Flexible Working Arrangements

ERLS Employment Rights Legal Service

What is a flexible working arrangement?

A flexible working arrangement is an agreement between an employer and employee to change the employee's standard working arrangement to better accommodate the employee's personal circumstances.

The most common requests are about changes to hours of work (e.g. starting or finishing work early), changes to location of work (e.g. working from home), and changes to pattern of work (e.g. splitting shifts).

Who can ask for a flexible working arrangement?

Full-time and part-time employees can request a flexible working arrangement if they have worked for their employer for at least 12 months, and they:

- are a parent or have responsibility for the care of a child of school age or younger;
- are a person with a disability;
- are 55 years or older; or
- are experiencing (or supporting someone who is experiencing) family and domestic violence.

Casual employees can also request flexible working arrangement if they:

- have worked for the same employer for at least 12 months on a regular and systematic basis; **and**
- reasonably expect their work to continue regularly and systematically; **and**
- meet one of the criteria above (e.g. have a disability).

How does an employee ask for a flexible working arrangement?

An employee can make a request by providing their employer a **written** request outlining the change/s sought and the reasons for the change/s.

What happens after an employee makes a request for a flexible working arrangement?

Employers must respond in writing within 21 days of receiving the request. The response must include whether the request is approved or refused.

An employer can only refuse a request on reasonable business grounds if the employer has discussed the request with the employee and genuinely tried to reach an agreement with the employee.

On what basis can an employer refuse a request?

Employers can refuse to implement a flexible working arrangement on 'reasonable business grounds'.

'Reasonable business grounds' include if the flexible working arrangement would:

- cost too much money;
- there is no capacity to, or it would be impractical to change other employees' working arrangements or hire new employees; or
- result in a significant loss of efficiency or productivity or would have a significant negative effect of customer service.

The specific circumstances of the employer, such its nature and size, are relevant when determining whether there are reasonable business grounds to refuse a request.

For example: A multi-million-dollar company which operates 24/7 receives a request for a customer service employee to start and finish work two hours early, to enable them to pick up their kids from school. It is unlikely that there would be reasonable business grounds to refuse the request.

However, if the employer is a small business whose busiest hours are 3pm-5pm, and the request would require them to hire another employee for two hours, which they cannot afford, it may be reasonable to refuse the request.

How can an employee raise a dispute about a flexible working arrangement?

Employees can apply to the Fair Work Commission for assistance resolving a dispute about a flexible working arrangement if their employer:

- refused their request; or
- didn't respond in writing to the request within 21 days.

The Fair Work Commission will usually hold a conciliation, which is an 'off the record' meeting between the parties and a third-party conciliator, to try and resolve the dispute.

If the parties can't resolve the dispute, the Fair Work Commission can deal with matter by arbitration. Arbitration is a formal process where a Commissioner makes a binding decision (meaning, both parties must comply with the decision) to resolve a dispute after considering the evidence and arguments from both sides.

*This factsheet was last updated on **14 May 2026.** It was produced by the Employment Rights Legal Service.*
This factsheet provides general information about the law. It is not a substitute for legal advice.