

You work hard for FACS & Justice. You are entitled to flexible working hours and flex days – it is part of your conditions of employment

The Crown Employees (Public Service Conditions of Employment) Award 2009 commits the parties to this Award to:

- 21.1 Fostering flexible work practices with the intention of providing greater flexibility in dealing with workloads, work deadlines and balance between work and family life. All parties are committed to manage time worked to prevent any forfeiture of credit hours

[Refer HERE](#) for the award.

The Flexible Working Hours Agreements (Standard and Field) defines flextime as:

4. “Flextime” for the purposes of this Agreement is a system of whereby an individual staff member may select their starting and finishing time on each normal working day, subject to the concurrence of the Department, and in accordance with conditions set out in this Agreement. It also refers to those periods of time that an employee may absent themselves from work with the agreement of their supervisor and in accordance with conditions set out in this Agreement

Standard [HERE](#)

Field Work [HERE](#)

Unfortunately, this is not the experience of hard working and dedicated child protection workers across NSW. Whenever PSA officials visit Community Service Centres our members tell us how hard it is leave the office earlier, start later or

take a flex day despite the fact that your Award entitles you to do so. This is further strengthened for child protection workers through the Field and Standard Flex agreements that means you can have two flex days a month. These agreements are intended to benefit both FACSJ and employees.

Just recently we've heard the following:

I wanted to leave at 3.30pm for family reasons and my manager directed me to take personal leave.

Fail – the Award clearly states that coretime shall be at a minimum between the hours of 9.30am and 3.30pm and the direction to take personal leave for wanting to leave the office at 3.30pm is contrary to the Award.

The Field Flex Agreement states: “Coretime is a floating period of any six continuous hours (including a meal break ...) within the bandwidth” of 7am to 10pm.

I would like to work 8.30 to 4.30 which suits me better for taking my children to school but my manager says I must work 9 to 5.

Fail – not one Community Services Centre has sought to enter into a local agreement with the PSA to mandate standard working hours due to operational requirements. A local agreement can be established in place of the Flexible Working Hours Agreement but requires consultation with staff.

Therefore, as long as you are doing your work there should be no reason why you cannot



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discuss working hours that suit you and your family and reach an agreement with your manager.

I wanted to leave early to go to the dentist at 4pm but my manager said no and I should do this on a flex day but the only problem is I can't take a flex day "for operational reasons."

Fail – on two fronts as a 4pm dental appointment is outside of coretime so it shouldn't be an issue and you can take two flex days in the four-week flex period.

I wanted to take a flex day but my manager said no because I have too much work to do and I am not up to date with all my tasks.

Total fail – Caseworkers have excessive workloads and are being worked to the ground to meet unrealistic productivity targets determined by FACSAJ about which they were never consulted. It is entirely appropriate to request a flex day in accordance with your entitlements so that you can have a day off and look after your own health and well-being.

The PSA recognises that Community Services Centres need to be open to the community during regular business hours so that they are accessible for families. That means managers have to manage their staff to ensure coverage during these hours. With sensible management that might mean talking to staff and learning that some people prefer to work 9-5 while others prefer an earlier or later start. We consistently hear that management takes the easy way out by mandating that all staff must work 9-5 for operational reasons. This is a breach of the

Flexible Working Hours Agreements, the Award and the Department's own policies on flexible working. Ultimately it is counter-productive as the determination to have all staff working 9-5 has alienated overburdened and overworked child protection workers who then can't take a flex day.

We have raised the difficulties our members are experiencing at meetings of the State Joint Consultative Committee. The Department made a commitment to circulate a memorandum reminding managers of their obligations under the Flex Agreements. To the best of our knowledge no such memorandum has been issued.

That means we need to do the Department's job for them and our message is:

Dear Managers

Flex time and taking a flex day are entitlements under the Crown Employees (Public Service Conditions of Employment) Award 2009 and are enshrined in the current Flexible Working Hours Agreement (Standard and Field).

This means you are required to consult with staff in regard to the most appropriate staffing levels for your Community Services Centre to ensure staff can work their hours flexibly while maintaining adequate staffing during business hours.

With consultation, discussion, common sense and on occasions a spirit of compromise there should be no difficulty in providing a quality service to the community while also accommodating staff requests to work the



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hours that generally suit them and allow them to meet family, caring, study or other commitments.

While approving flex days is subject to operational requirements that clearly doesn't mean the default answer is no. It means staff can and should take their flex days but they need to give adequate notice in fairness to their manager and colleagues.

You must at all times be guided by the Award, the Flex Agreements and Departmental Policies including our commitment to flexible working in managing your staff and their requests around flex time and flex days.

This is not rocket science – it is just good management and we urge the Department of Family and Community Services and Justice to follow our lead and take action to ensure staff can access their entitlements to flex time and flex days.

Your entitlements are the result of hard won gains by the union movement and the workers we represent. Don't be intimidated into giving up you flex time. If you continue to experience difficulties, please contact the PSA's Member Support Centre in the first instance – telephone 1300 772 679.

