

Advancing Workforce Sustainability: Policy Reforms for Flexible Working Arrangements in Achieving National SDGs

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ABSTRACT

Workforce sustainability is a cornerstone of economic growth and societal well-being. One game-changing policy instrument for increasing workplace diversity, inclusion, and adaptation is the rise of flexible working arrangements (FWAs) in Malaysia. As Malaysia strives to align with the United Nations Sustainable Development Goals (SDGs), particularly those focusing on economic growth, gender equality, and well-being. This paper critically analyses four main areas related to FWAs in Malaysia. First, it discusses the rationale of FWAs in supporting the three main SDG goals, which are to improve good health and well-being, gender equality, decent work and economic growth. Second, the paper reviews the contemporary FWA policy in Malaysia. Thirdly, the paper discusses the development of FWA's Regulations in Malaysia. Based on these three main critical reviews, we argue that a greater emphasis should be placed on advancing Workforce Sustainability by reforming FWAs policies in achieving National SDGs. We developed an analytical FWAs policy framework that can be used in negotiation or decision-making to lead the development of a more thorough set of policies for managing FWAs. These reforms are crucial for developing a stronger and coherent labour market that can support national and global development goals.

Keywords: Government Policies, flexible working arrangements (FWAs), the national sustainable development goals (SDGs)

INTRODUCTION

An easy way to comply with the conference paper formatting requirements is to use this document as a template and simply type your text into it. Current research shows that flexible work arrangements have the potential to boost productivity, profitability, and well-being, while also contributing to the development of a sustainable future for businesses (Barnes and Jones 2020). The term "flexible work arrangements" (FWA) refers to when and where employees accomplish their assigned tasks, whether within regular or non-standard business hours (Shifrin & Michel, 2022). FWAs are not something new for developed countries such as United Kingdom, Europe, the United States, Australia, and New Zealand as FWAs are an integral component of the modernization of the Labour market (Subramaniam, 2011; Hundy, 2018). Flexible working hours in Germany started in a Below company of Messerschmitt Bolkow-Blohm at Otterburn in 1967. This corporation implemented a flexible working hours programmer for a disproportionately large section of its workforce, which in the late 1960s sparked strong discussion and widespread adoption among many other German companies. FWA practises did not start in the United Kingdom or the United States until the 1970s. By 1972, Hewlett Packard (HP) offered flexible working arrangements at its Waltham, MA, plant. This move paved the way for the establishment of flexible working hours in the United States.

In Malaysia, the COVID-19 pandemic has accelerated the implementation of FWAs since the enforcement of the movement control order (March 18, 2020–December 31, 2021), forcing almost all businesses to sustain their operations by offering FWAs. Even though FWAs were not widely practiced prior to the pandemic, the

Malaysian government started to give attention to FWAs implementation by incorporating them into national strategic plans for socio-economic development, as reported in the Economic Transformation Plan (Eleventh Malaysia Plan (11MP), 2015; Tenth Malaysia Plan (10MP), 2010). As an indication of support for FWA alternatives, the Malaysian Government has identified three pressing concerns that can be linked to the push for greater flexibility in workplace arrangements.

This working paper calls for reforming laws and policies on flexible working arrangements (FWAs), which can play a critical enabler to support the national sustainable development goals since they have impacted good health and well-being, gender equality, as well as decent work and economic growth. This paper is structured as follows: First, it discusses the rationale of FWAs in supporting the three main SDG goals: which are to improve good health and well-being, gender equality, as well as decent work and economic growth. Second, the paper reviews the contemporary FWA policy in Malaysia. Third, the paper discusses the development of FWA's Regulations in Malaysia. Finally, this paper proposes a policy framework outlining a set of guidelines or procedures that can be used in negotiation or decision-making to lead the development of a more thorough set of policies for managing FWAs.

The participation rate of women in the labour force in Malaysia was expected to reach 55% by 2015, as indicated in the 10th Malaysia Plan (ETP, 2013). Unfortunately, according to the existing statistical data, the participation percentage of women has not yet reached 55 percent from the year 2015 until 2020 (The World Bank, 2022). The lowest annual percentage of women's labour force participation in Malaysia from 1990 to 2020 was 43.09 percent in 2008, while the highest annual percentage was 51.74 percent in 2019. As of 2020, the latest recent number is 51.47 percent (The Global Economy, 2022). There are three primary reasons women leave the workforce: to raise a family, lack of work-life balance, and to care for elderly parents or children (ACCA & Talent Corp, 2013). Malaysian women visibly desire flexible work arrangements that accommodate family commitments, support for maternal needs, optimum work-life balance, and equal opportunities (ACCA & Talent Corp, 2013; Subramaniam et al., 2015). With the proper FWA policy framework in place, it will encourage gender equality in the workplace by encouraging the participation rate of women in Malaysia.

Contextual of Study

An easy way to comply with the conference paper formatting requirements is to use this document as a template and simply type your text into it. Current research shows that flexible work arrangements have the potential to boost productivity, profitability, and well-being, while also contributing to the development of a sustainable future for businesses (Barnes and Jones 202 DOSM or Department of statistic Malaysia (2019) predicted that by 2030, the country would be ageing, Malaysia will have less than a decade to prepare for the impending ageing population surge. According to DOSM (2022), Malaysia's elderly population is becoming older with each passing year. In 2022, the percentage of the population at the young age group (ages 0–14) dropped from 23.6 percent to 23.2 percent. During the same time period, the proportion of the population that is 65 years and over rose from 7.0 to 7.3 percent. Japan is the leading exemplar of a country that is grappling with the challenges associated with an ageing population, such as rising healthcare and pension costs.

A shrinking workforce and population are already visible in everything from economic and financial performance to city planning and public policy priorities (such as the long-term solvency of public pension, health care, and long-term care systems) (Gee & Todd, 2022). Possessing effective FWA policies would facilitate a senior worker's transition from full-time employment to retirement, and a significantly more flexible approach to employment would enable older workers to remain on the job market for longer. Developing flexible solutions will contribute to the creation of a more sustainable retirement path that is beneficial for the individual, society, and economy (Steward, 2019).

There are also considerable associations between engagement in the labour force and overall health status. A recent systematic review done by Antonses and Garfield (2018) reported that there is a significant link between being unemployed and having bad health outcomes; however, this does not always suggest that the converse is also true. Research conducted on the topics of work and health has revealed that the quality and stability of

work are key factors in the work-health relationship. FWAs are one of the mechanisms to improve employees' wellbeing (Amirul, 2020; Ray & Pana-Cryan, 2021). Flexibility is vital for the retirement phase transition. Many elderly workers desire flexible work schedules. It is essential for maintaining and supporting workers over the age of 50 who may have health needs or caring responsibilities or who may simply desire a better work-life balance. Flexibility must become the new standard to prepare for longer lives and secure the capabilities of a varied workforce (Smith, 2020).

The demands of FWAs are also frequently associated with the social needs of millennial employees in today's modern world. According to a survey by Talent Corp (2018), millennials in Malaysia have a strong need for flexible working arrangements (FWAs), despite the fact that few companies in Malaysia really put FWAs into practise. A recent study conducted by Rozlan and Geetha (2021) reported that contemporary trends in Malaysia revealed that millennials are battling with lower well-being and mental health difficulties, which may ultimately lead to lower levels of productivity. Despite being the largest generation in the labour force, millennials are experiencing lower levels of well-being and mental health difficulties through FWAs. Their study (Rozlan & Geetha, 2021) significantly found that FWAs positively influence millennials' well-being and productivity. Benson (2016) cited a 2015 Gallup Poll that found only 28.9% of Millennials are engaged at work, making them the least engaged generation in the workplace. This, along with high turnover rates and increased freelance and entrepreneurial prospects, implies that organisations will need to triple their efforts to meet Millennials' desire to retain these valuable employees. Benson (2016) suggests that flexibility is essential for recruiting Millennials. In addition, Millennials are digital natives who need FWAs because of the accessibility of technology, which they find more appealing to their working style.

Conventionally, governments' efforts in supporting FWAs have been associated with the formation of Acts and regulations related to FWAs, especially in developed countries such as the UK, Australia, and New Zealand. Through regulation, these governments have covered the rights of employees to request FWAs, limiting employees' rights to challenge their employer and other FWA-related matters. In Malaysia, there is a variation in the application of FWAs between the public and private sectors. The newly introduced regulation of FWA comes into effect on 1 January 2023 with the amendment of the Employment Act 1955, however, it is important to note that this new regulation specifically pertains to the private sector in Peninsular Malaysia. The newly implemented Flexible Work Arrangements (FWA) regulation does not extend to employees employed in the private sector of Sabah and Sarawak. There are only two forms of FWA that are available to civil servants in the public sector: staggered working hours and flexi-place (Shaari & Amirul, 2020).

METHODOLOGY

In this study, we use document analysis a methodical approach to studying and analysing documents—to decipher data, draw conclusions, and build empirical knowledge (Simpson et al., 2023). This method allowed us to acquire thorough understanding of this research topic by carefully reviewing written sources to gain comprehensive insights into the subject matter (Durukan et al., 2022). The first step in the document analysis process is defining the research objectives. This paper has four research objectives; to discuss the rationale of FWAs in supporting the three main SDG goals (1), to reviews the contemporary FWA policy in Malaysia (2), to discuss the development of FWA's Regulations in Malaysia (3), Based on these three main critical reviews, to develop an analytical FWAs policy framework that can be used in negotiation or decision-making to lead the development of a more thorough set of policies for managing FWAs. Second step is selecting the rights document for analysis such as gathering document insight from formal records, laws, reports, and strategic documents (Bowen, 2009). Thirdly is extracting data from selected documents. Fourth, is analysis and synthesis for critical evaluation which allowed for a comprehensive understanding of the current state of FWAs in Malaysia and their alignment with the SDGs.

The Synergy between FWAs and SDGs

The synergy between flexible working arrangements and the SDGs lies in their potential to enhance productivity, promote well-being, and contribute to sustainable development. The Sustainable Development Goals (SDGs), as delineated in the 2030 Agenda for Sustainable Development, consist of a set of 17

interrelated objectives designed to address several facets of sustainability, encompassing economic, social, and environmental dimensions (Nerini et al., 2017). These goals are designed to guide and encourage sustainable development at multiple scales, both nationally and internationally (Hutton et al., 2018). This section highlights the substantial contribution of FWAs towards the attainment of SDGs.

FWAs and Good Health and Well-being (Sustainable Development Goal 3)

The demand for FWAs has frequently evolved into a means of addressing issues of work-life balance and employee well-being (e.g., Clake, 2005; Downes & Koekemoer, 2011; Hayman, 2009). The majority of working parents, particularly women, have a difficult time striking a healthy balance between their personal and professional lives. FWA can be used as a positive capability spanning resource useful for workers, especially women, to adapt their work to family demands (Singley and Hynes 2005). Bhola and Nigade (2016) reported that work-life imbalance has a negative impact on the health of working women because they are more likely to suffer from physical exhaustion (such as frequent headaches, lower back pain, acidity, eyesight disorders, and hair loss), psychological problems (such as emotional strain, anxiety disorders, sleep disorders, and becoming stagnant), and reproductive health problems (irregular periods and miscarriage). Moen et al. (2011), using longitudinal data collected from 608 employees of a white-collar organisation before and after a flexible workplace initiative was implemented, examined changes in health-promoting behaviours and health outcomes among the employees participating in the initiative compared to those who did not participate. The FWAs led to significant improvements in the health and well-being of employees, including a rise in the amount and quality of sleep and better health management (Moen et al., 2011).

The benefits of FWAs can also be seen through the lens of elderly needs. Department of statistic Malaysia (2019) predicted that by 2030, the country would be ageing, indicating that Malaysia would be witnessing a demographic shift. In greater detail, countries that have or are experiencing an ageing population are more likely to be confronted with rising healthcare and pension costs as well as a shrinking workforce. By reforming FWA's policies for elderly and female workers, it opens opportunities for those who wish to work for a longer period of time than their retirement years, collect greater superannuation savings, and are less reliant on the government pension during their retirement years. According to the recent findings of the Vanajan et al. (2020) study, providing older workers with health issues with flexible working hours and ensuring a psychologically safe environment are likely to contribute to healthy ageing in the workplace.

Vanajan et al. (2020) added that FWAs may help reduce the work limitations experienced by older workers. Organizations must promote employee well-being to enhance performance while also boosting the organisation itself to remain economically sustainable (Currie, 2001). Babbiste (2008) went on to note that employee wellbeing is not only critical for businesses but has also garnered government attention in order to secure the public's well-being and sustain economic growth. Studies have demonstrated that FWAs can have a positive impact on employee well-being by offering the ability to customize work schedules, resulting in enhanced work-life balance (Lindi & Marić, 2019). Sholars (Gill & Siddiqui, 2020) proven that FWAs are linked to heightened levels of job satisfaction and decreased work-family conflict, hence fostering a more favorable work atmosphere and enhancing mental well-being. The provision of flexibility enables employees to effectively balance their professional and personal lives, leading to a reduction in stress levels and an improvement in general well-being (Subramaniam et al., 2022).

FWAs and Gender Equality (Sustainable Development Goal 5)

The demand for FWAs has frequently evolved into a means of add In the Malaysian context, it is important to comprehend the prevailing conditions of women in the workplace in order to advance gender equality and enhance the empowerment of women within the labour market. According to the most recent World Bank data (2021), there is a significant disparity between the labour participation rates of men and women in Malaysia, with women accounting for 51 percent of the workforce and men accounting for 80.8 percent. According to the latest data from the Department of Statistics Malaysia, the female labour force participation rate in the

second quarter of 2023 was only 56.2%, while the male labour force participation rate was 82.8%. This data highlights the significant disparity in gender in the Malaysian workforce.

As shown in a survey conducted by Talent Corp and the Association of Chartered Certified Accountants (2013), Malaysia has a high proportion of women with higher education in the workforce; regrettably, as they advance in their careers, many leave because of many factors, such as a willingness to devote more time to a family; a lack of work–life balance; or the need to bear responsibilities as a caregiver (e.g., for an ageing parent or sick relative). Statistics from the World Bank (2019) have proven that women make up 55 percent of graduates in higher education institutions. It is a great loss of talent for the country if women keep on withdrawing from the workforce. Strengthening the FWA policy could be another step that must be taken by the government.

Burgmann (2012) stated that increased flexibility in the workplace may contribute to equal opportunities (e.g., for women in the workplace) and may expand the potential workforce, leading to increased national productivity. Hofacker and Konig (2013) claim that while FWAs may offer prospects for enhanced work-life balance and greater autonomy in managing work schedules, they may also perpetuate conventional gender roles and disparities. In addition, the implementation of FWAs may have an effect on the allocation of household work, potentially resulting in a more balanced and proportionate distribution of duties between males and females (Chung, 2018). FWAs can facilitate greater gender equality by establishing conducive environments for male participation in household tasks (Chung, 2018).

In addition, the implementation of FWAs, including compressed workweeks, can enable women, especially mothers, to effectively balance their professional and caregiving obligations, thereby promoting their professional growth (White & Goriss-Hunter, 2021). This evidence highlights the importance of FWAs, which has prompted governments to implement and enhance their use. It is ironic that gender disparity remains in Malaysia despite the guaranteed equality before the law as provided in Article 8, Federal Constitution of Malaysia. The Malaysian government signalled its determination to adopt the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW) as part of its legal and policy framework by ratifying it in 1995, with reservations to Articles 2(f), 5(a), 7(b), 9 and 16. There is, however, little indication that this is happening in practise.

The demand for FWAs has frequently evolved into a means of add In the Malaysian context, it is important to comprehend the prevail Placing job creation at the center of economic policymaking and development plans will lead to the emergence of not only decent work, but also more resilient, inclusive, and poverty-reducing growth. It is a positive feedback loop that benefits both the economy and the individual, and promoting sustainable development (ILO, 2021). FWAs are an important mechanism to increase business productivity and boost the economy as a whole (Amirul et al, 2021; Nakamura, Kaihatsu, & Yagi, 2018). FWAs can generate job prospects by providing employees with the ability to easily adjust their work schedules and circumstances. Research conducted by Hornung et al. (2008) explored the notion of idiosyncratic agreements, such as the ability to adjust working hours, which can result in creating customized work schedules that are advantageous for both individuals and organizations.

In addition to that, FWAs are important for creating decent work because it is a basic truth of the twenty-first century that "your employees are your business." Improving such working time arrangements is likely to be a rational option for many businesses. The prevention of high turnover costs and absenteeism, as well as the enhancement of productivity and customer satisfaction, can be achieved through the implementation of reasonable working time arrangements that contain suitable protections for employees (ILO, 2018). Another key highlight that is important for reforming FWA's policy is that, if the growth of non-standard employment is to create decent work that contributes to economic security and productivity, it must be accompanied by efforts to ensure workers' rights and protection. Policies and rules governing flexible work arrangements are essential in Malaysia to correspond with the global focus of SDG 8: Decent Work and Economic Growth. In light of the dynamic nature of the employment environment, it is imperative for Malaysia, akin to several other countries, to adopt a proactive approach in addressing the various difficulties and possibilities presented by

flexible work arrangements. By drawing upon the creative techniques of the International Labour Organization and the directive issued by the European Commission, Malaysia has the potential to develop customized legislation that are specifically designed to address its own socio-economic circumstances.

Contemporary FWA Policy in Malaysia

Malaysian initiative in promoting FWAs can be clearly seen through the 2014 Malaysian Budget, which indicated that any organisation that implements or improves FWA practises will be eligible for a double tax deduction of up to MYR 500,000. The goal of this effort is to expand female involvement in the labour market, promote women's labour rights (WLB), and increase labour productivity (LP) in general (10MP, 2010; 11MP, 2015). Recently, due to the pandemic crisis, the Malaysian government has provided further tax deductions for adopting or enhancing current FWAs. This is to encourage employers to accept the new normal. This measure, dubbed the Flexible Work Arrangements Tax Exemption, took effect on July, 2020.

Prior to being able to grasp a more complete knowledge of the concept of government incentives, it is vital that we grasp the meaning of government tools or instruments that play roles in the promotion of industrial development. When governments make key decisions about how to execute their policies, a government tool is a conceptualization of those decisions. It may involve using the knowledge, practises, and intuitions of policymakers as they implement the policy option (John, 2011). Government tools or instruments can be classified into three characteristics: top-down (law and regulation; public expenditure and taxation), internal to the state (bureaucracy and public administration; institutions); and non-standard policy (information, persuasion, and deliberation; network and governance) (John, 2011).

Malaysian FWAs incentive to promote FWAs was made possible by the 2014 Malaysian Budget, which included a double tax deduction of up to MYR 500,000 for the implementation or enhancement of FWAs. This effort strives to improve work-life balance by allowing employees to manage professional and family commitments as part of a retention strategy (Talent Corp, 2017). Based on the government tools or instruments classification given by John (2011), the Malaysian government's characteristic FWAs incentive is a non-standard policy that is more likely to be an advocacy and persuasion tool (John, 2011; Althaus, Bridgman, and Davis, 2013), as the government is encouraging and enabling organizations to implement FWAs through incentive rather than enforcing engagement through legislation. However, Malaysian companies have been rather slow to embrace FWAs.

The feasibility of non-standard policies is an intriguing question because a policy without enforcement or compliance capability (i.e., the legal authority to compel organisations to follow FWAs) is deemed difficult to implement and has little chance of having an impact on local business practises. For example, a report from a study conducted by Amirul (2020) reported that there were no FWA incentive recipients or double tax deductions of up to MYR 500,000 for the implementation or enhancement of FWAs in Malaysia. Amirul (2020) asserted that this unanticipated result happened because Talent Corp also offers free consulting and training services to any company that plans to implement FWAs or enhance its existing FWAs. As reported in the results, Talent Corp received many inquiries regarding the government's FWA incentives. However, these companies decided to use Talent Corp's free training and consulting services rather than apply for the incentive, because doing so required less effort from the company, avoided complicated paperwork, and avoided the implementation costs before claiming the incentive. Hence, although no companies received incentives, Talent Corp continues to provide support for FWA implementation through advocacy and training programmes. Between 2013 and 2016, they supported 52 companies in implementing and enhancing FWAs in their workforces.

FWAs Regulation in Malaysia

Malaysian initiative in promoting FWAs can be clearly seen through the 20 In Malaysia, there has been a recent development concerning FWAs with effect from January 1, 2023. Prior to deliberating the newly added clauses on FWAs, it is important to understand the background of the laws concerning terms and conditions

in Malaysia. Shaari and Amirul (2020) had deliberated that the laws concerning terms and conditions of employment are segregated based on these three regions, Employment Act 1955 applies to the employees who fall under its First Schedule who are working in Peninsula Malaysia, Sabah Labour Ordinance and Sarawak Labour Ordinance are applicable to Sabah and Sarawak respectively. Previously, the EA 1955 only applied to employees earning RM2,000 per month. The Sabah Labour Ordinance 1950 (Cap 67) and Sarawak Labour Ordinance 1959 (Cap 76) are antiquated as they cater for employees who are under the First Schedule, namely, those who earn wages (regardless of their occupation) not more than RM2,500 in a month and those who fall within the five categories of employees, such as manual workers, those who work on a vehicle transporting goods and passengers, the supervisor to the manual worker, those who work on a vessel registered in Malaysia, and domestic servants, regardless of their wages.

Shaari and Amirul (2020) submitted that the above statutes are not in line with the advancement of modern working arrangements. Those statutes are antiquated as they cater to employees who have fixed working hours and a fixed workplace. However, there have been some amendments made to the Employment Act 1955 vide the Employment (Amendment) Act 2022 (the Amendment Act) which came into effect on 1 January 2023. The definition of an employee under the EA 1955 is now amended with the issuance of the First Schedule Amendment Order by the Minister of Human Resources declared on August 26, 2022 (Harun, 2022). This announcement was gazetted on August 29, 2022. By virtue of the First Schedule Amendment Order, all employees working in private sector in Peninsular Malaysia will be protected by the EA 1955, regardless of their earnings, with some specific provisions (related to overtime and termination benefits) not applying to those making more than RM4,000 per month.

Nevertheless, the observation made by Shaari and Amirul (2020) that the statutes related to the terms and conditions of an employee's contract of service are not in line with the advancement of modern working arrangements still stands for Sabah and Sarawak. Despite being named as labour ordinances, both Sabah and Sarawak labour Ordinances fall within the federal law according to article 74(1) of the Federal Constitution and item 15 of the Federal List, Ninth Schedule of the Federal Constitution. Thus, only Parliament may create and/or amend the legislation pertaining to concerns of employment for Sabah and Sarawak (Hassan, R. A. et al., 2023). Therefore, both Ordinances do not have any provisions relating to FWAs.

EA 1955 now addresses FWAs in Section 60P and Section 60Q. Section 60P of the EA 1955 provides for the employee to apply to the employer for a flexible working arrangement to vary any of the three features in relation to the employment, namely, hours of work; days of work; or place of work. On the other hand, Section 60Q of the EA 1955 provides for the application process for FWA as follows:

- The employee's application for FWA must be in writing in such form and manner as may be determined by the Director General;
- The employer must approve or refuse the application within 60 days from the date the application is received;
- The employer must inform the employee in writing of the decision; and
- in the event that an application is refused, the employer must state the grounds for such a refusal.

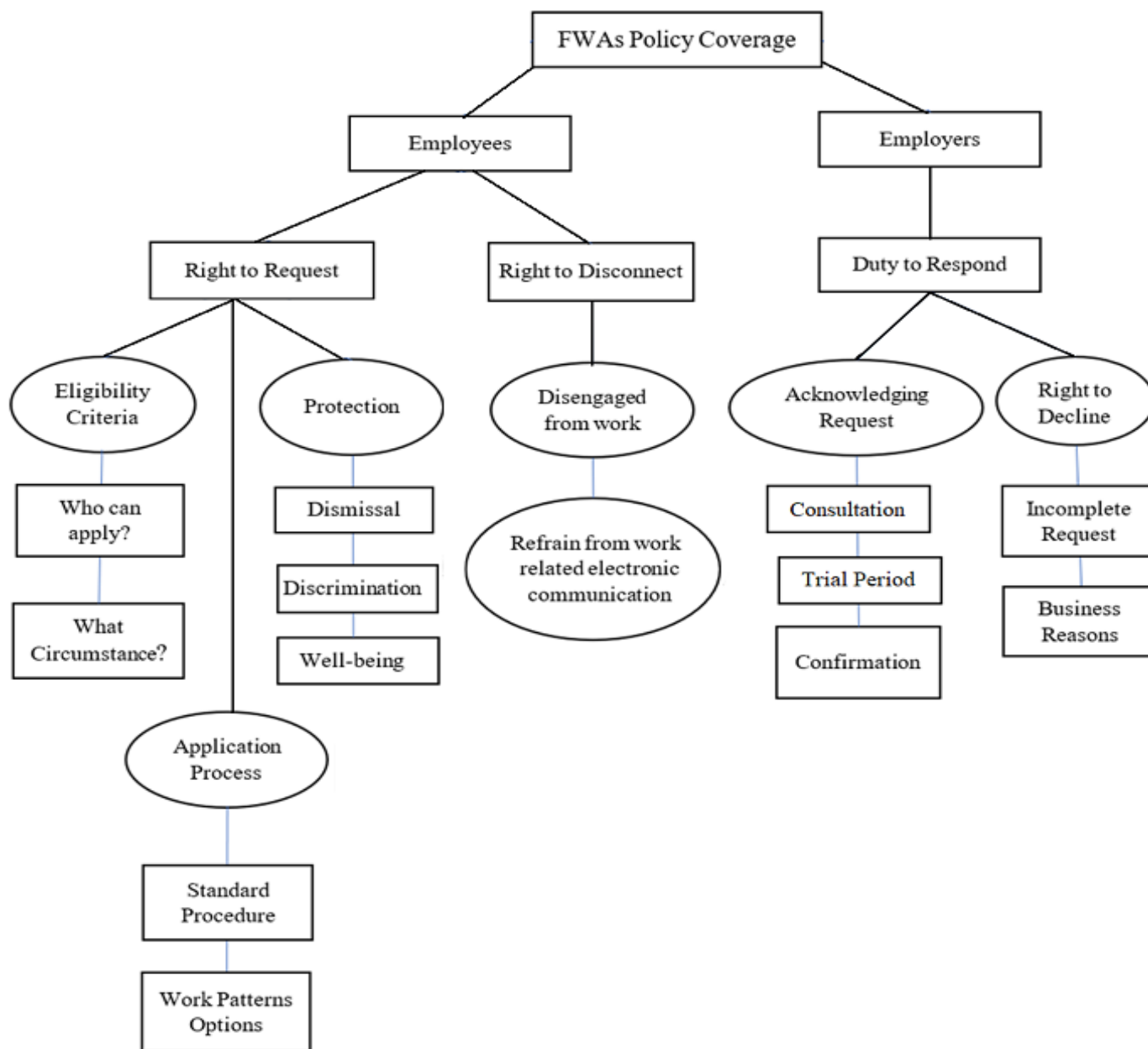
The Proposed FWAs Policy Framework

In order to maximise the benefits of FWAs, as detailed in the last section, we provide an analytical framework based on current research and the experience of other jurisdictions for policymakers to consider when developing and implementing policies to promote flexible work practises in both the public and private sectors. This section outlines the key elements of the framework that we argue have universal relevance to help facilitate policy development towards sustainable workplace arrangements.

While highlighting the importance of FWAs as a critical enabler to support the national sustainable development goals, this paper also proposes a policy framework outlining a set of guidelines or procedures

that can be used in negotiation or decision-making to lead the development of a more thorough set of policies for managing FWAs. Figure 1 illustrates the proposed FWA policy framework of this paper.

FIGURE 1 The Proposed FWAs Policy Framework



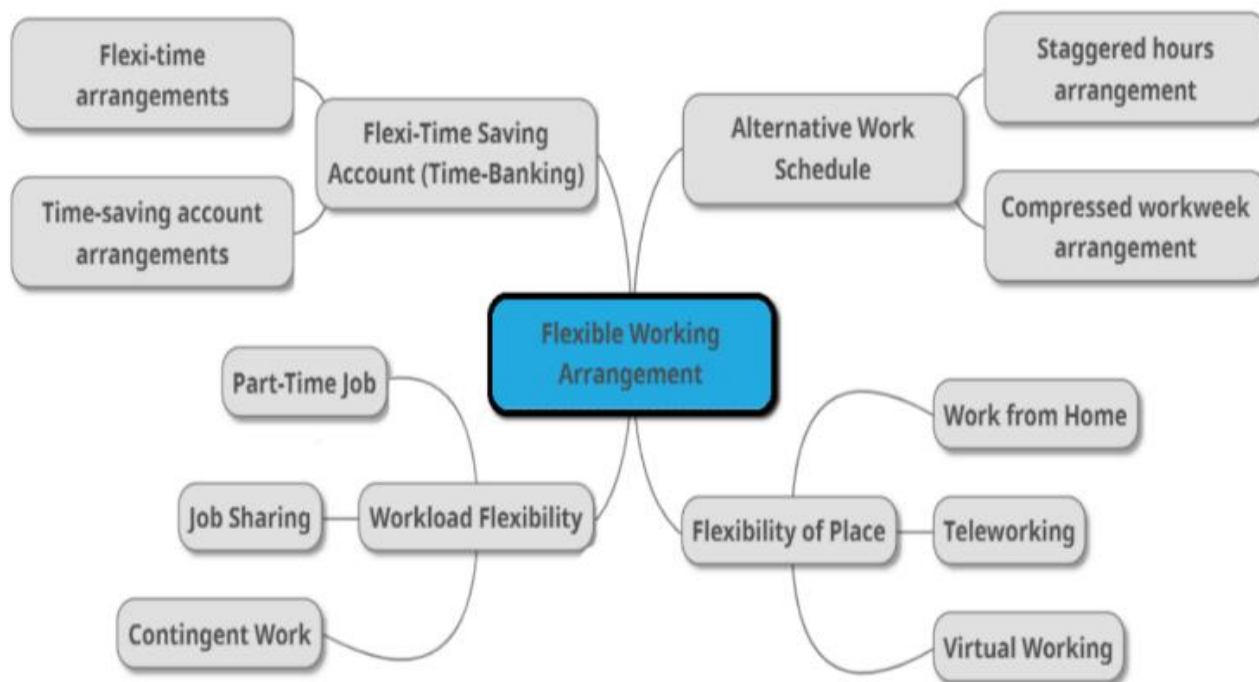
Flexible work arrangements are any arrangements that give an employee a choice between working conventional office hours or typical work. Under FWAs, there are two rights bestowed upon employees: the right to request and the right to disconnect. Each will be discussed in turn. The first aspect that we would like to include in this policy framework is the right to request FWAs because this feature has received the most attention in the literature on policy and regulation related to FWAs. Cooper and Baird (2015) asserted that the "right to request" flexible working is a concern that is significantly vital to families, employees, managers, organisations, and economies. Bird and Brown (2018) added that the right to request FWAs has the potential to benefit organisations by enhancing employee loyalty and productivity. The inclusion of the right to request FWAs will augment the effectiveness of the EU's employment law system in an increasingly fast-paced and competitive society. According to the Australian Bureau of Statistics (2011), labour participation rates are boosted by the availability of FWAs, and the provision of FWAs has subsequently been backed in Australia by industrial and legislative protections such as paid parental leave and the right to request FWAs (Fair Work Act (Cath) 2009). Therefore, the feature of employees' right to request FWAs is an important component that

must be included in the FWAs policy framework. As shown in Figure 1, this paper suggested that the component of FWAs’ right to request must be accompanied by three essential elements as follows:

Eligibility criteria: Eligibility criteria are a list of requirements that an employee is required to meet in order to be qualified to submit a request for FWAs. In other words, it can be defined as a collective term for the rules governing the right to request FWAs. Policymakers should decide who can apply for FWAs. There are a few factors that policymakers can take into consideration, such as granting eligibility to individuals who have caring responsibilities, such as working parents or individuals who must care for elderly or ailing family members. Employees with school-aged children were entitled to request FWAs. In addition to that, carer also means a worker providing personal care or support in the case of a serious illness or the dependency of a relative. Aside from the responsibilities of caregiving, there are other considerations that policymakers may want to take into account. Policymakers must determine whether an application can be submitted based on a specified length of service or whether new employees are also eligible, as well as the number of applications that can be submitted and any other considerations that may be relevant.

Application process: the FWA's policy framework must clearly outline the application process, which must be concise and comprehensible. In this paper’s FWA policy framework, there are two important elements for the application process for the right to request FWAs: standard procedure and work pattern options. As policymakers, it is important to set up an official process for applying for the right to request FWAs. There are a few actions that can be considered for this application process. To begin with the application form, the employee must first ensure that he or she meets the required eligibility criteria. The application form should enable employees to state his/her case for consideration. Organisations must communicate clearly the process of the right to request an application, including the supporting documents needed and the duration of the application. Also worth considering is the work pattern or types of FWAs that can be applied in the application. Shaari and Amirul (2020) categorise FWAs into four main types of work, as shown in figure 2.

FIGURE 2 The Main Types FWAs



Protection: This element is very important because employees who apply for the right to request must be protected from dismissal and any sort of discrimination, as well as having their well-being taken care of. It is also important that those who opt for FWAs will not be stigmatised (Fuller and Hirsch, 2019). Any employee who feels that he is terminated without just cause or just excuse may file for wrongful dismissal, regardless of whether he is working in private or public sector (Aminuddin, 2020).

Apart from the right to request, another critical policy in FWAs is the right to disconnect. According to the Workplace Relation Commission (2021), the right to disconnect (RTD) refers to an employee's right to be able to disengage from work and refrain from engaging in work-related electronic communications, such as emails, telephone calls, or other messages, outside normal working hours. The Workplace Relations Commission (2021) added that employees and employers should handle the right to disconnect in a way that is respectful of each other's rights and expectations, as well as within the context of applicable legislation and good workplace relations in general. In addition, they should be aware that, due to business and operational requirements and depending on a variety of factors, including the role of the employee, customer/client needs, the nature of the business, and the global reach of the employer, it may be necessary for communications to be sent and received beyond the employee's normal working hours on an occasional occasion. When occasional interaction outside of normal business hours becomes the norm, this needs to be addressed (Secunda, 2019; Waddington & Bell, 2021). It is irony that the recently added FWAs regulation in the EA 1955 has overlooked to incorporate RTD (Shaari & Amirul, 2023). So far, none of Malaysian researchers has dwelled on the importance of RTD in implementing FWAs apart from Shaari & Amirul (2023).

The second critical aspect of FWAs policy coverage is from the employer's side, which is the duty to respond to an employee's right to request FWAs. There are two essential elements under the employer's duty to respond that are acknowledging requests and the right to decline. Acknowledging a request signifies that the employer has received an employee's application for the right to request that their request be processed since they have met all the eligibility requirements imposed on them. This acknowledgement must be communicated to the eligible employees. There are three stages proposed once the application is processed.

The first step is a hearing, which takes place in which both the employer and the employee sit together to discuss the application of the right to request flexible work hours. Following the discussion, policymakers may decide to implement a trial phase, which might last approximately 2–3 weeks, to ensure that the chosen work pattern (types of FWAs) is working well for both employer and employee. If everything works out fine, management or the employer will acknowledge that the employee's request is granted through a formal confirmation letter. Apart from acknowledging the employee's right to request, it is also the duty of the employer to decline the employee's right to request if the application is not complete, such as due to a lack of supporting documents. Another argument for an employer's right to decline is a legitimate business reason. in which granting the request would be detrimental to the running of the business.

CONCLUSION AND RECOMMENDATION

Malaysian initiative in promoting FWAs can be clearly seen through the 20 In conclusion, advancing workforce sustainability through policy reforms that promote FWAs is essential for achieving national SDGs. As we move forward, it is imperative for policymakers to recognize the value of FWAs and implement supportive frameworks that encourage their adoption across various sectors. While FWAs are not new in developed countries, FWAs are not extensively practised or implemented in Malaysia. However, the Malaysian government has begun to prioritise FWAs implementation by including them in national strategic plans for socioeconomic growth (Eleventh Malaysia Plan (11MP), 2015; Tenth Malaysia Plan (10MP), 2010).

The current pandemic crisis has expedited the adoption of FWAs, as Malaysia's movement control order (MCO) has compelled practically all businesses to sustain their operations through the provision of FWAs, notably work-from-home opportunities (WFH) and other forms of FWAs such as flexi time, remote working, time banking, and so forth. This paper calls for reforming laws and policies on flexible working arrangements (FWAs), which can play a critical enabler in supporting the national sustainable development goals since they have impacted good health and well-being, gender equality, as well as decent work and economic growth. FWAs are also deemed important to cater to the social needs of millennial employees in today's modern world. The proposed FWAs policy framework in this paper is critical because FWAs are also pivotal for elderly workers, as the country's population is approaching an ageing society by 2030, and FWAs are also critical for increasing women's participation in the workforce, improving working parents' harmonious work-life balance, and having a broad scope is for national productivity and economic growth.

The recent amendments to the existing EA 1955 have incorporated two sections concerning FWAs in the private sector operating in Peninsular Malaysia, albeit very scantily. Unfortunately, similar legal provisions have not been extended to private sector employees in Sabah and Sarawak yet because EA 1955 is not applicable to both States. This study sheds the light on the disparities between Peninsular Malaysia's employment laws and those of Sabah and Sarawak. This study highlights the right to disconnect (RTD), which is a crucial legal provision that supports the implementation of FWAs. Apart from contributing to the plethora of literature in this area, this study also contributes to the practical approach as it becomes the nexus between public policy (government incentives) and organisational practises with respect to FWAs.

The proposed framework of this study will allow governments and policymakers to have an initial insight and procedural transparency into reforming policy or regulation related to FWAs, which is important for future work in Malaysia. The findings drawn from this study can have a wide range of significant policy ramifications for employees, businesses, and society at large. The conclusions will be helpful to employers in developing an FWAs policy for their workplace as well as policymakers in regulating FWAs. A shift in perspective is very necessary for an effective policy to succeed because regulating FWAs is a green area that needs to be further investigated. In conclusion, it is strongly advised that companies that intend to implement FWA or WFH initiatives to first establish clear guidelines, rules, and/or regulations before offering flexible options to their employees.

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