

*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.