

## [Overview — Flexible working arrangements](#)

Last reviewed: March 2020

### **Requesting flexible working arrangements under the national system**

Recent years have witnessed an increased emphasis on the need for employers to implement measures that enable employees to balance work with their other responsibilities.

Many employers offer various kinds of flexible working arrangements intended to promote “work life balance”, which is key to attracting and retaining good staff. These arrangements include part-time work, changes to hours of work, job sharing, working from home, and additional leave entitlements.

The right to request flexible working arrangements forms part of the National Employment Standards (NES) in [Pt 2-2](#) of the Fair Work Act 2009 (Cth) (FW Act). The right is available to certain national system employees, such as employees who have parental responsibility for a child who is of school age or younger, employees with a disability and employees over 55 years old.

An employer may only refuse an employee's request for flexible working arrangements under the NES on "reasonable business grounds". However employees do not have the capacity under the FW Act to challenge the substantive reasons behind an employer's decision to refuse any request for flexible working arrangements, or to apply for a review of such a decision.

The NES provision for flexible working arrangements is the minimum requirement, and employers may choose to offer more generous entitlements eg by extending the right to request to work flexibly to all employees.

See [Requesting flexible working arrangements under the national system](#).

### **Flexible working arrangements and complying with equal opportunity obligations**

Equal employment opportunity laws in each Australian state and territory make it unlawful for employers to discriminate against employees based on protected attributes such as their family responsibilities, status as a parent or carer, pregnancy, or breastfeeding. While these laws do not generally provide a positive entitlement for employees to request flexible working arrangements, denying such arrangements to employees who have a protected attribute could amount to unlawful discrimination.

See [Flexible working arrangements and complying with equal opportunity obligations](#).