

145 Effect of individual flexibility arrangement that does not meet requirements of flexibility term

Application of this section

- (1) This section applies if:
 - (a) an employee and employer agree to an arrangement that purports to be an individual flexibility arrangement under a flexibility term in a modern award; and
 - (b) the arrangement does not meet a requirement set out in section 144.

Note: A failure to meet such a requirement may be a contravention of a provision of Part 3-1 (which deals with general protections).

Arrangement has effect as if it were an individual flexibility arrangement

- (2) The arrangement has effect as if it were an individual flexibility arrangement.

Employer contravenes flexibility term in specified circumstances

- (3) If subsection 144(4) requires the employer to ensure that the arrangement meets the requirement, the employer contravenes the flexibility term of the award.

Flexibility arrangement may be terminated by agreement or notice

- (4) The flexibility term is taken to provide (in addition to any other means of termination of the arrangement that the term provides) that the arrangement can be terminated:
 - (a) by either the employee, or the employer, giving written notice of not more than 28 days; or
 - (b) by the employee and the employer at any time if they agree, in writing, to the termination.

145A Consultation about changes to rosters or hours of work

- (1) Without limiting paragraph 139(1)(j), a modern award must include a term that:
 - (a) requires the employer to consult employees about a change to their regular roster or ordinary hours of work; and
 - (b) allows for the representation of those employees for the purposes of that consultation.
- (2) The term must require the employer:
 - (a) to provide information to the employees about the change; and
 - (b) to invite the employees to give their views about the impact of the change (including any impact in relation to their family or caring responsibilities); and
 - (c) to consider any views about the impact of the change that are given by the employees.