

*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:
  - (e) require the employer to ensure that any individual flexibility arrangement must be in writing and signed:
    - (i) in all cases—by the employee and the employer; and
    - (ii) if the employee is under 18—by a parent or guardian of the employee; 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.