Changing terms of employment

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What happens if, as an employer, you want to make changes to your employees' terms and conditions of employment? We highlight some key questions you need to consider.

Download the infographic here.



CHANGING TERMS

This flowchart summarises the main que wish to make changes to employees' ter level summary only, which is not a subst

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Is the employer planning to change a contractual term YES Does the employer have an express right to amend the te NO Employee consent will be required. Is the change a minor which is unlikely to be controversial? NO It is advisable to seek express employee consent to the ch Does the employee give consent?5 NO Does the employer want to dismiss the employee and engage them on new terms? Is the employer comforta with the legal risks?6 YES

Hold meeting(s) with employee to discuss their propos termination. Give genuine consideration to any alternati If no workable alternatives and employee still does no

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consent, give notice of termination.

- It is important to remember that terms can be contractual though they are not contained in the employment contrac Contractual terms can be found in other documents, resul verbal agreement, or arise from custom and practice.
- 2. The employer may be able to implement the change, but is important that they do so in a way that does not breach the implied duties, such as the duty of trust and confidence. The usually means that the change must not be unreasonable a sufficient notice must be given.

WE ARE OFFSHOP

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