Fact sheet

# Flexible working and workplace adjustments

## Attendance in the workplace and workplace adjustments

Before managers discuss in-office workplace or related worksite working days for an employee with workplace adjustments they should:

* consider whether the employee can safely work in the office, workplace or worksite environment, and if any adjustments requested by the employee are in place
* be understanding and address the employee’s concerns about working in that environment
* be mindful that employees have no obligation to share information about their disability, illness or injury which has necessitated the adjustment unless it is necessary for the purposes of lawfully determining their ability to perform the inherent requirements of the role, or to work safely or is necessary for the determination and/or implementation of a workplace adjustment,
* be mindful of the employee’s workplace adjustment and needs when scheduling office, workplace or worksite days
* consider structuring work flexibly where possible to allow employees to meet their needs, e.g. regular medical appointments
* understand work requirements (such as collaborating with colleagues) and schedule days in the office, workplace or worksite that would best meet these requirements while also, where possible, accommodating any workplace adjustments that are in place
* ensure that an employee’s workspace is ergonomically suitable and tailored to their specific needs.

The [Premier’s Department Circular C2024-03](https://arp.nsw.gov.au/c2024-03-nsw-government-sector-workplace-presence) and any agency flexible working policies do not override an employer’s obligation to provide workplace adjustments where required by law. It is recommended that agencies state this obligation in their flexible working polices and in individual adjustment approvals.

Flexible work and workplace adjustments

Flexible working arrangements may be available under both an agency’s flexible working policy and workplace adjustment policy. Managers are encouraged to support employee requests for flexible working and consider whether either or both policies can accommodate the request.

Where an employee requests a workplace adjustment because of a disability, that request and any adjustment should be managed and implemented in accordance with the relevant workplace adjustment policy of the agency, even if the adjustment may be available under a flexible working policy. This will help to ensure that everyone understands their rights and responsibilities, as the workplace adjustment policy, including escalation and transfers processes, and applicable legislative requirements will apply.

### Flexible working arrangements may include:

* varying start and finish times
* working more / less daily hours across the work week to reach the required total number of weekly hours
* flexible rostering
* hybrid or remote working
* shift swaps
* Job sharing, part-time work, or split shifts.

Carers and flexible work

Many employees in the NSW Government have carer’s responsibilities. Flexible working arrangements enable carers to balance work and carer’s responsibilities. This may include adjusting work hours to access services or attend appointments with the person they care for.

Where a manager has questions or concerns regarding a request for, or implementation of, workplace adjustments, they should seek advice from the relevant team in their agency. This may be HR or another specialist team. Remember that personal and health information about an employee may be subject to privacy and health legislation and may not be able to be shared without their consent.