

## Know Your Rights at Housing – Access to Flex

The PSA has heard from concerned 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 all members to read this section of the award to familiarise themselves with their entitlements. You can find a copy of your award [HERE](#).

The Flexible Working Hours award clause applies unless there is a local agreement in place, which is current, has been made in consultation with the PSA, and has been approved in writing under the provisions of clause 10 of the Award.

However, there are some exclusions to accessing flexible working hours contained in clause 21.4.1. These include working a 38-hour week, having permanent standard hours or working according to a shift roster.

### **You must be consulted with about rosters and local arrangements**

Members in local Housing offices have raised concerns about being directed to be at work from 9.00am to 5pm every day. The core hours are 9.30am to 3.30pm and the bandwidth time is 7.30am-6.00pm for staff working flexible working hours under clause 21 of the award.

Unless one of the exclusions in the award apply, you cannot be directed to work standard hours.

Whilst you can be rostered to work the hours of 9.00am-5.00pm subject to operational requirements and/or business needs, this must be in consultation with staff, take into consideration workloads and the balance between work and family life.

The onus is on management to advise what the operational requirements are and properly consult with staff.

### **Your Award conditions cannot be changed at the whim of managers**

In a recent ruling in the Industrial Relations Commission with regards to Flex Time in NSW Police, 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)**

Any member who is denied access to flexible working hours should seek written clarification from their manager stating the reason why, and ask if there is a local agreement in place that supplements the Flexible Working Hours award clause.

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 Housing.

A union workplace is a fairer workplace – what can you do to help?

- » Not a member? Get involved by signing up!
- » Already a member? Get a colleague to join the PSA!
- » Get more involved by becoming a local union delegate or contact

Join easily online [HERE](#).

