

Attachment B – IPART Flexible Work Agreement Consultation – Feedback Summary and Outcomes

1 Purpose

The proposed IPART Flexible Working Hours Agreement was released for consultation on 18 September 2023. Initially, consultation was to close on 11 October 2023, but was extended to 20 October 2023 to ensure all groups were provided with adequate time to consider the proposed agreement.

There are some changes to the final version of the proposed agreement as a result of the consultation and as a result of final feedback/negotiation with the Public Service Association (PSA) at the Joint Consultative Committee meeting held on 23 November 2023, There will also be some updates to the Frequently Asked Questions and communications during implementation and some of the tools and resources available to support implementation.

This document summarises the feedback, outlines the changes to the Agreement and details the actions that will be taken in response to the feedback to support implementation.

2 Summary of changes to the proposed IPART Flexible Working Hours Agreement

Section	Initial proposal	Updated wording	Reasoning
Section 14	Section 14 outlined the Award conditions relating to Banked Flex	Removal of Section 14. This also results in the renumber of Sections 15 – 22. They become Sections 14 – 21.	See Section 5.2 below
Section 12 Clause 12.2	Contained the following clause: <i>“Employees must complete a flex sheet for each 2 weeks of the settlement period. That is a partial flex sheet for the completed portion of the settlement period at 2 weeks, 4 weeks, 6 weeks, 8 weeks, 10</i>	The following replacement clause has been included: <i>“Employees are encouraged to populate their flex</i>	See section 5.3 below

	<i>weeks and then a full flex sheet for the 12-week settlement period no later than 2 weeks following the conclusion of a settlement period."</i>	<i>sheet daily and at the very least ensure it is current at the end of each fortnightly pay period. Flex sheets are to be submitted to their People Leader for each 12-week settlement period no later than 2 weeks following the conclusion of the period. "</i>	
Section 15 Clause 15.1.1	Contained the following clause: <i>"Overtime will apply where an employee is directed to work outside the agreed bandwidth or directed to undertake work between 6.00 am and 7.30 am or after 6.00 pm. as long as an employee has worked their daily contract hours."</i>	The following replacement clause has been included: <i>"Overtime will apply where an employee is directed to work outside the agreed bandwidth or directed to undertake work between 6.00 am and 7.30 am or after 6.00 pm"</i>	See section 5.4 below
Section 7 Clause 7.2	Contained the following: <i>7.1 Hours of work are as agreed between an employee and their manager which comply with an employee's weekly contractual hours, Monday to Friday. An employee cannot be directed to work less than their daily contract hours on any regular working day, although the Agreement allows an employee to work less than 7 hours, subject to the employee meeting their required hours worked by the end of the flex settlement period.</i> <i>7.2 Generally daily hours of work reflect the standard hours provided in the IPART Award, 9.00 am to 5.00 pm, Monday to Friday, however this is dependent on individual, team and business requirements</i>	The following replacement clauses have been included: <i>7.1 Standard hours are 35 hours per week between 9:00am and 5:00pm Monday to Friday as described in Clause 8.2 of the IPART Award.</i> <i>7.2 Hours of work are as agreed between an employee and their manager which comply with an employee's weekly contractual hours, Monday to Friday. An employee cannot be directed to work less</i>	Amended wording for clarity

	<i>which are discussed and agreed to between an employee and their manager."</i>	<i>than their daily contract hours on any regular working day, although the Agreement allows an employee to work less than 7 hours, subject to the employee meeting their required hours worked by the end of the flex settlement period.</i>	
Section 13.2.4	Contained the following: <i>"Where an employee applies to take flex leave, approval may only be given if the employee has complied with the requirements of clause 77 - Recreation Leave of the Public Service Award and C2020-12 Managing Accrued Recreation Leave Balances (or any superseding Award or circular which relates to Recreation Leave.)"</i>	Removed this clause. Section 13.2.5 now becomes section 13.2.4	For clarity following discussion at 23 November JCC meeting. Award provisions in 77.2 of the Conditions of Employment Award apply.

3 Communication

Communication included:

- publishing the proposal and frequently asked questions on the IPART intranet (miPART)
- all staff emails
- briefing via the all-staff meeting
- Human Resources (HR) team attendance at team and division meetings,
- Two facilitated "drop in" sessions made available to all employees and all People Leaders
- communication to Public Service Association (PSA) members from the PSA and/or Joint Consultative Committee (JCC)
- providing copies of the proposal directly to JCC, PSA, IPART Executive and the Public Service Industrial Relations team.

Presentations were made by the HR team as below:

Date	Group
26 Sep	IPART All staff meeting (all staff)
27 Sep	Regulation and Compliance Water licensing team meeting (22 invitees)

28 Sep	Energy Saving Scheme team meeting (48 invitees)
28 Sep	Legal team meeting
4 Oct	Executive Office (including all Team Support Officers)
5 Oct	People Leaders (all Leaders were invited)
6 Oct	Drop-in session (all staff)
10 Oct	Regulation and Compliance Energy Network Regulation team meeting (16 invitees)
10 Oct	Pricing and Policy division meeting (over 60 invitees)
10 Oct	Corporate Services team meeting (18 invitees)

4 Feedback mechanisms

Feedback about the IPART proposal was gathered through the following methods:

- Emails to the HR Enquiries inbox
- Use of a Microsoft form to capture anonymous feedback
- Questions and comments during information sessions
- Direct approaches to the Human Resources Manager from staff
- Responses from PSA, JCC, Executive and Public Service Industrial Relations team

5 Summary of feedback received

5.1 Supportive feedback

The majority of feedback was positive and supported the agreement. A number of individuals provided feedback that the greater flexibility would increase their personal productivity and support them in balancing fluctuating workloads.

Some individuals highlighted how the agreement provided flexibility for them to:

- Manage illness/injury
- Provide care for family members such as taking aging parents to appointments
- Remain productive during pupil free days and school holidays
- Manage stress levels
- Balance fluctuating workloads
- Meet cultural commitments

Having an innovative and forward-thinking agreement was acknowledged as making IPART an employer of choice.

The Public Service Association (PSA) indicated that “members have raised no concerns in relation to the changes to the IPART FWHA. They appear to have had their questions answered to their satisfaction so that is definitely a positive.”

5.2 Public Sector Industrial Relations Advice

Public Sector Industrial Relations advice received during the consultation period indicated that SOWAC parameters for new Flexible Working Hours Agreements now exclude the banking of accrued flexible working hours credits. They acknowledged that the provision of Banking Hours remains in the IPART Award (at sub-clause 9.9), however advised that the inclusion in a new agreement would fall outside of those parameters. Section 14 of the proposed agreement outlined the Banked Flex provisions that are articulated in the IPART Award.

Action: Update the proposed agreement to remove Section 14 on Banked Flex provisions that duplicate the Award entitlements. Update implementation communications to confirm that whilst the duplicated information has been removed from the agreement, there is no change to the entitlement that remains in the IPART Award.

5.3 Flex sheet completion

One individual questioned “*Does the requirement to submit a flex sheet every 2 weeks unnecessarily add to the admin burden? Would monthly suffice?*”

Clause 12.2 of the proposed agreement stated that flex sheets must be “complete” for each fortnight. This is a requirement for the flex sheet to have been populated with data allowing a People Leader to check attendance and identify if there are any concerns. People Leaders should take a risk-based approach to checking flex sheets fortnightly and won’t be prompted to take action.

It is best practice to complete flex sheets daily. In the event that an employee has an accident or illness, accurate and complete records of attendance can be very important for calculating entitlements and/or for establishing whether an injury is workplace related.

It is acknowledged that some individuals do not update their hours worked in SAP as frequently as daily, however SAP is the recognised official record of attendance therefore employees are encouraged to ensure they update SAP on a regular basis. At an absolute minimum, this update should occur fortnightly (and preferably more often). Up to date flex sheets also enable employees and their People Leaders to monitor hours during peak workloads and proactively put plans in place to prevent excessive hours and other burnout risks.

Action: Update the agreement to change the phrasing from “complete” to “populated” and articulate that daily to fortnightly population is encouraged.

Action: Update Frequently Asked Questions to articulate why frequent population of flex sheets is strongly encouraged.

5.4 Overtime

Two individuals expressed concern about overtime entitlements. *“Overtime should always be payable if staff are directed to work at night.”* and *“Changing the bandwidth reduces the circumstances in which OT will be paid”.*

The provisions of clause 34 of the IPART Award are unchanged. Employees will be entitled to overtime if directed to work:

- outside the agreed bandwidth
- between 6.00 am and 7.30 am or after 6.00 pm

Action: Ensure implementation communications and Frequently Asked Questions are clear that there is no change to overtime entitlements.

One individual expressed the need of the phrase “as long as the employee has worked their daily contract hours” at the end of Clause 15.1.1.

The *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009* Clause 88.3 states: *“Where a flexible working hours scheme is in operation, overtime shall be deemed as the hours directed to be worked before or after bandwidth or before or after the time specified in a local arrangement made pursuant to the provisions of clause 10, Local Arrangements of this award provided that, on the day when overtime is required to be performed, the staff member shall not be required by the Department Head to work more than 7 hours after finishing overtime or before commencing overtime.”*

This ensures overtime is considered based on direction to work outside prescribed times and a minimum 7-hour day is not required to qualify.

Action: Remove the words “as long as the employee has worked their daily contract hours” at the end of Clause 15.1.1.

5.5 Greater flexibility for part-timers

Feedback via the Microsoft form and during a team meeting asked for greater flexibility for part time staff to work on their non-working days on an ad-hoc basis.

There are a number of options within SAP to record part timers working on their non-working days:

- They can complete a claim for additional hours (payment includes a loading for leave).
- They can take leave (e.g., flex or recreation) for their absence and claim additional hours when working
- They can vary their agreed working pattern within SAP.

It is understood that these approaches are somewhat cumbersome, and some part time staff prefer to enter into informal agreements with their People Leaders. The process is driven by the need to protect employees and the organisation. It prevents a risk of People Leaders directing part time staff to work on their agreed day off. It also prevents 'gaming' of the arrangement such as part time staff changing days to maximise public holidays.

Maintaining accurate records in SAP will assist when reviewing individual agreements, will ensure that an employee is accurately compensated for the hours worked and will also support an employee should they sustain a workplace injury.

Action: Ensure options for accurate remuneration and compensation are understood by part-timers by updating the Frequently Asked Questions for the implementation period and providing a Fact Sheet on miPART for post-implementation information to be available in future.

5.6 Core hours

One individual expressed support for flexibility but believed that core hours should be maintained. *"While I'm in favour of flexible work, I am not in favour of removing the core time (9:30am-3:30pm)".*

Core hours are not feasible with an expanded bandwidth. For example:

- If an employee commences at 6:00 am and is required to work core hours until 3:30 pm, They will need to take a break of 2:30 hours to work a 7:00 hour day. That lengthy break would negate a significant portion of the core hours.
- If an employee finishes at 10:00 pm but is required to work core hours from 9:30 am, they would be required to take breaks of 5:30 hours to work a 7:00 hour day. Again, a lengthy break would negate a significant portion of the core hours.

The requirement to be available should be decided by the actual work undertaken rather than a historical approach that seeks a uniform appearance.

Action: Provide tools, resources and support to enable individuals, teams and divisions best understand, establish and maintain working agreements and arrangements that ensures availability of employees to meet operational needs.

5.7 Support infrastructure

Concerns were raised that there would be an expectation of extended support for those working early/late. For example, a need for ICT support to respond to issues at 9:30 pm.

Individuals who choose to work early and/or late must acknowledge that they will not receive the same levels of responsiveness. Unless there is a business case for extended levels of support, services will not be changed.

This doesn't represent a significant shift from current expectations of support. Individuals working to 7:00 pm within the bandwidth understand that support may not be available until the next working day. Similarly, senior executives who are not bound by any bandwidth understand that support will normally only be available during working hours.

Action: Update Frequently Asked Questions to manage employee expectations in relation to the provision of support services under the proposed agreement.

5.8 Operational requirements conversations

Several individuals noted that People Leaders needed to be able to balance individual requirements with team and IPART workload. People Leaders would also need support from senior leadership where there are conflicting views.

One individual was concerned that flexibility could be abused by some team members creating an unfair burden on others. They highlighted that some tasks such as customer service would fall to individuals who worked traditional hours.

Each team has unique requirements which require an individual approach. A one size fits all approach will be a poor compromise. It is imperative that managers consider the needs of their team and manage them accordingly.

The HR Team will provide supporting documents for managing conversations where flexibility requests/needs require careful consideration. Additional support, through the HR Team, Benestar and/or the Senior Executive is also available.

Action: Provide tools, resources and support to enable individuals, teams and divisions best understand, establish and maintain working agreements and arrangements that ensures equity, fairness, engagement and availability of employees to meet operational needs. This will include an Individual Flexible Work request form and a Team Flexible Work agreement, that are not mandatory resources but can be used to ensure agreement on common and required arrangements for teams and used to ensure unusual/irregular working pattern requests are thoroughly considered by the employee and their people leader.