



New Family Friendly working arrangements -

Requests for flexible work arrangements

Awards varied from 1 December 2018

Dear Member,

As part of the 4-yearly review of Modern Awards, the Fair Work Commission (FWC) has inserted into all Awards new 'family friendly' working arrangements which will come into effect from the first pay period on or after **1 December 2018**.

The new arrangements will be available to employees who:

- have caring responsibilities
- are parents of children who are of school age or younger
- have a disability or
- are experiencing violence from a member of their family.

What are the new obligations?

Employers must provide a **written response** to a request for flexible working arrangements within **21 days** of receiving the request. However, before responding to a request, the employer must now discuss the request with the employee and 'genuinely try to reach agreement' that will 'reasonably accommodate' the employee's circumstances, having regard to:

- **The needs of the employee arising from the circumstances**
- **The consequences for the employee if changes in working arrangements are not made and**
- **Any reasonable business grounds for refusing the request.**

An employee cannot challenge an employer's decision to refuse a request on business grounds which are reasonable. Where a request is refused by an employer, an employee may make an application for the matter to be dealt with under the Dispute Resolution clause in the Award.

What must the employer include in their written response if a request is refused?

An employer has the right to refuse a request on '[reasonable business grounds](#)' and must provide a written response within **21 days**. However, **detailed reasons** for refusing the request must now be given to the employee and must include:

- The business ground/s for refusal and how these ground/s apply.
- If a change cannot be agreed to then the written response must:
 - (i) state whether or not there are any changes in working arrangements that the employer can offer the employee so as to better accommodate their circumstances.
 - (ii) if the employer can offer the employee such changes in working arrangements, set out those changes.

Who does this apply to?

This will apply to all employees (including regular and systematic casual employees) from the first pay period on or after **1 December 2018**.

Links to clauses:

[Live Performance Award 2010](#)

[Amusement, Events and Recreation Award 2010](#)

[Broadcasting, Recorded Entertainment and Cinemas Award 2010](#)

[Clerks—Private Sector Award 2010](#)

For more information

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