

**Senate Standing Committee on Education and Employment**

**QUESTIONS ON NOTICE  
Additional Estimates 2013-2014**

**Agency - Fair Work Ombudsman**

**Department of Employment Question No. EM0498\_14**

**Senator McKenzie provided in writing.**

**Question**

**FWO - Individual Flexibility Agreements**

1. Under the Fair Work Act 2009 introduced by the Hon Julia Gillard MP, that operated for the period that the Hon Bill Shorten MP was the Minister for Workplace Relations: Could penalty rates be traded away for non-monetary benefits in an Individual Flexibility Arrangement subject to the worker being Better Off Overall?
2. Does the Fair Work Amendment Bill 2014 provide an additional protection for workers who enter into an Individual Flexibility Arrangement?

**Answer**

1. Yes.
2. The *Fair Work Amendment Bill 2014* seeks to amend the Fair Work Act to require that the employer ensure that any Individual Flexibility Agreement includes a statement by the employee setting out why the employee believes (at the time of agreeing to the arrangement) that the arrangement:
  - meets the genuine needs of the employee; and
  - results in the employee being better off overall than the employee would have been if no individual flexibility arrangement were agreed to.