

GET & KEEP GREAT STAFF WORKSHOPS

Practical ways to attract and
retain the best workers



Flexible Work Toolkit

How your business can get and keep great staff

DIVERSITAS

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This Toolkit is designed to help small to medium business owners understand and manage flexible work with practical tips and tools.

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Why Flexibility is Important

Why will flexible work get you great staff?

If you are a typical New Zealand business, you will know that finding the right workers with the right skills and keeping them in your business for the long term is very important.

For most of you as business owners, this is what will help you to grow and ensure that your customers get the service they deserve.

In New Zealand, the workforce is still growing, although at a slower rate than 20 years ago. This growth is being driven by a number of factors, including the large numbers of migrants who bring key skills into the country.

In all industries, whether you are employing younger workers entering the workforce for the first time, migrants who are new to New Zealand, women or older workers, workforce flexibility is an important consideration for workers across the spectrum, as they seek to juggle work/life priorities.

Some of the other factors driving the increasing demand for flexibility include:

- The increase in the number of women entering the workforce (who are also primary caregivers)
- Fathers in New Zealand becoming increasingly involved in the care of their children while still working.
- The increase in one parent families, three quarters of which are headed by women
- The growing number of dual career couples, creating greater need to balance the home life efficiently
- The growth of caring responsibilities, which may include caring for children, the elderly, relatives in poor health or people with disabilities
- Our ageing population, which means an increasing number of older workers are to remaining in the workforce, but are looking for flexible options
- Financial considerations post Global Financial Crisis which means that people are choosing to stay in the workforce for longer
- Advanced technology platforms which allow greater numbers of employees to effectively work remotely.

Although many workers are attracted to workplace flexibility for different reasons, the common theme is that your business will need to respond to the growing demand for work/life balance if you would like to attract and keep the best workers.

Another factor driving the increase in requests for flexible work is a legislation change (Flexible provisions of the Employment Relations Amendment Act 2014)

which provides workers with the right to a flexible work application process. The rights and obligations of employers are outlined below in the next section.

Flexible work is not a gender issue – it applies to all workers in all industries and organisations whether large and small. Currently in New Zealand over one third of workers are in non-standard work (self-employed, part-time or temporary) and of those in permanent work, over 50 percent of workers have some sort of flexibility.

“Almost half (48 percent) of all employees said that they had flexible hours at least sometimes, meaning they could start and finish work at different times if they wanted to.”

Source: Flexibility and security in employment: Findings from the 2012 Survey of Working Life.

Different Types of Flexibility

Flexibility doesn't just mean finishing early to pick up the kids

There are many options for flexible work and these usually include changes in where, how and when an employee conducts their work.

The most common options are listed below, but keep in mind that you can offer any one of these or a combination of a number of arrangements:

Working from home

This is the most frequently requested flexible work arrangement and happens when due to particular circumstances, there may be a requirement from time to time for your employees to work from home.

This can be a short-term or long term arrangement where the work location is split between the office and the home on an ongoing basis.

Some of the key things to think about with this type of flexibility are the technology requirements, health and safety considerations and the potential impact on customers.

Make sure you cover these off with your employees before putting an arrangement in place and ensure that you apply these policies consistently across your workforce to ensure fairness. (See **Appendix C** *Working from home guidelines*).

Flexi-time

This form of flexibility allows an employee to work a set number of hours per week or fortnight, which may be varied by agreement from week to week.

Once again the needs of the business need to be considered and the arrangements should be documented in writing so that there is no confusion about the details.

Part-time

Refers to an arrangement where an employee can work a set number of days and/or hours per month on a part-time basis, depending on their personal needs and requirements.

The benefit of part-time work is that it is usually predictable and consistent and this gives your other employees and your customers an opportunity to work in more effectively with the arrangement.

Condensed hours

This refers to an arrangement by which an employee can compress their set hours of work into a shorter work week e.g. a 37.5 hour week could be averaged over 4 days at 9.38 hours per day.

This arrangement may also be referred to as a compressed work week. Although less common, this form of flexibility ensures that your business has the same productivity from your employee, even though the hours are spread over the work week to accommodate the workers personal requirements.

Job share

This form of flexibility is less popular as it is more difficult to manage. In certain circumstances, however, it can result in excellent outcomes for the employer as well as the workers who are job sharing. It refers to a form of part-time work, where two or more employees work part-time and share the responsibilities for one full-time role between them.

Benefits for your Business

What's in it for you?

Flexibility offers numerous benefits for your employees, for your business and ultimately for your customers.

For your employees

On the recruitment side, demonstrating a willingness to consider a flexible working arrangement allows you to tap into a bigger talent pool who otherwise would not be looking for work. Employees who have the best work/life balance are more likely to remain with your organisation, show more loyalty and put in more effort.

For your business

It is common for people in flexible roles to manage their time better and work smarter than their fixed-hour counterparts. They often complete a similar amount of work in a shorter timeframe.

For your customers

Incorporating flexibility and being ready to adopt changes to what is perceived as a 'normal business day' means you may be able to reach different target markets and respond better to changing customer needs. Remember, your customers are in the same position. They either have or want employment flexibility too. By introducing flexibility, you will be viewed as a responsible and innovative workplace.

“Already, 35% of employees in New Zealand have remote working options in their current role, and 65% say it gives them greater job satisfaction”

Source: Statistics New Zealand (2014). Flexibility and security in employment: Findings from the 2012 Survey of Working Life

Rights and Obligations

What are the rules?

As an employer, you have a legal obligation under the Employment Relations Amendment Act (2014) (The Act) to provide a process for any employee to request a flexible working arrangement. This applies to any permanent full or part-time employee at any stage of their employment lifecycle and for any reason.

The Act gives you and your employees a process which you can follow to consider the application and come to a decision. In considering the application, you should do so in good faith and genuinely think about how you might make the arrangement work for both you as the business owner and your employees.

This may require you to have a number of discussions with your employee and you may also need to involve other members of the team to come up with a suitable arrangement.

An employee, has the right to apply for flexible work. It is important to understand that although The Act gives employees a process, it does not prescribe the outcome of an application. The key consideration in reviewing an application for flexible work is the impact the proposed arrangement will have on your business.

If with further discussion and negotiation with your employee, you are unable to come to a satisfactory arrangement, there are a number of grounds which you as a business owner can rely on to decline an application, namely:

- It is not practical to distribute work among current employees
- You are unable to recruit additional employees (e.g. in the case of job share)
- The arrangement may have a detrimental impact on quality or performance
- An insufficiency of work during the period the employee wishes to work
- Future plans for structural changes
- Additional burden or cost for the organisation
- Arrangement cannot easily be accommodated
- Potential detrimental effect on the ability to meet customer demands
- A potential detrimental effect on the ability to meet team demands

All flexible work applications should be completed by the employee in writing and outline details about the request being made. Email is an acceptable way to apply and respond.

As an employer, you are required to respond to a flexible work application in writing within one month of receiving the application.

Putting Flexibility into practice

What do you have to do?

Applications for flexibility should be started by the employee. However as an employer you should already have had a discussion with your staff about their needs. This means that as a employer, you need to ensure your employees understand the flexible work application process, but it is up to your employees to make a request to their manager for a change in their work arrangements.

When making an application, your employee should provide relevant information to support their request.

This should include:

- What sort of flexible arrangement they require
- What they believe the impact will be on the business
- For how long (is it a temporary or permanent request)
- How they will perform their duties
- What additional support they may need
- What the impact may be on the wider team (and/or your customers)

There are a number of steps recommended in implementing a flexible work arrangement.

Step 1: Plan ahead

- As a business owner, be open to considering flexible work options at any time, especially when you have a vacant role.
- If you have a vacant role advertise your openness to flexible work options
- Take the time to familiarise yourself with your obligations and ensure that your staff do the same.
- Talk to your workers about whether flexibility could improve their productivity and engagement, and support their work/life balance needs.

Step 2: Making the request

- A request for flexible work should be in writing and initiated by the employee [See Flexible Work Application Form : Appendix A]
- Schedule a dedicated time to talk with your workers about options and remind them to come prepared with what they are looking for, and how flexibility can help
- Treat every request as individual – even if flexibility hasn't worked in your team before
- Make sure that you understand the eligibility criteria and grounds for refusal

Step 3: Find the solution

- Where possible, involve the wider team in how flexibility would work for you and them (except where privacy issues may be an issue)
- Agree on the specific details of the arrangement (e.g. hours of work, physical location, communication processes, delegating responsibilities)
- Consider if additional technology is required
- Where possible put a trial period in place with a set date to review the arrangement for suitability. This way you can “tweak” the arrangement if it isn't working.

Step 4: Manage expectations and outcomes

- Employees should ensure that all the details of the application form are filled in accurately and completely
- As an employer, make sure that you respond to a request in writing within one month of receiving that request [See Employer / Manager Response Form : Appendix B]
- Ensure that you consider all options before accepting or declining an application
- If an application is declined, ensure that you communicate the reasons clearly to your employee and encourage them to come up with an alternative solution

Step 5: Review and Improve

- If a flexible arrangement is approved, ensure you check in with your workers frequently to discuss whether the arrangement is working
- Speak up if something is not working; consider how to adjust the arrangement to better suit both parties rather than dropping it completely
- Put all agreed arrangements of changes in writing to your employees (email is acceptable)
- Share and openly communicate the arrangement with all of your staff, so that everyone can learn from the experience.
- Ensure the whole team is aware of the benefits and acknowledges the challenges

REMEMBER: Flexible work arrangements are not a constant or a right. They are a condition of employment. If there is a negative impact on the business, the employer can review and does not have to continue them. It is in both the employer and employee's interests to keep open communications and regularly review arrangements and put all agreements in writing.

Debunking the Myths about Flexibility

What are the facts?

There are many reasons why your workers who may prefer a flexible work arrangement may be reluctant to approach you.

Common myths about flexible work are:

- It's all about working mums who want to work part-time
- If people are not physically sitting in the office, they cannot possibly be completing enough work
- It costs more to have staff working under flexible arrangements
- Our customers won't like it
- It's impossible to manage workers who are working flexibly as you never know where everyone is
- "It's just too hard".

In fact, research shows that workers with flexibility are the most productive. Almost half of 'super achievers' indicate that they have a lot of flexibility in their role.

Source: The EY Australian Productivity Pulse (2013)

"The next five years (2014 – 2019) will see more than a third (39%) of New Zealand employees hired on flexible working arrangements, to attract, engage and retain the best talent for their business".

Source: Statistics New Zealand (2014). Flexibility and security in employment: Findings from the 2012 Survey of Working Life.

FAQs

Things you want to know

Q. Are all employees eligible for flexible work arrangements?

A. Yes, specific provisions apply under Part 6AA of the Employment Relations Amendment Act 2014, these are:

All employees can request a change to their working arrangements at any time in their employment term

Employees can make as many requests for flexible work arrangements as they like in any 12 month period

Q. What do your workers need to consider in making an application for flexible work?

A. It is your employees' responsibility to look at the options which will suit them and to make an application considering the potential impact on business needs. There will be ongoing check-in points for you and your workers to review how the arrangement is working.

Q. What kind of flexible work arrangements are there?

A. There are a number of arrangements that can be requested which relate to changes in working hours and/or the time and location of work

Q. Who should initiate the application for flexible work arrangements?

A. It is the responsibility of the employee to initiate an application for flexible work. It is the responsibility of the employer to provide a process for the employee to follow in applying for a flexible work arrangement.

Q. How long will it take for the proposal to be approved/declined?

A. An employer is required to respond to an employee's request for flexible work within one calendar month of receiving the written application.

Q. What if the request is declined?

A. It is important that both employers and employees are open to new ways of working. If an employee's request is declined, they should be notified by the employer in writing and reasons for that decision given.

Q. Can a flexible work arrangement be changed?

A. Yes, if either the employee or employer wants to change the arrangement, this needs to be discussed and agreed on by both parties. Neither an employer nor an employee can change an arrangement on their own, without getting agreement from the other person.

Q. What happens if an employee is working flexibly and would like to return to their original work arrangement?

A. Should an employee wish to change their flexible working arrangement, they will need to discuss this with their employer and get agreement on the new arrangement.

Q. What happens if meetings, training sessions or other important events are scheduled at times when an employee is working remotely?

A. There will be times when an employer will schedule events and meetings outside of a flexible worker's office hours. Employers and workers should work together to determine how best to manage the situation. There may need to be some flexibility from both sides to make the arrangement work.

Useful Tips

Things you should know

To get the best out of flexible work employers and workers should work together to find the right solutions and the most effective way of implementing them. A successful flexible work programme may require a shift in culture.

This may require you as an employer to shift your mind-set from “managing by seeing” to “managing by results”.

Treat each request individually

Work together, look for the win-win situation. Finding the right type and mix of flexible work for each employer and employee will produce the best result. Not all types of flexibility will suit all roles and all employees.

Involve the team

If required, have a team-based discussion to give flexible work the best chance of working. Agree with the team how they will interact with the flexible workers and how work will be delivered. Map out the individual needs to see how individual requirements can be accommodated while ensuring the best solution for the team.

Find the wins

Look for where flexibility could benefit the individual, the team, the business and the customer.

Creativity and innovation

Think outside the square and come up with creative and different ways of introducing flexibility.

Establish clear expectations and responsibilities

Everyone needs to understand what is expected and what the “non-negotiables” and “negotiables” are – employers, employees, team members and customers.

Trust

Everyone in the team needs to deliver what they promise. You need to manage your people on outcomes, rather than visibility and observation.

Set up an open relationship between your staff. Establish ways in which the team can connect. Do not use flexible terms as a leverage to not give pay rises or recognition.

Flexible work terms are a privilege, but happy workers are more loyal and productive. They still deserve normal recognition, in fact many workers state they are reluctant to ask for flexible work conditions as they are concerned it will be seen by the employer as a burden. Flexible work arrangements are a tool to get and keep the best workers.

Openness and dialogue

Flexibility is not a one-off transaction. Be open to keeping the discussion going about flexibility. Be honest if it is not working and be open to alternate solutions.

Responding to changing needs

Look for ways to improve practices and options being undertaken. Adjust as needs change.

Full use of technology

Employers should ensure that the right technology is in place and that all employees are fully aware of technology available and have the appropriate training to use it.

Plan ahead

If you cannot accommodate all of your staff's wishes, at least get to know what they are, so that you can reconsider the options in the future.

If you have a vacancy, advertise your openness to flexibility. For example: "We care about hiring the best people and if you would prefer part-time, flexi-time, job share or any other kind of flexibility please apply. We are a flexible friendly employer. We are happy to discuss flexible options that will work for you and the business."

Challenge: Know your staff. Identify what each of your staff would like in a perfect work arrangement for them?

Appendix A

Flexible Work Application Form

Details can be cut and paste into an email, but must be complete and accurate

Full Name		Date	
Job Position			
Employer / Manager Name			
I would like to request a variation to my current working arrangements which are :			
Place(s) of work			
	<i>Full street address(s)</i>		
Days and hours of work			
My proposed working arrangement is:			
<i>(Tick appropriate box)</i>			
<input type="checkbox"/>	Working from home	<input type="checkbox"/>	Flexi time
<input type="checkbox"/>	Condensed working week	<input type="checkbox"/>	Part-time
<input type="checkbox"/>	Job share		
<input type="checkbox"/>	Alternative arrangement		
	detail below this may be a combination of two arrangements or a different version		
<i>If applying to work from home please include technology requirements here</i>			
Place(s) of work If more than one location state both address's			
	<i>Full street address(s)</i>		
Days and hours of work If working from home specify both hours at work and home			
	<i>If flexitime state hours to work between</i>		
I would like the new working arrangement to be <u>permanent</u> and start from:			
<i>(Please write in full - Day of the week, Date, Month and Year and allow at least one month's notice of start date)</i>			
I would like the new working arrangement to be <u>temporary</u>			
<i>(Please write in full - Day of the week, Date, Month and Year and allow at least one month's notice of start date)</i>			
Starting :			
Finishing :			
The reason for my request is to:			
<i>(Note: This is optional)</i>			

I believe that the new working arrangements;

Complete all relevant sections, if there are no benefits or impacts on a specific group state 'Not Applicable'

will benefit me by ;

will benefit the business (and employer) by ;

will benefit the team by;

will benefit the customers by;

could have the following impacts for the business (and employer);

could have the following impacts for the team;

could have the following impacts for the customers;

I suggest we could fix the impacts by;

Signed:

PRINT NAME:

Date:

Appendix B

Employer's / Manager's Response Form

This form can be used to approve your employee's request, approve an alternative arrangement or decline a request
 This form can be cut and paste into an email

TO:	<i>Employee's Full Name</i>	on the	<i>Date</i>
in position of	<i>Job Position</i>		
I	<i>Employer / Manager Name and Position</i>		
have considered your request for a variation to your working arrangements			

EITHER

I can confirm that I have approved your request for

Detail arrangements including place(s), days and times of work.

OR

I am unable to accommodate your original request. However, I am able to offer the following alternative arrangement, which we have discussed and you agreed would be suitable to you

Detail arrangements including place(s), days and times of work.

OR

I am declining your request at this time for the following reasons as discussed with you.

Detail the reasons

Your new working arrangement will commence from:

Start Date

**Finish Date
(If Temporary)**

If permanent we will review the arrangement after a 90 day trial period

Signed:

PRINT NAME:

Note to employee:

If you have any questions on the information provided on this form, please contact me as soon as possible to discuss.

Please note that the change in your working arrangement will be a permanent change to your terms and conditions of employment unless a specified period of time is identified and agreed for which the new arrangement will last. If the change is permanent, you will have no right to revert to your previous working arrangement unless both parties agree.

If working from home is part of this arrangement then you are responsible to ensure your home environment is set up appropriately to work safely.

Appendix C

Working from Home Guidelines

The most common form of flexible work is working from home. Depending on the role or required tasks, this type of flexibility lends itself to a wide range of roles. Generally the types of roles which can be performed from home don't need a high level of face to face interaction with customers or team members and can be effectively performed from different locations.

Making the arrangements

Before working remotely, the employee and manager should document the arrangement (particularly where work is performed remotely and a regular and systematic basis). This should specify:

- The arrangement that will apply (how often you will work remotely, the duration of the arrangement, hours of work etc.)
- The technology and other equipment you will need
- How to ensure health, safety, wellbeing and security while working remotely
- Work expenses and what is reimbursable by the organisation

Putting remote work into practice

For an employee, the ability to work from home is completely at the employer's discretion. If things change, or if the employer considers that the arrangement is negatively impacting the employee's work, the employee may need to review the arrangement and it may be necessary to change the agreement and revert back to working from the office.

If the employee's role is made redundant, the usual redeployment procedures will apply. If an employee is then redeployed, there is no guarantee that the employee will be able to continue to work remotely in the new role.

Requirements for remote working

Employers may provide employees with certain technology to assist them to work remotely. This may include a laptop, phone or other equipment relevant to the role.

When making a request for flexible work, it is the employee's responsibility to think about the technology and equipment they may need to make it work and to list their requirements clearly on the application form.

Expenses

It may be the case that the new arrangement creates additional costs for the employer, in which case the decision to invest in this equipment is at the employer's discretion.

To assist with reasonable set up costs, an employee may be entitled to a one-off set up allowance. This arrangement will be at the employer's discretion and as such is not guaranteed.

The cost of general utilities such as electricity, gas, water and smoke detectors are generally the responsibility of the employee.

Work related phone calls

Work calls made by the employee, that are charged for example toll or cell phone, made on the days that an employee works from home are generally reimbursed by the employer, with evidence of phone account.

Health and Safety

No matter when or where an employee works, ensuring their health and safety is a shared responsibility between the employer and the employee. When working remotely, the employee is responsible for organising a work area that is appropriately set up to ensure that they can work safely. To ensure that this is the case, an employer may request an employee to provide photos of their work location and may also request a health and safety assessment of the workstation.

Security of information and equipment

All policies that apply to employees who are working in the office, also apply when employees are working remotely. It is the employee's responsibility to keep all work information secure, especially customer records and any other sensitive material. It is also important that reasonable care is taken of company information and equipment.

Employee's responsibilities

When working remotely, the employee should ensure that employee's:

- Comply with the guidelines contained in this document as well as all other organisational policies and procedures
- Only work from a location that is safe and suitable for working remotely
- Comply with all health and safety requirements
- Do not work during annual leave or sick leave specified on a medical certificate
- Do not hold meetings with customers or other employees at their home
- Make necessary childcare arrangements and don't treat working from home as a substitute for childcare
- Take reasonable steps to keep the organisation's technology, equipment and information safe and in working order.

TIP: Cut and paste these employee responsibilities into a document and both sign to evidence mutual understanding and clearly communicate conditions of the arrangement.

Appendix D

Information for Employees

There may be times in your employment where you might require flexibility in your role. This may be for a temporary period or continue indefinitely. Depending on the arrangement, the change in working arrangements may or may not trigger a change in your employment contract.

Useful Tips

- Consider why you feel traditional ways of working are not producing the best results and what would be best for you and your employer.
- Consider what each of you will need to do to make the arrangement work.
- Be sure to consider the risks and negative impacts and see if there is a way you and your employer can address them.
- Flexible work should be planned around peaks and troughs in workload.
- Your relationship with your Employer is of utmost importance and effective flexible work arrangements are based on mutual trust and commitment.
- Consider your employer's commitment to customer service and make sure that your flexible arrangement meets the needs of both your customers and your team
- Make an effort to keep in regular contact with your wider team. This is important to ensure that there is minimal disruption to the business
- Make sure that you are still available to attend training and team meetings etc. and try to be flexible about incorporating these commitments into your flexible arrangement.
- Be prepared: Fill out your request in writing and schedule a time to talk to your Employer to discuss how it could work.

Applying for Flexible Work

Before applying for flexible work

- 1) Ask your employer for a copy of the 'Flexible Work Toolkit' which explains options and processes and legislative requirements.
- 2) Give consideration to all the details and how they will impact your employer.
- 3) Ask your employer for a Flexible Work Application form/template.
- 4) You are required to apply for flexible work in writing. Complete the Flexible Work Application Form in full. Otherwise an email is acceptable if it contains the same details

5) Your employer has one month to reply (It is most likely they will talk to you first before responding in writing)

REMEMBER: Flexible work arrangements are not a constant or a right. They are a condition of employment that if there is a negative impact on the business, the employer can review and does not have to continue with them. It is in both the employer and employee's interests to keep open communications and regularly review arrangements and put all agreements in writing.