

Flexible Work Arrangement Policy

Section 1 - Preamble

(1) Charles Darwin University ('the University', 'CDU') endeavours to be an employer of choice by fostering a work environment which promotes a healthy work-life balance, and where people feel supported, safe and happy. The University is committed to providing, wherever practicable and consistent with operational requirements, flexible working arrangements as requested by employees.

(2) Our people are a key enabler to CDU reaching its strategic goals and we must live our core values of courage, kindness, openness, innovation and leadership. For our people to be innovative, we must provide a work environment that champions and supports innovation. If we are to produce innovative and impactful training, education and research, we must support innovative ways of working that best leverage our people's skills and abilities and attracts and retains an innovative workforce.

Section 2 - Purpose

(3) This policy outlines the University's commitment to workplace flexibility, the flexible work arrangements that are accessible to employees at the University, and the eligibility and conditions surrounding a request for a flexible working arrangement under the [Fair Work Act 2009](#).

Section 3 - Scope

(4) This policy applies to all continuing and fixed term employees at the University.

- a. Any exceptions are outlined in the relevant procedure or the [Charles Darwin University and Union Enterprise Agreement 2025](#) (the Agreement).

Section 4 - Policy

(5) The University seeks to attract and retain high quality employees through provision of flexible work arrangements, and recognises that flexible working arrangements allow employees to balance their personal and professional lives.

(6) Flexible work arrangements are individually negotiated and assessed on a case-by-case basis, taking into consideration the employees individual circumstances and the operational requirements of the work unit and broader University community.

(7) The University will not unreasonably refuse a request for a flexible working arrangement.

(8) Each flexible work arrangement is temporary and can be entered into for a maximum period of 12 months for ongoing and fixed-term employees or one semester for teaching academics.

- a. Flexible work arrangements must be reviewed no later than 6 months following commencement.

(9) All flexible work arrangements may be modified or terminated by the University at any time with the provision of ten (10) working days notice.

(10) Flexible work arrangements are not to be used in lieu of accessing leave entitlements. Employees who are unwell must utilise their personal leave.

(11) Employees must not be disadvantaged by requesting or accessing a flexible working arrangement.

Flexible Work Arrangements

(12) Flexible work arrangements at the University center around four (4) key areas of flexibility: location, hours, leave, and career.

(13) Location flexibility:

- a. An employee can request to work off-campus in accordance with [the Agreement](#) and the [Working Off-campus Procedure](#).

(14) Hours flexibility:

- a. An employee may request flexibility in their work schedule, including but not limited to a change to start and finish times, condensing their normal weekly hours over fewer days (e.g. 9 day fortnight), time off in lieu (TOIL), or moving to part-time hours. These arrangements are subject to the relevant approval in accordance with the Agreement.

(15) Leave flexibility:

- a. Individual Flexibility Arrangement – an employee may work a reduced number of weeks over a twelve (12) month period and take additional leave in accordance with the Agreement.
- b. Purchased Leave - an employee may request to purchase up to six (6) weeks additional leave over a twelve (12) month period in accordance with [the Agreement](#).
- c. Breaks for breastfeeding or expressing milk – an employee returning from parental leave will be provided regular paid work breaks for breastfeeding and expressing milk by arrangement with their supervisor, in accordance with the Agreement and the [Feeding Infants and Young Children Policy and Procedure](#).
- d. Employees may access other paid and unpaid leave arrangements as appropriate to their individual circumstances in accordance with the Agreement and relevant legislation.

(16) Career flexibility:

- a. Pre-retirement contract – eligible employees may apply to establish a pre-retirement contract for a period of up to five (5) years to allow them to phase down to retirement in accordance with the Agreement and [Pre-Retirement Contract Procedure](#).

Right to request flexible working arrangements under the Fair Work Act 2009(Cth)

(17) Where a request is made for a flexible working arrangement in accordance with Section 65, Division 5 of the [Fair Work Act 2009](#), the request shall be assessed in accordance with the requirements outlined in the legislation.

(18) In accordance with the [Fair Work Act 2009](#), an employee has the 'right to request' a flexible working arrangement where the employee:

- a. is pregnant;

- b. is a parent or has responsibility for the care of a child who is of school age or younger;
- c. is a carer in accordance with the [Carer Recognition Act 2010](#) (Cth);
- d. has a disability;
- e. is 55 years of age or older;
- f. is experiencing family and domestic violence; or
- g. provides care or support to a member of their immediate family, or a member of their household, who requires care or support because the member is experiencing family and domestic violence.

(19) An employee is not entitled to make a request under this section unless they have completed at least twelve (12) months of continuous service with the University before making the request.

(20) A request made in accordance with the [Fair Work Act 2009](#) must be submitted in writing and set out the details of the change sought and reasons for the change.

(21) Where a request is submitted under these provisions, the University is required to provide a written response within ten (10) working days of receipt of the request, stating whether the request has been approved and if not approved, detailing reasons for this decision.

(22) The University may only refuse a request for flexible working arrangements made in accordance with the [Fair Work Act 2009](#) on reasonable business grounds, including but not limited to:

- a. The nature of the work requiring the employee to have regular contact with students and/or other customers; or
- b. The University being unable to accommodate the request due to operational requirements.

(23) The process for declining an application or terminating an agreement as outlined in this document must be strictly adhered to.

Declining an application or terminating an agreement

(24) If considering declining the application or terminating the agreement:

- a. The supervisor must initially contact the relevant People Partner within People and Culture to discuss reasoning and ensure reasonable and fair consideration has been given to the request.
- b. If the supervisor remains of the same opinion, they must advise the employee of the outcome in writing, clearly articulating reasons for their decision.
- c. The employee can appeal this decision in writing to their relevant member of the Senior Executive Team (SET), who must reconsider the request and provide the employee with a final written decision within ten (10) working days of receiving the appeal.

Section 5 - Non-Compliance

(25) Non-compliance with Governance Documents is considered a breach of the [Code of Conduct - Employees](#) or the [Code of Conduct - Students](#), as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures.

(26) Complaints may be raised in accordance with the [Complaints and Grievance Policy and Procedure - Employees](#) and [Complaints Policy - Students](#).

(27) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the [Fraud and Corruption Control Policy](#) and [Whistleblower Reporting \(Improper](#)

[Conduct\) Procedure.](#)

Status and Details

Status	Current
Effective Date	11th March 2024
Review Date	11th March 2027
Approval Authority	Vice-Chancellor
Approval Date	11th March 2024
Expiry Date	Not Applicable
Responsible Executive	Peta Preo Director People and Culture
Implementation Officer	Peta Preo Director People and Culture
Enquiries Contact	Peta Preo Director People and Culture <hr/> People and Culture