

## Policy and Procedures

<b>POLICY TITLE:</b>	Separation/Termination: Redeployment and Redundancy
<b>ADMINISTERED BY:</b>	Director, Human Resources Management
<b>APPLICABILITY:</b>	All Employees

### 1. Introduction

This policy is to assist John Readings to retain existing staff members by adopting a fair and responsible approach to staff affected by change.

### 2. Policy

John Readings is committed to retaining the services of, and offering ongoing opportunities to, existing staff members in ways that are consistent with achieving the organisation's EEO goals. This policy aims to minimise retrenchment by ensuring a fair redundancy process, and offering redeployment and retraining where appropriate where, positions are identified as surplus to requirements. In all cases, John Readings will establish a consultative process with the relevant staff and their employee representatives prior to any decision being made that a position is surplus to requirements.

Where a position is identified as surplus to requirements, John Readings will make every effort to provide alternative employment opportunities at a similar classification level and salary, having regard to qualifications and experience.

Organisational change involving the loss of positions can be very stressful for staff. John Readings will therefore make every effort to minimise stress by keeping staff well informed, by offering personal counselling and assisting staff members to present their skills in a positive way.

For the purposes of this policy:

- Redeployment means the appointment of an employee deemed surplus to John Readings requirements to an alternative position of equal or lower classification level,
- Redundancy means a position redundancy where work or a major portion of it is no longer required to be performed,
- Retrenchment means the termination of employment of a staff member as the result of redundancy.

### 3. Application

#### *3.1 Identification of Position Surplus to Requirements*

Where John Readings considers that a position is surplus to its needs, that is, the position is redundant, the relevant Manager must complete a submission to the Director and send a copy of the submission to the Director, Human Resources. The submission should address the effects of position redundancy on the section and the individuals involved and what steps will be taken to mitigate any adverse effects. The submission should also demonstrate that the position is no longer required for reasons of a financial, technological, structural or similar nature, which may include:

- Management initiated changes to the structure of a section which significantly affect the duties of a position,
- Financial necessity, where a position is no longer required or can no longer be afforded, or
- Changes in work methods,

which result in the work of the position being no longer required to be performed.

For a position to be a bona fide redundancy it must cease to exist, and there can be no plans to fill the position in the foreseeable future. A retrenchment payment which results from a bona fide redundancy receives favourable taxation treatment by the

Australian Taxation Office. Demonstration of bona fide redundancies is therefore critical to the process.

### 3.2 Consultation

The Director and relevant Manager will consult with the Director, Human Resources prior to making a decision on the submission. The Director, Human Resources will ensure that consultation occurs between management, the relevant employee representative and affected staff members prior to any decision being made.

Where it appears to the Director that a position is likely to be excess to requirements, the Director, Human Resources shall at the earliest practicable time, provide relevant details to the individuals and unions concerned and seek discussions with the union and staff. Relevant details for the purpose of consultation shall include the reasons for the organisation considering that the position is likely to be excess to requirements, the reasons for the organisation considering that the employee is likely to be retrenched, and:

- The number and classifications of positions affected,
- The number, classification, location and details of the employees likely to be retrenched,
- The number and classification of positions expected to be required for the performance of any continuing functions in the affected section, and,
- Details of the employees who are likely to be affected.

Discussions with staff and employee representatives shall include discussion of:

- Any ways or means of eliminating redundancies,
- Redeployment and retraining prospects for the employees concerned,
- The appropriateness of using voluntary retrenchment and/or voluntary early retirement, and

- The method of identifying employees who are excess to requirements having regard to the efficient and economical working of John Readings and the relative efficiency of employees.

The discussions referred to above, shall take place over such period as is reasonable having regard to the particular matters under discussion and to the need for potential excess staff situations to be resolved quickly. In no case shall a lesser period than four weeks be available for negotiations.

The Director will consider issues raised during the consultative process before making a final decision.

### **3.3 Advice to Staff Members of Position Redundancy**

Once a definite decision is made to declare a position or positions redundant, the Director, Human Resources must notify in writing each affected staff member:

- Of the time when, or the period over which, John Readings intends carrying out the redundancy,
- Of the processes to be followed in relation to redeployment, retraining, voluntary separation and retrenchment,
- Of up to date details of their voluntary separation entitlements, if offered, and that access to appropriate financial counselling will be provided in those cases,
- That unless they are redeployed to an alternative position within a minimum of twelve weeks from the date of the letter, they will be retrenched and will be entitled to the relevant retrenchment provisions.

This advice will constitute the official notification of position redundancy.

### 3.4 Responses to Redundancy Situations

Where a position has been declared redundant, John Readings will explore all measures to avert retrenchment of affected staff members, which may include voluntary separation and redeployment.

### 3.5 Voluntary Separation

John Readings may offer a staff member whose position has been declared redundant a voluntary separation package. A staff member who is offered a voluntary separation package has up to four weeks to accept the offer. On acceptance, the staff member will be entitled to the relevant voluntary separation provisions applying at the time. The staff member will also be eligible to receive the following additional payment:

- Acceptance of offer in the first two weeks, four weeks salary,
- Acceptance of offer in the third week, two weeks salary,
- Acceptance of offer in the fourth week, one weeks salary,
- After the fourth week, the staff member will not be eligible for an additional payment.

The benefits received under a voluntary separation are in lieu of any notice period, access to a scheme of redeployment or other redundancy benefit.

A staff member whose position has been declared redundant may apply at any time for a voluntary separation prior to confirmation in a new position. Approval of applications for voluntary separation is at the discretion of the Director. If an application is approved the staff member will be entitled to the relevant voluntary separation provisions.

### 3.6 Redeployment Process

Where a position is declared redundant and the staff member is not offered, or does not accept an offer of, voluntary separation, John Readings will actively undertake to

redeploy the staff member over a period of twelve weeks. This twelve-week period may be extended by the Director. The redeployment process will commence from the date of official notification of position redundancy.

The Director, Human Resources will take all practicable steps to identify a position, or positions, within John Readings to which the staff member may be redeployed.

The authority for redeployment of a staff member will rest with the Director.

The staff member is expected to participate fully in the redeployment process by maintaining a proactive job search, making themselves available to be considered for redeployment to a vacancy, attending interviews and participating in training.

Once the Director has identified a staff member as requiring redeployment the following procedures will then occur:

1. The staff member will be interviewed by the Director, Human Resources to ascertain career interests, experience, knowledge, career aspirations and training needs, including some discussion of level of skills. Assistance will be made available to develop a curriculum vitae, letter of application and interview skills, together with a personal career plan,
2. The Director, Human Resources is responsible for monitoring all potential vacancies and keeping a record of all staff members to be redeployed. Staff being considered for redeployment will be informed of potential vacancies and provided with details, including position descriptions and selection criteria, by the Director, Human Resources,
3. Where a staff member who is to be redeployed is being considered for a vacant position and satisfies the essential selection criteria, or would do so with reasonable training, the chair of the selection committee in conjunction with the Director, Human Resources will interview the staff member prior to any advertisement being placed,
4. In the case where there are two or more staff members to be considered for redeployment to one position, the merit principle will apply,

5. In the event that the interview confirms that the staff member satisfies the essential selection criteria, or would with reasonable training (normally six months), a redeployment will be affected at the earliest possible mutually acceptable date for all parties. Redeployment to an alternative position will be subject to a trial period of twelve weeks, during which time a staff member's salary will be maintained, if necessary,
6. In the event of a staff member agreeing to be redeployed to new duties for which the prescribed rate of pay is lower than that previously paid, the staff member may be offered salary maintenance,
7. In the event that the staff member is not considered suitable for the vacant position, either at interview or after the twelve-week trial period, the workplace with the vacancy will be required to show cause why the staff member does not meet the requirements of the position. The Director, Human Resources should first be satisfied of the validity of the decision, in which case the staff member may then be given feedback by the Director, Human Resources.

### 3.7 Duration of the Redeployment Process

Redeployment will be deemed to have concluded when the staff member:

- Is redeployed to an alternative continuing position and successfully completes the twelve-week trial period, or
- Has not been redeployed to an alternative position by the end of the twelve-week redeployment process period, or
- Refuses an offer of an alternative position at the same salary which, in the opinion of the director and following consultation with the relevant union, represents a suitable and reasonable redeployment. In such cases John Readings' obligations and the staff members rights under this policy with respect to redeployment and retrenchment will be deemed to have expired, and accordingly retrenchment benefits are not payable.

### 3.8 Retrenchment

Where a suitable alternative position cannot be found during the redeployment process, the staff member will be retrenched and will be entitled, in addition to all other amounts due, to a lump sum as outlined in the Clause 'Severance Payments' following.

For the purposes of retrenchment, the twelve-week redeployment process period will subsume the notice period requirements of the award.

### 3.9 Severance Payments

Should retrenchment take effect, the following payments shall be made:

COMPLETED YEARS OF SERVICE	ENTITLEMENT
Less than 1 year	Nil
1 year and less than 2 years	5 weeks pay
2 years and less than 3 years	9 weeks pay
3 years and less than 4 years	13 weeks pay
4 years and less than 5 years	16 weeks pay
5 years and less than 6 years	19 weeks pay
6 years and less than 7 years	22 weeks pay
7 years and less than 8 years	25 weeks pay

8 years and less than 9 years	28 weeks pay
9 years and less than 10 years	31 weeks pay
10 years and thereafter	34 weeks pay

### 3.10 Salary Maintenance

When a staff member is redeployed, the overriding aim will be to find a suitable position at an equivalent salary level.

When a staff member agrees to be redeployed to new duties for which the prescribed rate of pay is lower than that previously paid, then the pre-existing higher salary will be maintained at the higher level during the trial period and for a total of thirteen weeks after the trial period. Any increment that falls within this period will be paid. The original section is responsible for the salary maintenance component during this period.

After the salary maintenance period, the staff member will be paid at the top rate of the lower level.

### 3.11 Retraining

If a suitable position is available and it is practicable for the staff member to be retrained for that position within a reasonable period (normally six months), the necessary training will be carried out by John Readings in the organisation's time, and any course costs will be paid for by the original section.

A staff member cannot unreasonably refuse appropriate retraining offered in relation to redeployment to a suitable position.

### **3.12 Leave to Seek Employment**

All staff members who are to be redeployed or retrenched will be entitled to reasonable access to time off with pay to attend employment interviews.

### **3.13 Funding of Benefits**

The section in which the redundancy takes place will be responsible for any separation payments.

### **3.14 Relocation**

A staff member shall, subject to the requirements and provisions of John Readings 'Relocation Policy', be entitled to all reasonable expenses associated with moving their household to a new locality. These expenses will be met by the original section.

### **3.15 Staff Representation**

Staff members have the right to have an associate, which includes a union representative, present throughout all stages of the redeployment process.

### **3.16 Employer Assistance Program**

Where retrenchments involved a minimum of 15 or more employees at any one time, John Readings may seek the services of an external EAP program. Where this applies, the Director, Human Resources will develop a plan that includes a list of services provided as well as instructions regarding access and eligibility.

Where retrenchments affect less than 15 employees at any one time any EAP services required will be provided by the internal HR Team and, in line with the directions provided by the Director, Human Resources.

### **3.17 Rights Under Industrial Legislation**

The establishment and application of this policy and the related procedures and conditions will not affect any right John Readings or a union or individual staff member may have under the relevant industrial legislation.

#### 4 Related Documents/Information

The following legislation and organisational policies are relevant to this policy:

- Fair Work Act 2009,
- Equal Employment Opportunity (EEO) Management Plan,
- Access to Information Policy,
- Anti-Discrimination Act 1977,
- Complaints Management Policy,
- Employee Assistance Program Policy,
- Internal Mediation Procedure,
- Work Health and Safety Policy,
- Work Health and Safety Regulations 2015.

Approved by:	Name	Date
Review Due:	Responsible person	Date