ACT Government

HYBRID WORKING ARRANGEMENTS POLICY

also referred to as Working from Home Arrangements

JUSTICE AND COMMUNITY SAFETY DIRECTORATE

DOCUMENT INFORMATION

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DEFINITION OF TERMS

Term	Definition
Delegate	A person authorised to exercise a power or function (delegation) on behalf of the Head of Service by occupying a position that has a delegation. Delegations for Human Resources (HR) decisions can be found on the JACS Intranet.
Employee	Includes all permanent and temporary staff employed under the *Public Sector Management Act 1994.*
Flex time	Provides for an employee's pattern of attendance at work to be varied according to the requirements of the work unit and the needs of the employee. Flex time is not a system that is designed to increase or reduce the total number of hours that must be worked. Flex time is not available to Senior Officers A, or Senior Officers B or employees in equivalent classifications. Individual enterprise agreements will describe which classifications are eligible to participate in flex time. Flex time is not available to shift workers or casual employees.
Flexi-Offices	ACT Government office spaces, other than an employee's primary workplace, with fully equipped flexible office environments that provide the opportunity for ACTPS staff to work within or close to their local residential area.
Home Based Work/Hybrid Working Arrangement	Home Based Work/Hybrid Working Arrangement enables employees to undertake work they are expected to do during ordinary weekly hours at home rather than in their primary place of work.
Primary Place of Work	An ACT Government office-based site where an employee's business unit/team is located.

Term	Definition
Workplace	Any location where JACS employees perform their work, including but not limited to any office, building, shed, workshop, vehicle, their home, or any location that a JACS employee is being paid to carry out their duties.

1. PURPOSE

1.1 The purpose of this Hybrid Working (HW) Arrangements Policy ('the **Policy**') is to provide guidance to delegates, managers/supervisors and employees on HW arrangements.

1.2 The policy is not reflective of any direction to work remotely under a declared emergency e.g., public health pandemic.

1.3 This policy must be read in conjunction with:

(a) Flexible-Working-Arrangements-Policy-Facilitating-Flexible-Working-Arrangements.pdf

(b) Flexible-Working-Arrangements-Policy-Working-Remotely-Interstate-or-Overseas.pdf.

(c) Flexible Work Policy located in Policies and Guidance A–Z - ACTPS Employment Portal

2. SCOPE

2.1 The core conditions contained in ACT Public Service (ACTPS) Enterprise Agreements provides for Home Based Work (HBW) arrangements. HW Arrangements are to be considered and approved under the HBW provisions.

2.2 Applications for HBW may be submitted at the time of other flexible work arrangements applications however they may be considered separately where appropriate.

2.3 The policy applies to all employees engaged under the *Public Sector Management Act 1994* (ACT) ('**PSM Act**') and who are covered by an ACTPS Enterprise Agreement or its provisions.

2.4 Employees that have an operational facing role that provides services to the community including but not limited to Fire Fighters, Ambulance Officers, Correctional Officers and officers of the Courts may not be eligible to participate in HW Arrangements.

2.5 Where an employee's residence location would not enable an employee to attend the office in a reasonable timeframe when required, any application for HW Arrangements must also be in accordance with Flexible-Working-Arrangements-Policy-Working-Remotely-Interstate-or-Overseas.pdf. An 80-kilometre radius of Canberra City 2601 has been used as a guide for what is considered a reasonable commute.

3. BACKGROUND

3.1 As the employer, the ACTPS has a range of responsibilities when managing employees working remotely. The ACTPS is committed to providing flexibility which can assist the employee to manage their work and personal requirements whilst also balancing the business requirements for the ACTPS to deliver services to the Canberra community.

4. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Employees	▪ Submitting an application for HW Arrangements. ▪ Ensuring all details are entered correctly in the application form ▪ Obtaining the necessary approvals for working from home ▪ Complying with the approved arrangements ▪ Adhering to the Work Health and Safety (WHS) advice contained within this and other relevant policies and ensuring the home environment remains a safe working environment.
Managers / Supervisors	▪ Ensuring the HW Arrangements form is completed ▪ Assessing the suitability for working from home arrangements ▪ Providing the necessary approvals/non approvals for staff to work from home (as per the appropriate delegations)
Business Unit Heads	▪ Maintaining an awareness of HW Arrangements approvals and ensuring consistency within the business unit in line with this policy.

5. POLICY STATEMENT

5.1 HW Arrangements provide employees the opportunity to split the location of where they work between their home and the Justice and Community Safety Directorate ('**Directorate**') workplace.

5.2 HW Arrangements can be beneficial in that it provides employees with the opportunity to better balance personal circumstances and work and so maximise their contribution to the Directorate as well as giving employees time back to spend doing the things they value most.

5.3 HW Arrangements combines the benefits of flexibility with the opportunities our office buildings provide for co-location and connectedness. It involves some time working in your primary place of work, such as the office, and some time working in another location(s), such as from home. Hybrid working arrangements will be different for everyone and for every team. They consider operational and business needs, capacity in the workplace, the work being done by each person and team, and the most effective location to perform different types of work.

5.4 HW Arrangements can provide flexibility for both the Directorate and the employee. However, the Directorate workplaces are the primary place of work, and HBW/HWA is not a replacement or substitute for other flexible working arrangements such as working part time.

5.5 HW Arrangements is a voluntary arrangement (unless under an emergency direction) which requires the approval of the delegate. The Directorate will consider requests from employees on a case-by-case basis to undertake HW Arrangements having regard to operational requirements and the suitability of the work to such arrangements.

5.6 A HW Arrangement provides the opportunity to split where an employee works between the Directorate's workplace and home and unless exceptional circumstances exist hybrid arrangements are to provide for 40% of normal weekly hours to be undertaken in the primary

place of work and 60% of normal weekly hours to be undertaken working remotely and may include working from home or at a Flexi-Office when or if they are available. The 40/60 split may be used flexibly over a period, for example a person may work 4 days in the primary place of work one week and none the next. Where an employee's pattern of work does not provide for a 40/60 split, the ratio should be discussed at the time the application is submitted and should be as similar as possible to this split.

5.7 When considering HW Arrangements, it is important to consider the health and wellbeing of the employee and the benefits of face-to-face interaction on a regular basis not just for that individual but for the work team.

5.8 The opportunity to work from home is not an entitlement and can only occur by a documented formal arrangement agreed by the employee and the delegate (refer to the Policy and iDelegate).

5.9 In determining appropriate HW Arrangements, the delegate will have regard to HBW provisions contained in the relevant Enterprise Agreement and this Policy.

5.10 Employees must be able to attend the primary place of work when reasonably required to do so. Therefore where an employee's residential location would mean they are unable to attend the primary place of work in a reasonable timeframe when required, any application for HBW/HW Arrangements must also be considered in accordance with Flexible-Working-Arrangements-Policy-Working-Remotely-Interstate-or-Overseas.pdf. An 80-kilometre radius of Canberra City 2601 has been used as a guide for what is considered a reasonable commute.

6. KEY PRINCIPLES

6.1 The following principles apply to HW Arrangements in the Directorate:

(a) Delegates must consider the following in making their decision:

- the suitability of the work being undertaken and duration of the arrangement;
- the location and physical environment of the HW Arrangement (e.g., suitability of physical location, and equipment, including reliable internet);
- the employee's ability to meet agreed expectations of their role, including identified work program, outputs, and milestones;
- work health and safety (WHS) requirements; and
- the circumstances of the employee.

(b) An eligible employee may participate in HW Arrangements if they live outside the **80km** radius of Canberra City 2601(see radius map at Appendix A) however, additional considerations are likely to be required and should only be approved in line with Flexible-Working-Arrangements-Policy-Working-Remotely-Interstate-or-Overseas.pdf.

(c) If the employee lives outside the 80km radius and is seeking to participate in HW Arrangements for **less than four weeks** due to personal circumstances, the employee must have approval from the Executive Branch Manager (EBM). Ad hoc arrangements less than four weeks do not require the employee to complete a HBW/HW Arrangement application. These arrangements should be negotiated on a case-by-case basis between the employee and the manager/supervisor and documented in writing (e.g., email) and agreed to by the EBM or equivalent.

(d) If the employee lives outside the 80km radius and is seeking to participate in HW Arrangements for **a period greater than 4 weeks**, the employee must have approval from the EGM or equivalent.

(e) The maximum period for any one application is 12 months. While approval can be for 12 months it is recommended that a review period of 3 to 6 months from the date of approval is set.

(f) Seek further advice from People and Workplace Strategy (PWS) if required.

7. COMMENCING HYBRID WORKING ARRANGEMENTS

7.1 Before approving the arrangements, the delegate must be satisfied that issues such as security, WHS, and the amount of time to be spent at an office-based site including the primary place of work have been considered and appropriate measures agreed. Those measures are to be reflected in the HW Arrangements application form.

7.2 When considering applications, delegates need to be conscious of maintaining any minimum staffing levels in the work area. Managers/supervisors should consult with affected employees where HW Arrangements are likely to have a significant impact on the work area, or more broadly across the Directorate.

7.3 Regular HBW/HWA agreements will generally not be suitable for roles:

- that require a high degree of supervision or scrutiny;
- which do not lend themselves to objective performance monitoring;
- where the employee is part of a team requiring regular in person contact with other team members;
- that require in person client contact;
- training roles which involve full time training or supervisory responsibilities;
- that involve working with security classified material and/or other security risks;
- where there is a need to maintain minimum staffing levels in the work area;
- that are operational, front line roles.

7.4 Regular HW Arrangements is not a substitute for childcare arrangements. Where an employee who wishes to work from home has a child or children, they may need to provide evidence that they have suitable arrangements i.e., childcare, family day care, family or after school care in place before approval for HW Arrangements is considered.

7.5 An employee may apply for a HBW where they have responsibility for another person who may need minor care or, where a higher care level is required, there are additional supports available such as professional carers assisting in the care. The manager/supervisor must be satisfied that the employee's caring responsibilities can be managed in a way that allows work obligations to be met.

7.6 After reaching agreement on HW Arrangements, the employee and their supervisor/delegate must jointly complete the 'Hybrid Work Checklist and the Application for Hybrid Work Arrangements' form, which should include regular review timeframes.

7.7 A HW Arrangement should be reviewed during regular performance discussions and can only

be approved for a maximum period of 12 months. A period beyond 12 months should be reflected in a new application to ensure that any changes are reflected, discussed and agreed.

8. PERFORMANCE MANAGEMENT

8.1 For HW Arrangements to operate effectively, the employee and supervisor must regularly discuss job requirements and performance expectations.

8.2 Agreed performance outcomes while working from home should be included in the employee's Performance and Development Plan (under the ACT Public Service Performance Framework).

8.3 Unsatisfactory workplace performance should be raised with the employee at the time the concerns arise or are identified. The manager/supervisor should offer advice and support to the employee to overcome these concerns. If performance does not improve, it may be necessary to review the HW Arrangement and if appropriate, suspend or cancel the arrangement. If necessary, consideration of and/or a formal underperformance procedure commencing should occur. Any such action should be done in consultation with PWS.

9. ENDING HYBRID WORKING ARRANGEMENTS

9.1 HW Arrangements may be ended (either temporarily or indefinitely) by the delegate for operational and/or business requirements, inefficiency or ineffectiveness of the arrangement, or failure of the employee to comply with the arrangement.

9.2 If considering ending a HW Arrangement, the delegate will provide the employee with the reasons why the HW Arrangement is likely to be ended and invite the employee to provide a response within 14 calendar days. After considering the employee response (if any) the delegate will make a decision.

(a) Should the final action be to amend the HW Arrangements, this will be documented on the HW Arrangement application.

(b) Should the final action be to end the HW Arrangements, a reasonable timeframe, depending on the individual's circumstances will be provided to the employee to return to the employee's ACT Government primary place of work.

9.3 HW Arrangements may be ended by the employee at any time with a reasonable notice period to their manager/supervisor (e.g., two weeks' notice).

10. REVIEW OF DECISIONS

10.1 An employee may seek a review of any decision regarding HW Arrangements under the Internal Review provisions of the relevant Enterprise Agreement.

11. HYBRID WORKING ARRANGEMENTS AND HOURS OF WORK

11.1 HW Arrangements enable the employee to work from home regularly. The HW Arrangement should include set pattern/days on a weekly, fortnightly, or monthly basis, or the arrangement could be for several days in succession over a more extended period.

11.2 The Directorate recognises the benefits of HW Arrangements for both the employer and

employee and supports a hybrid working arrangement that involves some time working in an employee's primary place of work and some time working in another location(s), such as from home and/or Flexi-Office. An employee should not undertake 100% of work from home unless there are exceptional circumstances, or they have approval to work from interstate or overseas. Reasons why employees should regularly work in the primary place of work include:

(a) Less isolation and associated improved wellbeing

(b) Optimising innovation and collaboration

(c) Separation of work and personal life

(d) Influencing workplace culture

(e) Connectivity of teams and individuals

(f) Ensuring WHS obligations are meet

(g) Staff development and team/operational based training.

11.3 Employees and managers/supervisors are encouraged to implement a hybrid model which means an eligible employee would spend part of their working hours at home and part of their working hours at their ACT Government primary place of work. When considering a HW Arrangement proposal, the manager/supervisor should make sure the arrangement provides adequate interaction/connectivity with colleagues and encourage employees to participate in career development and training activities. It is also important to consider any regular meetings and team planning days or team projects which may occur and to ensure maximum attendance as appropriate.

11.4 The amount of time that can be worked at a flexi-office should also be discussed and agreed.

11.5 HW Arrangements should not affect an employee's eligibility for workplace opportunities such as higher duties, however, should an employee be selected for a different role including a period of higher duties, the HW Arrangement must be reviewed to ensure the arrangements reflects the requirements of the new position.

11.6 Agreed daily hours for employees working from home would usually be worked within the span of hours of 7:00am and 7:00pm, Monday to Friday. Most employees generally work between 08:30am and 17:00pm Monday to Friday in line with work colleagues and the expectation of the community that contact can be made between these hours.

11.7 The employee must agree to be contactable and available for communication with the work area during the periods in which HW Arrangements is carried out. The communication methods should be detailed in the HW Arrangements application form.

11.8 Travel time between an ACT Government office and the HW Arrangement location should not be included as part of the employee's normal working day unless they are directed on short notice to attend the office when they would not usual do so.

11.9 All employees must maintain attendance records accurately reflecting all breaks and the hours they have worked in the attendance record.

12. SECURITY AGREEMENT

12.1 Before approving an application for HW Arrangements, the delegate must be satisfied that suitable security measures are in place to appropriately protect the ACT Government and Directorate information commensurate with the role of the applicant.

12.2 In making this assessment, the delegate is to consider general security arrangements at the dwelling and the living arrangements. The Directorate Agency Security Advisor (ASA) can assist in making these assessments. You can contact the Directorate ASA at JACSASA@act.gov.au.

12.3 When working from home, staff are to ensure that all information is stored, and interacted with, via an ACT Government issued laptop or CITRIX token.

12.4 When working from home, staff are to ensure that conversations involving sensitive information are not able to be overheard by others, this includes by other members of the household or dwelling.

12.5 While working from home, staff are not to connect or install personal ICT equipment to their ACT Government equipment. This includes USB storage devices and printers. If ICT equipment or printing is required, the employee will be required to attend an ACT Government office.

12.6 Information is always to be correctly secured and the employee must take reasonable care to secure Directorate equipment including locking the computer screen when left unattended.

12.7 Classified or hard copy sensitive information or material must not be removed from an ACT Government office.

13. WORKPLACE HEALTH AND SAFETY

13.1 The Directorate has a responsibility to take all reasonably practicable steps to ensure a safe and healthy work environment for its employees. This includes both physical health and mental health.

13.2 Working from home can have psychological risks that are different to the risks in an office or a regular workplace. It is advisable for managers/supervisors to check in with their employees on a regular basis to ask how they are going and how they are feeling. This will give the employee a chance to raise any issues, such as lack of support, equipment, communication issues and challenges they may be facing to their psychological health.

13.3 A well-balanced hybrid arrangement can contribute to controlling the psychological risks that may occur when working from home. Psychosocial benefits for workers include:

- Having the opportunity for face-to-face interaction allows for more seamless collaboration and relationship building with fellow workers.
- Having face-to-face support of co-workers where an employee is subject to abusive phone calls or emails.
- Reduced feelings of personal and social isolation.
- Enables workers to maintain a healthy work-life balance, contributing to better wellbeing outcomes and productivity.
- Separation of work and personal life.

13.4 In accordance with the *Work Health and Safety Act 2011* (ACT) it is important that:

- The home site is a safe area to work.
- Systems of work undertaken in the home are safe.
- Employees working from home are provided with appropriate training to enable them to perform their work safely.
- All incidents are investigated, and hazards are adequately addressed.
- Under WHS legislation, the Directorate has a duty of care to ensure, as far as is reasonably practicable, the health and safety of its employees while they are at the workplace, including if they are working from home. The WHS legislation defines a workplace as a place where work is carried out and includes any place where a staff member goes, or is likely to be, while working.
- All WHS policies and procedures which apply to employees at a JACS workplace also apply, as far as practicable, to staff working from home and to the home-based site.

13.5 Employees are responsible for taking care to protect their own health and safety, including when working from home. Employees must:

- Comply with all applicable WHS policies and procedures.
- Notify their supervisor as soon as possible of any work-related incident/accident/injury that occurs whilst carrying out duties at home and report the accident/incident on RISKMAN.
- Ensure that if they have approval to work from home, their home office is set up to optimise safety and comfort and that they adopt work practices to avoid eye strain and muscle fatigue.
- Complete the working from home - WHS checklist and make any reasonable adjustments to the home office if the WHS checklist identifies that these need to be made. Any cost associated with these changes is the responsibility of the employee.

13.6 The manager/supervisor should discuss any concerns with the employee to reach agreed solutions. Managers/supervisors should not support HW Arrangements where they are not satisfied that it is safe or practical.

14. AD-HOC ARRANGEMENTS

14.1 Ad-hoc, or short-term temporary HW Arrangements may be appropriate in some circumstances. It is also acknowledged that Senior Officers Grade B and A or equivalent may be required to work extensive hours because of the nature of their roles and responsibilities and this required work may be via a HW Arrangement. Similarly, employees at other classifications may be given permission to perform work at home.

14.2 Ad-hoc arrangements may also be appropriate to allow an employee to be present at home to complete a particular task or be present for an appointment, in turn reducing the need for an employee to utilise leave whilst still able to be productive. For example, this may be to complete a particular report or project or if an employee is required to be at home whilst tradesmen complete a task(s).

14.3 HW Arrangements might also be an option for employees who experience minor medical complaints including (but not limited to) having limited mobility following a minor injury and for employees who may be required to isolate or quarantine. An important consideration

during these periods is the employee's fitness and ability to complete the work. Advice should be sought from PWS prior to such an agreement being implemented.

14.4 Where an employee has carer responsibilities for a member of the household (e.g., an ill family member) approval will be considered on a case-by-case basis. The manager/supervisor must be satisfied that the employee's caring responsibilities can be managed in a way that allows the work obligations to be met.

14.5 While ad-hoc arrangements do not require a formal application, approval must be obtained from the manager/supervisor to work from home. A record (i.e., email) of the ad-hoc working arrangements, including days and hours worked, should be completed by the employee, and approved by the manager/supervisor.

15. WORKERS COMPENSATION

15.1 Employees will generally be covered for workers compensation in the event of a work- related injury or illness that occurs while working from home under an approved HW Arrangement, provided the employee was undertaking duties in accordance with the HW Arrangements policy and procedures.

15.2 Generally, an injured employee undertaking a Graduated Return to Work (GRTW) program for their compensable injury or non-compensable injury should not undertake HW Arrangements while on the GRTW program and any such requests should be placed on hold and discussed with PWS.

16. REASONABLE ADJUSTMENTS

16.1 Reasonable Adjustments (RA) ensures that all individuals have equal opportunities in the workplace. The ACTPS seeks to apply the principles of RA to remove barriers to workplace participation for individuals with disability and individuals with an injury.

16.2 A HW Arrangement application should not be used as a mechanism to facilitate reasonable adjustments particularly when the nature of such relates to interpersonal relationships.

17. OFFICE EQUIPMENT AT HOME

17.1 Activity based work practices have increased employee access to flexible technologies and online collaboration tools such as laptops and headsets and these should be utilised accordingly for HW Arrangements.

17.2 Any repairs, maintenance or upgrades to ACT Government ICT equipment must be arranged through the Directorate. It may also require you to attend an ACT Government office to meet with a Digital, Data and Technology Solutions (DDTS) specialist to overcome the issues. Employees must not make alternative arrangements for repairs and maintenance of Directorate equipment.

17.3 The delegate and employee must also discuss the HW Arrangement environment to ensure access to a reliable internet.

17.4 Employees should be aware that costs associated with the setting up a HW Arrangement environment including internet access, heating/cooling, monitor(s), docking station and desk are generally at the employees own expense unless agreed otherwise by the delegate. Should

equipment from the office be used in a HW Arrangement, asset numbers should be recorded on the HW Arrangement application form.

18. INSURANCE

18.1 The ACT Territory Insurance Authority (ACTIA) provides insurance coverage for Directorate assets. It is the employee's responsibility to contact their home insurer to determine whether HW Arrangements will impact on their home building or contents insurance. JACS will not be responsible for any increase in an employee's household insurance costs.

19. TAXATION

19.1 Employees should consider seeking professional advice regarding taxation issues associated with working from home.

20. TRAVEL BETWEEN YOUR HOME AND OFFICE

20.1 Travel between home and your ACT Government workplace is unchanged by HW Arrangements and Motor Vehicle Allowance is unable to be claimed for travel between your home and work.

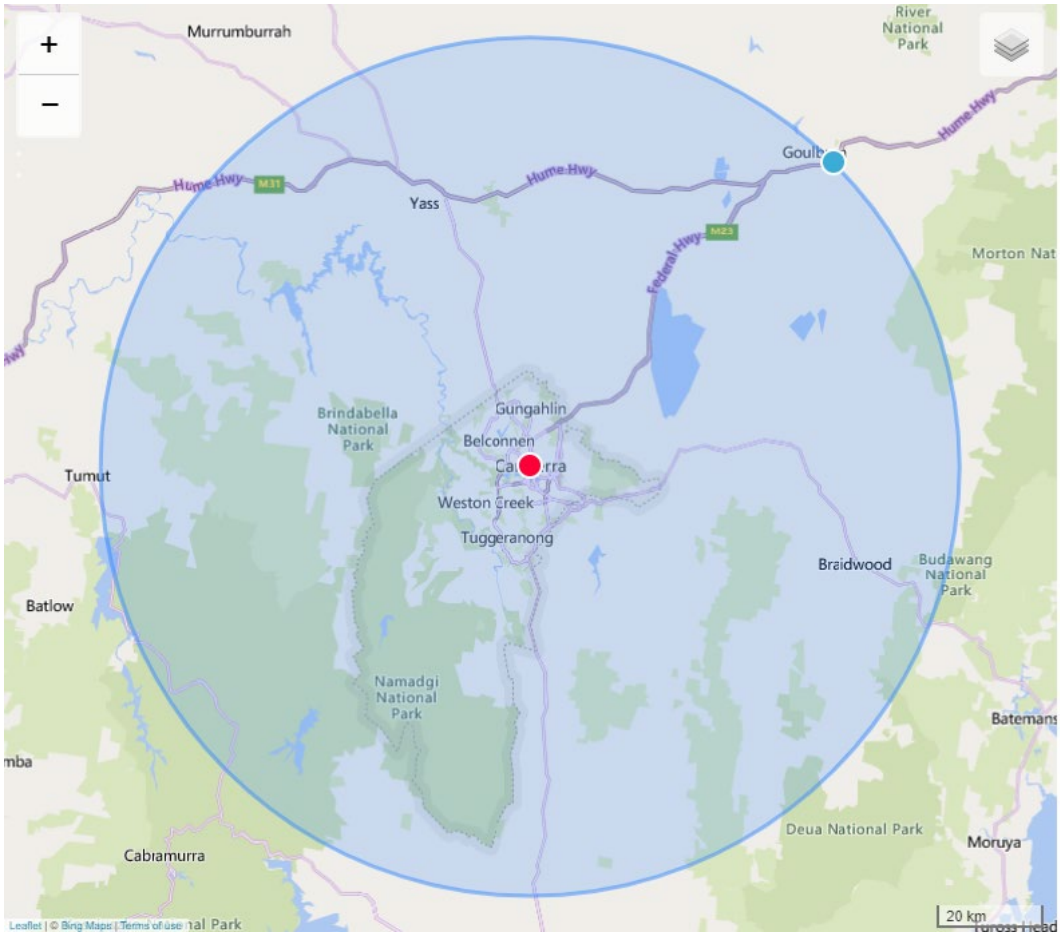
20.2 Where an employee is required to attend an alternative place of work, for example conduct home visit as part of their duties, they should commence this travel from their primary place of work.

21. ENQUIRIES

21.1 Enquiries about this HW Arrangements Policy can be directed to PWS at JACS.People-WorkplaceStrategy@act.gov.au

22. APPENDIX A

22.1 Radius map of 80km from Canberra City 2601.



DOCUMENT PROPERTIES

Document Properties	Approval Details
Policy Advisor	Chief Human Resources Officer, People and Workplace Strategy
Responsible Business Unit	People and Workplace Strategy
Stakeholders	All JACS Staff
Legislation Framework and relevant documents	JACS Application and Checklist for Hybrid Working Arrangements *Relevant ACT Public Sector Enterprise Agreements.* *Public Sector Management Act 1994* *Public Sector Management Standards 2016* ACTPS Flexible Workplace Policy

AMENDMENT HISTORY

Version	Issue Date	Amendment Details	Author
Version 1	2002	Final	People and Workplace Strategy
Version 2	January 2017	Review and Update	People and Workplace Strategy
Version 3	March 2020	Review and Update	People and Workplace Strategy
Version 4	April 2022	Review and Update	People and Workplace Strategy