

Guide to Flexible Working Entitlements

I want/need to keep working but I want to reduce my hours or work more flexibly – what are my options?

If you have been recently diagnosed, have a conversation with your employer as quickly as possible to outline the situation and explain what you and your medical team advise. Chances are, you may be able to come to an informal short-term arrangement until more information about your diagnosis and treatment plan becomes available. For longer-term arrangements, as an **employee**, you have a “right to request” a flexible working arrangement.

You can ask:

- to change your working arrangements – either permanently or for a set time.
- anytime, from your first day of work.
- for any purpose or reason. For example, caring for someone with an illness or needing flexibility to attend ongoing medical appointments.

What do I need to do to submit a formal FWA?

The request must be in writing, such as by letter, email or by completing a form which can be downloaded.

- The employee needs to plan in advance before making a request. They need to make sure they:
 - apply well in advance wherever possible.
 - put in their request as soon as it's complete.
 - keep a copy of the request and note when they sent it to their employer.
- The clearer the request, the better. It's up to the employee to explain the working arrangement they want and how it can be made to work for both employee and employer.
- The more the employee can explain about what they want and how they believe it might affect their employer and other staff, the easier it will be for the employer to consider the request.

The employer must reply as soon as possible, but within one month of the date requested. The employer will make the decision on whether or not to grant the request based on business grounds rather than personal circumstances.

Step-by-Step Guide

1. For a formal change in working hours, you need to make a request for a Flexible Working Agreement and it must be in writing.
2. It must have your name written on the request.
3. It needs to be dated with the day when your request was made.
4. It must show reference to Part 6AA of the Employment Relations Act 2000.
5. It should explain the working arrangement you are seeking and whether you want it to be permanent or for a set period of time.
6. It needs to state the date that you want the new working arrangement to start and, if the new working arrangement is for a set period of time, state the date you want the arrangement to end.
7. You must explain why you are requesting a flexible working arrangement, for example, to undergo treatment and allow for recovery.
8. It should also explain, in your view, what changes (if any) the employer may need to make to their current business arrangements if the request is approved, e.g. possible changes to the way the team works together, changes to the physical set-up of the workplace etc.

What grounds does my employer have for declining my request for flexible working?

The employer doesn't have to agree with the request if there is a good business reason for declining. However, most have an obligation to be a fair and reasonable employer and seriously consider each request.

Grounds for denying a flexible working request are:

- Cannot reorganise work among existing staff
- Cannot recruit additional staff
- Negative impact on quality
- Negative impact on performance
- Not enough work during the periods the employee proposes to work
- Planned structural changes
- Burden of additional costs
- Negative effect on the ability to meet customer demand.