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Formal Flexibility under the Fair Work Act 2009 - A Stakeholder Perspective

PARTICIPANT INFORMATION STATEMENT

1. What is this study about?

You are invited to take part in a research study about the use of formal flexibility provisions in the *Fair Work Act 2009*.

Results from this study will shed light on:

1. The extent to which individual flexibility arrangements under modern awards and enterprise agreements are being agreed to, and the content of those arrangements.
2. The operation of the provisions of the National Employment Standards (NES) relating to employee requests for flexible working arrangements and extensions for unpaid parental leave.
3. In the context of the COVID-19 pandemic in 2020, the use of other types of flexibilities in the workplace relations system.

You have been invited to participate in this study because, as an employee or member of an organisation that is a key stakeholder in the use of the formal flexibility provisions in the Fair Work Act 2009, you may have insights that can inform this study. We are seeking to interview approximately 20 individuals (10 practitioners primarily representing employers, and 10 practitioners primarily representing employees).

This Participant Information Statement tells you about the research study. Knowing what is involved will help you decide if you want to take part. Please read this sheet carefully and ask questions about anything that you don't understand or want to know more about.

Participation in this research study is voluntary. By giving your consent to take part in this study you are telling us that you:

- Understand what you have read.



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- Agree to take part in the research study as outlined below.
- Agree to the use of your personal information as described.

You will be given a copy of this Participant Information Statement to keep.

2. Who is running the survey?

The survey is being carried out by Professor Marian Baird AO, Professor of Gender and Employment Relations, Head of Discipline of Work and Organisational Studies, University of Sydney and Professor Rae Cooper AO, Professor of Gender, Work and Employment Relations, University of Sydney. Other researchers who are part of the research study are:

- Associate Professor Myra Hamilton, Principal Research Fellow;
- Dr Nate Zettna, Research Fellow;
- Dr Frances Flanagan, Research Fellow;
- Alison Williams, Research Associate;
- Alexandra Heron, Research Associate.

This research project is funded by the Fair Work Commission.

3. What will the survey involve for me?

You will be asked to take part in an interview in which we will ask you questions about how individual flexibility arrangements (IFAs) are created/terminated, who/what they cover, training on these instruments and record-keeping.

We will also ask you about who is requesting flexible working arrangements, the types of arrangements and their purpose, refusal of requests, as well as training on these instruments and record-keeping. We will also ask you about extensions to unpaid parental leave. Last, we will ask about the impact of COVID-19 on the types of flexibility used, how requests were made and by whom, and whether negotiation occurred.

The interview will take place at a mutually convenient location. We will make a digital audio recording of our discussion so we can concentrate on what you have to say and not be distracted by taking notes.

There will be no cost to you for taking part in this research, and you will not be paid by the researchers for your participation.

4. How much of my time will the survey take?

The interview will take approximately 60 minutes.



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5. Who can take part in the study?

We are interested in interviewing the employees of Employer Associations and Unions, members of Industrial Relations Societies of each state and territory, and other stakeholders as suggested by the Fair Work Commission.

6. Do I have to be in the study? Can I withdraw from the study once I've started?

Being in this study is voluntary. Your decision whether to participate will not affect your current or future relationship with the University of Sydney, or with your organisation.

If you decide to take part and then change your mind later, you are free to withdraw at any time. You can do this by contacting our research team at the phone number/email address provided on the front of this Information Sheet and ask to be withdrawn from the study.

You are free to stop the interview at any time. Unless you say that you want us to keep them, any recordings will be erased and the information you have provided will not be included in the study results. You may also refuse to answer any questions that you do not wish to answer during the interview.

If you decide to withdraw from the study, we will not collect any more information from you and we will destroy all interview material associated with you to ensure it is not included in our data analysis or any publications.

7. Are there any risks or costs associated with being in the study?

Aside from giving up your time, we do not expect that there will be any risks or costs associated with taking part in this study.

8. Are there any benefits associated with being in the study?

We cannot guarantee that you will receive any direct benefits from being in the study. However, the results of this research will assist the Fair Work Commission to meet its statutory requirement to review the formal flexibility provisions of the Fair Work Act and will potentially have an impact on the operation of these provisions into the future.

9. What will happen to information about me that is collected during the study?

After the interview we will make a full written copy of the audio recording. A transcription service may be used to make this written copy.

The results of this research will be reported to the Fair Work Commission through a summary of key themes that have arisen across all interviews. Excerpts from the interviews may be shared with the Fair Work Commission to illustrate the main themes uncovered in the interviews. All excerpts will be de-identified by removing your name as well as any other identifiable information such as exact job



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role, organisation, etc. Your organisation will not have access to your raw interview recordings or transcripts.

The information we collect may also be presented at conferences or published in professional journals. You will not be identified in any results that are published or presented.

We will keep the information we collect for this project, and we may use it in future projects. By providing your consent you are allowing us to use information collected about you in future projects. We don't know at this stage what these other projects will involve. We will seek ethical approval before using the information in these future projects.

The information collected in this research will be re-identifiable (coded). This means that we will collect data that can identify you, but will then remove identifying information on any data or sample and replace it with a code when we analyse the data. Only the research team have access to the code to match your name or position if it is necessary to do so. Any information we collect will be treated as confidential and used only in this project unless otherwise specified. The only anticipated limit to this confidentiality is if during the interview we uncover illegal activity, in which case we are mandated to report this to the relevant authority. The following people will have access to the information we collect in this research: the research team and, in the event of an audit or investigation, staff from the Human Ethics Department of University of Sydney.

The information we collect in this study will be kept under secure conditions at the University of Sydney for 5 years after the research is published and then it will be destroyed. Your identity/information will be kept strictly confidential, except as required by law.

You will not have access to your personal information from this study once it has been collected. By providing your consent, you are agreeing to us collecting personal information about you for the purposes of this research study. Your information will only be used for the purposes outlined in this Participant Information Statement, unless you consent otherwise.

10. Can I tell other people about the study?

Yes, you are welcome to tell other people about the study.

11. What if I would like further information about the study?

When you have read this information, Ms Alison Williams, Research Associate, will be available to discuss it with you further and answer any questions you may have. If you would like to know more at any stage during the study, please feel free to contact Ms Williams at the University of Sydney on email alison.williams@sydney.edu.au.



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12. Will I be told the results of the study?

The findings from the study form the basis of a report to the Fair Work Commission and are released to the general public on its website. We will let you know when the report is available.

13. What if I have a complaint or any concerns about the study?

Research involving humans in Australia is reviewed by an independent group of people called a Human Research Ethics Committee (HREC). The ethical aspects of this study have been approved by the HREC of the University of Sydney #2021/377. As part of this process, we have agreed to carry out the study according to the National Statement on Ethical Conduct in Human Research (2007). This statement has been developed to protect people who agree to take part in research studies.

If you are concerned about the way this study is being conducted or you wish to make a complaint to someone independent from the study, please contact the university using the details outlined below. Please quote the study title and protocol number.

The Manager, Ethics Administration, University of Sydney:

- Telephone: +61 2 8627 8176
- Email: human.ethics@sydney.edu.au
- Fax: +61 2 8627 8177 (Facsimile)

This information sheet is for you to keep