

UQ College (UQC)

Policy and Procedure

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Legislation	<p>Fair Work Act 2009 (Cth)</p> <p>Work Health and Safety Act 2011 (Qld)</p>
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Purpose and Scope

Purpose

UQ College (UQC or the College) is committed to maintaining a vibrant education environment, while also accommodating flexible work for staff.

UQC recognises the importance of staff being physically present on College sites to:

- a. maximise the student and staff experience;
- b. build productive teams and strengthen organisational culture;
- c. enable the exchange of ideas; and
- d. maintain a functional campus/site environment.

At the same time, UQC acknowledges that flexible work helps to attract, retain and support staff needs at different career and life stages.

Flexible work may also be implemented by UQC in response to matters, including but not limited to:

- a. unexpected or crisis situations;
- b. work health and safety reasons; or
- c. accommodating changes to the College's built environment.

This policy outlines the principles and legislative framework that underpin the College's approach to flexible work and the different types of flexible work that may be made available to staff.

Scope

This Policy applies to all academic and professional staff of UQC.

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1. Key Requirements

1.1 Definitions

Flexible work is any approved variation to the standard daily or weekly work pattern within a workplace.

A **flexible working arrangement** is flexible work that has been approved following a request by a staff member under the *Fair Work Act 2009* (Cth).

Workplace flexibility is flexible work that has been approved following a request by a staff member made under this Policy that is not a request made under the Fair Work Act.

Local flexibility means flexible work practices implemented by a manager for a team or organisational unit that their staff may request to participate in.

Staff may make a request for flexible work in accordance with:

- a. where eligible, a **flexible working arrangement** under the *Fair Work Act 2009* (Cth) – see section 2.0 of the Policy and section 6.2.1 of the Procedure.
- b. UQC's **workplace flexibility** request process – see section 6.2.2 of the Procedure.

2. Requests under the Fair Work Act

The Fair Work Act grants a staff member the 'right to request' a flexible working arrangement if they:

1. have completed at least 12 months of continuous service at UQC¹; and
2. have one of the following circumstances:
 - a. are a parent of or have responsibility for the care of a child who is of school age or younger;²
 - b. are pregnant;
 - c. they provide personal care, support and assistance to someone that has a disability, medical condition or mental illness or who is aged and frail in accordance with the *Carer Recognition Act 2010* (Cth);
 - d. have a disability;
 - e. are aged 55 years or older;
 - f. are experiencing family or domestic violence from a family member; or
 - g. are providing care and support to a member of their immediate family or household who is experiencing family or domestic violence; and
3. would like to change their working arrangements because of one or more of these circumstances.

Requests will be considered by the College but may be refused on reasonable business grounds.

Reasonable business grounds - for the purposes of considering and responding to a request for a flexible work arrangement under the Fair Work Act, will include that:

- a. the new working arrangements requested would have a negative financial impact;

¹ For casual employees, the employee must – immediately before making the request – have been employed by UQC as a regular casual employee for a sequence of periods of employment during a period of at least 12 months and have a reasonable expectation of continuing employment by UQC on a regular and systematic basis.

² For clarity, in Queensland, a child is considered school age from 6 years and 6 months until they turn 16, or they complete Year 10 (whichever comes first).

- b. there is no capacity to change the working arrangements of other staff members to accommodate the new working arrangements requested;
- c. it would be impractical to change the working arrangements of other staff, or recruit new staff, to accommodate the new working arrangements requested by the staff member;
- d. the new working arrangements requested by the staff member would be likely to result in loss of efficiency or productivity; or
- e. the new working arrangements requested by the staff member would be likely to have a negative impact on customer service.

3. Other requests for Flexible Work

Staff who do not meet the 'right to request' criteria may request workplace flexibility in accordance with the UQC Flexible Work Policy and Section 7.0 of the Procedure (below).

These requests will be considered in accordance with the requirements in the Procedure (below).

4. Principles

The following principles underpin the College's approach to flexible work.

4.1 General Principles

1. Where staff are entitled to make a request for a flexible working arrangement under the Fair Work Act, requests will be considered but may be refused on reasonable business grounds.
2. If staff members do not meet the criteria in the Fair Work Act, they may make a request for workplace flexibility that will be considered on a case-by-case basis in accordance with the guidelines in the Procedure.
3. Flexible work may also be implemented locally within a team, organisational unit or function. Staff members may make a request to participate in a local flexible work practice applicable to them that will be considered on a case-by-case basis in accordance with the guidelines in the Procedure.
4. Ordinarily, a staff member may only request up to two amendments to their work arrangements per year.

4.1.1 Flexibility principles

1. Campus delivery is the default option.
2. While some roles might accommodate some form of flexibility, the nature of certain roles and teams can limit the applicability of some types of flexible work. As such, some staff may have greater access to different modes of flexible work than others.
3. Some roles and tasks require a physical presence in the workplace due to the nature of the work undertaken. For example, roles which:
 - a. involve face-to-face interaction with stakeholders and students (for example, teaching, student supervision, academic advising, and engagement) where the services are not, or cannot be offered remotely and/or the quality of service would be diminished if provided remotely;
 - b. involve engaging with students during on-campus events and activities as a way of promoting student engagement, personal connection, and community belonging;
 - c. require the face-to-face supervision of other staff.

4. Flexible work that incorporates hybrid working must balance time spent at home with having an onsite presence. On average, more time must be spent at UQC work sites than at home, unless there are exceptional circumstances which prevent this from occurring.
5. Decisions about meeting organisational objectives (for example, decisions about modes of course delivery) will be made to maximise organisational outcomes rather than on the flexibility requirements or preferences of individual staff members.
6. Performance is defined by outcomes and achievements. UQC expects that staff will fulfil the requirements of their role and work in the interests of the College, irrespective of when and where work is undertaken.
7. Flexible working arrangements are temporary and do not override the terms of employment set out in a staff member's contract of employment.

4.1.2 Staff Responsibilities

Staff who have a flexible working arrangement under the Fair Work Act, or approved workplace flexibility:

- a. are responsible for adhering to relevant work, health and safety requirements, including adhering to the principles of the UQC Alcohol and Other Drugs Policy when working from home;
- b. will assume the costs of additional equipment/facilities not already supplied by the College based on role specific requirements and of any home and contents insurance cover required for additional equipment/facilities that they purchase for the purpose of undertaking the arrangement;
- c. may be required to modify their working arrangements to participate in planned activities, events or meetings and during specific periods of peak activity where work is required to be conducted on site;
- d. are required to clearly advise others of their availability and working timeframes (for example, through email, out of office notifications and other technological communication methods);
- e. are expected to be contactable and available during agreed work times;
- f. will access Personal Leave (Sick and Carer's) when working from home, if they are not fit for work, because of personal illness or injury, or if they need to provide care or support to a member of the staff member's immediate or extended family, household, or significant other;
- g. may have office allocations and/or other space and facilities adjusted accordingly;
- h. will be paid at ordinary rates, if voluntarily working outside the standard spread of hours (including weekends), set out in their employment contract as part of their flexible working arrangement; and
- i. must otherwise work within the span of hours applicable to their position, unless the approval of their manager has been obtained in advance.

4.1.3 Management responsibilities

1. UQC Senior Managers are responsible for determining the feasibility of different types of flexible work within their organisational context. Feasibility considerations must be based on the role and team requirements within functional areas and/or teams rather than personal preferences or views.
2. Managers are responsible for:
 - a. responding to requests for flexible working arrangements under the Fair Work Act in accordance with the provisions of the Fair Work Act within 21 days;
 - b. responding to requests for workplace flexibility in a timely manner;

3. Advertised roles should include clear information about the potential applicability of flexible work options so that potential candidates can make an informed choice before applying for a position.
4. A staff member will not be disadvantaged by requesting or being afforded access to flexible work.

4.1.4 Duration and review

Flexible working arrangements under the Fair Work Act, or approved workplace flexibility:

- a. can be requested and implemented for up to 12 months at a time, which may include a trial period (usually three months) to determine whether it meets the needs of both parties;
- b. can be extended by agreement at the end of the 12-month period, for a further 12 months if a request is made by the staff member (including by way of discussion with their manager) as set out in the Procedure;
- c. will be reviewed regularly by the staff member and their manager to determine ongoing viability (which may occur during the Annual Performance & Development review process). This may result in amendments or cessation;
- d. can be ceased at a manager's discretion, including if the arrangement is no longer workable and discussions have been unable to resolve the issues, or for performance related reasons; and
- e. do not transfer from one position to another.

4.1.5 Requests to work from an interstate or overseas location

1. Due to tax implications, insurance requirements and other considerations, requests for flexible work that involve working from an international location will not be considered.
2. Requests for flexible work that involve working from an interstate location for extended periods of time and/or as a principal place of work will only be considered in exceptional circumstances and require approval by the UQC Chief Executive Officer (CEO).

5. Monitoring, Review and Assurance

UQC, through the UQC Board of Directors, will periodically review this policy and its procedures for their effectiveness.

6. Recording and Reporting

The UQC Senior Manager Corporate Services will maintain complete and accurate records of all previous versions of the Flexible Work Policy and Procedure, changes to the Policy and any communications issued about the Policy.

UQC Corporate Services hr@uqcollege.uq.edu.au is responsible for collecting and providing data on the number and outcome of requests for flexible work for annual reporting purposes

All UQC records must be retained and disposed of in accordance with the UQC and University's policies and procedures about record management and storage.

7. Procedure

7.1 Approval process for informal flexible work

Informal or short-notice flexible work may be implemented to accommodate unexpected circumstances impacting a staff member's normal working routine or location.

The process for requesting informal flexible work is as follows:

1. The staff member identifies the need for short-notice flexibility.
2. The staff member seeks manager approval via a phone call, text, email, or another communication forum.
3. If the informal flexible work involves working from home, and the staff member does not already have the relevant work from home approvals in place, the staff member will need to complete and submit a workplace health and safety self-assessment for approval.³
4. The staff member agrees that the informal flexible work will be undertaken within their standard spread of hours as outlined in their employment contract.
5. The manager may approve the request via a written response, such as text or email.

The manager and/or staff member advises any impacted staff or clients of the short-term arrangements if required.

7.2 Approval process for flexible work

Requests for flexible work that are intended to extend beyond a two-week period, involve a proposal to work outside of a staff member's normal spread of hours or have financial implications for the staff member must be approved via a formal process. The approval process and considerations will vary depending on whether the staff member is eligible to make a request for a flexible working arrangement under the Fair Work Act or whether the request is for workplace flexibility, under this Procedure.

7.2.1 Requests under the Fair Work Act

The process for staff eligible under the Fair Work Act to request a flexible working arrangement is as follows:

1. The staff member considers the types of flexible work available (set out in the Policy) that might suit their circumstances.
2. The staff member discusses their requirements with their manager regarding their intent to submit a request for a flexible working arrangement, being prepared to consider other options that might meet the needs of both the staff member and the business area.
3. The staff member submits their request, setting out:
 - a. that the request is made under the Fair Work Act,
 - b. the flexible work options being sought;
 - c. the reasons for the request;
 - d. the proposed commencement date; and
 - e. the proposed end date (maximum 12 months).
4. Requests should be made no later than six weeks before the arrangement is intended to commence, unless a shorter period is agreed to by the manager.
5. If the request for a flexible work arrangement includes a request for hybrid working, the staff member must also complete a self-assessment and submit a declaration that confirms that the staff member:

³ This is also applicable to Specific Duties for TESOL Language Teachers engaged under UQ EA 2018-2021 *ref.* Chapter 4, 82.1.

- a. has established a dedicated workspace that accords with Health Safety and Wellness and ergonomic requirements for home-based work;
 - b. has purchased any additional equipment requirements necessary to facilitate the arrangement; and
 - c. understands the requirements that apply to accessing IT systems and software remotely.
6. If the request for a flexible work arrangement includes a request for hybrid working from an interstate location for extended periods of time and/or as a principal place of work, it will not be considered unless the staff member also provides confirmation that the proposal has been considered and received preliminary approval from the UQC CEO.
7. Managers should contact UQC Senior Manager Corporate Services for advice, particularly where a manager is considering refusing a request for a flexible work arrangement. However, the decision regarding whether the request can be accommodated is ultimately made by the manager.
8. The manager will consider and provide a written response to the staff member within 21 days from the receipt of the written request and associated documentation, indicating whether the request is:
 - a. granted (in which case the staff member will be notified electronically);
 - b. granted, but with amendments; or
 - c. refused.
9. If the manager does not propose to grant the flexibilities as detailed in the staff member's original request, the manager must:
 - a. discuss the request with the staff member, including any implications or concerns they have regarding the request, as well as any consequences that a refusal may have on the staff member;
 - b. discuss potential modifications to the request with the staff member to determine if there is a solution that will meet the requirements of the staff member and the business area; and
 - c. genuinely try to reach an agreement with the staff member about making changes to the staff member's working arrangements to accommodate the staff member's applicable circumstances.
10. If any concerns or issues are adequately addressed during the discussion, the staff member will amend and resubmit the request. For clarity, the manager must respond within 21 days from the receipt of the original request, not from the date of any amended request.
11. The manager will consider whether the resubmitted request, including any mutually agreed modifications to the initial request, can be accommodated, taking into account the approval considerations below.
12. The manager may only refuse the request if:
 - a. the manager has taken the actions set out in clause 7.2.1 (9.) above;
 - b. the manager and the staff member have not reached an agreement regarding an arrangement that could be accommodated by both parties;
 - c. the manager has considered the consequences of the refusal for the staff member; and
 - d. the refusal is on reasonable business grounds⁴.

⁴ Refer to Flexible Work Policy (above) for what constitutes reasonable business grounds.

13. If a request is refused, the manager must provide the staff member with a written response that includes:
 - a. details of the reasons for the refusal, including but not limited to:
 - i. the particular business ground(s) relied upon to refuse the request; and
 - ii. an explanation as to how those grounds apply to the request; and
 - b. either:
 - i. details of any changes (other than the requested change) that could be accommodated; or
 - ii. a statement that there are no changes that could be accommodated; and
 - c. details of the circumstances in which, and methods available to, the Fair Work Commission to deal with a dispute relating to flexible work arrangements under the Fair Work Act.

7.2.2 Requests for workplace flexibility

The process for other staff members seeking workplace flexibility is as follows:

1. The staff member considers the types of flexible work available (set out in the Policy) that suit their circumstances.
2. The staff member discusses their proposal with their manager regarding their intent to submit a request for workplace flexibility, being prepared to consider other options that might meet the needs of both the staff member and the business area.
3. The staff member submits their request, setting out:
 - a. that the request is for workplace flexibility;
 - b. the flexible work options being sought;
 - c. the reasons for the request;
 - d. the benefits the proposed flexibility will have on productivity, service delivery and operational outcomes; and to the extent it will have a negative impact, how those impacts can be alleviated;
 - e. the proposed commencement date; and
 - f. the proposed end date (maximum 12 months).
4. If the request for workplace flexibility includes a request for hybrid working, the staff member must also complete a self-assessment and submit a declaration that confirms that the staff member:
 - a. has established a dedicated workspace that accords with Health Safety and Wellness and ergonomic requirements for home-based work;
 - b. has purchased any additional equipment requirements necessary to facilitate the arrangement; and
 - c. understands the requirements that apply to accessing IT systems and software remotely.
5. If the request for a flexible work arrangement includes a request for hybrid working from an interstate location for extended periods of time and/or as a principal place of work, it will not be considered unless the staff member also provides confirmation that the proposal has been considered and received preliminary approval from the UQC CEO.
6. The manager will consider the request and will endeavour to respond to the request within 21 days, but otherwise within a reasonable time, from the receipt of the written request and associated documentation.

7. The manager should schedule a meeting with the staff member to talk through the proposal and discuss any implications or concerns and can suggest potential modifications to the proposal to see if there is a proposal that will meet the requirements of the staff member and the business area.
8. If any concerns or issues are adequately addressed during the meeting, the staff member amends and resubmits the request.
9. The manager will consider whether the request, including any mutually agreed modifications to the proposed arrangement, can be accommodated, taking into account the approval considerations below.
10. Managers are encouraged to contact UQC Senior Manager Corporate Services for advice, particularly where a manager is considering refusing a request. However, the decision regarding whether the request can be accommodated is ultimately made by the manager.
11. The manager will provide the staff member with a notification of whether the request has been approved or refused.
12. If a request is not approved, the manager should attempt to meet with the staff member to explain the refusal.

7.2.3 Approval considerations

When assessing an application for a flexible working arrangement or workplace flexibility, managers are required to assess the overall feasibility of the request and any impact on:

- a. the achievement of operational outcomes;
- b. quality of service delivery;
- c. efficiency or productivity of the staff member or other stakeholders;
- d. client/customer/student service requirements;
- e. the staff member requesting the arrangement; and
- f. other team members within the business area and UQC more broadly.

Additional considerations may include (but are not limited to):

- a. the reason for requesting flexibility;
- b. the nature of the proposed arrangements;
- c. the employee's position and the nature of their work;
- d. timeframes for the commencement and conclusion of the arrangement;
- e. the need to maintain a vibrant on-campus environment and College community;
- f. whether work, health and safety considerations and ITS requirements have been met, including the need for a staff member to take certain actions to meet Health Safety and Wellness standards;
- g. the option of a trial period (usually for three months) and how the effectiveness of the arrangement will be evaluated;
- h. any organisational benefits associated with implementing the arrangement (for example, retention of key staff);
- i. any financial or remuneration implications;
- j. practical considerations, such as supervisory arrangements and attendance at meetings;
- k. impact on the distribution of work and nature of tasks;
- l. the principles set out in Section 4 of the Policy (above); and
- m. any other information which is relevant to the proposal.

7.2.4 Additional considerations for reasonable adjustments

If a flexible working arrangement is requested as a reasonable adjustment for staff with disability, managers should refer to the UQC Access, Equity and Diversity Policy, noting staff with disability have access to additional measures to support their participation in the workplace. For further information, please contact hr@uqcollege.uq.edu.au

7.2.5 Additional considerations for Working from Home (hybrid working) requests

Managers should factor additional considerations into a request for hybrid working. These include (but are not limited to):

- a. role suitability for hybrid working;
- b. whether the operational requirements and outputs of the role can be met from a non-University location;
- c. the ability for staff to work productively without onsite supervision, including new starters requiring in person support and guidance;
- d. overall team service coverage for the full working week; and
- e. any work, health and safety implications.

Working from an interstate location will not be considered unless the staff member also provides confirmation that the proposal has received preliminary approval from the UQC CEO, prior to submitting a request.

7.2.6 Actions after approving a request

Managers are required to take the following actions after approving flexible work:

- a. Communicate any changes to working arrangements or routines to stakeholders, other staff or clients and address any concerns in an open and transparent manner.
- b. Ensure any changes to working hours/arrangement are submitted, especially those with implications for pay and other entitlements.
- c. Schedule flexible working arrangement review meetings to evaluate the arrangement and adjust as necessary.
- d. Ensure the staff member indicates their availability in team schedules and calendars as relevant.
- e. Clearly establish any expectations or requirements regarding the staff member's performance, workload, availability, communication, and attendance in relation to the arrangement.

Where applicable, staff may need to take the following actions after a manager approves a formal flexible working arrangement:

- a. Advise clients, students, other team members and/or other key stakeholders regarding the changed working arrangements, as applicable to the role.
- b. Update out of office notifications, electronic calendars and voice-mail notifications to reflect any changes to times and locations of work.
- c. Proactively maintain healthy work practices, such as scheduling breaks, maintaining agreed working hours and connecting with others via agreed communication mediums.

7.3 Workers' Compensation

The University (and through extension to UQC) is self-insured for workers' compensation. This is managed by the Work Injury Management Section within the UQ Health, Safety and Wellness Division who manage all claims for workers' compensation and rehabilitation.

A staff member that has been approved to work from home in Queensland will continue to be covered by workers' compensation while performing UQC work at the agreed work from home location and will be subject to the provisions of the *Workers' Compensation and Rehabilitation Act 2003* (Qld) and *Workers' Compensation and Rehabilitation Regulation 2014* (Qld).

A staff member seeking to work from home from a location to be based outside of Queensland may require different workers' compensation insurance cover and must consult UQC Senior Manager Corporate Services to confirm that appropriate coverage can be arranged for the duration of the proposed arrangement. Working from an interstate location will not be considered unless the staff member also provides confirmation that the proposal has received preliminary approval from the UQC CEO, prior to submitting a request.

Managers should confirm appropriate workers' compensation insurance cover with UQC Corporate Services hr@uqcollege.uq.edu.au, prior to approving such a request for flexible work.

7.4 Reviewing the arrangement

Flexible Working Arrangements and approved workplace flexibility should be reviewed regularly, and also during any trial period, to identify areas for improvement and to ensure that the flexibility is working for all parties. As a minimum, the review should address:

- a. the efficacy of the new working arrangements;
- b. any challenges associated with implementation;
- c. any impacts on other stakeholders/other staff; and
- d. the feasibility of continuing the arrangement.

The review could be undertaken during the Annual Performance and Development review process.

Where flexible working arrangements and approved workplace flexibility are adversely affecting service delivery, impacting on other stakeholders or staff or are no longer considered feasible, managers should engage with staff to discuss whether any amendments could be made to the proposal to enable it to continue. If so, a new request for flexible work should be made.

Flexible working arrangements, and approved workplace flexibility can be ceased at a manager's discretion including where the arrangement is no longer feasible and discussions have been unable to resolve the issues or for performance related reasons.

Managers may seek advice from UQC Corporate Services hr@uqcollege.uq.edu.au in these cases.

7.5 Renewing the arrangement

If a staff member wishes to renew their flexible working arrangement or approved workplace flexibility (for up to 12 months) they will need to reapply at the end of the approved term. The needs of both staff and business areas change over time.

If the staff member wishes to renew on the same terms, then they should speak with their manager. If the manager is supportive of renewing the term, the manager can confirm the extension of the term to the staff member by email (or note the renewal as part of the of the Annual Performance and Development plan).

If the manager is not supportive to renew the arrangement on the same terms or the staff member wishes to change the terms of their flexible working arrangement or approved workplace flexibility, the staff member must submit a new request.

7.6 Local Flexibility

Managers can implement local Flexible Work practices within the workplace at any time, providing the workplace design accords with employment Award requirements. Staff members can request to participate in the local flexible work practices in accordance with the requirements outlined in 7.2.2 Requests for workplace flexibility. Managers should consider whether there are any reasons, such as

performance, why a particular staff member can't participate in the local flexible work practice. Where a request to participate is refused, staff members can reapply when their circumstances change.

If local flexible work practices involve hybrid working, each participating staff member must also complete a self-assessment and submit a declaration that confirms that they:

- a. have established a dedicated workspace that accords with Health Safety and Wellness and ergonomic requirements for home-based work;
- b. have purchased any additional equipment requirements necessary to facilitate the arrangement and understands; and
- c. understands the requirements that apply to accessing IT systems and software remotely.

7.6.1 Types of local flexible work practices

The types of local flexible work practices which may be considered include:

- a. **Core hours, flexible start and finish times**⁵.
- b. **Daily/weekly job rotation** - enabling two or more staff members to alternate between different roles at the same pay level, to accommodate some workplace flexibility for both.
- c. **Alternating working from home days** - establishing a weekly work routine where different staff alternate between days on campus and days at home.
- d. **Specific Duties** days⁶.
- e. **Routine job share**⁷ - create 'job share' roles within a team to accommodate the desire for part time working arrangements. When taking action to fill a vacant position or to consider an application by a staff member for job sharing, the manager should review the position and, if there is agreement to job sharing, approve to fill the position on a shared basis in accordance with established procedures.

⁵ TESOL Language Teachers engaged under UQ EA 2018-2021 *ref.* Chapter 4, 76.11.

⁶ TESOL Language Teachers engaged under UQ EA 2018-2021 *ref.* Chapter 4, 82.1.

⁷ TESOL Language Teachers engaged under UQ EA 2018-2021 *ref.* Chapter 4, 74.1.

Types of Flexible Work

Type of Arrangement	Staff Eligible	Description
Flexible Working Hours	Full-time or part-time, continuing or fixed-term staff	Any variation to the standard working hours for the work area and/or working a set number of hours over a shorter or longer period of time.
Working from Home (WFH) Hybrid work	All staff	Working in any location other than the standard UQC workplace
Purchased Leave	Full-time or part-time, continuing or fixed-term staff	A staff member may request to purchase up to 4 weeks of additional leave over a 12-month period.
Part-time Hours	Full-time, continuing or fixed-term staff	Any formal, routine reduction to the standard number of paid hours worked within a pay period.
Job-share	Full-time, continuing or fixed-term staff	Two or more part-time staff fulfil the requirements of one full-time position.

Document History

Version	Summary of changes	Author	Action date
3.0	Updated for transfer of business to UQC CRICOS Code	Senior Manager Corporate Services	15 June 2023