



## Employer response to a request for a flexible working arrangement – template letter

In specific circumstances, employees in the [WA state industrial relations system](#) have an entitlement to make a written request for a flexible working arrangement. An employer **must** provide a written response to a flexible working arrangement request within 21 days. An employer may refuse a request only if:

- the employer has discussed the request with the employee and genuinely tried to reach an agreement about making changes to the employee's working arrangements to accommodate the employee's circumstances; and
- the employer and employee have not reached such an agreement; and
- the employer has considered the consequences of the refusal for the employee; and
- there are reasonable business grounds for refusing the request.

The **Flexible working arrangement requests** page of the Department of Local Government, Industry Regulation and Safety (LGIRS) website at [www.lgirs.wa.gov.au/flexible-work-requests](http://www.lgirs.wa.gov.au/flexible-work-requests) outlines the specific circumstances in which an employee can make a request and requirements for an employer responding to a request. The information on the LGIRS website should be read **before using this template**.

### How to use this template

Instructions are provided in **blue writing** to assist you and should be deleted once you have finished. You can tailor the content to suit your circumstances, but an employer response to an employee's written request **must**:

- state that the employer grants the request;
- if, following discussions, the employer and employee agree to alternative changes to the employee's working arrangements from those set out in the request – set out the agreed changes; or
- state that the employer refuses the request and:
  - include details of the reasons for the refusal;
  - set out the employer's particular business grounds for refusing the request and explain how those grounds apply to the request;
  - either set out any alternative changes in the employee's working arrangements that the employer would be willing to make, or state that there are no such changes; and
  - advise the employee of the flexible working arrangement dispute settlement process, including referral rights to the Western Australian Industrial Relations Commission.

### Disclaimer

The Department of Local Government, Industry Regulation and Safety has provided this template as a general guide and it is not designed to be comprehensive or to provide legal advice. The department does not accept liability for any claim which may arise from any person acting on, or refraining from acting on, this information.

**Print on your business letterhead if applicable**

**Private and confidential**

Dear *Insert employee's name (and address if appropriate)*

### **Your request for a flexible working arrangement**

I refer to your **letter/email** dated **date of request** where you requested the following flexible working arrangements:

***Details of changes requested, for example:***

- ***changes to your start and finish times***
- ***working from home 2 days per week.***

We have carefully considered your request.

***Choose 1 of the following 3 options and delete those that do not apply***

### **Option 1 – Request is approved**

I am pleased to advise that we can accommodate the flexible working arrangement you have requested. Your new working arrangements will commence on ***insert date***.

***Add if applicable-*** This arrangement is agreed to on a trial basis. This means we will monitor and review this arrangement to ensure it continues to meet both your needs and the needs of the business. The first review will take place on ***insert date for review***, however it may be scheduled earlier if required.

### **Option 2 – Refuse original request but agree to make a different arrangement after discussion with employee**

As discussed on ***insert date***, we are unfortunately unable to approve your original request for the following operational reasons:

- ***insert reasons why the requested arrangements cannot be accommodated.***

However, as discussed with you, we confirm our agreement on the following alternative arrangements to accommodate your circumstances:

- ***Insert details of alternative agreed arrangements as discussed with employee.***

***Add if applicable*** This alternative arrangement will commence on ***insert date*** on a trial basis. A review of the arrangement will take place on ***insert date for review*** to ensure that it continues to meet both your needs and the needs of the business. This review may be scheduled earlier if required.

### **Option 3 – Refuse request with no agreed alternative arrangements**

As discussed on ***insert date***, we are unfortunately unable to approve your request for the following operational reasons:

- ***Insert reasons why the requested arrangements cannot be accommodated. You must detail the reasonable business grounds on which you have made this decision and how they apply to this request.***

The business has considered the possibility of alternative flexible working arrangements to accommodate your circumstances.

***Insert if applicable*** - We are able to offer the following alternative arrangements:

- ***Insert alternative options. OR***

***Insert if applicable*** - Unfortunately, we are not able to offer any changes to your working arrangements at this time.

### **Include the below content for options 2 and 3**

If you do not agree with this decision, please contact ***insert name and contact details of person to escalate this to for resolving disputes at a workplace level***. We will attempt to resolve your concerns by discussing them with you.

If we cannot reach a resolution, we both have the right to refer a dispute to the Western Australian Industrial Relations Commission (WAIRC). The WAIRC can deal with disputes about flexible working arrangement requests, including by conciliation and arbitration and making orders to resolve a dispute if it cannot be resolved at the workplace level.

**[Note – It is important to follow any orders that the WAIRC makes - penalties can apply for breaching these orders.]**

You are able to appoint someone as your representative (such as a union) to assist with the dispute resolution process either at the workplace or in the WAIRC. For more information you can visit the WAIRC website [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au).

Please contact me on ***insert phone number / email*** if you have any questions.

Yours sincerely

***Insert your details, including name and job title (if appropriate)***

***Insert date***

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS