

Your responses suggest that your employer has breached their statutory obligations. If it is so, the agreement may be terminated.

203 Requirements to be met by a flexibility term

Flexibility term must meet requirements

- (1) A flexibility term in an enterprise agreement must meet the requirements set out in this section.
- (2A) If, in accordance with this Part, the enterprise agreement includes terms that would be outworker terms if they were included in a modern award, the flexibility term must not allow the effect of those outworker terms to be varied.

202 Enterprise agreements to include a flexibility term etc.

Effect of an individual flexibility arrangement

- (2) If an employee and employer agree to an individual flexibility arrangement under a flexibility term in an enterprise agreement:
 - (a) the agreement has effect in relation to the employee and the employer as if it were varied by the arrangement; and
 - (b) the arrangement is taken to be a term of the agreement.
- (3) To avoid doubt, the individual flexibility arrangement:
 - (a) does not change the effect the agreement has in relation to the employer and any other employee; and
 - (b) does not have any effect other than as a term of the agreement.

204 Effect of arrangement that does not meet requirements of flexibility term

Requirement relating to termination of arrangement

- (4) If the arrangement does not provide that the arrangement is able to 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;the arrangement is taken to provide that the arrangement is able to be so terminated.