

## Overview

DMTC Limited (“the Company”) Flexible Working Policy recognises the importance of achieving a fair balance between work, and personal responsibilities (such as caring for family members).

DMTC Limited recognises the benefits of implementing flexible working arrangements such as improved productivity, retention of skilled staff and improved employee satisfaction.

## Purpose

The purpose of this policy is to assist DMTC Limited management and its employees with the handling of flexible working requests in accordance with the law. To the extent that there are inconsistencies between this policy and the Fair Work Act 2009 (Cth), the Fair Work Act 2009 (Cth) will prevail.

## Scope

This policy applies and provides guidance to all employees, contractors and volunteers of DMTC Limited.

The Fair Work Act 2009 (Cth) provides that certain employees (referred to in this policy as “eligible employees”) are entitled to make a written request for flexible working. Eligible employees may make a request to change their working arrangements, such as working part-time, compressed hours, flexible hours, job sharing, working from home, split-shifts and work re-design. The Company will consider such requests and provide a written response within the designated timeframes outlined in this policy.

Where an employee who is not an “eligible employee” within the meaning of the Fair Work Act 2009 (Cth) makes a request for flexible working, the Company will consider such a request at its own discretion.

DMTC Limited will make a genuine effort to accommodate the employee’s circumstances.

## Eligibility

DMTC Limited will consider an eligible employee’s request for flexible working and respond in writing to inform the employee whether their request is granted, partially granted or refused within 21 days of the application being made.

DMTC will comply at a minimum with the Fair Work Act 2009 (Cth).

The Fair Work Act 2009 (Cth) stipulates the following eligibility conditions:

- Full-time and part-time employees: Must have been continuously employed by the Company for at least 12 months before making their request;
- Casual employees: Must have been employed by the Company on a regular and systematic basis for at least 12 months before making their request AND must have a reasonable expectation of continuing employment with the Company on a regular and systematic basis moving forward.
- In addition to the minimum service requirements set out above, to be an “eligible employee” under this policy, the employee must satisfy at least one of the following circumstances, and the request

for flexible working must be because of those circumstances:

- are the parent, or have responsibility for the care, of a child who is school aged or younger;
- The employee is a carer within the meaning of the Carer Recognition Act 2010;
- The employee has a disability;
- The employee is 55 years of age or older;
- The employee is pregnant;
- The employee is experiencing family or domestic violence; or
- The employee provides care or support to a member of the employee's immediate family, or a member of the employee's household, who requires care or support because of family or domestic violence.

## How to Apply for Flexible Work

### 1. Documentation Requirements

An employee who believes they are eligible to make a request for flexible working and considers that a change to their working arrangements would have a positive impact upon their ability to balance their work and other responsibilities should set out their request in writing to their manager.

In order for the Company to properly consider the employee's request, it will be helpful if as much detail as possible is included in the employee's request. For example, the employee's request should include the following:

- The type of flexible working arrangement that is requested, or different options of flexible working;
- How a new working arrangement would benefit the employee in their day-to-day life;
- A proposed start date and if relevant, an end date;
- Suggestions as to how the employee's proposed flexible working arrangement could impact their fellow employees and how this could be overcome;
- If it may be unclear to the Company why the employee is eligible to apply, then provide details as to why the employee believes they meet the eligibility requirements;
- Any other relevant information.

## Procedure

Once the Company receives the employee's written request to change their working arrangements, it will consider the request, considering the employee's proposals and their impact upon the Company's ability to continue to meet its business objectives.

If an employee is covered by a modern award, the Company will first discuss the request with the employee to try to reach an agreement about changes to the employee's working conditions, taking into consideration:

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- The needs of the employee;
- Consequences for the employee if changes in working arrangements are not made;
- Any reasonable business grounds for refusing the employee's request.

A written response will be provided to the employee within 21 days of the Company receiving the request.

The response will set out whether the employee's request is granted, partially granted (for instance, it may be granted with conditions or for a fixed period of time) or refused.

The request must be sent to the CEO or delegate for endorsement.

### Agreement or Refusal of Flexible Working Arrangements

If an employee who is entitled to request flexible working arrangements (see legal requirements set out above) makes a written request for flexible working arrangements, the Company must:

- consider their request;
- discuss the request with the employee to try to reach an agreement about changes to their working;
- respond in writing within 21 days;
- state whether the request is granted or refused, and provide reasons if the request is refused;
- only refuse a request on reasonable business grounds.

The Company can only refuse a request on "reasonable business grounds" (see below). If a request is refused the written response must include the reasons for the refusal.

Modern awards contain specific information on what needs to be included in the written response if the request is refused or if a different change in working arrangements is agreed.

The Fair Work Act 2009 (Cth) lists the following as examples of reasonable business grounds for refusing a request (the list is not exhaustive)

- That the new working arrangements requested by the employee would be too costly for the Company;
- That there is no capacity to change the working arrangements of other employees to accommodate the new working arrangements requested by the employee;
- That it would be impractical to change the working arrangements of other employees, or recruit new employees, to accommodate the new working arrangements requested by the employee;
- That the new working arrangements requested by the employee would be likely to result in a significant loss in efficiency or productivity;
- That the new working arrangements requested by the employee would be likely to have a significant negative impact on customer service.

If the employee's request for flexible working is agreed in full, then the start date of the new arrangement will need to be agreed, a review date decided and the relevant change to the employee's terms and conditions will be documented in a Flexible Working Arrangement record in writing.

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It is possible also that the employee will be asked to execute a new employment contract to reflect the changes (though this will depend on the nature and extent of the changes) otherwise a letter or email is sufficient.

If the employee's request for flexible working is partially agreed, further discussion will then take place between the employee and the Company to come to a mutually convenient arrangement. A letter confirming these arrangements will be created and sent to the employee.

## Interaction with State Entitlements

Any State or Territory laws applicable to the location in which the employee is employed that provide employee entitlements in relation to flexible working arrangements, such as carers provisions under anti-discrimination laws, continue to apply to the extent that they are more beneficial to employees.

## Compliance and Breaches

All company employees must comply with this Flexible Working and report any breaches to their direct manager or senior management as appropriate.

Any flexible working arrangement will be reviewed and monitored between both the employer and employee to ensure that the new flexible arrangement is working for everyone.

DMTC Limited will investigate all reported instances of questionable or unethical behaviour. In every instance where improper behaviour is found to have occurred, the company will take appropriate action and the appropriate authorities notified.

Where these standards are not met, appropriate disciplinary action will be taken. Employees whose conduct falls below the standards outlined in the Flexible Working Policy will be counselled accordingly and/or disciplined in accordance with company disciplinary procedure.

In cases where the breach involves serious misconduct, this may result in termination of employment.

Employees now have the right to contact the Fair Work Commission to hear and make orders about disputes about flexible working arrangement requests if the parties cannot resolve the dispute at the workplace level.

## Other Policies

Employees are encouraged to read this policy in conjunction with other relevant DMTC Limited company policies including;

- DMTC Employee Handbook