

DOE Know Your Rights – Access to Flex

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 all members to read this section of the award to familiarise themselves with their entitlements. You can find a copy of your award on our [website](#).

The Department of Education also has a local Flex Agreement, accessible on your staff intranet.

Members have raised concerns that individual managers set their own agreements, and that accessibility to flexible working entitlements varies from team to team. This should not be the case.

In a 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 Flex Time should seek written clarification from their manager stating the reason why.

If members have concerns about the response, or are unable to obtain a written response, they should contact their PSA delegates or call the Member Support Centre immediately. Your union delegates and industrial staff can confidentially raise this issue on your behalf and support you to access your entitlements.

Your union will continue to fight for and defend the entitlements of members in DOE.

Want a PSA meeting in your workplace?

Contact the PSA to arrange a union meeting or visit to your workplace. Call the Member Support Centre on 1300 772 679 and let them know you'd like an Organiser visit.

Your PSA staff

Mary Jo Costache – Organiser

Les Marsden – Organiser

Greg Corrigan – Senior Industrial Officer

