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| Model Individual Flexibility Agreement Coronavirus (COVID-19)  Change of Ordinary Hours |

**Context**

1. In the current environment where many employees are working from home and balancing work with supervising remote learning for school-aged children, employers have been encouraged to be flexible in facilitating employees’ needs in handling the competing interests of work duties and childcare.
2. For example, employees might be able to indicate blocks of time that they can dedicate to work. An employee might be able to work from 7am until 9am, go offline for a few hours, then be able to work from midday for a couple of hours.
3. In other instances, the employee may want to perform some of their ordinary hours outside the span of ordinary hours of work (7am – 7pm Monday to Friday).
4. The *Fair Work Act 2009* (FW Act) provides for the use of individual flexibility arrangements (IFAs) to allow for variations to the operation of enterprise agreements to meet the genuine needs of individual employees, while ensuring minimum entitlements and protections are not undermined. Clause 8 of the VPS Agreement allows IFAs to be made regarding hours of work.
5. Below is a model IFA that can be used by employers and employees to document any changes to the ordinary hours of work to facilitate the needs of the employee during this period.

**Please update the sections highlighted in yellow, as appropriate.**

1. This Individual Flexibility Agreement (**IFA**) is made pursuant to clause 8 of the Victorian Public Service Enterprise Agreement 2016 **(the Agreement).** The parties to the IFA are:

**Employee**: [insert name of Employee and position title]

**Employer**: [insert name of Employer and ABN/ACN number]

1. This IFA commences on [insert commencement date]
2. This IFA has been made for the purpose of [insert the specific matter being addressed - use the below description if applicable]:
3. Permitting the Employee to complete their ordinary hours of work outside the normal span of hours under clause 34 of the Agreement.
4. Providing the Employee with greater flexibility to balance their work requirements with caring responsibilities for immediate family or household members when the Victorian Chief Health Officer has advised that:
   * a school is moving to remote or flexible learning; or
   * a school has been closed; or
   * a childcare centre has been closed.
5. The Employee and the Employer agree to vary the application of **clause 34 – hours of work and related matters** of the Agreement, to allow the Employee to perform their ordinary hours of work:
   1. outside the times of 7.00am to 7.00pm Monday to Friday; and/or
   2. on Saturdays, Sundays or Public Holidays.
6. The Employer and Employee agree that the ordinary hours of work will be performed between [insert span of hours] and the number of hours worked each day will be [insert number of hours].
7. The Employer and Employee may agree to use the following two-week work schedule to record the ordinary hours of work.

Week 1 (pay week)

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
| Start |  |  |  |  |  |  |  |
| Finish |  |  |  |  |  |  |  |
| Start |  |  |  |  |  |  |  |
| Finish |  |  |  |  |  |  |  |
| **Total** |  |  |  |  |  |  |  |

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| --- | --- |
| **Total Hours Week 1** |  |

Week 2 (non-pay week)

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
| Start | |  |  |  |  |  |  |  |
| Finish | |  |  |  |  |  |  |  |
| Start | |  |  |  |  |  |  |  |
| Finish | |  |  |  |  |  |  |  |
| **Total** |  | |  |  |  |  |  |  |

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| **Total Hours Week 2** |  |

*Note: There are two Start/Finish times in circumstances where an employee requests more than one period of time to be worked outside of the span of hours in a day*

1. The effect of the variation to clause 34 of the Agreement will be that:
2. In accordance with the work schedule at clauses 5 and 6 f this IFA, the Employee will receive their ordinary rate of pay for all hours worked outside the span of ordinary hours, being 7.00am to 7.00pm Monday to Friday.
3. If the Employee is working within the span of the hours outlined at clauses 5 and 6 of this IFA, these hours will not be subject to any additional overtime payments.
4. The IFA will result in the Employee being better off overall in relation to the terms and conditions of their employment. The Employee will be able to complete their 7.6 hours’ work without the need to reduce or alter their substantive hours of work. This will increase the Employee flexibility to balance their work and caring responsibilities if they are required to care of for an immediate family or household members if the Victorian Chief Health Officer has advised that:
   * a school is moving to remote or flexible learning; or
   * a school has been closed; or
   * a childcare centre has been closed.
5. The Employee and Employer agree that the IFA will terminate when the Victorian Chief Health Officer advises that:
6. a school is not required to undertake remote or flexible learning; or
7. a school is not closed; or
8. a childcare centre is not closed.
9. This IFA may be terminated by the Employer or Employee in the following circumstances:
10. by giving a specific period of written notice, being no more than 28 days’; or
11. at any time by written agreement between the Employer and Employee.
12. This IFA has been genuinely made by the Employer and the Employee without coercion or duress, and after the Employee commenced employment with the Employer.
13. The Employer must provide a written copy of the IFA to the Employee within 14 days after it is agreed to.
14. If the Employee is under 18, the IFA must also be signed by a parent or guardian.

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| **Name of Employer** | **Name of Employee [parent or guardian]** |
|  |  |
| **Signed by Employer** | **Signed by Employee [parent/guardian]** |
|  |  |
| **Date:** | **Date:** |