



Australian Government

Department of the Prime Minister and Cabinet

Official



Flexible Work Policy

Last approved: March 2024

Responsible Branch - People Branch

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1. PM&C policy commitment and principles

At PM&C we recognise the broad benefits of offering flexibility in how, when and where work is performed. We promote and support flexible work to attract and retain a diverse and engaged workforce and deliver outcomes for the Australian Government.

We recognise the mutual benefits that flexible work can create for employees, teams and outcomes at PM&C.

Genuine consideration is given to all flexible work requests. The reasons employees engage in flexible work are diverse and vary over time. Access to flexibility is not limited by an employee's classification levels or to employees with caring responsibilities.

1.1 Key Policy Principles

- **We ask 'how can we make this work?' first.** Our starting position is to find creative ways to make flexibility work and make genuine attempts to establish mutually beneficial arrangements or discuss options to find suitable alternatives that work for employees, teams and PM&C outcomes.
- **Flexibility is underpinned by trust.** Flexibility requires a foundation of trust, empowering employees to find flexible ways to achieve work outcomes. Open, regular and purposeful communication through a range of channels is critical to success. Trust does not need to be 'earned' prior to flexibility being considered.
- **Flexible work is dynamic.** Flexibility is dynamic, agreed arrangements need to work for individuals, teams and PM&C, with scope to adjust them for urgent or changing business and personal needs. We are willing to trial arrangements, review and adjust over time.
- **Flexibility is compatible with high performance and career progression.** Performance expectations are clear and suit both the role and the employee's flexible work arrangements. For example, expectations for employees working part time will be proportionate. Work is allocated according to capability and capacity, rather than physical presence in the office. Employees working flexibly have access to stretch and development opportunities, recognition and career progression. We avoid making assumptions about an employee's future career goals based on their flexibility arrangements. We don't exclude employees working flexibly from new job opportunities, we are open about operational requirements and flexibility options prior to filling roles so that employees can make informed decisions.
- **Performance and productivity are defined by outcomes.** We measure performance based on outcomes achieved, not additional hours worked or physical presence in the office. This encourages individuals and teams to leverage their strengths and find the most productive and collaborative ways to achieve outcomes. Flexibility doesn't translate to an expectation that employees will be available 24/7.
- **To get the best out of flexibility, we use space and technology well.** We continually invest in infrastructure and tools to support successful flexible work. We use activity-based work and provide opportunities for employees and teams to tailor their workplace to their needs through varied workspaces and a mix of digital tools.

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2. Overarching authority

Section 4 of the [Department of Prime Minister and Cabinet Enterprise Agreement 2024-2027](#) (PM&C EA) and individual SES employment determinations contain the overarching provisions supporting and promoting flexibility.

The [National Employment Standards](#) (NES) provide that an employee can formally request flexible working arrangements in certain circumstances and requests will be genuinely considered, the requirements for making and approving a request, and declining requests (see also Division 4 of Part 2-2 of the *Fair Work Act 2009*).

Where there are inconsistencies between this policy and the PM&C EA, individual employment arrangements or legislation, the latter instruments prevail.

3. Who is covered by this policy

This policy applies to all PM&C employees. Labour hire workers or individuals seconded into the department are not covered by this policy, however flexible work may be considered and agreed under the terms of the relevant employment instrument.

4. Contact and support

Employees are encouraged to speak with their manager, or manager once removed, for advice or support in the first instance. Queries can be submitted to HR Help through [s 47E\(d\) pmc.gov.au](#) or by calling [s 47E\(d\)](#).

For advice specific to remote and home based work:

- For health and safety matters including workstation assessments or incidents contact [s 47E\(d\)@pmc.gov.au](#).
- For security matters contact [s 47E\(d\)](#).

Employees have the right to be represented by a representative of their choice in matters relating to their employment. Where the employee chooses, this may include representation from the [Community and Public Sector Union](#).

The [Employee Assistance Program \(EAP\)](#) phone [s 47E\(d\)](#) provides confidential, free counselling and coaching on a wide range of topics to PM&C employees, and their family members. Managers can also access EAP's MyCoach for People Leaders, which offers proactive support to help work through any workplace issue or challenge, including wellbeing and sensitive discussions.

5. Expectations and responsibilities

5.1 Mutual (everyone)

- Willing to discuss and agree mutually beneficial flexible arrangements or suitable alternatives.
- When seeking flexible work, consider and be prepared to discuss any impacts on the broader team, alternative flexibility options and practical ways to continue to achieve outcomes.

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- Deliver outcomes and work productively regardless of how, when or where work is performed.
- Regularly discuss the challenges and opportunities of flexibility to create successful arrangements and adjust where necessary.
- Be aware of other people's flexibility arrangements and willing to find ways to share information and include colleagues regardless of how, when or where they work.
- Respect other people's non-work time and work boundaries. Schedule meetings with regard to people's working patterns and provide virtual meeting options by default to include those working remotely.
- Take reasonable care for personal health and safety and that of others. Comply with reasonable PM&C instructions, policies and procedures relating to health and safety in office-based, home-based and remote workplaces.
- Actively participate in the PM&C [Performance Framework](#) and be willing to constructively give and receive feedback, and adhere to the [APS Values and Code of Conduct](#) at all times.

5.2 Managers

- Genuinely consider all requests for flexible work on a case-by-case basis with a bias towards approving within the timeframes set out in this policy, explore suitable alternatives where relevant and explain decision-making rationale to employees. If a request is to be declined, do so in consultation with People Branch (through [s 47E\(d\) pmc.gov.au](#)).
- Promote the benefits of flexible work, bust myths and misconceptions about flexibility and actively challenge unconscious bias.
- Provide clear, regular and outcomes-focussed direction and feedback and avoid micro-management (a noted barrier to successful flexibility). Maintain regular communication with all employees regardless of their flexibility arrangements.
- Work with employees and teams to plan and prioritise to achieve outcomes regardless of how, when and where work is performed. Measure performance based on outcomes, not on additional hours or physical presence in the office. Review priorities, resourcing and flexible arrangements if workloads become unsustainable.
- Work with employees and teams to implement practices to support flexibility and inclusion. For example, consider how feedback will be provided, how to collaborate and share information, how to celebrate success, how and when to adjust practices if they are not working.
- Take reasonably practicable steps to ensure that employees have a safe and healthy workplace and are adhering to security requirements.

5.3 People Branch

- Maintain this policy and promote PM&C as a flexible employer of choice to attract a talented and diverse workforce.
- Provide advice and education on best practice approaches and options on facilitating flexible working arrangements, or where necessary the compliance requirements for declining requests.
- Monitor flexible work trends and culture through the annual APS Employee Census.

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6. Flexibility options

Flexible work is a broad term used to describe a variety of different arrangements about how, when and where work is performed. Arrangements may be consistent and regular, such as part time work, or more ad hoc such as varying work attendance times or occasional remote or home based work. All flexible work arrangements must be approved by the employee's manager, with the consideration and approval process appropriate to the nature of the request.

An overview of a range of flexible work options and the required approval process is provided at [Attachment A](#).

Specific detail about working remotely and from home is provided at [Attachment B](#).

7. Seeking flexible work

7.1 Making a flexible work request

Employees can submit a flexible work request in writing to their manager via email or through the Service Portal (for part time work or remote/ home based work).

Informal and ad hoc requests for flexible work, such as an early finish time, can be agreed between the employee and manager via email, where practicable, or where impracticable, verbally.

Requests for flexible work arrangements may be for up to 12 months.

7.2 Discussing flexible work requests

Discussion with the manager may occur prior to, or after, the request is made in writing.

Employees and managers should start a flexible work discussion with 'how can we make this work?' and make a genuine attempt to establish mutually beneficial arrangements or suitable alternatives. The discussion will vary based on the nature of a request, but should broadly include:

- The proposed arrangement and duration.
- The reason for the request, unless employees choose not to disclose this (requests will be considered regardless).
- Benefits to the employee, team and PM&C.
- Operational requirements that need to be considered, such as cost impacts (particularly relating to travel where employees are seeking remote work), the likely impact on performance, productivity or business outcomes, and the inability or impracticality to alter other working arrangements to accommodate the request
- Adjustments in expectations, communication and team practices to give the arrangement every chance of success and ensure continued delivery of outcomes.
- Mitigation plans for security, health and safety or other identified risks especially for remote or home based work. Note: secret and top-secret material cannot be accessed remotely, but this does not preclude employees working remotely while they perform protected-level work.
- Potential options or alternatives if the proposed arrangement cannot be approved in full.

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- Any trial period and timeframes for check-ins and reviews (noting all flexible work arrangements must be reviewed at least annually).

7.3 Considering flexible work requests

Managers will reasonably consider all requests for flexibility on a case-by-case basis with a bias towards approving requests. Managers will do this by looking for ways to make it work while treating an employee's reasons for requesting flexibility as personal information.

Flexible work arrangements can be approved for up to 12 months, at which point a new request must be approved.

A manager's personal preferences or bias, for example to have staff working in the office, working full time, or to have team members mirror their own working pattern, is not a valid reason to decline a flexible work request. Blanket responses around flexibility are not encouraged, for example all Executive Level staff must work from the office.

A request does not have to be approved or declined in full. Where initial requests cannot be supported in full, consider and discuss alternatives. Managers are encouraged to consider trial periods if uncertain as to whether an arrangement will work or the likelihood of it impacting productivity or performance outcomes.

As set out in the PM&C EA, an employee returning from parental leave who has the care of a child school age or younger will have their flexible work request granted unless it cannot be accommodated under any circumstances.

Managers considering declining a request will have regard to the consequences to the employee if the request is not approved, and must engage with People Branch through **s 47E(d)** pmc.gov.au as early as practical for assistance. For First Nations employees, the Delegate must also consider connection to country and cultural obligation in responding to requests for altering the location of work.

7.4 Decisions on flexible work requests

Decision timeframe

Managers must provide a decision on a written flexible work request in writing to the employee **within 21 days of their request**. A shorter period is often possible, depending on the nature of the request.

Approval

Where a request is approved (either in full or part), and it is regular or ongoing in nature, all the relevant details including the security and work health and safety requirements, cost of establishment (if any) commencement date and review timeframes must be documented either via email, or for part time or remote/home based work through the Service Portal form. This provides a record of the agreement and ensures the employees working hours and pay details are updated in the Aurion system if necessary.

Non approval

If a request is not able to be approved in full, managers must:

- Discuss the request with the employee.
- Consider the consequences of non-approval for the employee.
- Make a genuine effort to find alternative arrangements to accommodate the employee's circumstances.

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Where a manager and employee discuss the request and subsequently agree to an alternative arrangement, the alternate arrangement must be documented either via email, or for part time or remote/home based work through the Service Portal form.

Requests for flexible work can only be declined where they cannot be accommodated within operational requirements. This may include, for example:

- The arrangement will have an unreasonable impact on productivity or performance outcomes (consideration may be given to the level of face to face supervision and collaboration needed to effectively perform in the role).
- Inability to mitigate health, safety or security risks.
- There is no capacity, or it would be impractical, to change the working arrangements of other team members or recruit additional team members to facilitate the new arrangement.
- Unreasonable burden on the workloads or wellbeing of other staff.
- Significant impact on client service.
- The proposed arrangements are too costly.

Where a request is not approved and no alternative is agreed, **managers are required to provide a written response to the employee within 21 days of their request that includes:**

- An explanation of the operational requirements (reasonable business grounds) for refusing the request and how these apply to the request.
- The steps taken in considering the request, including any alternative arrangements the manager is willing to make to accommodate the employee's circumstances, or that alternative arrangements are not able to be made.
- Information about seeking a review of the decision and settling any dispute that may arise.

Managers should contact People Branch for advice through **s 47E(d)** pmc.gov.au for assistance if declining requests for flexible work to ensure that the decision meets the requirements of the PM&C EA and *Fair Work Act 2009*.

Varying, pausing or terminating an agreement

An employee may request to pause or terminate an approved flexible working arrangement.

Managers may vary, pause or terminate an approved flexible working arrangement on reasonable business grounds. Managers must provide reasonable notice if varying, pausing or terminating a flexible working arrangement without the agreement of the employee, having regard to the circumstances of the employee. Exceptions to this requirement are urgent and critical operational circumstances or an employee's demonstrated and repeated failure to comply with the agreed arrangements.

Prior to a manager varying, pausing or terminating the arrangement, they must have:

- a. discussed with the employee their intention to vary, pause or terminate the arrangement with the employee;
- b. genuinely tried to reach an agreement with the employee about making changes to the employee's working arrangements to accommodate the employee's circumstances (subject to any reasonable business grounds for alteration);
- c. had regard to the consequences of the variation, pause or termination for the employee;

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- d. ensured the variation, pause or termination is on reasonable business grounds; and
- e. informed the employee in writing of the variation, pause or termination to the approved flexible working arrangement, including details set out above under Non approval..

7.5 Reviewing flexible work

Managers and employees are required to review ongoing and regular flexible work arrangements as required (at least on an annual basis) to ensure that they continue to meet the mutual needs of the employee and business area. Any new or revised arrangements must be approved and documented.

If, at any time, flexible arrangements can no longer be accommodated, have to be varied or paused because of changes to operational requirements (for example significant change to a team's work program or structure) or because the arrangements are having an unreasonable impact on productivity or performance outcomes, managers will discuss this with the employee as soon as practical and review. Options include continuing the arrangement with close attention to monitoring and support, modifying or ceasing the arrangement.

7.6 Changing roles

Prior to an employee commencing a new role, approval is required from the new manager for flexible work arrangements. Employees and managers are encouraged to discuss operational requirements and flexible work options prior to filling or accepting a role. When a new manager commences, agreed flexible work arrangements will normally continue until their scheduled review point.

8. Seeking a review of decision

PM&C acknowledges the right of employees to raise concerns and make complaints professionally and in good faith, and to have them received and considered fairly. Employees are encouraged to raise concerns about decisions relating to flexible work with their manager in the first instance, or with another senior manager.

A non-SES employee may seek a formal review of APS actions under section 33 of the *Public Service Act 1999*. See the [Review of Action Procedures](#) for further information. Note that an employee-initiated request to work from a different place (e.g. a different office or from home) either exclusively, or some of the time as part of a hybrid working arrangement, is not a reviewable action.

The PM&C EA also contains a term at Attachment B for dealing with disputes relating to matters under the PM&C EA, including flexible work. If discussions at the workplace level do not resolve the dispute, a party to the dispute may refer the matter to the Fair Work Commission.

Where concerns cannot be resolved locally, managers and employees can seek assistance from People Branch by contacting **s 47E(d)** pmc.gov.au.

9. What happens if this policy is not followed

Where an employee does not follow the requirements of this policy or their agreed flexible work arrangement, they may lose access to flexible work. Their manager will outline proposed reasons for this in writing prior to the arrangement ceasing and provide an opportunity for the affected employee to respond before making a final decision.

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Where managers do not reasonably consider flexible work requests, the manager may be provided feedback on the requirements of this policy and provided with an opportunity to reconsider the decision.

10. Useful resources

- [PM&C Enterprise Agreement 2024-2027](#)
- [HR Delegations](#)
- [Flex time, TOIL and Overtime Policy](#)
- [Leave Policy](#)
- [Home-based Work Security Guidelines \(see 'Information security at home' section\)](#)
- [Performance Framework](#)
- [PM&C Job Share Register](#)
- [Official Travel Policy](#)

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11. Attachments

Attachment A – Flexible work options

Attachment B – Working remotely, including from home

12. Document control

Date published	Approved by	Brief description of change
12 June, 2023	CPO, Melinda Bopping	Policy moved into new template with updated references to NES changes and official travel.
March 2024	s 22(1)(a)(ii), Director Employee Relations and Analytics	Updated for compliance with new PM&C EA 2024 – 2027
June 2024	CPO, Melinda Bopping	Update to include a note about Fringe Benefit Tax implications for return travel to the Canberra office for remote staff in Attachment B.

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Attachment A: Flexibility options

The options in the table below are not mutually exclusive, many employees use several types of flexibility simultaneously. Leave and breastfeeding breaks are not set out in the table below but are also a way to achieve flexibility. See the [Leave Policy](#) and [Breastfeeding in the Workplace Policy](#) for more information.

Arrangement	Description	Approval requirements
Varied attendance patterns	Varied start and finish times and breaks can occur within the 7am-7pm span of hours, Monday to Friday. Employees may vary the 7am-7pm span of hours to another 12-hour period by written agreement with their manager.	May be approved verbally or via email with the manager.
Flex time Limited to APS1-6 employees	Flex time accrues or debits time (on an hour for hour basis) when an APS1-6 employee works more or less than their ordinary hours. Provides a mechanism to vary working hours and take breaks from work, while balancing out hours over a longer period. APS1-6 employees must record their working hours in the Aurion timesheet which provides a running flex balance.	Managers must approve timesheets fortnightly. Requests to access flex time may be approved verbally or via email with the manager.
TOIL (Time off in lieu) Limited to Executive Level employees	TOIL may be granted for short-term absences where an EL employee has worked additional hours or where directed by the manager to work on weekends, public holidays, or to return to work without an eight-hour break. Senior managers are encouraged to discuss granting of TOIL to achieve some consistency in the context of branch or divisional operational requirements.	Requests for TOIL can be agreed verbally or via email with the manager.
Compressed hours	Compressing ordinary working hours into fewer working days. Compressed hours do not exempt an employee from also working reasonable additional hours where urgent or high priority work is required. Senior managers are encouraged to discuss compressed hours with a view to achieving some consistency in the context of branch or divisional operational requirements.	Must be agreed with the manager and documented via email.

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Arrangement	Description	Approval requirements
Job-sharing	Typically where two part time employees share a role or set of duties, which may equate to one or more full time equivalent (FTE). It is a useful arrangement to provide employees working part time with access to roles with full-time operational requirements. The 'twin model' is where two employees share workload, completing the same tasks but on different days. 'Island' job-sharing is where workload is designed into discrete chunks, and there is limited or no overflow of tasks between individuals. Higher duties opportunities can also be job shared. For example an EL2 manager works part time three days per week and an EL1 manager performs higher duties two days per week on a regular basis as a stretch opportunity. See the Remuneration and Allowances Policy for more information. The job share register available in the Service Portal can help PM&C managers and employees find a suitable job share match.	Must be agreed with the manager and documented via email for all employees involved. Where employees are working part-time, the 'Part-time working arrangement' form in the Service Portal must be completed for each employee. A higher duties form must be completed (in Aurion) for any acting periods.
Part-time work	Working fewer than 38 hours per week across an agreed fortnightly pattern and receiving pro rata salary and entitlements.	'Part-time working arrangement form' in the Service Portal.
Remote work including work from home	Working from a location other than a PM&C office, including from home. Teams may facilitate a schedule to enable all interested team members to perform a mix of office and remote work.	'Working remotely or from home agreement and checklist form' in the Service Portal.

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Attachment B: Working remotely, including from home

Remote work covers work performed at locations other than a PM&C office, the most common arrangements being work from home or from another Government office. A balance of work in the office and at home can assist with boosting productivity and wellbeing. Regardless of the place of work, there is an expectation that employees will continue to perform productively and achieve agreed outcomes.

Hybrid work arrangements

Most roles can successfully include an element of home based work. A combination of office and home based work is often referred to as a hybrid work arrangement. Managers and teams are encouraged to discuss the optimal balance between working from office or home and the type of work best suited to each. This may vary according to working preferences and style, the nature of the work, and practices the team puts in place to support flexible work and collaboration. It is reasonable for managers to require employees attend the office in some capacity to build and maintain connections and relationships, including with new colleagues and stakeholders, however caps will not be imposed on groups of employees on the number of days they must work from home or the office.

100 per cent remote arrangements (domestic)

For employees working 100 per cent remotely from a location outside of the Canberra region, travel, e.g. to return to Canberra for work, is managed and funded by the employees' local work areas. There should be a clear understanding around the frequency of travel and any budget implications when remote work is approved. Agreed arrangements should be documented in the employee's [Working Remotely Agreement](#). Refer to the [Official Travel Policy](#) for information regarding making travel arrangements.

Note - Fringe Benefits Tax (FBT): Where PM&C meets the agreed travel costs associated with returning to the Canberra office (for staff with approval to work remotely) these costs, under FBT law, are deemed to be private in nature. As such, the cost of travel represents a fringe benefit provided to the employee by PM&C.

Where an employee receives fringe benefits with an aggregate value exceeding \$2,000 in the financial year, the total value of the fringe benefits will be disclosed on the employee's income statement/payment summary as a Reportable Fringe Benefit Amount (RFBA). You are not taxed on this amount but it could impact government benefits and obligations. Further information is available on the [ATO website](#) or contact s 47E(d) @pmc.gov.au.

When an employee is based in a location other than the ACT by virtue of a 100 per cent remote flexible work agreement, they will observe the public holidays of the state or territory where it has been agreed they will perform their work. For example, where an employee has a flexible work agreement in place to work 100 per cent of the time from Brisbane, the Queensland public holidays apply. See the [Leave Policy](#) for further information on Public Holidays.

Overseas 100 per cent remote working arrangements

Overseas remote working arrangements may be approved in very exceptional circumstances, in consultation with the Department of Foreign Affairs and Trade (DFAT). If this is being considered you **must contact People Branch for advice through HR Help prior to agreeing any arrangements**. The IT services and security teams will also be consulted.

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Balancing low-grade illness or injury, or caring responsibilities while working from home

Where an employee has a low-grade illness or injury such as a head cold, or caring responsibilities requiring minimal supervision, and there will be minimal impact on their work, they may seek to work from home. This can also assist with the reduction of contagious illnesses in the office environment. Employees and managers should discuss and make a judgement about whether personal/carer's leave is more appropriate in this circumstance. This in no way reduces an employee's entitlement to access personal/carer's leave and be absent from work.

In exceptional circumstances, such as during a pandemic, managers can request employees work from home to mitigate health and safety risks to self and others.

Home based work requirements

There are specific requirements to facilitate remote and home based work:

- a) Complete the **'Working remotely or from home checklist and agreement form'** in the Service Portal to ensure a safe setup and mitigate security and health and safety risks. Update the agreement annually or as circumstances change.
- b) Only access Protected level (or below) information while working remotely. Be mindful of security requirements at all times and have heightened awareness when working remotely, for example do not connect to open Wi-Fi networks and store devices and material securely using the same protocols as the office especially where it is a shared environment.
- c) Where there are health concerns including previous or current medical conditions, consider seeking an ergonomic assessment prior to commencing remote or home based work (see the 'Working remotely or from home workstation assessment' form in the Service Portal).
- d) Any equipment costs are the responsibility of the employee's Division, noting all employees are provided with a laptop, keyboard, mouse and headset. Equipment remains the property of PM&C and must be returned when the arrangement ceases or the employee leaves PM&C.

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Flex time, TOIL and Overtime Policy

Last approved March 2024

Responsible Branch - People Branch

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1. PM&C policy commitment and principles

PM&C provides a range of contemporary entitlements and provisions relating to working hours and flexible work to support employees to best manage their working hours to deliver business outcomes in harmony with their personal lives.

We recognise that our people are diverse and have varied personal commitments and individual circumstances. These are taken into account during decision-making for working hours and flexibility.

Reasonable additional hours are normally only expected where there is high priority or urgent work. We recognise that some employees may choose to work additional discretionary hours.

This policy operates in conjunction with the [Flexible Work Policy](#). Flex-time, time off in lieu (TOIL) and overtime are entitlements and provisions which can be used to facilitate flexible work and recognise additional hours and productive effort. This policy outlines the operation of these mechanisms in detail.

2. Overarching authority

Section 4 of the [Department of the Prime Minister and Cabinet Enterprise Agreement 2024-27](#) (PM&C EA) contains entitlements and provisions on flexibility and hours of work for non-SES employees. Where there are inconsistencies between this policy and the PM&C EA, the PM&C EA prevails.

Maximum weekly hours of work (including reasonable additional hours) are set out in the *Fair Work Act 2009*, specifically the National Employment Standards.

3. Who is covered by this policy

This policy applies to all non-SES PM&C employees, and sets out managerial responsibilities for SES employees. SES provisions on hours of work are set out in individual employment arrangements.

Casual employees are covered by this policy, but are ineligible for flex time or TOIL and have specific overtime provisions.

Contractors employed through a labour hire firm or recruitment agency, and individuals seconded into PM&C are not covered by this policy (as they are not employees of PM&C) and should refer to their relevant employment arrangements.

4. Definitions

Definition of leave type	Classification around the type of leave
Excess flex	A flex credit exceeding 37.5 hours (pro rata for part time) or flex debit of 7 hours 30 minutes or more.
Ordinary hours	Ordinary hours of work are 7 hours and 30 minutes per day (37.5 hours per week) for full time employees, or for employees with a part-time work agreement the hours set out in the agreement.
Span of hours	Normally 7 am to 7 pm Monday to Friday, unless varied by formal agreement between the employee and Delegate.
Standard hours	Standard hours are 7 hours 30 minutes per day for full-time employees, worked from 8.30am–12.30pm and 1.30pm–5.00pm Monday to Friday; or for employees with a part-time work agreement the hours set out in the agreement.

5. Contact and support

In the first instance, employees are encouraged to review this policy and speak with their manager, or manager once removed, for advice or support if needed.

People Branch are available to provide further guidance as required. Queries can be submitted to HR Help via [s 47E\(d\) pmc.gov.au](#) or by calling [s 47E\(d\)](#).

The external [Employee Assistance Program](#) (EAP) provides confidential, free counselling and coaching on a wide range of topics to PM&C employees and their family members. The EAP can be contacted on [s 47E\(d\)](#).

6. Expectations and responsibilities

6.1 Mutual (everyone)

All PM&C employees must work their ordinary hours, with variations or flexibility where agreed by their manager. Reasonable additional hours may also be worked at the manager's direction or employee's discretion, normally only where there is available high priority or urgent work.

Employees and their managers share mutual responsibility for having ongoing conversations about the following to deliver organisational priorities and support individual and team wellbeing:

- individual and team operational requirements, work priorities and expectations,
- regular working patterns and variations to these,
- workloads and reasonable additional hours that may be required,
- forward-planning peaks and troughs in workload, to ensure employees can access appropriate breaks from work, particularly following periods of high workload or additional hours, and
- flexible work options that are mutually beneficial to PM&C and the employee.

6.2 Employees

APS 1-6 employees must record their working hours in their online timesheet (accessed through Aurion) and submit it for approval at the end of each fortnight.

Executive Level employees should discuss working arrangements and actual hours worked with their manager on at least a quarterly basis. The pattern of hours is to be flexible enough to accommodate short-term peaks and troughs in workload, and include expected reasonable additional hours. The agreed pattern of hours is to be recorded.

Employees working at the Executive Level employees seeking to access TOIL are required to record their working hours, including any additional hours, to facilitate TOIL/overtime conversations.

All employees are expected to engage in regular discussions on working hours, raise concerns and suggestions about hours of work or workload with their manager promptly, and work constructively towards an acceptable solution or short-to-medium term management plan.

6.3 Managers

Managers are expected to be familiar with PM&C's hours of work and flexibility provisions set out in the PM&C EA and this policy, and:

- work to balance and prioritise team workloads and manage resourcing arrangements,
- lead by example by setting the tone for healthy, productive work habits and hours,
- consider both operational requirements and personal/individual circumstances when discussing and making decisions about working hours,
- provide as much notice as possible when additional/unsocial hours are required and communicate clearly upfront about entitlements or provisions that may be granted (e.g. flex-time, TOIL or overtime),

- make timely and equitable decisions in relation to the granting of TOIL and overtime for Executive Level employees, (noting for APS 1-6 employees flex-time and overtime are entitlement based),
- maintain high-level oversight of working patterns and additional hours, and work with employees to find opportunities to take flex/TOIL within a reasonable period of it being accrued/granted to promote positive wellbeing and mitigate burnout,
- for Executive Level team members, discuss working arrangements and actual hours worked at least on a quarterly basis, and
- move quickly to intervene where employees are working too many or too few hours in respect of operational requirements.

Tip: Excess flex credits and debits can be monitored via the [Resource Management Dashboard](#).

7. Attendance at work

7.1 Pattern of ordinary hours

All PM&C employees are expected to work productively during their ordinary hours.

Employees may informally vary their ordinary hours across the span of hours (7am to 7pm Monday to Friday), as agreed with their manager. Employees may formally vary the span of hours to an alternative 12-hour period by agreement with the Delegate. Work performed within the alternative span of hours will not attract overtime or TOIL.

Where attendance patterns are informally varied (e.g. to work more or less hours on a given day), ordinary hours must be maintained across an average period, typically a fortnight or 4-week period.

Employees may be required by the Delegate to work standard hours if the employee fails to maintain a satisfactory pattern of attendance, misuses flex time or the employee and their manager are unable to agree on a pattern of hours that aligns with operational needs. 'Standard hours' are 8.30am to 12.30pm and 1.30pm to 5.00pm Monday to Friday, or the hours set out in the employee's part-time work agreement.

7.2 Breaks

Unless there are exceptional circumstances, employees are not expected to work for more than 5 consecutive hours without taking a break of at least 30 minutes, or to work for more than 10 hours on any one day.

All employees are entitled to an 8-hour break, plus reasonable travel time to and from work (where required), between working days. Where taking the 8-hour break results in absence for part or all of their next working day, the employee will not be required to make up those hours and their salary will be unaffected.

Employees required to recommence work without an 8-hour break are entitled to overtime (see overtime section).

7.3 Additional hours

Managers and employees are encouraged to use efficient, productive work practices and workload planning to minimise the need for additional hours wherever possible.

Reasonable additional hours may be required to deliver high priority or urgent work, in line with the expectations and demands of each employee's role and classification level. Employee classification levels and the relevant circumstances will determine any entitlements or provisions to recognise additional hours, i.e. flex-time, TOIL or overtime.

If there is a regular and/or ongoing need for additional hours, managers are encouraged to work with senior managers and their teams to:

- review resourcing arrangements and/or priorities,
- redistribute/reallocate work,
- review team structures, recast role design and responsibilities, and/or
- identify opportunities for process improvement or automation.

Cost of a meal during additional hours

Employees who are given notice ahead of time that additional hours will be required can be reasonably expected to provide their own meals. Generally, notice of more than a day would afford employees a reasonable opportunity to plan-ahead for their meals.

Where employees are required to work for more than 10 hours with limited notice, the Delegate will approve the reasonable cost of a meal (non-inclusive of alcohol) in line with the ATO's current [meal allowance rate](#). Delegates may also provide in-principle approval ahead of time during peak work periods that the cost of a meal is approved if additional hours are required with limited notice. Meals can be purchased for an eligible employee using a corporate credit card or at the individual's expense then reimbursed.

Note: 'limited notice' relates to a person's ability to source a meal at short notice during the period of the required additional hours, for example if an employee finds out once they have arrived at work that additional hours are required and they do not have ready access to a meal for this period.

Delegates must also consider the context of the additional hours. If an employee is working additional hours from home and has ready access food in their kitchen for example, providing a meal is less likely to be appropriate.

To avoid doubt, SES employees are not eligible for the cost of a meal when working additional hours.

7.4 Notifying absences

Employees who are unable to attend work, or will be later than usual for work, must advise their manager as soon as practicable, ideally within 2 hours of their usual starting time. It is reasonable for a manager or a member of People Branch to attempt to contact the employee for a wellbeing check if no contact has been made following this 2 hour period.

Managers are encouraged to communicate their preferred notification requirements to their teams, i.e. typically a phone call where practicable.

7.5 Managing attendance issues

Where a manager has identified reoccurring attendance issues they should raise this with the employee directly and privately, and provide support or suggest strategies to improve attendance, monitoring the situation until it improves. If attendance does not improve, the manager can contact People Branch for advice and assistance.

8. Flex time: APS1-6 level employees

8.1 Accruing flex credits or debits

Employees can vary their work pattern by working more or less than their ordinary hours (within the 7am-7pm span of hours Monday-Friday span of hours). For APS 1-6 employees, this will create a one-for-one flex credit or debit reflected in their timesheet as a running flex balance, e.g. 45 minutes worked in addition to the employee's ordinary hours will result in 45 minutes of flex credit.

Employees with a part-time work agreement who are directed by the Delegate to work beyond their ordinary hours (within the span of hours) will accrue flex, or may elect to be paid for these hours at their normal hourly rate by emailing HR Help via hr@help.pmc.gov.au.

Timesheets must accurately record an employee's actual start, finish and break times except for any overtime. Overtime is entered on the 'Additional Hours' section of the timesheet.

APS1-6 employees will not accrue flex in the following circumstances:

- they are undertaking higher duties at the Executive Level,
- their hours of work have been set under medical advice and therefore additional hours are not supported, or
- they have been directed by the Delegate to work standard hours where agreement cannot be reached on a regular pattern of hours, or an employee's attendance is unsatisfactory.

8.2 Using flex credits

Flex credits can be used for part-, full- or multiple-day absences. Employees are encouraged to use available flex credits to cover short absences to ensure they can be balanced within a reasonable period of accrual and appropriate breaks from work are provided following peak work periods.

It is preferable to use flex credits prior to annual or long service leave to ensure credits are utilised and balanced. Flex credits can be used in conjunction with other approved leave types, unless another leave type is more appropriate for example personal/carer's leave. However, if a staff member has exhausted their paid personal/carers leave entitlement they may use available flex credit instead.

8.3 Excess flex balances (credits and debits)

Where an employee has an excess flex credit (over 37.5 hours) or debit (minus 7.30 hours) the employee and manager must develop a plan to return their balance within these parameters over the next 4 weeks. An alternative timeframe can be agreed between the employee and their manager where reasonable. For example if it is a peak work period or the employee has a plan in mind to utilise flex credits in the near future; or personal circumstances prevent the employee from working outside their ordinary hours to return a negative flex balance to zero or above.

Wherever possible, employees should reduce their excess flex balance by taking time off work, as agreed with their manager. Where time off work is not feasible due to operational requirements, the Delegate may approve cashing out of excess flex credits (i.e. credits above 37.5 hours) through an Individual Flexibility Arrangement (IFA). This will only occur in conjunction with a short-to-medium term plan for the employee to take some time off work, to promote positive wellbeing, mitigate any risk of burnout and reduce the flex balance closer to zero. To initiate this process, managers can contact HR Help.

Employees needing to address a negative flex balance must agree a plan to balance their hours to zero or above. For example, work an additional half an hour every day. Where an employee is unwilling or unable to work the required hours to balance their flex to zero, for example for health reasons, the debits may be offset by annual leave or a salary deduction.

8.4 Using flex credits when changing roles or leaving PM&C

PM&C employees are encouraged to use their flex credits and balance their flex to zero before transferring to a new role within PM&C (including graduate rotations or acting opportunities).

Prior to cessation of employment with PM&C, employees must take all reasonable steps to balance their flex credits or debits. Managers should provide opportunities to enable employees to balance any flex debits or credits.

Where it is not possible to balance flex credits due to operational requirements, the employee's flex credit will be paid out on separation.

Where an employee separates from PM&C with a flex debit, they may choose to acquit the debit with annual leave credits. Otherwise, PM&C is authorised to recover debits from the employee's salary or final pay.

Employees transferring between APS agencies cannot transfer flex credits or debits.

8.5 Flex balances and higher duties or promotion to the Executive Level

APS 1-6 level employees undertaking higher duties at, or promoted to, the Executive Level are encouraged to return their flex balance to zero prior to commencing higher duties or the date of promotion, wherever possible. Where this is not possible, the balance should be discussed with the relevant manager and a plan put in place to balance the flex to zero within a 4 week period.

Flex balances are maintained during period of higher duties, but are not maintained beyond 4 weeks after an internal promotion to the Executive Level takes effect. Where operational requirements prevent the opportunity to utilise flex credits within 4 weeks of promotion, outstanding flex credits may be cashed out through an IFA. Managers wishing to facilitate this can contact HR Help.

Any flex debits will be offset by annual leave or salary deductions following internal promotion to the Executive Level.

9. Time Off In Lieu (TOIL): Executive Level employees

Varied attendance patterns (e.g. leaving early one day, working longer another day) are examples of working flexibly, as long as ordinary hours are balanced over a 2-to-4 week period. Employees do not need to have been granted TOIL to access this type of flexibility. Executive Level employees are empowered to clarify the urgency of assigned work and to prioritise their individual and team workload to minimise additional hours and seek guidance from their manager if unsure.

9.1 Granting TOIL

A manager is to grant TOIL to Executive Level employees where they have:

- worked reasonable additional hours, or
- been directed by the manager to work on weekends or public holidays

Unlike flex-time for APS1-6 employees, TOIL does not accrue by a set formula. Instead, managers must consider the additional hours worked, using the employee's record of hours as reference, and weigh a number of factors when determining appropriate amounts of TOIL based on the individual circumstance. For example:

- was the work urgent or high priority, did the manager expect or direct the employee to perform the additional hours or were the hours discretionary,
- the nature of the additional hours, i.e. were they significant, how many hours were worked, over what period and when. For example, work required over a weekend or on public holidays may be given more weight,
- if the additional hours, effort and contribution were productive and achieved within what the manager considers was a reasonable amount of time for the specified deliverables,
- the impact the additional hours had on the employee's health and wellbeing, and
- proportionate considerations for employees with a part-time work agreement.

Senior managers are encouraged to consider the factors above and have local discussions at the branch/division level to determine what appropriate granting of TOIL looks like relative to operational requirements to ensure some level of consistency (note: this should not go to a set formula). For example, discussions where employees are working regularly on weekends leading up to the Budget, working significant additional hours leading up to a major policy announcement or supporting critical major international visits or events.

9.2 Taking TOIL

TOIL can be used for part- full- or multiple-day absences from work and may be taken in conjunction with other types of approved leave, subject to operational requirements and agreement with the manager. TOIL should be taken as soon as practicable after the additional hours were worked, to promote positive wellbeing, maintain high levels of productivity and avoid burnout.

Requests from Executive Level employees to access flexible time off which are consistent with their agreed working arrangements are to be supported, subject to operational requirements.

9.3 Compressed hours and TOIL

Where Executive Level employees have approved compressed working hours arrangements in place (i.e. compressing ordinary working hours into fewer working days) this does not preclude them from working reasonable additional hours where urgent or high priority work is required.

Given additional hours can extend an already compressed (longer) day further, careful consideration must be given to the granting of proportionate TOIL. Managers should be mindful of creating a pseudo flex-time scheme under compressed hours. This may create issues with fairness and equity if other Executive Level employees are granted different amounts of TOIL when they undertake reasonable additional hours.

Wellbeing is also an important consideration in relation to compressed hours. Managers must actively determine if the hours that need to be worked (typically longer days) to achieve time-off under a compressed hours arrangement are sustainable or could, themselves, lead to burnout.

10. Overtime

10.1 Eligibility for overtime

Where there is urgent, high priority or time critical work to be delivered, the Delegate may direct an employee to work overtime. Overtime will be at the rates set out in the PM&C EA, with a minimum entitlement of one hour.

Employees will not receive flex or TOIL for any period attracting paid overtime. Where an employee chooses to work outside of the span of hours at their own discretion or as part of an agreed flexible work arrangement (i.e. without formal direction) they are not entitled to overtime.

10.2 Direction to perform overtime

A direction to perform overtime must be clear and discussed with affected employee/s as soon as possible, with consideration given to:

- the criticality of the work to be performed;
- the reasonableness of the request, including the impact on the health and safety of affected employees;
- the personal circumstances of affected employees such as family responsibilities; and
- the period of notice employees are given.

An employee may refuse to work overtime if they consider the request to be unreasonable based on the considerations above. If employees are unsure whether they have been asked/directed to perform overtime, they should clarify this with their manager.

For avoidance of doubt, managers are encouraged to clarify ahead of time when overtime is **not expected** during peak times.

Overtime for APS 1-6 employees

APS 1-6 Level employees are entitled to overtime where they are **directed** by the Delegate to undertake work:

- outside the span of hours, or
- on public holidays or during Christmas closedown, or
- without an 8-hour break between work days.

APS 1-6 Level employees may choose to receive paid overtime or to accrue flex-time at the overtime rate.

Overtime for Executive Level employees

Executive Level employees are only eligible for overtime in exceptional circumstances, including where they have been **directed** to undertake work without an 8-hour break or during Christmas closedown, or as otherwise determined by the Delegate. In granting overtime rather than TOIL, the Delegate will consider:

- the level of effort and time required to perform the directed tasks/ duties and the employee's commitment to going above and beyond. A quick phone call or email will typically not attract overtime,
- the call on the person's time/ personal commitments, for example did the requirement to perform work impact on personal commitments or require cancellation of plans,
- when the hours were worked, for example during the night or public holidays, when most people were not required to work, and/or
- whether overtime is appropriate recognition because the employee already has a significant TOIL balance without the opportunity to use it because of operational requirements.

Overtime for casual employees

Casual employees are paid for their specified working hours, and receive overtime for work performed beyond their agreed daily working hours, or in excess of 37.5 hours per week.

10.3 Reimbursement of costs

Where an employee is directed to work overtime, the Delegate will approve payment or reimbursement for reasonable, unavoidable, additional costs associated with the care of family members or dependants incurred as a result when satisfactory evidence is provided. The employee must advise their manager in advance that costs may be incurred, unless it is impractical to do so.

10.4 Recording and approving overtime information

APS 1-6 employees are to record overtime periods in the dedicated additional hours section of their timesheet in Aurion only.

Executive Level employees must email a request for overtime payment to HR Help via [s 47E\(d\) pmc.gov.au](#) with the following details:

- start and finish time of the overtime worked, noting any breaks,
- the date(s) and note if it was a weekday, Saturday, Sunday or public holiday, and
- evidence of Delegate approval of the payment and times and dates worked (either in the email trail or attached).

11. On-call allowance

Employees will be considered to be on-call and receive an on-call allowance where they are directed by their manager to be contactable, fit to work, and available and ready to work at immediate notice, outside the 7am – 7pm Monday to Friday span of hours.. From time to time urgent, high priority and time critical work may arise requiring employees (particularly Executive Level employees) to undertake work outside the span of hours. Unless there was a prior direction to be on-call, this will not attract on-call allowance.

On call allowance is processed through the [On-call allowance form](#) on the Service Portal.

Employees will not be placed on call for more than 14 days in any 28 day period. The weekly on-call allowance rate is set out in the PM&C EA [salary allowance rates](#) document and can be pro-rated for shorter periods, in 24-hour units.

If employees are recalled to work during an on-call period (whether in the office or remotely):

- APS 1-6 level employees will be entitled to overtime (with a minimum one hour overtime entitlement), and
- Executive Level employees will normally be granted TOIL, or paid overtime in exceptional circumstances where approved by the Delegate.

12. Official travel time

If employees are undertaking official travel during their ordinary work hours, this is work time and does not attract flex, TOIL or overtime.

Employees undertaking official travel outside of their ordinary hours and not performing work will have the time spent in transit recognised as follows:

- APS1-6 employees will accrue flex,
- Executive Level employees may be granted TOIL.

Where flex or TOIL is claimed, the time normally spent travelling to and from work should be deducted from the time spent in transit.

Overtime will only be paid for official travel where the Delegate directs an employee to work while in transit and the eligibility requirements for overtime are met.

13. Useful resources


[HR Delegations](#)
[Leave Policy](#)
[Resource Management Dashboard](#)
[Flexible Work Policy](#)
[Enterprise agreement](#)
[Travel Policy](#)

14. Seeking a review of decision

PM&C acknowledges the right of employees to raise concerns and make complaints professionally and in good faith, and to have them received and considered fairly. Employees are encouraged to raise concerns about decisions relating to their employment with their manager in the first instance, or with another senior manager. Where concerns cannot be resolved locally, employees can seek assistance from People Branch by contacting HR Help via [s 47E\(d\) pmc.gov.au](#)

A non-SES employee may seek a formal review of APS actions under section 33 of the *Public Service Act 1999*. See the [Review of Action Procedures](#) for further information.

15. What happens if this policy is not followed

In the first instance, employees and/or managers will be reminded or counselled on how to meet their responsibilities under this policy. Discussions will consider the expectations set out in this policy, and take into account an employee's individual circumstances and operational requirements. Where employees are unable to comply with reasonable directions, managers may escalate concerns to People Branch for assistance in reaching an appropriate resolution.

Where employees have concerns with the way their manager is applying this policy after discussions, they may approach their manager once removed or People Branch for support to reach an appropriate resolution that is appropriate to their circumstances.

16. Document control

Version	Date published	Approved by	Brief description of change
1.0	December 2021	Melinda Bopping A/g Chief People Officer	Redraft to reflect compliance with the 2021-24 PM&C EA.
1.1	March 2024	s 22(1)(a)(ii) Director Employee Relations and Analytics	Updated for compliance with new PM&C EA 2024 – 2027