

## **Guide to Flexible Working Entitlements**

### **When you want to reduce your work hours or work more flexibly**

If you have been recently diagnosed or experienced changes in your health, have a conversation with your employer as quickly as possible outlining the situation and explaining what you and your medical team advise. You may be able to come to an informal short-term arrangement until more information about your treatment plan becomes available.

For longer term arrangements, as an employee you have a right to request a flexible working arrangement. You can ask to change your working arrangements – either permanently or for a set time for any purpose or reason. For example, caring for someone with an illness or needing flexibility to attend ongoing medical appointments.

You can discuss and agree to vary your working arrangements informally with your employer, who may agree to a flexible working arrangement to accommodate your needs. Alternatively, you can submit a Flexible Work Application Form.

### **What do I need to do to submit a formal Flexible Work Application Form?**

We recommend to:

- Plan in advance before making a request and think through what will need to happen practically to accommodate the request;
- Submit your request to your employer as soon as you are sure of what you want;
- Keep a copy of the request and note when you have sent it to your employer;
- Ensure the request is clear. It's up to you to explain the working arrangement that you want and how it can be made to work for both employee and employer;

- Remember, unless specified that the change is only temporary then once the request is approved it will not be automatically reverted back if you decide it is not what you want;
- Bear in mind that a reduction in hours and/or duties may also result in a reduction in pay.

### **A step-by-step guide to applying for flexible working hours**

1. For a formal change in working hours, you need to make a request for a Flexible Work Application Form and it must be in writing.
2. It must have your name written on the request.
3. It must be dated with the day of when your request was made.
4. Show reference to Part 6AA of the Employment Relations Act 2000.
5. Explain the working arrangement you are seeking and whether you want it to be permanent or for a set period of time.
6. State the date that you want the new working arrangement to start and, if the new working arrangement is for a set period of time, state the date you want the arrangement to end.
7. Explain why you are requesting a Flexible Working Arrangement, for example, to undergo treatment and allow for recovery
8. Explain, in your view, what changes (if any) the employer may need to make to their current business arrangements if the request is approved, e.g. possible changes to the way the team works together, changes to the physical set up of the workplace etc.

The employer must reply as soon as possible, but within one month of the date requested. The employer will make the decision on whether or not to grant the request based on a limited number of specified grounds under the Employment Relations Act.

You can read more at <https://www.employment.govt.nz/workplace-policies/productive-workplaces/flexible-work/how-to-apply/request-for-flexible-working-arrangements-checklist/>

## **What grounds does my employer have for declining my request for flexible working?**

An employer doesn't have to agree with the request if there is a good business reason for declining. However, employers have an obligation to be a fair and reasonable and to seriously consider each request.

Grounds for denying a flexible working request include:

- Cannot reorganise work among existing staff
- Cannot recruit additional staff
- Negative impact on quality output
- Negative impact on performance
- Not enough work during the periods the employee proposes to work
- Planned structural changes
- Burden of additional costs
- Negative effect on ability to meet customer demand.

## **Medical Retirement or Medical Incapacity**

If you would like more information on this, please see our guide to medical retirement.

**Please note: The information above is to be used as a guide only and not as formal legal employment advice. For more information, visit <https://www.employment.govt.nz/workplace-policies/productive-workplaces/flexible-work>**