

TELE-WORKING POLICY FOR ICT STAFF

Approved by the Secretaries ICT Governance Board on 17 December 2009

Purpose

The Australian Government Tele-working Policy for ICT staff will reform the ICT workforce in the Australian Public Service (APS) and ensure agencies attract and retain skilled Information and Communication Technology (ICT) professionals.

Objectives

The Australian Government Tele-working policy and its implementation by agencies will assist to:

- promote the design of job roles capable of being performed remotely;
- remove the technical impediments to tele-working;
- provide a whole-of-government approach to securing information and infrastructure to support tele-working;
- build agency capability to manage and support tele-working and tele-workers;
- create APS employment opportunities in regional locations;
- attract higher numbers of skilled ICT workers to the APS;
- increase the complexity of the skill base within the APS; and
- enhance the opportunities for ICT workers with disabilities, or who are returning to work, to participate in the APS workforce.

Background

The APS is facing an ICT skills shortage in the immediate future, as ICT job roles increase in complexity. Tele-working, in conjunction with other ICT workforce strategies, will contribute to the APS being an employer of choice by increasing flexibility of employment. In addition, reducing reliance on Canberra-based ICT personnel will improve value for money. Furthermore, by increasing the geographic area from which ICT workers can be recruited, tele-working will increase the supply of ICT skills to the APS.

The project arose in response to the *Review of the Australian Government's Use of ICT* by Sir Peter Gershon ("the ICT Review"). The ICT Review recommended that the Australian Government "establish a whole-of-government tele-working policy for ICT staff, building on existing AGIMO guidance" (Recommendation 5.4.6). Existing AGIMO guidance includes the Better Practice Checklist regarding ICT support to tele-work.

Scope

The Australian Government will support ICT tele-working for APS ICT employees on a full time, part-time and casual basis. Tele-working will support:

- Home-based work – for staff who work within commuting distance of their usual place of work;
- Out-posted work – for staff who work from home but for whom it is not practical to travel to the workplace on a daily basis; and
- Tele-centre work – for staff who require access to office facilities in a location outside of their agency's usual location.

The scope of the policy does not include travellers, day extenders, field officers or campus workers.

Operating Principles

The Australian Government is committed to providing a flexible workplace for ICT staff.

All APS agencies must develop a tele-working implementation plan if they do not have an existing plan. The implementation plan must meet the stated objectives outlined in this policy, and must address all items listed under Responsibilities. The implementation plan should be based on any relevant and applicable policy or guidelines already existing in the agency.

Individual agencies will have the flexibility to create an implementation plan to suit their individual agency circumstances. These plans will include consideration of value-for-money and fit-for-purpose criteria.

Constraints

The implementation of the tele-working policy for ICT staff will be consistent with Commonwealth, State and Territory laws. A list of associated legislation, regulation and procedures is provided in Attachment A.

Eligibility of the role and the employee must be determined against measurable criteria or outcomes. The worker's job function must fall within agency eligibility requirements. Criteria to determine employee eligibility could include length of tenure, performance and demonstrated skill set proficiency.

A tele-working arrangement does not alter the employment status of the employee; must be mutually agreed; and can be reviewed at the request of the employer or the employee.

Australian Government agencies must maintain a safe and productive working environment for employees who are tele-working.

Actions

Agencies must have a tele-working implementation plan, or have opted-out through the Expenditure Review Committee by 30 June 2010. Implementation of this plan must be completed by 1 January 2011. Agencies will report annually to the Secretaries' ICT Governance Board (SIGB), through the Department of Finance and Deregulation (Finance) on its implementation plan. Specifically this report will address progress by agencies; barriers to implementation and possible solutions and numbers of ICT staff employed under tele-working arrangements. Agencies may include specific success metrics in their annual report to the SIGB.

Agencies must establish a formal multi-disciplinary governance body that includes ICT, HR and workplace representatives to oversee the implementation of tele-working and take-up rates.

The Australian Government will develop a whole-of-government solution to secure classified information commensurate with the level of classification for the physical and electronic information that will be handled. A lead agency will develop a security solution in consultation with Finance and the Chief Information Officer Committee (CIOC).

A tele-centre allows agencies to support a remote ICT workforce in regional centres. However, the cost of establishing agency specific tele-centres will be prohibitive for many agencies. AGIMO, in consultation with the Cross Jurisdictional Chief Information Officers' Committee, will report to SIGB on the demand for and feasibility of establishing tele-centres in selected regions by February 2010.

Outcomes

Tele-working will provide the following outcomes for the Australian Government:

- increasing quality and quantity of ICT applicants and retention of the best employees, particularly those who value flexible working hours and newer workers who have high expectations of technology;
- providing an alternative for employees with long commutes to save travelling time and expenses;
- reduced expenditure on overhead items such as recruitment, facilities and utilities;
- reducing traffic congestion, emissions and stress on infrastructure, thereby improving the environment;
- creation of infrastructure and processes to support disaster recovery and business continuity during an emergency;
- opportunities for agencies to share cost processes and infrastructure;
- reducing the Canberra-centricity of existing ICT activities by harnessing emerging new labour pools, particularly from regional areas; and
- promoting equity in employment by increasing employment options for people with disabilities or caring responsibilities.

Responsibilities (joint)

Workplace participation

Tele-workers and their managers must use processes and tools that maximise communication opportunities. The use of collaboration tools will sustain social and knowledge networks, and cultural affiliation of tele-workers.

Taxation

Agencies must familiarise themselves with the tax ramifications of implementing tele-working arrangements.

If the arrangements result in benefits being provided to an employee, agencies must consider Pay As You Go withholding obligations (for additional salary and wages) or fringe benefits tax (FBT) obligations (for benefits) that may apply.

Tele-workers should seek taxation advice on claims that may be made with respect to the tele-working arrangement. Tele-workers may make substantiated claims for deduction on additional running expenses of an office or a study at home that is used for income-producing activities.

Education and awareness

Agencies must provide an education and awareness program for tele-workers and their managers on topics specific to a tele-working arrangement. In these programs agencies must address Occupational, Health and Safety (OHS), security, Comcare coverage, remote access, support and manager training on time management of “out-of-sight” workers.

Agencies must ensure tele-workers’ ICT skill sets remain current and relevant to the role they are performing. The long term impact on career opportunities of these workers should be monitored and specific training, together with interaction and collaboration tools considered.

It is both the employee and their manager’s responsibility to ensure development opportunities are identified and scheduled.

Insurance

All Australian Government employees are covered by provisions of Comcare for working hours, regardless of their working location. It is recommended that each agency include the exact details of this coverage in their education and awareness training for tele-working.

All Australian Government assets are covered under the Comcover Insurance Policy at all working locations, including private residences. Where some or all of the ICT equipment is owned by the employee, responsibility for insuring the asset(s) rests with the employee, unless otherwise agreed by their employer.

Communication

Agencies and tele-workers should agree formally on contact arrangements; client interactions and attendance at other physical locations upon request.

Cost-sharing

The responsibility for the costs of tele-working (set up, maintenance, continuity etc) must form part of the contract for tele-workers to be agreed upon by both parties. Agencies should be aware of, and detail the approach to be taken for part time tele-working where the tele-worker is also engaged by another agency (Commonwealth or State) and/or with private enterprise.

Responsibilities (employers)

Application Process

Agencies must define the eligibility requirements for tele-working. Agencies' implementation plans must clearly state the process for application and termination of tele-working arrangements. Agencies should assess tele-working applications with regard to the following:

- the duties of the employee
- the sensitivity or classification of information to be accessed
- the expected deliverables or outcomes and how they will be measured
- the duration of the arrangement
- the benefits to the organisation
- the costs to the organisation
- agency operational requirements.

Security

Agencies' implementation plans must comply with the Protective Security Manual 2007 (PSM). Part H of the PSM specifies the security arrangements for working from home.

Agencies must undertake security assessments for home-based tele-workers.

Agencies will determine the level of classification of information that can be worked on at home or in a tele-centre and this determination must comply with Part H of the PSM.

Agencies must provide and maintain security containers at a level appropriate to classification level and other security measures for tele-workers to manage classified material.

Occupational Health and Safety (OHS)

Agencies must take all reasonably practicable steps to protect the health and safety at work of their employees. An employer's duty of care under the *Occupational Health and Safety (Commonwealth Employment) Act 1991 (Cth)* (OHS Act) applies to an employee conducting authorised work at home.¹

An agency will determine what is 'reasonably practicable' as there is no specific requirement for a physical inspection under the OHS Act or associated regulations.

ICT Infrastructure

Agencies will ensure tele-working staff will use agency approved ICT infrastructure in their home.

Agencies' ICT plans must include secure and scalable tele-working infrastructure and support mechanisms to support their tele-working implementation plan.

Short-term arrangements (less than 4 weeks)

From time-to-time, ICT staff may have short-term tele-working arrangements put in place. For example:

- where an injury impairs travel but would otherwise not impact on performance of their duties;
- a staff member has temporary caring responsibilities and is able to perform some or all of their duties for part of the day; or
- a disaster or pandemic which prevents workers from attending their normal place of work.

In these circumstances, an agency will determine the most appropriate method of assessing OHS and security arrangements.

Responsibilities (employees)

Access

Home-based staff must provide access to their home to employers, or agents acting on their behalf, for purposes such as security checks, OHS assessments or ICT support, following an agreed period of notice.

Third Parties

Home-based tele-workers are responsible for the safety of visitors to their home and must maintain public liability insurance to the level specified by the agency.

¹ *Occupational Health and Safety Act 1991* (OHS Act), Section 16(1)

Performance

Employees must maintain full proficiency in their job specific competencies, as well as agency processes.

Agency Guidelines and Instructions

Employees must conform to all agency guidelines and instructions.

Evaluation

The employee should agree to participate in all studies, inquiries, reports and analyses relating to this policy.

Dependent Care

Tele-working is not to be treated as a substitute for dependent care. Tele-workers will not usually be available during working hours to provide dependent care.

Attachment A

Associated legislation, regulation and procedures²

- Agency Collective Agreements (and other individual agency-based requirements)
- *Disability Discrimination Act 1992 (Cth)*
- *Disability Services Act 1986 (Cth)*
- *Fair Work Act 2009 (Cth)*
- *Australian Human Rights Commission Act 1986 (Cth)*
- Information Security Manual (ISM) 2009 Section 6
- *Occupational Health and Safety (Commonwealth Employment Act 1991 (Cth) (OHS Act), Section 16(1)*
- *Privacy Act 1988 (Cth)*
- Protective Security Manual (PSM) 2007 Part “H”
- *Public Service Act 1999 (Cth)*
- *Safety, Rehabilitation and Compensation Act 1988 (Cth)*
- *Superannuation Act 1990 (Cth)*
- *Taxation Administration Act 1953 (Cth)*
- *Workers Compensation Act 1987 (NSW)*
- *Work Safety Act 2008 (ACT)*

² State/Commonwealth legislation (liability and insurance) should also be taken into consideration.

Attachment B

Definitions

APS ICT employee	APS ICT professionals that perform analytical, conceptual and practical tasks, which support the efficient and secure provision of information and communication technology (ICT) services to government.
Campus	The buildings & grounds of a complex (industrial park or military establishment).
Day Extender	Employees that may regularly work a standard day(s) at the office and then may log in from a secure home office to complete work that could not be undertaken during the normal day. Such work patterns for the same employer when done on a repeated basis (i.e. not ad hoc) would qualify as tele-working.
Dependent Care	Care for a child, frail older person or someone with a disability or chronic illness.
Regional	Refers to any area outside of Canberra and the ACT.
Tele-centre	A location separate to the employee's home and remote from the agency's normal business premises that provides access to an office environment. These facilities may be provided on an agency specific or shared basis.
Tele-work	Paid work conducted away from an organisation's physical offices, but that requires at least periodic connection to the employer's computer network.
Tele-worker	An employee or contractor undertaking tele-work.