

Monday January 6th, 2014

Dear members

Just before Christmas 2013 the Full Bench of the Fair Work Commission made a significant amendment to each modern award.

The change relates to consultation regarding changes to rostered hours. This change was made after late legislative amendments were passed by the former Labor Government.

The change operates from 1 January 2014 and is:

Consultation about changes to rosters or hours of work

(a) Where an employer proposes to change an employee's regular roster or ordinary hours of work, the employer must consult with the employee or employees affected and their representatives, if any, about the proposed change.

(b) The employer must:

(i) provide to the employee or employees affected and their representatives, if any, information about the proposed change (for example, information about the nature of the change to the employee's regular roster or ordinary hours of work and when that change is proposed to commence);

(ii) invite the employee or employees affected and their representatives, if any, to give their views about the impact of the proposed change (including any impact in relation to their family or caring responsibilities); and

(iii) give consideration to any views about the impact of the proposed change that are given by the employee or employees concerned and/or their representatives, if any.

(c) The requirement to consult under this clause does not apply where an employee has irregular, sporadic or unpredictable working hours.

(d) These provisions are to be read in conjunction with other award provisions concerning the scheduling of work and notice requirements

A copy of the decision summary is below.

http://www.fwc.gov.au/documents/summaries/2013fwcfb10165_summary.htm

It is important that members wishing to vary hours of workers consult this section. Failure to do so, and enforce changes to rosters, will be a breach of the applicable award.

Yours sincerely

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