



Working from Home

Background

1. Arrangements for an employee to work from home are set out in this guideline.

Nature of the work to be performed

2. Work that is suitable to be performed at home is that which requires a high degree of autonomy and can be performed individually, e.g. a project, policy writing or research.
3. Work which requires a high degree of supervision, centrally provided facilities, face to face contact or frequent interaction with colleagues is unsuitable to be performed at home.

Work health and safety

4. Under the *Work Health and Safety Act 2011* (WHS Act), a workplace includes any place where a worker goes, or is likely to be, while at work. This means that while an employee who has approval to work from home is performing work, the home is their workplace, and their employing Member has duties under the WHS Act, including the duty to ensure, to the extent practicable, the health and safety of all persons in the workplace.
5. Employees who have approval to work at home continue to have the duties of a worker under the WHS Act.
6. Employees can assist in meeting their own and their Member's duties under the WHS Act by reserving a designated place in the home to be used exclusively for work purposes and limiting the persons who have access to that area.
7. To assist the employee and the Member to identify any risks or hazards that will need to be eliminated or minimised, the Department requires that a Work Health and Safety Checklist be completed. The WHS Checklist should be completed and discussed between the Member and the employee prior to the working from home arrangements being approved.
8. Where a Member engages a consultant to review the work health and safety arrangements in an employee's home, the Member is responsible for the cost of the assessment and any additional costs arising from the assessment. The Commonwealth

will not meet any costs associated with making an employee's home suitable as a workplace.

9. Employees who have approval to work at home are covered by the *Safety, Rehabilitation and Compensation Act 1988*.

Security

10. The employing Member and employee should satisfy themselves that there is adequate security in the home for the protection of documents and material removed from the office to the home, not only from possible theft or damage, but also from disclosure to persons not authorised by the employing Member to have access to the documents or material.

Impact on others at home

11. Working from home is not a substitute for dependant care or personal leave.
12. Where an employee has carer responsibilities, alternative arrangements need to be made for the care of those dependants during the ordinary weekly hours of duty that the employee will be working at home.

Facilities at home

13. Contributions towards costs relating to the employee's home being used for work, such as electricity, internet charges, mortgage repayments and home insurance are not met by the Department. These costs may be tax deductible and employees are encouraged to seek independent professional financial advice.
14. The Department does not provide additional equipment or resources to enable an employee to undertake work from home.
15. Commonwealth assets, other than portable items that might normally travel with an employee such as a laptop computer or mobile phone, must not be removed from the office of the employing Member and re-deployed in the home.

Approval of arrangement

16. An arrangement for an employee to work all or part of their ordinary weekly hours of duty at home for a period of five consecutive working days or less must have the prior approval of the employing Member or their authorised person. It is not necessary to inform the Department of such arrangements.
17. The 'arrangement' refers to the whole period approved by the employing Member, not just the days spent working from home.

For example, an arrangement for an employee to work from home on two consecutive Wednesdays covers a period of more than five working days and requires the approval of the Special Minister of State (SMOS).

Longer-term and continuing arrangements – approved by the SMOS

18. Where an employing Member and employee agree that it is feasible and appropriate for the employee to work all or part of their ordinary weekly hours of duty at home in an arrangement of more than five consecutive working days, the employing Member must seek the prior approval of the SMOS.
19. The 'arrangement' refers to the whole period agreed between the employing Member and the employee, not just the days spent working from home.

For example, an arrangement for an employee to work from home on two consecutive Wednesdays covers a period of more than five working days and requires the approval of the SMOS.

20. Where an employee is to spend most time on duty at home, their work base will be their home. This is an alternative work base and also requires the approval of the SMOS.
21. The request for approval should describe the proposed arrangements, including:
 - a. the ordinary hours of duty each week that the employee will work at home and the duration of the arrangement;
 - b. that the employing Member and the employee are satisfied that the full range of duties, including interaction with other colleagues, can be performed by the employee while working from home;
 - c. that the employing Member and the employee are satisfied that arrangements have been made for others to care for dependants during working time (if applicable);
 - d. that the employing Member and the employee are satisfied there is an appropriate place in the home for working;

- e. that the employing Member and the employee are satisfied that there is adequate security for documents or other material that would ordinarily be in the workplace; and
- f. that the employing Member and the employee have completed a WHS Checklist and eliminated or minimised any risks to the health and safety of the employee and others that arise from working in the home.

22. The arrangements must only commence after the SMOS' approval has been given.

Examples

James' son is unwell. Can his employing Member agree that he can work from home for a couple of days while his son recovers?

Answer: Yes, though other care arrangements must be made for his son while James is working. Working from home is not a substitute for dependent care or personal leave.

Imogen has requested to work from home for three consecutive Fridays. Does her employing Member need to seek approval from the SMOS?

Answer: Yes, as the period covered by the arrangement (not the number of days worked at home) is more than five working days the prior approval of the SMOS is required.

Jack has discussed his role with his employing Member and they agree that he would benefit from working from home one day per week on an ongoing basis. Does approval need to be sought from the SMOS?

Answer: Yes. As this is an arrangement for more than five working days duration, the approval of the SMOS is required before Jack starts working from home.

Richard wishes to work on a project from home for two consecutive days. Is Richard allowed to work from home? What approvals are required?

Answer: After considering the nature of the work proposed to be undertaken at home and the available facilities, the employing Member or authorised person is able to approve the working from home request. As the working from home arrangement is less than five working days in duration, approval is not required to be obtained from the SMOS.

Kate wishes to spend a day at home writing speeches. Her house is in the middle of a large renovation with many tradespeople coming and going from the property. Is Kate's employing Member obliged to approve the working from home request?

Answer: No. The Member may choose to deny the working from home request if they are concerned about security, safety or distractions due to the renovation works.