

UNIONS HAVE WON NEW WORKPLACE LAWS FOR WORKING WOMEN



FLEXIBILITY AT WORK

ASU members have won new rights to seek working arrangements that suit our unique needs. New laws mean more people can ask for flexible working arrangements and stand up for themselves if employers refuse!

Who can make a request for flexible work?

Employees with at least 12 months of service can now ask for changes to their working arrangements if they:

- » have caring responsibilities for children or others
- » have a disability
- » are pregnant
- » are 55 or older
- » are experiencing violence from a family member
- » are providing care or support to a member of their family or household who is experiencing violence from their family, or
- » are returning to work after the birth or adoption of a child.

What can I ask for?

You can ask for whatever flexible work changes you need to see in the workplace. Think about the changes you need, why you need them and how long you'll need them for. Make sure to give all this information to your employer in writing when making your request.

What happens after I've made a request?

After you've made a request, your employer has up to 21 days to decide whether to accept your request. They must tell you in writing if they accept or reject your requested changes.

Your employer can't just say 'no'! They can only refuse your request after discussing the requested changes with you. Your employer must genuinely try to reach an agreement with you about changes to accommodate your circumstances.

If you make an agreement with your employer, they need to confirm the agreement with you in writing.

If you can't reach an agreement, your employer can refuse your request. If your employer refuses your request, they must explain in writing why they have refused your request and any alternative arrangements they would be willing to make. Your employer will need to show that they've considered your needs and explain the 'reasonable business grounds' to refuse your request. They also need to explain that you have the right to take the matter to the Fair Work Commission (FWC) for review and arbitration.

What are reasonable business grounds?

Reasonable business grounds include the cost to the business, the impact of your changes on other employees, a significant loss in efficiency or productivity, or a significant impact on customer service.

What if my boss says no?

You can take your employer to the FWC if your employer refuses to grant your request or fails to provide a written response with 21 days. Before going to the FWC, you need to attempt to resolve the issue at a workplace level. **The ASU can help you with this step, so call your union office for advice.**

The FWC will attempt to resolve the dispute before going to arbitration. This might mean holding discussions or offering advice about the best way forward. If that fails, then the FWC has the power to make legally binding orders through arbitration.

You might have other rights under anti-discrimination law

If you're a new employee, your employer isn't required to offer you a flexible working arrangement. However, you may have rights under other anti-discrimination laws. For example, your employer is obliged to make reasonable adjustments to accommodate your disability and has a positive duty to end sex discrimination.

The ASU is by your side with expert workplace support and advice about other rights you may have.

If you have a workplace issue or want to talk to an ASU representative contact your branch
asu.asn.au/contact

