

Flex Time – Your rights at work

The PSA has received concerns from members about a lack of access to the flexible working hours entitlement that is set out in Clause 21 of the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*. We encourage members to read this section of the award to familiarise themselves with their entitlements.

NSW Department of Justice also has a local Flex Agreement in place that was negotiated with the PSA. A new Flex Agreement is in the process of being finalised – further information is available in a previous bulletin [HERE](#).

Amongst other things, members have raised concerns about being directed to seek approval for working more or less than the standard seven hours per day, only being allowed to accrue flex time when a supervisor is present, being required to find colleagues to cover their duties while accessing flex leave, and having starting and/or finishing times dictated to them from a supervisor.

In a recent ruling in the Industrial Relations Commission with regards to Flex Time in NSW Police, it was clarified that there was no requirement for a supervisor to be present in order for staff to have access to the flexible working hours entitlements, and that the Commission took a dim view of attempts to artificially limit access to the entitlement:

“It is not open to individual supervisors to impose additional arbitrary limitations on an employee’s right to accrue flex leave.”

Fleming v Commissioner of Police [2017]
NSWIRComm 1023 (paragraph 59)

The PSA is concerned that local managers are developing policy on the run that is not consistent with agency policy and is not compliant with the award. Policies should be developed on an agency-wide basis; not a team by team basis.

Any member who is denied Flex Time should seek written clarification from their manager stating the reasoning and can also provide them a copy of this bulletin.

If members have concerns about the response, or are unable to obtain a written response, they should contact their PSA delegates immediately.

Your union will continue to fight for and defend the basic conditions and entitlements of members in NSW Trustee and Guardian and NSW Office of Public Guardian.

What can you do?

- » Not a member? Get involved by signing up!
- » Give a copy of this bulletin to your colleagues or put it on a noticeboard.
- » Organise a PSA visit to your workplace.
- » Ask a colleague to join the PSA.
- » Get involved by becoming a local union delegate or contact.

