



THE UNIVERSITY OF  
MELBOURNE

# Negotiating Flexible Work Arrangements

Guidelines for Staff

# Table of Contents

|  |           |
|--|-----------|
| <b>HOW THESE GUIDELINES CAN ASSIST YOU</b>   | <b>1</b>  |
| <b>NEGOTIATING FLEXIBLE WORK ARRANGEMENTS PLAN</b>                                 | <b>2</b>  |
| <b>1 INTRODUCTION</b>  | <b>3</b>  |
| <b>2 SIGNS OF WORK/LIFE IMBALANCE</b>  | <b>4</b>  |
| LOCUS OF CONTROL   | 4         |
| NOT NEGOTIABLES  | 4         |
| <b>3 THE LEGAL AND POLICY FRAMEWORK</b>  | <b>6</b>  |
| GROUNDS COVERED BY THE EQUAL OPPORTUNITY POLICY                                    | 6         |
| WHAT DO WE MEAN BY 'REASONABLE'?   | 6         |
| WHAT IF I WANT FLEXIBILITY FOR REASONS NOT COVERED BY<br>EQUAL OPPORTUNITY POLICY? | 6         |
| <b>4 PUTTING FORWARD YOUR PROPOSAL</b>   | <b>7</b>  |
| PREPARATORY WORK   | 7         |
| THE FLEXIBLE WORK ARRANGEMENT PROPOSAL   | 12        |
| <b>5 THE MEETING</b>   | <b>16</b> |
| PREPARE AND PRACTICE   | 16        |
| THE AGREEMENT  | 16        |
| MANAGING EMOTIONS  | 17        |
| RESPONDING TO FEEDBACK   | 18        |
| RESPONDING TO COMMON CONCERNS  | 19        |
| <b>6 RESPONDING TO 'NO'</b>  | <b>21</b> |
| REWORK YOUR PROPOSAL   | 21        |
| TALK TO YOUR HUMAN RESOURCES CONSULTANT  | 21        |
| UNDERSTAND YOUR MANAGER'S POSITION   | 21        |
| TALK TO AN ANTI-DISCRIMINATION ADVISER   | 21        |
| <b>7 GENERAL TIPS</b>  | <b>22</b> |
| <b>8 USEFUL REFERENCES</b>   | <b>23</b> |

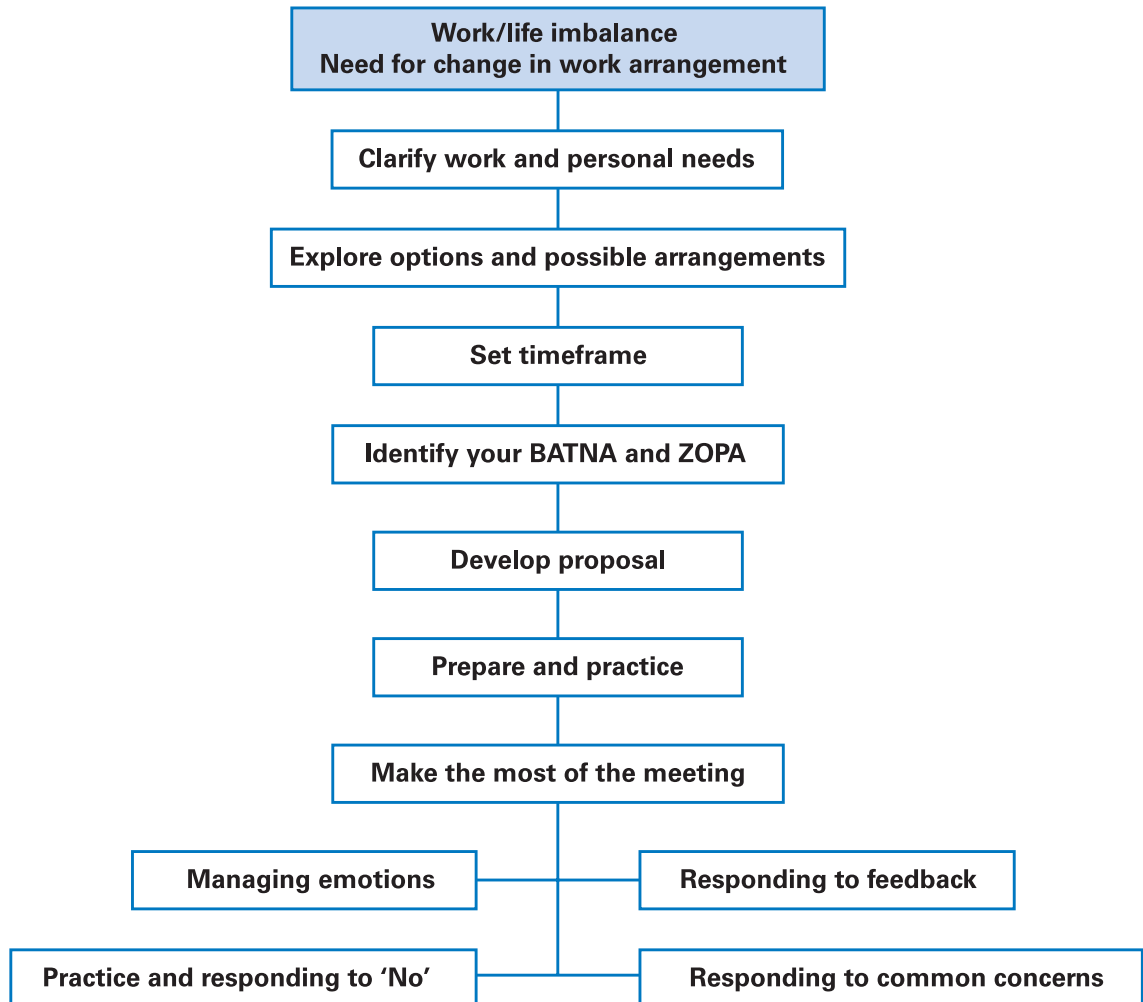
# How These Guidelines Can Assist You

This document is designed to accompany the Best HR Practice Guide *Work and Family: The Links and the Balance* and the leaflet *Indirect Discrimination – Fair in Form: Fair in Effect?* It is a resource for staff who wish to modify their work arrangements and provides a guide to a considered, consultative and collaborative approach to negotiating flexible work arrangements.

There are eight main sections.

|                  |                                |  |
|------------------|--------------------------------|--|
| <b>Section 1</b> | Introduction                   | Outlines the purpose of the document and how it fits with University objectives  |
| <b>Section 2</b> | Signs of Work/Life Imbalance   | Deals with key indicators of work/life imbalance   |
| <b>Section 3</b> | The Legal and Policy Framework | Covers the University's Equal Opportunity Policy and state and federal legislation   |
| <b>Section 4</b> | Putting Forward your Proposal  | Discusses issues to consider in clarifying the arrangement you would like to propose and provides a template for a written proposal for flexible work arrangements |
| <b>Section 5</b> | The Meeting                    | Deals with strategies for approaching and managing a negotiation meeting   |
| <b>Section 6</b> | Responding to 'No'             | Outlines approaches and options available where a negotiated agreement is not reached  |
| <b>Section 7</b> | General Tips                   | Provides nine general tips for successfully negotiating flexible work arrangements   |
| <b>Section 8</b> | Useful References              | Lists University and other relevant resources  |

# Negotiating Flexible Work Arrangements Plan



# Introduction

## **Goal 9: Equity and Access**

**To entrench equity and merit as fundamental principles through which the University encourages and assists staff to realise their full potential.**

*The University of Melbourne Operational Plan 2005*

The University has well established policies and procedures which create opportunities for flexible work arrangements such as flexi-time, job sharing and home-based work. These policies recognise that the provision of flexible work options is linked to enhanced organisational capabilities. Similarly the Best HR Practice Guide *Work and Family: The Links and the Balance*, and several briefings provided for all staff by the Equal Opportunity Unit, have highlighted the challenges facing staff with family responsibilities and staff with disabilities, and the obligations of managers and supervisors to provide 'reasonable adjustments in light of these'.

The University recognises that it is not possible to completely separate work from life outside work. To some extent, all staff bring their personal life to work and similarly, their working conditions can have an influence on their personal life. Our aspirations and commitments in each of these spheres are constantly changing and at times adjustments are needed to recreate balance.

While Equal Opportunity legislation does require employers give due consideration to staff with specific family responsibilities and disabilities, and some obligations do exist at an organisational level, the responsibility for determining the most appropriate work arrangement rests with the staff member and their supervisor/manager. For staff members wishing to discuss changes to work arrangements in order to improve work/life balance, it is important to be well-prepared. Research has consistently shown that preparation is the key to the success of negotiation discussions.

This guide provides information for staff to assist them in preparing, developing and discussing a proposal with managers or supervisors about changing their work arrangements.

Separate and accompanying guidelines for supervisors, managers and department heads are also available from the Equal Opportunity Unit and Client Services staff in Human Resources.

Both guides provide an overview of issues to be considered in deciding what arrangement would meet the needs of individual staff and the work unit. The guidelines aim to assist work units to develop the capability to meet current and future needs and to assist individuals to better balance work, life and family. They also provide detail on resources and services offering further information, advice and support.

## **Acknowledgements**

This document was produced by the Equal Opportunity Unit, with the Work and Family Reference Group, including members of Human Resources Client Services and Workplace Relations Units, the Anti-Discrimination Advisers' Network, as well as other staff and managers. Members of the Disability Employment Issues News Group have also contributed their insights and experience.

# Signs of Work/Life Imbalance

Work relates to every area of our lives. It brings in money, which pays for food and shelter, and provides a sense of safety and security through economic well-being. We often develop friendships and a feeling of belonging at work, as well as a sense of achievement, recognition and status. For many of us work also relates to self-actualisation, providing fulfilment and a sense of accomplishment.

However, if we do not get enough sleep, relaxation, or we are unwell our physiological needs are not being met.

The most explicit tell-tale sign of imbalance is a deterioration in our health. It is vital that we listen to our body and what it is telling us. If we are tired, stressed or unwell what is this saying about our work/life balance? Is there a need to make some temporary or long-term adjustment?

Other indicators:

- am I happy?
- how much does work impact on my personal life and vice versa?
- where do I want to be in two, three, five, ten years?
- how do I feel about my work performance?
- how has my work performance been rated?
- am I motivated at work? Outside work?

If any of these areas indicate an imbalance the next question to explore is 'what is causing this tension?'

## Locus of control

It is important to remember that we can take control over the vast majority of areas in our life. The resolution of conflict or imbalance may require some difficult decisions and some hard work, but it is possible to influence and improve your life.

### ❖ **Not negotiables**

Your health must always take priority. You have a responsibility to yourself, your family and to the University to look after yourself. At times this may mean that you need to adjust your working life, for example taking leave, reducing your hours etc.

Highest priority must also be given to the people who are most significant to you, particularly those who are dependent on you for care. Similarly, work adjustment may be needed in order to regain balance in this area of your life and to ensure that you are able to make an equal contribution to your work unit, alongside your colleagues.

## Further Reading:

- Susan Biggs and Kerry Fallon Horgan, *Time On, Time Out! Flexible Work Solutions to Keep Your Life in Balance*, Allen and Unwin, St Leonards, 2000.

## PERSONAL STORY

After being on Maternity Leave for the second time round it was time to return to work. Having two children under the age of three was more than a full-time job in itself. This meant that it would be impossible for me to return to work full time. This was quite a concern for me as I was in a supervisory role.

I spoke with my manager and told her that it would be impossible for me to work full time and that I could only work two days a week. I made suggestions to her about what I thought would be a good working arrangement. It meant giving the staff I was supervising the chance to skill themselves up and take on new tasks.

My manager really wanted me to work three days rather than two. Three days was not possible for me so I then suggested working two long days and perhaps additional hours from home. This arrangement was agreed to and it has worked well for both the work unit and me.

A review will take place in a few months to ensure everything is working well. If not then we will look at things again and try to find a better solution.

Basically, negotiations are very important in this situation. Talk to your manager, put a case forward and then keep the discussions going until all parties are happy. It's all about having a good relationship with your manager. Don't be afraid to speak your mind.

**Tina (Team Leader)**

# The Legal and Policy Framework

Flexible employment practices are based on discussion and negotiation. When considering a request, managers and other decision-makers have an obligation to:

- consider each request on its merits;
- work with the staff member to explore all possibilities to accommodate the needs of the staff member and the work unit;
- provide 'reasonable adjustments' to the work arrangements of the staff making requests, based on grounds covered by the University's Equal Opportunity Policy (including pregnancy, breastfeeding, parental and carer status);
- explain and justify the decision to the staff member; and
- ensure fairness to all staff while avoiding discrimination to individual staff on grounds covered by Equal Opportunity policy and legislation.

## Grounds covered by the Equal Opportunity Policy

The University's Equal Opportunity Policy affirms and upholds staff and student rights and responsibilities to ensure an environment free from discrimination and harassment on the basis of grounds covered by the Victorian Equal Opportunity Act (1995), the federal Sex Discrimination Act, the Disability Discrimination Act and the Racial Discrimination Act. Attributes protected under this legislation are:

- age
- disability
- gender
- marital status
- pregnancy
- breastfeeding
- sexual orientation/sexuality
- gender identity
- parental status
- carer status
- physical features
- race
- religious belief or activity
- industrial activity
- political beliefs or activity
- personal association with a person who is identified by reference to any of the above attributes.

## What do we mean by 'reasonable'?

### ❖ **Reasonable adjustment**

'Reasonable adjustments' are modifications or adjustments to a job, the work environment, or an employment practice that make it possible for an individual to enjoy equal opportunity. The reasonable adjustment should aim to reduce or eliminate unnecessary barriers between an individual's skills and abilities and the usual requirements for performing essential task functions.

### ❖ **Unjustifiable hardship**

In some cases an adjustment may impose an 'unjustifiable hardship' on a workplace. In determining what constitutes 'unjustifiable hardship', all relevant circumstances of the particular case are to be taken into consideration. For example, an adjustment may not be deemed 'reasonable' when the cost of the adjustment is beyond the reasonable financial resources of an employer or service provider.<sup>1</sup>

### ❖ **What if I want flexibility for reasons not covered by Equal Opportunity Policy?**

The manager/supervisor does not have a formal obligation to provide 'reasonable adjustments' for requests that do not relate to grounds covered by the Equal Opportunity legislation or to occupational health and safety. For example, a manager does not have a formal obligation to provide 'reasonable adjustments' for a request for flexibility to complete further study. It is good management practice, however, to discuss such issues on a case-by-case basis. While there is no legal basis for change, there may be ways in which flexibility can be accommodated.

---

<sup>1</sup> It is recommended that managers seek advice from their Human Resources Consultant, an Anti-Discrimination Adviser or the Equal Opportunity Unit before deeming an adjustment or accommodation unreasonable.

# Putting Forward Your Proposal

## Preparatory Work

### Clarify work and personal needs

*"...you are the person who best knows your job and sees how the job can be done differently."<sup>2</sup>*

Once you have identified a need for more balance in your work/life, the next step is to clarify your work and personal needs.

For example, work options that might assist in improving your work/life balance could include:

- more time at the beginning/end of day
- time off during the working week
- time off during school holidays.

It is also important to examine whether these options would create tension in other areas of your life. You should consider things such as:

- salary
- entitlements (eg. sick leave, long service leave, superannuation etc.)
- job satisfaction.

To maximise your job satisfaction and potential for progression, as well as the smooth transition to a flexible work arrangement, you should also consider work issues such as:

- dates and times of important meetings
- student consultation times/supervision
- commitment to project completion dates
- training/conference dates.

Finally you will need to consider whether the proposed arrangements will enable you to continue to fulfil the inherent requirements of your job. If unsure, you should seek advice from your Human Resources Consultant.

### Set a time frame

How long you would like the arrangement to last will depend on the nature of your situation and the issues you are seeking to address. It may be temporary, such as caring for someone with a short-term illness, or may be more long term, such as care of a new born or managing your own health concerns.

## PERSONAL STORY

I know a guy who suffers from a mental illness. After just three months of starting a new position in the private sector, he had to leave work in order to receive treatment. His employer was very supportive of this and kept his job open for him. He eventually returned about four or five months later.

When he went back to work he initially worked two days per week and gradually built up to four days. His job description changed slightly (to accommodate the reduced workload) and the employer continued to have a casual in to help out. Furthermore, the supervisor did some research into the staff member's illness prior to him coming back to work. When he did return to work the supervisor knew that his staff member would need to take breaks regularly, etc. He was so pleased with the support.

**Nadine**

<sup>2</sup> Susan Biggs and Kerry Fallon Hargan, *Time On, Time Out! Flexible Work Solutions to Keep Your Life in Balance*, Allen and Unwin, St Leonards, 1999, p74.

## Explore options and possible arrangements

The University of Melbourne has a range of flexible work options which are outlined in more detail in the Best HR Practice Guide *Work and Family: The Links and the Balance*. Policy information is available from the Personnel Policies and Procedures (PPP) Manual on-line at <http://www.unimelb.edu.au/ppp/docs/>.

When considering how to rebalance your work/life commitments there are a number of things you may need to clarify. Thinking about these issues will help you to determine what you need and what you will put in your proposal. Therefore it is useful to do the following:

### ❖ *Talk to others*

Talk to friends, colleagues or the Equal Opportunity Unit about other situations in which flexible work options have been used. Find out how the staff member negotiated flexibility, how the arrangement is working, and ask for some advice on developing your proposal. Your Human Resources Consultant can help you to find other people in the University who you can talk to about their flexible work arrangements. Seeking help from either an Anti-Discrimination Adviser (Work and Family) or your Human Resources Consultant will also ensure you are familiar with the relevant University policies. Relevant policies include:

- Flexible Work Arrangements, such as part-time employment, flexi-time arrangements, 48/52 week year and job sharing;
- Leave Options, such as Parental and Special Family Leave.

Further information can also be found at <http://www.unimelb.edu.au/ppp/docs/>

### ❖ *Develop solutions to possible concerns and objections*

Identifying solutions to possible concerns or objections before the meeting with your manager will assist the negotiation process and help you and the manager to arrive at the best outcome. It will also assist you to put forward a proposal that acknowledges and supports your work unit. Some concerns and common objections are outlined on pages 18–19.

### ❖ *Identify what would be a good outcome for you and for the work unit*

The flexible work arrangement you are considering may in fact create opportunities and benefits for your work area. It would be good, therefore, to identify some of the potential benefits for the work unit if your proposal were to be adopted. For example:

- reducing your hours may provide an opportunity to develop the skills of other staff, contributing to the skill development and succession planning of the work unit;
- mutually beneficial flexible work arrangements can lead to increased morale, commitment and productivity in the workplace;
- there may be savings and benefits associated with retaining the skills and knowledge of a staff member as opposed to recruiting a new staff member; and
- the reputation the unit will gain as being a flexible and supportive work environment.

### ❖ *If you are proposing to reduce your working hours, explain how these would be covered*

If you are proposing to reduce your working hours, it is important to examine your workload and commitments during the hours you would be away from the office. You may feel that your current workload could be covered effectively in a reduced working week, without having to delegate. If this is not the case, it is important to consider how your current workload and/or commitments could continue to be met. You and the manager could consider:

- employment of consultants or staff on a fixed-term basis
- delegation of some duties
- redesigning your job.

You may also need to:

- consider whether the arrangements you are proposing would still enable you to fulfil the essential requirements of your role; or
- explore whether you could move into another position without affecting your basic employment conditions (salary level, level of responsibilities, etc.).

### ❖ **Outline arrangements for challenging work situations**

You will know of many work situations which create challenges in your current role. How would these issues be addressed if you were in a flexible work arrangement? For example, how would you deal with last minute deadlines or crises?

## **Identify your BATNA and ZOPA**

*The Harvard Business Essentials guide on negotiation advises that:*

*“Any successful negotiation must have a fundamental framework based on knowing the following:*

- *The alternative to negotiation*
- *The minimum threshold for a negotiated deal*
- *How flexible a party is willing to be, and what trade-offs it is willing to make.”<sup>3</sup>*

These key concepts are used to develop this framework and, while the language may relate more to business dealings, they are extremely important for staff to consider when entering into a discussion about flexible work arrangements. After all, everyone’s job depends on the work getting done and outcomes achieved.

### ❖ **BATNA – Best Alternative to a Negotiated Agreement**

Your BATNA is your preferred course of action should it not be possible to accommodate your proposal. For example, if the flexible work option you propose is not accepted, you may decide that you need to try to find another position where your flexible work requirements can be met.

*“Knowing your BATNA means knowing what you will do or what will happen if you fail to reach agreement in the negotiation at hand.”<sup>4</sup>*

It is crucial to clarify and define your BATNA before putting forward your proposal though it may not be helpful to the negotiation to be explicit about it in your written document or discussions with your manager. If you have not clarified your BATNA for yourself, it will be difficult to know whether an arrangement or outcome makes sense or when to walk away.

Make a list of what your alternatives will be if your proposal does not result in an agreement. Discuss these alternatives with relevant people such as your family. Review the list and identify which of the alternatives would be best.

## **PERSONAL STORY**

On return from maternity leave, I approached my manager and requested a flexible work arrangement to allow me to work two days from home and three days at the office. I had arranged childcare for the three days I planned to work in the office, but I already knew I was unable to arrange for care for the other two days. I met with my manager and explained my situation, but she advised me that, given the type of job I do and the cost associated with setting up all the facilities required to do my job at home, it would not be possible for me to work from home.

I had been in my job for five years, and really enjoy my role. The alternative for me was to reduce my hours so that I only worked three days a week. My manager agreed to trial this arrangement for twelve months. So far this has worked well for me, and for the office I work in.

**Silvia**

In the personal story above, Silvia’s BATNA is to reduce her time fraction from 100% to 60%. This is her preferred course of action in the absence of an agreement with her manager.

<sup>3</sup> Harvard Business Schools, *Negotiation*, Harvard Business School Press, Boston, 2003, p14.

<sup>4</sup> *Ibid.* p15.

### ❖ **ZOPA – Zone of Possible Agreement**

While the BATNA and minimum threshold you and your supervisor set may differ there will usually be some overlap in what will meet both your needs and those of the work unit. The ZOPA is a potential agreement that would benefit both sides, or:

*“The area or range in which a deal that satisfies both parties can take place...[or]...the set of agreements that potentially satisfy both parties.”<sup>5</sup>*

I applied for an internal position that was advertised as full-time. I approached the manager and asked if part-time applicants would be considered. It was agreed that the job could be managed on a part-time basis and I applied for the position. When I was notified that I was the preferred candidate I indicated to the manager that I would prefer to work three days as I had a three year old daughter. The manager told me he would prefer me to work a four day week. I asked him if I could think about this offer and get back to him.

I gave the situation some consideration. The following day, I went back to the manager and suggested I work three days in the office and one day from home, making it a four day week. He said that we could trial a work from home on the fourth day arrangement for one month. The trial period was useful as it enabled both of us to feel confident that the arrangement could work effectively. Having electronic access to work at all times has meant that I can arrange my work appropriately and flexibly.

**Beth**

The above personal story illustrates how to reach an agreement within your ZOPA. Beth would like to work three days a week, while her manager would like her to work 5 days a week. An agreement has been reached, however, within both of their ZOPAs.

### **Form your case**

It is always better to try to anticipate concerns and objections arising from your proposal. This also means that you are putting yourself in your manager/supervisor’s shoes to try to understand their possible concerns about the proposed arrangement. For staff returning from maternity leave, and eligible for the return to work bonus, consider how you wish to utilise this bonus, and incorporate it into your proposal. You can find information about the Return to Work Bonus on the Human Resources website, Policy and Procedures, Personnel Policy and Procedures Manual at: <http://www.unimelb.edu.au/ppp/docs/9.html#9.2>

Consider issues such as:

### ❖ **Will there be costs/benefits to the arrangement or to an unsuccessful arrangement?**

Think about costs and benefits that are explicit and those that are not so explicit. For example, some benefits to a successful arrangement might include:

- increased morale and productivity in the workplace
- reduced employment costs associated with recruitment or absenteeism
- an enhanced public image as an employer who cares about staff family commitments
- the costs of retraining a new staff member.

If your proposal involves a saving, you could also suggest how these savings might be used, for example:

- the workplace could employ consultants or staff on a fixed-term basis
- other staff in the workplace may gain new efficiencies and knowledge by taking on additional or more responsible tasks.

You might also want to consider and prepare your proposal in relation to:

- effects on staffing levels
- possible effects on your team (both those you supervise, and your colleagues)

<sup>5</sup> Harvard Business School, *Negotiation*, Harvard Business School Press, Boston, 2003, p124.

## PERSONAL STORY

My supervisor works part time: two days in the office and one day from home. This has worked well for me – providing an opportunity to increase my skills, develop working relationships with people I may not have dealt with otherwise, and allowing me a greater level of autonomy and initiative. For those in a similar situation I would recommend:

- communicate clearly
- prepare for the days your supervisor is not there
- know what is going on in the work area so you are able to answer queries and carry on with work when your supervisor is absent.

**Corinna**

### ❖ *Be honest with yourself*

It is important to be honest with yourself about your ability to meet your own and your workplace's expectations. Objectively assess yourself, your working habits and your job, and ascertain whether the flexible option is viable. For example, you may find working from home difficult if you are easily distracted or you may feel disconnected and less satisfied if you are not working full time. It would be detrimental to propose an arrangement that did not meet your own needs or those of the work unit, so explore these issues carefully.

## PERSONAL STORY

I am an academic staff member, and, being a mother of two young children, I arranged a work from home agreement with my Head of Department so that I came in two days a week to teach and meet with students, and then worked the remaining days from home.

After six months with this arrangement, I found I was getting too distracted and was constantly interrupted at home and was not being as productive as I could be. In addition, it became difficult to organise all my meetings, teaching and consultation with students into two days a week.

I therefore reduced my work from home arrangement so that I am in the office three days a week. I have also found this has made me feel more a "part" of the faculty, as working from home and communicating by email only can be very isolating at times.

I think it is important to be honest with yourself about what you are capable of. I think also it is important to be realistic about what is required in your position. If your job means you need to interact and meet with others regularly, it is important to give thought to how you can accomplish this. My Head of Department was very supportive of my arrangement, but I still needed to balance it with the needs of the department.

**Rosa**

# The Flexible Work Arrangement Proposal

This section provides a template for a flexible work arrangement proposal. It is a guide only and you may choose to outline your proposal in other ways, and delete and/or add sections. In some work areas it might be better to use a less formal structure. Whatever the approach you take, or whether or not you decide to use a written proposal, the template provides a good opportunity for you to work through the relevant areas of consideration before you discuss your proposal with your supervisor/manager. The purpose of the proposal is to explain how and why a flexible arrangement would work. It should therefore be easy to read and cover the important points.

## 1. Introduction

Outline the purpose of the proposal:

- what is this document and what is it for?
- how does the proposal fit with work unit and/or University values and strategic directions?

There are many University and local documents outlining values and strategic objectives. Does your proposal fit with these objectives? Are there policies or official documents that specifically relate to your proposal (for example, Equal Opportunity Policy, Best HR Practice Guide *Work and Family: The Links and The Balance*). It will be important for your manager/supervisor to know that decisions they make are in line with the broader position of the University. Use these documents in your proposal.

## 2. Flexible Work Plan

Outline here what you are asking for and how you imagine it would work.

### 2.1 Work Schedule

Outline the proposed:

- hours, days, weeks to be worked
- time line and/or trial period
- flexibility to accommodate urgent or irregular work needs and unforeseen circumstances
- commitment to attend meetings, conferences, training, retreats etc.
- if applicable, set out how you are utilising your maternity leave return to work bonus.

### 2.2 Position Description and Responsibilities

Provide an overview of your position and responsibilities in relation to your position description and your duties. Structure your description in a way that highlights how the new arrangement would fit with the current and future responsibilities of the position.

Identify what you think could be:

- delegated
- reassigned
- shared
- eliminated.

Highlight advantages for other staff and for the work unit (in saved resources, professional development opportunities or succession planning for example).

Describe how your current workload could be distributed and particularly how workload and supervision could be addressed during times that you are not at work. Outline how issues could be addressed if there are unexpected crises or unanticipated deadlines.

### **2.3 Workplace Communication**

There are two key communication issues to consider.

- how and when would you tell people about the new arrangement and gain their commitment and support
- under the new arrangement, how would you maintain communication with key people such as:
  - staff
  - peers/team
  - supervisor/manager
  - clients/students.

### **2.4 Anticipated impact and solutions relative to performance**

Your manager/supervisor may have particular concerns or priorities in general or at this particular time. Address these issues in your proposal to help the decision-maker understand how your situation fits with the context in which they are working. Outline the concerns you think may be raised and other potential problems, and how you foresee their resolution. This may include identifying how you intend to transfer knowledge and contacts to immediate team members.

### **2.5 Physical set up**

*Reduced working week*

- how might your space be used in your absence?

*Home-based work*

- what equipment would be needed?  
(See *Work and Family: The Links and the Balance* for further discussion on setting up a home-based work arrangement)

*Job-share arrangement*

- how would the additional staff member be accommodated?  
(See *Work and Family: The Links and the Balance* for further discussion on setting up a job-share arrangement)

### **2.6 Development and Progression**

Reiterate commitment to your job, work unit and career. Outline your:

- intention to develop skills and progress
- commitment to performance review dates and development opportunities
- expectations in relation to salary (for example, if you will be working reduced hours, your salary would be proportionate to your time fraction).

### **2.7 Savings/Benefits**

Outline the savings to the work unit that would result from the new work arrangement.

For example:

- salary savings
- benefits savings
- sick leave
- annual leave
- long service leave
- superannuation.

It may also be useful to outline how savings might be used, for example, to employ:

- staff on a fixed-term basis (if not an ongoing arrangement)
- a staff member at a lower classification, or
- consultants to take on some of the work, or to add greater capacity to the work unit.

If one of your real alternatives to the flexible arrangement is to seek an alternative position, you may want to outline the savings associated with retaining you in your positions, such as:

- investment in recruitment and retraining
- impact on morale and productivity
- benefits of nurturing a committed team.

## **2.8 Evaluation**

Identify and outline how the success of the arrangement would be measured within the timelines set. Revisit your performance development plan. Would any of your goals and objectives need to be adjusted? This will be of particular importance if the proposal you are putting forward involves a reduced working week. It can also be reassuring for a manager/supervisor to know that there will be an opportunity to openly discuss performance and to modify the arrangement if necessary. Document the:

- length of the trial period
- the number and dates of performance discussions during this period
- performance measures, eg.
  - specific outcomes
  - responsibilities
  - feedback from team, clients, staff
  - deadlines

## **2.9 Start and finish time**

Document when the arrangement would:

- begin
- end

## **3. Summary**

The proposal summary should provide an overview and might cover the following things.

### **3.1 Advantages to the work unit**

What would the work unit get from the flexible arrangement? Advantages might include:

- your motivation, health, energy, commitment, continuance
- opportunities for other staff to develop skills
- saved resources (if any), and ways these could be used.

### **3.2 Your achievements in line with your position description**

You should have identified many of these in your last performance discussion. Provide particular details that relate to features that would make a flexible work arrangement successful. For example: where have you exercised leadership and autonomy; where have you worked with and managed change; and where have you succeeded in meeting targets under pressure, etc? You might also include:

- your years of experience
- your years in the work unit, and your role
- the contributions you have made to the work unit and University
- your personality traits, motivation, abilities that are relevant to the success of the arrangement.

### **3.3 Evidence that you can manage change**

This might be both work-related change (for example, changes to the workplace involving restructuring, role changes, new systems), or changes in your personal life (for example, moving house, becoming a parent, managing an illness) and/or work/life change (travelling a greater distance to work, balancing carer and work responsibilities, working with a disability, etc).

## **4. Attachments**

Relevant attachments might include:

- *Negotiating Flexible Work Arrangements – Guidelines for Supervisors and Managers*
- University, Division/Faculty, Department statements of values and strategic goals
- examples of other successful arrangements with contact details of the relevant staff member and manager, and of your HR Consultant
- the HR Best Practice Guide *Work and Family: The Links and the Balance*
- the leaflet *Indirect Discrimination: Fair in Form, Fair in Effect*
- the Commonwealth Government publication *Working Your Way Through Pregnancy* (which includes a section on returning to work)
- your position description and performance development discussion outcomes
- your work achievements or curriculum vitae
- copies of performance development reports
- letters from clients attesting to your contribution to the University and community.

# The Meeting

Once you are ready to present your proposal you should make an appointment time with your manager/supervisor. It is usually better to discuss your proposal face to face. You may want to provide your manager/supervisor with the proposal document prior to the meeting so that they can read through what you have prepared. Choose a time that is best for your manager (i.e. try not to meet at a time when your manager is likely to be pushed for time, stressed or tired). Take a pen and paper and note any relevant issues during your discussion. Feedback your notes to ensure that you have all of the points and have understood them clearly.

*"...confidence is a big part of successful 'sell' and you are, essentially, selling yourself and an idea."<sup>6</sup>*

## Prepare and Practise

As you would with any important presentation, practise how you will put forward your proposal and convey your ideas. You may like to do this with a colleague, friend or professional such as your Human Resources Consultant, or a careers counsellor. The University's Anti-Discrimination Advisers are also available to assist staff who are negotiating flexibility for reasons covered by the Victorian Equal Opportunity Act (eg. family or carer responsibilities, disability or impairment).

Remember to:

- anticipate objections and practise your response
- be open to negotiation
- be confident
- work out and practise your response if your proposal is not accepted.

It is also important to acknowledge your supervisor/managers interests and the challenges you are asking them to accept and changes you are asking them to take on.

## The Agreement

Once an agreement has been reached document the terms including the start and finish, trial and performance discussion dates. If the adjustment is for a limited period only, document agreements relating to the possibility of renegotiation and return to your substantive position.

Put your agreement in writing and give a copy to your manager. This way you can both be sure of that you are clear about the conditions. It is useful to give a copy of the agreement to your Human Resources Consultant to put on your file.

---

<sup>6</sup> Pat Katepoo, *Part-time Flex Success Proposal Blueprint*, Work Options Inc, Kaneohe (<http://workoptions.com>)

## Managing Emotions

Negotiating flexibility is often a response to an emotive situation, for example caring for young children or working with a disability. You may have tried various other methods of addressing your work/life balance needs and may feel tired and frustrated. You may also have difficulty asking for things or entering into negotiations. Negotiators on both sides of an issue will always bring emotion, perceptions, and values. Recognise your emotions before you meet with your manager/supervisor. Practise your approach and your response to possible concerns. It can be useful to name your emotions rather than expressing them. For example, you could say, "I am feeling conflicted at the moment which makes work and life stressful. As a result I'm feeling tired and frustrated."

If your manager/supervisor's responses are upsetting, you could similarly name your emotions:

"I'm feeling uncomfortable with the way you are approaching this discussion. I think I need a bit of time out. Could we finish here and have some time to think through things. We could meet again tomorrow morning and look again at the proposal."

Remember:

*"Feelings are not standardised. They don't exist beyond our control. We can face them, control them, change them and use them productively..."<sup>7</sup>*

Ask for support from:

- a friend or partner
- a counsellor
- an Anti-Discrimination Adviser
- a Human Resources Consultant

### ***Tips for managing emotions***

- know your 'hot buttons'
- pause and say nothing
- don't make important decisions on the spot
- listen to what is being said
- acknowledge the point, the feelings and your manager's/supervisor's competence and status
- agree whenever possible, but only if you do agree with what is being said
- "accumulate yeses... each yes reduces tension"
- listen actively
- communicate that you have heard by paraphrasing and asking for corrections
- reframe/restate/summarise what has been said
- use open-ended questions
- involve your manager/supervisor in finding the best solution
- ask for constructive criticism
- offer choice

<sup>7</sup> James Cowley, *I Need Balance in My Life: Achieving the Dream of the 21st Century*, Richmond Ventures, North Sydney, 2003, p119.

## Responding To Feedback

Active listening is an important way to seek out useful information on the way your manager/supervisor perceives your proposal. You might want to gather this information together and go away and prepare your responses. Remember that this is a collaborative discussion and your manager/supervisor is key to developing and supporting an optimal arrangement for both you and the work unit.

*"...listening is not just the ability to keep your mouth closed for a moment or two, and receiving a wavelength of sound. Listening is the ability to climb inside the mind of the speaker to an extent where we start to feel some of their feelings to see out through their eyes what the world looks like to them; to sense what drives the things they do or don't do and to understand what makes them behave. In other words, listening involves empathy"<sup>8</sup>*

Use negative judgements to find out your manager's underlying interests and improve your ideas from their point of view. Channel criticism in a constructive direction by turning the situation around and asking for your manager's advice.

Let your manager/supervisor know that you are listening and taking on board their concerns as well as clearly presenting your own. Check that you understand what they are saying by paraphrasing and clarifying. Respond only when you are ready.

## PERSONAL STORY

When my children were young I worked part time. As they got older I increased my time fraction and began working full-time when they were teenagers. As my children entered their twenties my parents were aging. I decided that I really wanted to spend time with them before they became ill. A big factor at this time though was that I was approaching retirement age myself. I looked into the various flexible work options and talked with my HR Consultant and the Superannuation experts and requested to move to a 48 week year. What I suggested was to spread my extra leave across the year. For most of the time I would work a nine day fortnight, but during busy times I would work full time. While my direct supervisor was reticent we talked through the potential benefits in professional development for my staff and succession planning for the work unit and agreed to trial the arrangement for 12 months. I provided fixed dates that I would be away from the office which worked well for both my colleagues and my parents. My mother now has my days off in her diary and we catch up for coffee, go swimming or do other exciting things. So far the arrangement has worked extremely well for everyone with few hitches. I will never get this time with my parents again and I'm so glad that we have been able to negotiate flexibility that met all of our needs.

**Georgia (Supervisor)**

---

<sup>8</sup> *Op cit.* p.41.

## Responding to Common Concerns About Flexible Work Arrangements

**Concern:** *"We've never done this before"*

**Response:**

- outline the benefits to the department
- suggest a trial period and regular performance discussion times
- provide examples of successful arrangements in other departments or organisations.

**Concern:** *"If I let you, everyone will want the same"*

**Response:** In practice organisations that offer flexible work arrangements find that most people are happy to continue with their regular schedules. Not everyone can afford a reduction in salary. Many don't want to work less than full time or to work from home. 'Reasonable' accommodations and adjustments for those with equal opportunity related concerns such as family/carer responsibilities or disability are required by both legislation and the University's Equal Opportunity Policy.

**Concern:** *"We can't let two people work less than full-time"*

**Response:** You will need to revisit your proposal and think about how workload and communication would be maintained. If you have not already done so, it may be useful to discuss your proposal with the other person who is working part time and develop a mutually agreeable solution that meets the work unit's needs.

**Concern:** *"You're a manager. You can't work less than full-time"*

**Response:** Like most managers, you are often out of the office because of work commitments such as meetings, travel, or holidays. Outline how your staff currently manage during your absence. Describe how your relationship with your staff, and your staff training and skills will facilitate the success of the proposed arrangement.

You may also want to discuss:

- the opportunities for professional development that will arise from new delegations to your staff
- your availability via email, phone, fax or other means for emergencies
- your plans for staff meetings and other communication strategies
- how performance monitoring of your staff will be maintained
- examples of other managers who have negotiated successful flexible work arrangements.

**Concern:** *"Your type of job can't be done in a flexible work format"*

**Response:** Refer to your proposal and explain how the arrangement would work in practice. Describe the work that you have done in preparing your proposal, for example, your discussions with people in similar situations. Ask for more information about what is of particular concern to your manager. What part of your job does your manager/supervisor feel could be compromised by the altered arrangement?

If your manager/supervisor has concerns that you haven't thought about in your planning, ask for more time to think about the concern, and then meet with your manager/supervisor at a later date to respond to it.

**Concern:** *"Why do you want this?"*

**Response:** Confirm that:

- you value your role and work unit
- you have a commitment to the job, the work unit, and the University
- you want to continue in your role.

Explain that:

- you have outside responsibilities that require your attention (you need to give some illustration of what these are, eg. child care or other carer responsibilities, commitment to bettering your health, etc.)
- greater flexibility would provide a workable solution to meet work and personal needs.

# Responding to 'No'

Your manager/supervisor has an obligation to consider each request for flexible work arrangements on its merits, to discuss options with the staff member, and to provide an explanation for their decision. If your proposal is not accepted, your manager/supervisor should provide information on why and how this decision was reached.

It is useful to document this information and to check it with your manager/supervisor to ensure that it is accurate and complete. There are several options that are then available to you.

## Rework your proposal

Go over your proposal again. Consider:

- have you clearly stated the reasons why you need flexible arrangements?
- have you clearly demonstrated how you could successfully do your job in the new way you have suggested?
- if there is an equal opportunity ground for your proposal (for example, do you require flexibility for reasons of disability or to accommodate your carer or family responsibilities?)
- if there is an equal opportunity ground, have you made this clear?

## Talk to your Human Resources Consultant

Check that you have understood the University's policies correctly and whether your Human Resources Consultant can suggest other solutions to your needs.

If you have not already done so, ask if they know of any other staff in similar roles who are working flexibly, and how this is operating. Look at how other work units make use of flexible working options for jobs such as yours and inform your manager about them – it may be that your manager simply can't see how to achieve what you ask.

## Understand your manager's position

It may be that it is genuinely necessary for your job to be full time, or during specified hours, or on a shift basis to meet legitimate business needs. Make sure you have thought through your manager's position as well as your own. Then your position will be both clear and strong.

## Talk to an Anti-Discrimination Adviser

If your negotiations do not succeed and you believe that the refusal is unreasonable and discriminatory (based on the grounds covered by the Victorian Equal Opportunity Act), contact an Anti-Discrimination Adviser (ADA) for further advice and support, including information on the University's Discrimination Complaints Procedures. You can also seek advice or make a complaint to the Victorian Equal Opportunity Commission.

If your negotiations do not succeed and you believe that the refusal is unreasonable but is not discussed on grounds covered by the Equal Opportunity Act, contact your Human Resources Consultant for advice and support including information on the University's Staff Grievance Procedures.

# General Tips

- Know what your needs are.
- Prepare carefully and thoroughly.
- Generate a variety of possibilities before deciding what to do.
- Address objections before they come up.
- Request clarification for objections you are unsure of.
- Don't get personal – separate the people from the problem.
- Recognise and openly acknowledge your manager's position and needs.
- Focus on 'collaboration'.
- Think through how such arrangements might be applied to staff in other situations, for example, with health concerns, study commitments, elder care needs.

# Useful References

*Best HR Practice Guide – Work and Family: The Links and the Balance*  
The University of Melbourne, 2002.  
<http://www.hr.unimelb.edu.au/best-practice-unionly/>

*Working Your Way Through Pregnancy*  
Commonwealth of Australia, 2002.  
<http://www.workplace.gov.au>

Cowley, James  
*I Need More Balance in My Life: Achieving the Dream of the 21st Century*  
Richmond Venture, North Sydney, 2003.

Biggs, Susan and Kerry Fallon Horgan  
*Time On, Time Out! Flexible Work Solutions to Keep your Life in Balance*  
Allen and Unwin, St Leonard, 2000.

Harvard Business School  
*Negotiation*  
Harvard Business School Press, Boston, 2003.

Fisher, Roger, William Ury and Bruce Patton  
*Getting to Yes: Negotiating Agreement Without Giving In (Second Ed.)*  
Penguin Books, New York, 1991.

O'Hanlon, Mary and Angela Morella  
*Job Sharing: Two Heads are Better Than One*  
Allen and Unwin, Crows Nest, 2003.

Kirner, Joan and Moira Rayner  
*The Women's Power Handbook*  
Penguin Books, Ringwood, 1999.

Harvard Business School  
*The Harvard Business Review on Work and Life Balance*  
Harvard Business School Press, Boston, 2000.

Work Options  
<http://workoptions.com/>

## **The Equal Opportunity Unit**

Human Resources  
The University of Melbourne.  
<http://www.hr.unimelb.edu.au/equal-opportunity/>

Discrimination: <http://www.hr.unimelb.edu.au/discrimination-harassment/>

Anti-Discrimination Advisors: <http://www.hr.unimelb.edu.au/anti-discrimination-advisers/>

Policies and Leaflets: <http://www.hr.unimelb.edu.au/eo-documents/>

## **Human Resources**

The University of Melbourne.

Staff Grievance Resolution Procedures: <http://www.unimelb.edu.au/ppp/docs/>

# Notes

Finance  
Options  
Flexibility  
Qualifications  
Work  
Qualifications  
Rights  
Ability  
Finance  
Options  
Flexibility  
Qualifications  
Work

---

Produced by the Equal Opportunity Unit  
Human Resources  
© The University of Melbourne  
Victoria 3010 Australia  
March, 2005