

# ALERT

14 JANUARY 2014

## New consultation requirement

Amendments to the *Fair Work Act 2009* (Cth) last year included the requirement that all modern awards contain a provision requiring employers to consult employees about any changes to their regular rosters or ordinary hours of work. The Fair Work Commission has issued a decision varying all modern awards as described in this Alert with effect from 1 January 2014.

If you propose to change an award-covered employee's regular roster or ordinary hours of work, you must consult with the employee (and their representative/s (if any)) about the proposed change.

Employers are required to:

- provide the employee/s affected and their representative/s (if any), information regarding the proposed change (for example, information about the nature of the change and when that change is expected to commence);
- invite the employee/s and their representative/s (if any) to express their views about the impact of the proposed change/s on their lives, including on their family and caring responsibilities; and
- consider any of the views put forth by the employee/s or their representative/s (if any) about the impact of the proposed change/s.

However, the requirement to consult does not apply to employees who work irregular, sporadic or unpredictable working hours.

### For employers

This requirement is now fully operational and compliance is mandatory. Employers should ensure they properly identify and adequately consult with their award-covered employees regarding proposed change/s in their regular rosters or ordinary hours of work.



**For further information, please contact:**

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