
VPS Enterprise Agreement Common Policies

HOME BASED WORK

Table of contents

Authority and Application	2
Overview	2
Relevant provisions of the VPS Enterprise Agreement	2
Clause 18. Home Based Work	2
Supplementary Guidance Information	2
1. Principles of home based work	2
2. Assessing requests for home based work	3
3. Review, duration and termination of home based work arrangements	3
4. Interaction with right to request flexible working arrangements (clause 9)	4
Making decisions under this policy	4
Dispute resolution	4
Further Information	4
Related policies or documents	5

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Authority and Application

Clause 18 of the Victorian Public Service Enterprise Agreement 2016 (the Agreement), applies to Victorian Public Service Departments and Agencies (Employers) and their Employees covered by the Agreement.

Overview

Clause 18 of the Agreement provides that home based work arrangements may be agreed between the Employer and an Employee on a case-by-case basis. The Employer will review each Employee request for home based work arrangements considering both the needs of the Employee and the operational requirements of the work unit. A request for home based work arrangements will not be unreasonably refused, taking into account all the relevant circumstances, including but not limited to the Employer's operational requirements.

Relevant provisions of the VPS Enterprise Agreement

Clause 18. Home Based Work

Home based work arrangements may be agreed between the Employer and an Employee on a case-by-case basis.

Supplementary Guidance Information

1. Principles of home based work

- 1.1. Any Employee may request a home based work arrangement.
- 1.2. There are two types of home based work arrangements:
 - 1.1.1. Regular home based work – working from a home based office on a regular and pre-arranged schedule (e.g. once a week or once a fortnight).
 - 1.1.2. Occasional home based work – working from home on an ad-hoc basis, agreed on a case-by-case basis with the employer.
- 1.3. Home based work arrangements may not be used as a substitute for child care, dependent care or to perform household responsibilities.
- 1.4. Home based work arrangements are not transferrable. Employees who are reassigned, appointed to a new position or accept higher duty assignments must re-apply for their home based work arrangement.

2. Assessing requests for home based work

- 2.1. In assessing a request for home based work, the Employer should consider the following:
 - 2.1.1. the reason for the request;
 - 2.1.2. the reasonableness of the request;
 - 2.1.3. the personal and/or family circumstances of the Employee, including if it is known that an Employee has experienced family violence, any obligations which arise under anti-discrimination laws or the *Fair Work Act 2009* (Cth);
 - 2.1.4. the capacity to ensure that the home based work site is a safe area to work; and
 - 2.1.5. the Employer's operational requirements.
- 2.2. In considering the Employer's operational requirements under 2.1.5, the Employers should have regard to:
 - 2.2.1. the cost of accommodating the request;
 - 2.2.2. the capacity to reorganise other Employees' work arrangements to accommodate the request and the practicality of doing so;
 - 2.2.3. the impact on other Employees;
 - 2.2.4. any legal or other constraints that could affect the feasibility of the arrangement;
 - 2.2.5. the impact on efficiency or productivity;
 - 2.2.6. the impact on customer service; and/or
 - 2.2.7. any other relevant factor.
- 2.3. In considering the reasonableness of the request under 2.1.2, the Employer should have regard to:
 - 2.3.1. when the proposed arrangement will commence and the duration of the proposed arrangement;
 - 2.3.2. whether the Employee has other entitlements available, such as purchased leave, personal or carer's leave (paid or unpaid), or annual leave, which could be more appropriately used;
 - 2.3.3. whether there are other more appropriate flexible work arrangements available to the Employee; and
 - 2.3.4. any other relevant matter.
- 2.4. None of the matters listed in 2.1 are determinative. The Employer will endeavour to accommodate requests within the framework set out above. A request for home based work arrangements will not be unreasonably refused, taking into account all the relevant circumstances, including but not limited to the Employer's operational requirements.

3. Review, duration and termination of home based work arrangements

- 3.1. Home based work arrangements agreed between the Employer and Employee must be agreed for a specific duration, and must be regularly

reviewed so that the arrangements remain effective and viable for all parties, including other team members.

- 3.2. The Employer may terminate a home based work arrangement where it is no longer considered appropriate having regard to the matters in 2.1 and 2.2 above. The Employer must consult with the affected Employee prior to terminating a home based work arrangement, including considering ways in which the arrangement may be varied to better meet both operational requirements of the Employer and the needs of the Employee.

4. Interaction with right to request flexible working arrangements (clause 9)

- 4.1. A request for flexible working arrangements (as contemplated by clause 9 of the Agreement) which includes a request for home based work (as contemplated by clause 18 of the Agreement) will require the Employer and Employee to take into consideration the Agreement provisions and Supplementary Guidance Information for both clause 9 and clause 18 of the Agreement.
- 4.2. In such circumstances the provisions of clause 9 of the Agreement shall take precedence over any inconsistency with clause 18 of the Agreement.

Making decisions under this policy

Under section 20(1) of the *Public Administration Act 2004*, the public service body head has all the rights, powers, authorities and duties of an employer, which will usually be delegated to staff within their Department or Agency. Employers should ensure that any actions under this policy are only taken by an employee with the delegation to do so. Each Department and Agency should give effect to this policy in accordance with its own delegations.

Dispute resolution

An Employee who is directly affected by a decision made or action taken pursuant to clause 18 may apply for a review of actions under the Employer's review of actions policy or seek to resolve a dispute through the Resolution of Disputes procedure at clause 12 of the Agreement.

Further Information

Employees should refer to their Department or Agency's intranet for information on procedural requirements, systems and approval delegations.

For further information and advice please contact your local Human Resources or People and Culture Unit (or equivalent).

Related policies or documents

VPS Enterprise Agreement Common Policies

- Annual Leave
- Personal / Carer's Leave
- Right to Request Flexible Working Arrangements

All policies in the VPS Enterprise Agreement Common Policies collection, can be found at <https://vpsc.vic.gov.au/vps-enterprise-agreement-common-policies/>