

Fair Work | Template



Award Flexibility Agreement

(s 144 of Fair Work Act)

Date agreement made:		[insert date agreement is made]
Parties:	Employer	[insert name/trading name & ABN/ACN of employer] [insert address of employer]
	Employee	[insert name and address of employee]
	Employee position	[insert employee's position title]
Commencement date of agreement		[insert date agreement will commence]
Modern award covering parties, which is being varied pursuant to flexibility clause		[insert any award that covers the parties] E.g. Clerks—Private Sector Award 2010.
Modern award term(s) being varied		[insert any term/s of the award being varied] E.g. Clause 25.1, which provides that full-time day workers work no more than average of 38 ordinary hours per week. Clause 27.1(a)(i), which provides that overtime payments be made if an employee works in excess of 38 hours a week.
How the modern award term(s) is being varied		[insert how the award term/s will be varied] E.g. The Employer will require the Employee to work 40 ordinary hours a week without payment of overtime.
How the Agreement does not disadvantage the Employee in relation to Employee's terms and conditions of employment		[specify how the employee is not being disadvantaged by the Agreement] E.g. The Employer will pay the Employee a gross weekly wage of \$650, which will mean the Employee will receive more than if the Employer paid the Employee for a 40 hour week as per the modern award.



Template – Award Flexibility Agreement

We agree:

1. To vary the modern award in the way outlined above.
2. That we have not been subject to coercion or duress to make this agreement.
3. That the details outlined above are accurate.
4. That we can terminate this agreement at any time by agreement, or by one of us giving the other 4 weeks' written notice of termination.

Signed:

On behalf of the Employer:

Signature

Name of person authorised to sign on behalf of
the Employer

By the Employee:

Signature of Employee

Name of Employee

Or

Signature of Employee's parent or guardian
(if the Employee is under 18 years of age)

Name parent or guardian and relationship to Employee

Note:

The Employer must give the Employee a copy of this agreement and keep the agreement as a time and wages record. You cannot make these agreements before 1 January 2010. They can only be made with existing employees. You cannot offer employment to a prospective employee on condition that they make this agreement.