

PART-TIME WORK GUIDELINES

INTRODUCTION

The Department of Education supports and promotes flexible workplace arrangements that assist principals/line managers and employees to meet their obligations in schools/worksites, in their communities and at home.

Part-time work has historically focused on supporting employees returning from parental leave and employees with family responsibilities. The Minimum Conditions of Employment Act 1993 provides an entitlement for employees returning from parental leave to have part-time work arrangements until the child reaches compulsory school age.

In addition, the Department has supported requests for temporary part-time work arrangements for a variety of different reasons, including for the purpose of work/life balance.

In negotiating and determining part-time working arrangements, achievement of individual work-related requirements in schools/worksites should not be compromised nor the individual workforce needs or performance of schools/worksites.

Subject to applicable legislation, industrial provisions and elements outlined in these guidelines, principals/line managers have discretion to approve or deny part-time work applications.

Approval and implementation of part-time arrangements will vary among employees within and across schools/worksites due to factors such as specific workplace requirements, the nature of an employee's work, work location, and the individual's circumstances.

Part-time work refers to regular and continuing employment at less than ordinary hours, as defined by the applicable industrial instrument.

INDUSTRIAL ENTITLEMENTS AND PROVISIONS

The entitlements and provisions of part-time work are contained within legislation and [industrial instruments](#), and can vary according to the relevant employment award and/or agreement under which a member of staff is employed.

All vacancies are to be filled in accordance with the [Commissioner's Instruction: Filling a Public Sector Vacancy and the Department's Recruitment, Selection and Appointment Policy and Procedures](#).

Appendix A provides a summary of legislation and policies that refer to part-time conditions.

Some common provisions and entitlements include:

- **Reversion to full-time**
Entitlement to revert to full-time employment and any minimum notification period should be identified in the relevant industrial instrument/s by the principal/line manager prior to negotiating a variation to hours. See Appendix A for minimum conditions and the right of reversion for Department occupational groups.

- **Pregnancy and Parental Leave**

If a pregnant employee varies her hours of work during pregnancy, it is particularly important to confirm in writing the date on which the employee should revert to her previous work roster (if at all), and the hours at which the employee will be paid whilst on maternity leave.

An employee is entitled to return to the same position or a position equivalent in pay, conditions and status earlier than planned, subject to four weeks' notice, if the employee is returning from parental leave.

- **A permanent change to work fraction**

A permanent change to the work fraction of an employee can only be made by the employer by agreement with the employee. If a permanent change is made to an employee's work fraction, it will remove the employee's entitlement to revert to full-time employment.

- **Housing considerations**

In locations where government housing is provided, principals/line managers should draw an employee's attention to the [Housing for Country Employees policy](#) and possible impact on access to housing as a result of a reduction in working hours. In particular, eligibility of employees for the provision of housing is subject to appointment at a work fraction of 0.5 or greater.

A temporary reduction in an employee's working hours made in accordance with an entitlement contained in an applicable industrial instrument, such as paid parental leave, will not impact on an employee's eligibility for the provision of housing.

- **Equal Opportunity**

Requests from employees to work part-time often arise from circumstances relating to the grounds of unlawful discrimination included in the [Equal Opportunity Act 1984](#).

A decision to decline a request for part-time working arrangements may inadvertently be discriminatory. The principal/line manager should seek advice from the Principal Consultant, Equity and Diversity on 9264 4892 prior to declining an employee's request for part-time employment that may be related to one of the grounds of unlawful discrimination included in the [Equal Opportunity Act 1984](#).

- **Part-time principal vacancies**

Temporary deployment, or higher duties, is the preferred method of filling temporary part-time principal vacancies.

RECOMMENDED PROCESS FOR PART-TIME WORK REQUESTS

Requests for part-time work

Employees should be advised of these guidelines, applicable industrial instruments and the Employee Request for Part-Time Work template letter (Appendix B).

An employee's request for part-time work should be made in writing and indicate:

- reasons for the request

- start and end dates of proposed arrangement
- proposed roster stating days and hours
- any individual arrangements (for example: professional development, communication strategies).

Assessment of request

In assessing requests for part-time employment, principals/line managers should consider:

- compliance with legislative and industrial obligations
- organisational and operational requirements (for example: school/worksite workforce needs, impact on other staff, delivery of programs/outcomes for the school/worksite, and effect on student performance)
- individual merit, taking into account all relevant circumstances (such as: delivery of individual work-related requirements, reasons for the request)
- principles of fairness, equity and transparency
- assessment of direct and indirect costs.

Principals/line managers should respond to employee requests promptly.

All correspondence that relates to a request to vary working hours, whether approved or not, should be recorded on the employee's Department personnel file.

Where a request is not approved, the principal/line manager should:

- meet with the employee to discuss the request, including other flexible working arrangements and/or potential leave options that might meet the school's/worksite's needs
- make a written record of the meeting
- inform the employee in writing of the outcome of the request and, where declined, include reason/s for the decision (Appendix D).

Processing a part-time work arrangement

A written agreement outlining the new working arrangement is provided to the employee. The agreement should include start and end dates, amended work arrangements and a review date (See Appendix C).

The employee should sign the agreement as acknowledgement of the new work arrangements. A signed copy should be kept on the employee's Department personnel file and a copy provided to the employee for their records.

Adjustments to work schedules on HRMIS variation advice

The variation to an employee's roster is processed on [Human Resources Management System \(HRMIS\)](#). Each adjustment should be supported by written confirmation of agreed arrangements; for example, the agreed period and hours of duty of the arrangement.

Review and/or variation of part-time arrangements

Part-time arrangements should be reviewed on a regular basis; that is, prior to the arrangement being extended or ceased.

Whilst part-time arrangements can be reviewed early, the arrangement entered into is an agreement and therefore should only be varied by agreement; that is, by negotiation between the parties. If negotiation is unsuccessful, the original agreed dates would apply. For example, the employer may ask an employee to end the part-time arrangement early, and vice versa. However, neither could require it.

Areas for consideration in a review of arrangements may include:

- reasons for an employee's request
- circumstances of an employee
- impact on the school/workplace
- indirect and direct costs
- effectiveness of communication or other processes in place to support the arrangement.

Reviewing part-time arrangements should take into consideration both the requirements of the workplace and reasons for the individual's request. Both are important factors in the decision making process.

Professional development/school development days and other school activities

Part-time employees are expected to undertake professional development activities in the same way full-time employees do. However, part-time employees are only required to attend professional learning and other school-related or work activities on a scheduled work day.

Alternative arrangements for part-time employees to undertake professional learning and other school activities may include:

- attendance on another day or at another school, worksite or training centre
- on-line or self-paced learning, if available
- a modified program where relevant to modified duties
- payment of additional hours/days.

GRIEVANCE RESOLUTION

The principal/line manager should attempt to resolve grievances informally at the local level where practicable. Where an issue has not been resolved, the principal/line manager should address it in accordance with the relevant process below.

For teaching staff and school administrators

- grievance resolution procedure as described in the [School Education Act Employees' \(Teachers and School Administrators\) General Agreement 2014, Clause 41](#); or
- Department's [Grievance Framework](#) for grievances where a part-time working arrangement relates to one of the grounds of unlawful discrimination specified in the *Equal Opportunity Act 1984*.

For school support staff

- Department's [Grievance Framework](#).

Other employees

- Department's [Grievance Framework](#).

RESOURCES

CONTACT INFORMATION

Advice about guidelines and equal opportunity issues:

Workforce Policy and Coordination
Department of Education
151 Royal Street
EAST PERTH WA 6004
T: (08) 9264 5081

Advice on the applicability of industrial instruments:

Labour Relations
Department of Education
151 Royal Street
EAST PERTH WA 6004
T: (08) 9264 4728

WA Equal Opportunity Commission
Level 2, Westralia Square
141 St George's Terrace
PERTH WA 6000
T (08) 9216 3900; 1800 1981 49
www.eoc.wa.gov.au

APPENDIX A: PROVISION FOR PART-TIME EMPLOYMENT

For more detail refer to the relevant clause(s) in the industrial instruments available on the [Labour Relations](#) website (current at 26.04.2017)

Occupational Group	Industrial Instrument	Part-time Provisions		Maternity/Parental Leave Provisions		
		Request part-time	Revert to full-time following part-time	Part-time during pregnancy	Return to work part-time following parental leave	Revert to full-time / substantive position following part-time
All employees	<i>Minimum Conditions of Employment Act 1993</i>	-	-	-	Section 38	Section 38(5)
Teachers, school administrators, school development officers, education officers, school psychologists, swimming instructors	1. <i>Teachers (Public Sector Primary and Secondary Education) Award 1993</i>	-	-	Clause 39.6(a)	Clause 39.10(d)	Clause 39.10(e)
	2. <i>The School Education Act Employees' (Teachers and Administrators) General Agreement 2014</i>	-	-	-	-	-
Education assistants, EA special needs, ethnic assistants, AIEO	3. <i>Teachers Aides Award 1979</i>	-	-	-	-	-
	4. <i>Miscellaneous Government Conditions and Allowances Award 1992</i>	-	-	-	-	-
	5. <i>Education Assistants (Government) General Agreement 2016</i>	-	-	Clause 50.8	Clause 50.14(d)	Clause 50.14(e) & (f)
Home economic assistants, cleaners	6. <i>Cleaners and Caretakers (Government) Award 1975</i>	-	-	-	-	-
	7. <i>Government Services Miscellaneous General Agreement 2016</i>	-	-	Clause 32.8	Clause 32.14(d)	Clause 32.14(e) & (f)
	See 4					
Gardeners	8. <i>Gardeners (Government) Award 1986</i>	-	-	-	-	-
	See 4 and 7					

Occupational Group	Award/Agreement	Part-time Provisions		Maternity/Parental Leave Provisions		
		Request part-time	Revert to full-time following part-time	Part-time during pregnancy	Return to work part-time following parental leave	Revert to full-time / substantive position following part-time
School support officers (primary registrars, school officers, laboratory assistants, library officers)	9. <i>Education Department Ministerial Officers Salaries, Allowances and Conditions Award 1983</i>	Clause 8.2	Clause 8.6	-	Clause 21.11(c)	Clause 21.11(d)
	10. <i>School Support Officers (Government) General Agreement 2014</i>	Clause 14.2 & 14.3	Clause 14.6	Clause 21.8	Clause 21.14(d)	Clause 21.14(e) & (f)
Public service officers (central and regional office staff, registrars as senior high schools)	11. <i>Public Service Award 1992</i>	Clause 9.2	Clause 9.6	-	Clause 28.11(d)	Clause 28.11(e)
	12. <i>Public Service and Government Officers General Agreement 2014</i>	Clause 14.2	Clause 14.6	Clause 23.8	Clause 23.14(d)	Clause 23.14(e) & (f)
Government officers (residential supervisors)	13. <i>Government Officers Salaries, Allowances and Conditions Award 1989</i>	Clause 9.1(a) & (c)	Clause 9.12	Clause 28.8	Clause 28.11(c)	Clause 28.11(d)
	See 12 14. <i>Government Schools (Agricultural Schools and Colleges) Residential Supervisors' Agreement 2009</i>	-	-	-	-	-
Government officers (agricultural and technical officers)	See 12 and 14					
	15. <i>Technical Officer – Agricultural Instruction Staff Agreement 1997</i>	-	-	-	-	-
Kitchen staff, laundry staff, cleaners in agricultural colleges	16. <i>State Research Stations, Agricultural Schools and College Workers Award 1971</i>	-	-	-	-	-
	17. <i>Australian Workers' Union (Western Australian Public Sector) General Agreement 2017</i>	-	-	Clause 30.37	Clause 30.48	Clause 30.49

APPENDIX B

PRIVATE AND CONFIDENTIAL

[Title] [First Name] [Surname]

[Address Line 1]

[Address Line 2]

Dear [Title] [Surname]

EMPLOYEE REQUEST FOR PART-TIME WORK

I am writing to you to seek approval to work part-time in accordance with the arrangements below:

Position:	[Insert position title]
Employment Status:	Part-time
Status of Arrangement:	[Permanent or Temporary]
Start Date:	[Date]
End Date:	[Date – delete line if permanent arrangement]
Work Fraction:	[Insert new work fraction]
Days / hours	[Insert days / hours to be worked]
Reason/s for Request:	[Insert reason/s]
Work Arrangements:	[Insert any individual arrangements e.g. professional development, communication strategies]

Additional Comments

Yours sincerely

[Insert Employee's Name]

[Insert Employee's Signature]

[Insert Date]

PRIVATE AND CONFIDENTIAL

[Title] [First Name] [Surname]
[Address Line 1]
[Address Line 2]

Dear [Title] [Surname]

REQUEST FOR PART-TIME WORK APPROVED

This letter acknowledges your request dated [Date] to work on a part-time basis.

I am pleased to advise that your request is approved and confirm the following arrangements.

Position:	[Insert position title]
Employment Status:	Part-time
Status of Arrangement:	[Permanent or Temporary]
Start Date:	[Date]
End Date:	[Date – delete line if permanent arrangement]
Work Fraction:	[Insert new work fraction]
Days / hours	[Insert days / hours to be worked]
Reason/s for Request:	[Insert reason/s]
Work Arrangements:	[Insert any individual arrangements e.g. professional development, communication strategies]

[Please note that a permanent change to part-time work affects your right to revert to full-time work – insert if permanent arrangement].

The arrangement will be reviewed regularly or when circumstances or operational requirements dictate. Any further amendments to this arrangement will be documented and signed by both parties and copy provided to you.

Please consider the details in this letter and confirm your agreement of these arrangements by signing below.

Should you require any further information please contact [Insert Name and Contact Details].

Yours sincerely

[Line Manager's Name]
[Title]
[Branch/School]

[Employee's Name]

[Insert Date]

Date: _____

PRIVATE AND CONFIDENTIAL

[Title] [First Name] [Surname]

[Address Line 1]

[Address Line 2]

Dear [Title] [Surname]

REQUEST FOR PART-TIME WORK DECLINED

I am writing to advise you that your request for part-time work received on [Date] is declined.

Your request has been given careful consideration; however, it has been declined due to [Insert reason/s].

Should you require any further information or wish to discuss this matter further, please contact [Insert Name Contact Details].

Yours sincerely

[Line Manager's Name]

[Title]

[Branch/School]

[Insert Date]

APPENDIX C

Information pertaining to the Equal Opportunity Act 1984

The following grounds of unlawful discrimination are covered by the *Equal Opportunity Act 1984*:

- age
- family responsibility
- family status
- impairment
- race
- sex
- marital status
- pregnancy
- breastfeeding
- political conviction and religious conviction
- sexual orientation
- gender history.

Under the *Equal Opportunity Act 1984* it is unlawful for an employer to discriminate against applicants and employees on any of the grounds specified above:

- in the arrangements made for the purpose of determining who should be offered employment;
- in determining who should be offered employment; or
- in the terms or conditions on which employment is offered.

It is also unlawful for an employer to discriminate against an employee:

- in the terms or conditions of employment that the employer affords the employee;
- by denying the employee access, or
- limiting the access of the employee to opportunities for promotion, transfer or training or to any other benefits associated with employment by dismissing the employee or by subjecting the employee to any other detriment.

APPENDIX D

Relevant legislation and policies include:

- *Public Sector Management Act 1994;*
- *School Education Act 1999*
- *School Education Regulations 2000*
- The Public Sector Commissioner's Instruction-Employment Standard
- *Grievance Resolution Standard*
- *Equal Opportunity Act 1984;*
- *Industrial Relations Act 1976;*
- *Minimum Conditions of Employment Act 1993;*
- *Grievance Framework; and*
- *Equal Opportunity, Discrimination and Harassment Policy*

APPENDIX E

Useful resources:

The following websites include resources to assist identifying and implementing different flexible work practices:

- [Australian Human Rights Commission](#)
- [Diversity Council Australia](#)
- [Department of Commerce](#)
- [Best Practice Guides, Fair Work Ombudsman](#)
- [Strategic approach to flexibility, Workplace Gender Equality Agency](#)