

From: Sophie Ismail [mailto:sismail@actu.org.au]
Sent: Thursday, 18 May 2017 5:18 PM
To: AMOD
Cc: 'Ruchi Bhatt'; Julian Arndt; 'Nigel Ward'; Brent Ferguson; Scott Barklamb
Subject: AM2015/2 - Family Friendly Working Arrangements - ACTU proposed variation

Dear AMOD team,

We **attach** the ACTU's proposed variation in this matter for filing.

This draft clause was served on the employer parties on 22 March 2017.

Yours sincerely,

Sophie

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Legal and Industrial Officer

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The ACTU respectfully acknowledges that our building stands on the lands of the traditional owners and continuing custodians of Melbourne, the Boon Wurrung and Woi Wurrung language groups of the greater Kulin Nation.

ACTU REVISED FAMILY FRIENDLY WORKING HOURS CLAUSE

X.1 Family Friendly Working Hours for Parents and Carers

X.1.1 An employee is entitled to **Family Friendly Working Hours** to accommodate their **parenting responsibilities** and/or **caring responsibilities** in accordance with this clause.

X.2 Right to Revert to Former Working Hours

X.2.1 An employee with parenting responsibilities on Family Friendly Working Hours has a right to revert to their **former working hours** up until the child is school aged; or at a later time by agreement.

X.2.2 An employee with caring responsibilities on Family Friendly Working Hours has a right to revert to their **former working hours** for a period not exceeding two years from the date of the commencement of the Family Friendly Working Hours; or at a later time by agreement.

X.3 Family Friendly Working Hours arrangement

X.3.1 An employee shall give their employer reasonable notice in writing of their intention to access Family Friendly Working Hours under clause X.1, including at least the following matters:

- (a) the period of time that the employee requires Family Friendly Working Hours;
- (b) the specific days and hours of work that the employee wishes to work during the Family Friendly Working Hours period;
- (c) the date on which the employee wishes to revert to their **former working hours** under clause X.2.

X.3.2 An employer will implement the Family Friendly Working Hours arrangement provided by the employee under X.3.1, or a variation of the arrangement agreeable to the employee.

X.4 Definitions

X.4.1 An employee has 'parenting responsibilities' if the employee has responsibility (whether solely or jointly) for the care of a child of school age or younger.

X.4.2 An employee has 'caring responsibilities' if the employee is responsible for providing personal care, support and assistance to another individual who needs it on an ongoing or indefinite basis because that other individual:

- (a) has a disability; or
- (b) has a medical condition (including a terminal or chronic illness); or
- (c) has a mental illness; or
- (d) is frail and aged.

X.4.3 'Employee' means a full-time, part-time or casual employee.

X.4.4 'Family Friendly Working Hours' means an employee's **existing position**:

X.4.4(a) on a part-time basis if the employee's existing position is full-time; or

X.4.4(b) on a reduced hours basis, if the employee's existing position is part-time or casual.

X.4.5 'Family Friendly Working Hours arrangement' means either the written document provided by the employee under clause X.3.1, or an agreed variation of that arrangement recorded in writing and provided to the employee.

X.4.6 'Existing position' means the position, including status, location and remuneration, that the employee held immediately before the commencement of the Family Friendly Working Hours.

X.4.7 'Former working hours' in clauses X.2.1, X.2.2 and X.3.1(c) means the number of hours that the employee worked immediately before the commencement of the Family Friendly Working Hours.

X.5 Replacement Employees

X.5.1 An employee engaged to replace an employee on Family Friendly Working Hours under this clause must be informed of the temporary nature of their engagement.

X.6 Eligibility Requirements

X.6.1 To be entitled to Family Friendly Working Hours under this clause, an employee must:

X.6.1(a) Have completed at least six months continuous service with the employer;
and

X.6.1(b) If required by the employer, provide evidence that would satisfy a reasonable person that the employee has parenting responsibilities and/or caring responsibilities that meet the relevant definition in clause X.4. Such evidence may include a document or certificate from a health professional/practitioner or relevant services provider, or a statutory declaration.

X.6.2 An employee is not required to exhaust any existing leave entitlements before being entitled to Family Friendly Working Hours under this clause.