

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

## **144 Flexibility terms**

### *Effect of individual flexibility arrangements*

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

### *Requirements for flexibility terms*

- (4) The flexibility term must:
  - (c) require the employer to ensure that any individual flexibility arrangement must result in the employee being better off overall than the employee would have been if no individual flexibility arrangement were agreed to; and

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

### *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.