety and wellness concerns need to be addressed?
- What does the manager / team need from the individual for this to work?
- What does the individual need from the manager / team for this to work?

### **3. Expectations must be clear and outcomes must be measurable**

It is important to set clear and transparent expectations with employees regarding how their work will be set and measured, and all parties need to be very clear as to what is expected.

Each party needs to deliver in accordance with the expectations agreed.

Flexible working requires a shift in mind-set for some managers and individuals from 'managing by seeing' to 'managing by results'. This requires clarity of what is expected and regular performance conversations.

Line managers and individuals must identify tangible measures of productivity in employment. For academic staff these will likely include teaching evaluations, publications, external research funding and service to the University. For non-academic staff these will include tangible outputs specific to their role, customers and team.

Potential questions for discussion:

- Does the individual have specific tasks, goals and objectives which guide their work?
- How will you review performance on an ongoing basis?
- Are there additional aspects to the role which are not clearly outlined in objectives which need to be agreed? Consider contribution to the team, division, organisation, etc.
- Do we need a trial period to test how it works in practice?
- What does the manager / team need from the individual for this to work?
- What does the individual need from the manager / team for this to work?

### **4. Regular communication must be maintained**

Flexibility is not a one-off transaction. The conversation should continue and both parties need to be honest if it is not working and be open to alternative solutions. The parties should work together to adjust as their needs change.

As roles, individuals and needs change look for ways to improve practices and options.

It may be appropriate to have a whole team discussion to maximise efficiency and benefits of flexible working. Establish team agreements on delivery, communication and presence.

Potential questions for discussion:

- How and how often will we maintain connections one-on-one?
- How and how often will we maintain connections as a team?
- What technology will we use to remain connected?
- What are the non-negotiable times, days or events whereby staff members must attend in-person?

## 5. Each request must be considered individually on its own merits

'One size fits all' approaches to flexibility tend not to work due to the varying requirements of roles, individuals and tasks. There are many reasons why someone requests flexible work and often several options will be available to meet the need.

When considering individual requests managers should reflect on ongoing and new organisational and team goals, objectives and requirements. Not all options will be suitable for all environments, roles or individuals, so careful review is required to determine how flexible work options will ensure stakeholder needs are met.

Potential questions for discussion:

- Is the role suited to the flexible working request?
- Is the individual equipped to perform this role flexibly? (Consider training requirements, collaboration, physical resources, etc.)

If, after careful consideration and good faith discussions of all five principles, parties are unable to come to a satisfactory arrangement, there are a number of grounds on which managers can decline an application, namely:

- You are unable to distribute work among current employees
- You are unable to recruit additional employees
- The arrangement may have a detrimental impact on quality or performance
- An insufficiency of work during the period the employee wishes to work
- Future plans for structural changes
- Additional burden or cost for the organisation
- Potential detrimental effect on the ability to meet stakeholder demands

Following careful consideration, good faith discussions and consultation with the Director of People and Capability, a manager may also decline an application on the grounds of health and safety.

A flexible working request must be declined where:

- the staff member requesting a flexible working arrangement is bound by a Collective Employment Agreement; and
- the flexible working application relates to arrangements to which the Collective Employment Agreement applies; and
- the staff member's application, if approved, would be inconsistent with the Collective Employment Agreement.

## Our obligations

The University of Waikato has a legal obligation under [Part 6AA](#) of the Employment Relations Act 2000 and its Amendments to allow employees to request a variation to their hours of work, days of work, or place of work. Over and above the legislation, we are committed to being an employer of choice and our [Flexible Work Arrangements Policy](#) aims to make flexible working arrangements as accessible as possible.

There are certain requirements that senior managers must meet in order to comply with the legislation:

- Senior managers must respond to any request for flexible work within one month of the application being received
- The response must be in writing and set out the reasons if the request is declined
- Managers must act in good faith in determining the application and make a sincere effort to negotiate an arrangement that will work for the employee, the organisation, the team and other stakeholders. This may require a series of discussions between the individual, manager and other stakeholders to determine a suitable solution.

There are a number of additional considerations to take into account when considering applications; these are captured in the core principles below.

### Who is eligible to apply for flexibility?

Under legislation, all employees can request flexible work arrangements, whether this is at the beginning of, or during, employment.

The University encourages open discussion about flexible working arrangements – including variations on how, where and when individuals work. It is about finding the right balance, being mindful of and meeting organisational and stakeholder requirements.

### What options are available?

There are many options for flexible work and these include:

- **Working from home** – This can be a short- or long-term arrangement where the work location is split between on-site and home on an ongoing basis. Some key considerations to be taken into account when determining eligibility are technology requirements, health and safety considerations, impact on deliverables and accessibility for students, visitors, colleagues or other stakeholders.
- **Part-time** – Refers to an arrangement where individuals work a set number of days and/or hours on a part-time basis, or work for only part of the year.
- **Compressed working week** – Refers to an arrangement by which hours can be compressed into a shorter working week e.g. a 37.5-hour week could be averaged over 4 days at 9.38 hours per day.
- **Phased retirement** – Refers to an arrangement where an employee gradually reduces their working hours over a set period in anticipation of permanent retirement at a future date to be determined. Note: It is strongly recommended that employees discuss phased retirement with their HR Advisor to ensure they are fully informed of the financial and other impact and all options available.

### Putting flexibility into practice

At the University of Waikato, applications for flexible working are employee driven. This means that it is up to individual employees to make a request to their manager for a change in their work arrangements. In doing so, the employee is required to provide substantiating information for their request, including:

- What sort of flexible arrangement they are requesting e.g. working from home, a reduction in hours, etc.
- What they believe the impact will be on the organisation, team and stakeholders
- Duration of the requested arrangement. Is it a temporary or permanent request?
- How this will impact on their duties and how they will minimise impact on others?

Requesting and discussing a flexible working arrangement requires input from both the employee and manager.

If the employee is requesting an ad hoc flexible working arrangement, they should request this directly with their manager and make time to discuss the logistics as well as the core principles of flexible working. It is advisable to document the agreed outcomes.

The following applies only to applications for formal flexible working arrangements.

#### 1. Employee makes a request for flexible working

If the employee is requesting a **formal** flexible working arrangement, they must complete the [Flexible Working Arrangements Application Form](#) to inform the discussion with their line manager and HR.

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The completed form must be sent to the line manager in advance of the discussion so that the manager can consider the details and discuss with HR, if required.

Managers should take the time to read the University of Waikato [Flexible Working Arrangements Policy](#), and ensure that they understand their obligations under the Employment Relations Amendment Act 2000.

*Best practice tips for managers:*

- *When a role becomes vacant, consider if the role can be filled in a different way.*

### **2. Consider and discuss the request**

The line manager, in consultation with the relevant HR Advisor (if required) and senior manager, will consider the application.

The manager and individual will discuss the flexible work application. This could involve a short conversation, or it could involve several discussions as possible terms and conditions of the flexible work arrangements are worked through and the outcome is decided; this depends on the complexity of the request and role requirements. The HR Advisor may be part of the discussion.

During the discussion the details should be captured as appropriate e.g. hours of work, physical location, communication and availability expectations, impact on customers and stakeholders, and other relevant details. The five core principles of flexible working should also be discussed.

Both parties should remain open to the conversation and options available and every request should be treated on an individual basis.

If appropriate, establish a trial period for the flexible working arrangement after which the arrangement will be reviewed.

If further information is required then this should be gathered and shared as soon as possible after the discussion.

*Best practice tips for managers:*

- *Consider involving the team in a proactive discussion about how flexibility could work for the whole team (except where privacy issues may be an issue).*

### **3. Decision and documentation**

Once the line manager and individual have come to a provisional recommendation, the senior manager's decision will be communicated to the staff member in writing as soon as is practicable, but no later than one month from the application date.

If the request is declined, the line manager must give reasons why the application has been declined. The documented outcome should not come as a surprise to the individual.

*Best practice tips for managers:*

- *Review individual outputs on a regular basis especially at the beginning of any new arrangement.*
- *If there are performance issues, assess all possible factors (expectation setting, engagement, understanding, etc.). Performance issues should be dealt with outside of the flexible working discussion, as part of a planned performance management discussion.*
- *Be aware of changing needs over time and respond to these as appropriate.*

#### **Remember:**

- In accordance with legislation, the senior manager is required to respond formally to the request within one month of receiving the request.
- Staff can seek advice from their HR Advisor or a representative at any stage in the process.
- Managers are encouraged to speak with their HR Advisor prior to making their recommendation to ensure that the impacts are fully considered.

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- If a flexible arrangement is approved, ensure to have regular check-ins with each other to see whether the arrangement is working for all parties.
- If a formal flexible working arrangement is approved, a copy of the completed application form must be sent to HRM to ensure the changes and any Payroll implications are actioned.
- The manager or staff member should speak up if something is not working and consider how to tweak the arrangement to better suit rather than dropping it completely.
- All parties should share positive experiences and outcomes with their peers.
- If a staff member moves to another role in the University, for whatever reason, there is no guarantee that any flexible working arrangements can be retained.



## **APPENDIX A**

### **Working from home guidelines**

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Some roles or tasks may be able to be performed away from University premises. Depending on the role or required tasks, there may be an option for an employee to perform some of their duties whilst working from home. Generally the types of roles which can be performed from home do not require a high level of face-to-face interaction with customers, stakeholders or team members and can be effectively performed from different locations.

#### **Making the arrangements**

Before working remotely, the employee and their line manager should discuss the arrangement (particularly where work is performed remotely on a regular and systematic basis). The discussion should include:

- The arrangement that will apply (how often the employee will work remotely, the duration of the arrangement, hours of work etc.)
- The technology and other equipment they will use
- How to ensure health, safety, wellbeing and security while working remotely

#### **Putting remote work into practice**

For an employee, the ability to work from home is at their line manager's discretion. If things change, or if the line manager considers that the arrangement is negatively impacting the employee's work, it may be necessary to revisit the agreement.

#### **Requirements for remote working**

The University of Waikato may provide employees with certain technology to assist them to work remotely e.g. a laptop.

When making a request for flexible work, it is the employee's responsibility to think about the technology they may need to make it work.

#### **Expenses**

It may be the case that the new arrangement would create additional costs for the organisation, in which case the decision to invest in any additional costs is at the line manager's discretion.

The cost of general utilities in the employee's home such as electricity, gas, water, internet connection, smoke detectors, etc. is the responsibility of the employee.

#### **Health, safety and wellness**

No matter when or where an employee works, ensuring their health and safety is a shared responsibility between the manager and the employee. When working remotely, the employee is responsible for organising a work area that is appropriately set up to ensure that they can work safely. To ensure that this is the case, a manager can request an employee to provide photos of their work location and may request a Health, Safety and Environment (HSE) assessment of the workstation. The Health, Safety and Wellness team can be contacted at <mailto:healthandsafety@waikato.ac.nz>

#### **Security of information and equipment**

All University of Waikato policies that apply to employees who are working on University premises also apply when employees are working remotely. It is the employee's responsibility to keep all work information secure, especially customer records and any other sensitive material. It is also important that care is taken of University information and equipment.

### **Employee's responsibilities**

When working remotely, the employee should ensure that:

- They comply with the guidelines contained in this document as well as all other University of Waikato policies and procedures
- They only work from a location that is safe and suitable for working remotely
- They comply with all health and safety requirements
- If they are injured, or notice pain and discomfort, it is the employee's responsibility to notify their manager promptly as outlined in University of Waikato health and safety procedures
- They do not work during annual leave or sick leave specified on a medical certificate
- They do not hold meetings with customers or others at their home
- They make necessary childcare arrangements and don't treat working from home as a substitute for childcare
- They take reasonable steps to keep University of Waikato technology, equipment and information safe and in working order.

## **APPENDIX B**

### **Frequently Asked Questions (FAQs)**

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#### **Flexible working requests**

**Q.** *Are all employees eligible to request flexible working arrangements?*

**A.** Yes, specific provisions apply under Part 6AA of the Employment Relations Amendment Act 2000, these are:

- All employees can request a change to their working arrangements at any time in their employment term
- Employees can make as many requests for flexible work arrangements as they like in any 12 month period

**Q.** *Who is responsible for initiating a request for flexible working?*

**A.** Flexible working is employee driven. This means that it is the individual's responsibility to make an application and consider the potential impact on others. There should be ongoing check in points for managers and employees to review how the arrangement is working.

**Q.** *What kind of flexible working arrangements can employees request?*

**A.** There are a number of different variations that can be requested which relate to changes in working hours, time and location.

**Q.** *How long can managers consider a request before responding?*

**A.** Managers are required to respond to a request from employees within one calendar month of receiving an application. The response must be in writing.

**Q.** *What if my manager doesn't think it can work?*

**A.** It is important that both parties are open and requests are considered in good faith. If the request cannot be accommodated under one of the grounds contained in the Act, the senior manager may decline the request. However, it is expected that managers and individuals discuss the request and consequently consider whether there is an alternative arrangement which will meet both the needs of the University and the employee. It might be beneficial to propose a trial period during which time each party can review whether it is working.

**Q.** *Is time in lieu a flexible working arrangement?*

**A.** No, flexible working is different than time in lieu. As is the nature of many roles, all employees may need to work additional hours from time to time to meet requirements of their role and this does not automatically make them eligible for time in lieu.

**Q:** *Can employees work from home instead of taking sick leave?*

**A:** Flexible working is not an alternative to sick leave. When people are sick it is important that they take the necessary time away from work to recover. Employees have sick leave provisions in their employment

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agreements enabling them to take sick leave when they are unable to attend work by reason of sickness, injury or care of a dependent.

### **Changes to flexible working arrangements**

**Q.** *Can an employee's flexible working arrangement be changed?*

**A.** If the flexible working request has resulted in a permanent change of the employee's terms and conditions of employment the working arrangement cannot be changed except by mutual agreement. It is advisable to have a trial period so that both parties are able to gauge the impact of the flexible arrangement.

In the event that circumstances have changed and the arrangement is no longer viable for the University of Waikato the manager will have discussions with the employee. If the terms and conditions of employment have not been changed then managers and employees should keep the line of communication open to ongoing review of the flexible work arrangement.

If either party wants to change the arrangement, this needs to be discussed between parties in an effort to reach a new arrangement.

**Q.** *What happens if an employee with a flexible work arrangement transfers to another department?*

**A.** The employee should discuss the matter with their prospective new manager before accepting a new position. The flexible work arrangement applies only to the position for which approval was granted and will not automatically apply in any new role.

### **Training and development**

**Q.** *Will training and career development opportunities be affected by flexible work arrangements?*

**A.** No, training and development opportunities are available to all employees regardless of flexible work arrangements. Similarly, all employees are expected to meet their performance standards and the same criteria is used by managers during performance and remuneration review.

**Q.** *What happens if meetings, training sessions or other important events are scheduled at times when your employee is working remotely?*

**A.** This will need to be discussed. There will be a need for some flexibility from both sides to make the arrangement work.

### **Payroll and benefits**

**Q.** *How will a flexible work arrangement affect an employee's pay and benefits?*

It depends on the nature of the arrangements. Any impacts will be explained by your HR Advisor and these will be confirmed in writing.