



10 Steps for Requesting Flexible Working

BELL & CO

Level 2, 149 Vivian Street, Wellington
PO Box 102, Wellington 6140
Phone (04) 499 4014

info@bellandco.co
bellandco.co

10 Steps for Requesting Flexible Working

For both employers and employees, New Zealand's lockdown was an enforced period of flexible working. Post-lockdown, while some employees are happy to return to their regular hours and place of work, others would prefer to continue to work from home or enter into some other form of flexible working.

Under Part 6AA of the Employment Relations Act, every employee has the statutory right to make a request for (or have someone request it for them) a variation of their work arrangements at any time.

It is important to note that your right is to request the variation, not to have the variation request granted. If there are good business reasons for refusing your request, your employer is entitled to do so.

If you are an employee and want to request a change to your hours, days, or place of work, these tips can guide you through the process of seeking flexible working.

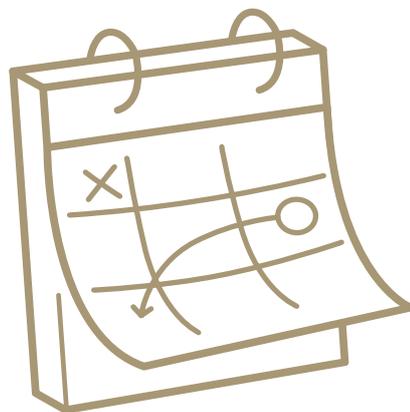
01

Consider why you would like to make a request

Think about the way you have been working. Why this has not produced the best results for both you and your employer?

Questions to ask yourself:

- How would flexible working produce better results?
- What do you think needs to be altered? Your hours, days, place of work, or a combination of the three?
- What benefits would you and your employer see from making a change?



02

Consider the barriers to your request being granted

Your employer can refuse your request if there are good business reasons for doing so, including negative impacts on staffing, performance, cost and the customer.

Questions to ask yourself:

- What are some of the negative impacts that granting my request may bring?
- Is there a way for me and my employer to overcome those barriers?

03

Check your collective agreement

Before writing your request, it is a good idea to check your collective agreement if you are bound by one. Ensure that your request does not relate to the working arrangements that your collective agreement applies to. If it does, your employer must refuse your request.

Write your request and ensure that it meets the minimum legal requirements

Employment New Zealand has created a flexible work application template, which is free to download and ensures that all the legal requirements are met. It can be found [here](#).

Alternatively, you may want to write your request in letter form, which gives you the freedom to structure the letter as you see fit, perhaps front-footing the benefits that you see stemming from your proposal for both yourself and employer.

Whichever way you choose, your request must be in writing and must include:

- Your name
- The date on which the request is made
- That the request is being made under Part 6AA of the Employment Relations Act.

You must also specify:

The type of variation that is being requested. The type of working arrangements that you could request to have varied include:

- Hours of work
- Days of work
- Place of work

Types of variations that can be requested include:

- Flexible time (changing hours from week to week)
- Part-time
- Job share
- Working from home a condensed working week (working required hours in fewer days)
- An alternative arrangement which you must describe.

Whether this is a permanent request or if it will last for a specified period (it is necessary to include the proposed start date and end dates in your written request).

What changes your employer may need to make to their arrangement if the request is approved.

05

Write your request

Although not legally required, it is good to include some of your thoughts from Step 1 and 2. Flesh out the benefits you see the change having on yourself, your team, your employer and their business and the clients.

If, at Step 2, you considered that there were barriers to your request being granted and any options for how those might be mitigated, include them here.

07

Consider asking for a trial period

Your employer may be more open to the change if they can see the benefits. A trial period could lead to a permanent agreement that both you and your employer are happy with.

If implementing a trial period, schedule a meeting at several points during the trial to discuss how you both consider the trial is going.

06

Be flexible

There may be points that your employer has good reason to be concerned about. You don't want them to think that what you have proposed is the only option and, consequently, that their only option is to entirely accept or entirely reject your proposal.

Tips:

- Think about the tone of your letter, particularly as you sign off. You want your employer to consider the points raised in your request as an invitation to a conversation.
- Suggest a meeting to sit down and talk about your proposal.

08

Write down agreements

Any agreement you come to should be recorded in writing in your employment agreement.

09

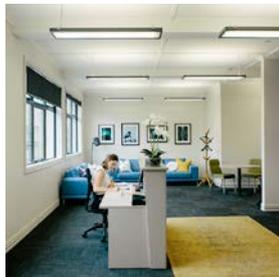
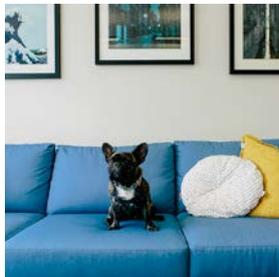
Reassess

Regardless of whether your variation is intended to be short-term or long-term, you and your employer should reassess the situation to make sure it is operating effectively to meet both of your needs. If not, you could suggest further changes.

10

Maintain open dialogue throughout the process

Concerns with how the arrangement is operating should not be saved up for dedicated meetings. Rather, both you and your employer should maintain open dialogue and discuss and try to remedy any potential issue as it arises.



About Us

Bell & Co is a boutique dispute resolution firm. We've led extensive restructures for clients and acted on behalf of disadvantaged employees.

This guide is not a replacement for good advice. At Bell & Co, we can offer advice from both a human resource and legal point of view.

If you have further concerns or questions, regarding requesting flexible working, please don't hesitate to get in contact with Bell and Co at 04 499 4014.