



## FLEXIBILITY POLICY

### 1. PURPOSE

1.1 MC Jacobs Australia Pty Ltd ('MC Jacobs') acknowledges that employees need to be able to achieve an effective balance between their work and outside-work commitments. Outside-work commitments may include family and carer responsibilities, further education, and involvement in various community organisations and activities.

### 2. COMMENCEMENT OF POLICY

2.1 This Flexibility Policy (Policy) will commence from 25/07/2022. It replaces all other Work/Life Balance or Flexibility Policies (whether written or not).

### 3. APPLICATION OF THE POLICY

3.1 This Policy applies to employees of MC Jacobs.

3.2 This Policy does not form part of any employee's contract of employment.

### 4. ACHIEVING WORKPLACE FLEXIBILITY

4.1 Achieving an optimum work/life balance is beneficial in maintaining high productivity at work.

4.2 To help achieve and maintain an effective work/life balance, MC Jacobs may give consideration to a range of flexible working arrangements, leave entitlements and other forms of assistance which are aimed at meeting the needs of both the organisation and its employees who have outside-work commitments.

4.3 As part of MC Jacobs's desire to achieve and obtain optimal flexibility in the workplace, MC Jacobs acknowledges its obligations under workplace legislation to consider an employee's requests for flexible working arrangements.

4.4 Consideration will be given to all requests made for flexible working arrangements, however the particular categories of employees that may be eligible under the *Fair Work Act 2009* (Cth) to request flexible working arrangements are:

- (a) employees 55 years of age or older;
- (b) an employee with a disability;
- (c) an employee who is the parent of or has the responsibility of caring for, a child who is of school age or younger;
- (d) a carer (within the meaning of the *Carer Recognition Act 2010* (Cth))
- (e) an employee who is experiencing violence from a member of the employee's family; and
- (f) an employee who provides care or support to a member of their immediate family or household, who requires care or support because they are experiencing violence from the member's family.

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- 4.5 Furthermore, notwithstanding clause 4.4, an employee is not entitled to make a request for flexible working arrangements under the FW Act unless the employee has been employed with MC Jacobs for at least 12 months of continuous service (or for casual employees, whether they have been employed for at least 12 months on a regular and systematic basis, and have a reasonable expectation that the employment will continue in the same manner).
- 4.6 However, employees making a request under the *Equal Opportunity Act 2010 (Vic)* do not need to serve any minimum period before becoming eligible to submit a flexibility request.
- 4.7 The list below notes some flexible work arrangements that may be considered. However, MC Jacobs retains the discretion to consider each case separately, and on its individual merits.
- 4.8 The range of flexible working arrangements that may be considered is as follows:
- (a) part-time work;
  - (b) part-time work after resuming from parental leave;
  - (c) casual work;
  - (d) job sharing;
  - (e) variable starting and finishing times;
  - (f) time off in lieu after extra hours have been worked;
  - (g) annualised working hours, where working hours are varied according to workloads but averaged out over each 6-month period;
  - (h) working from home on either a permanent or occasional basis;
  - (i) phasing in to retirement;
  - (j) career breaks, for employees who have completed a specified period of service with the business; and
  - (k) other arrangements reasonably proposed by employees.

## **5. ASSESSMENT**

- 5.1 In assessing any request, MC Jacobs will take into account the facts and circumstances of each case, the requirements of the business and any other relevant factor, including (but not limited to) whether:
- (a) the proposed working arrangement requested by the employee would be too costly for MC Jacobs;
  - (b) there is the capacity to change the working arrangements of other employees to accommodate the proposed working arrangements requested by the employee;
  - (c) it would be practical to change the working arrangements of other employees, or recruit new employees in order to accommodate the proposed working arrangements requested by the employee;

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- (d) the proposed working arrangements requested by the employee would be likely to result in significant loss in efficiency or productivity;
- (e) the proposed working arrangements requested by the employee would be likely to have a significant negative impact on customer service.

It is important to note that the above list is not exhaustive and there may be other reasons MC Jacobs has that could be taken to be reasonable business grounds in refusing a request for a flexible working arrangement.

## **6. FURTHER INFORMATION**

- 6.1 Further information for employees, including information kits, is available from Malcolm Jacobs.

### **Variations**

MC Jacobs reserves the right to vary, replace or terminate this policy from time to time.

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