

<b>Name of Policy</b>	<b>Redeployment, Redundancy and Voluntary Early Retirement Policy</b>
<b>Description of Policy</b>	This policy outlines the process for managing the redeployment, redundancy and voluntary early retirement of affected staff members in circumstances where the University decides that a position is no longer required.
<b>Policy applies to</b>	<input checked="" type="checkbox"/> University-wide <input type="checkbox"/> Specific ( <i>outline location, campus, organisational unit etc.</i> ) <hr/> <input checked="" type="checkbox"/> Staff Only <input type="checkbox"/> Students Only <input type="checkbox"/> Staff and Students
<b>Policy Status</b>	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Revision of Existing Policy
<b>Description of Revision</b>	This policy has been updated to incorporate the provisions of the ACU Staff Enterprise Agreement 2013 - 2017

<b>Approval Authority</b>	Vice-Chancellor
<b>Governing Authority</b>	
<b>Responsible Officer</b>	Director, Human Resources

<b>Approval Date</b>	04 August 2014
<b>Effective Date</b>	
<b>Date of Last Revision</b>	04 October 2011
<b>Date of Policy Review*</b>	

\* Unless otherwise indicated, this policy will still apply beyond the review date.

<b>Related Policies, Procedures, Guidelines and Local Protocols</b>	Change Management Policy Pre-Retirement Agreement Policy Minimum Employment Period Policy
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## 1. Background Information

This policy has been developed in support of the provisions that apply to redeployment, redundancy and voluntary early retirement at ACU for staff who are covered by the Australian Catholic University Staff Enterprise Agreement 2013 - 2017.

## 2. Policy Statement

The University highly values its staff and is committed to providing security of employment and, wherever possible, to retaining the services of, and offering ongoing opportunities to staff members.

Wherever possible, reductions in the size of the University's workforce will occur, in the first instance, through natural attrition and voluntary measures such as, redeployment, retraining and voluntary redundancy. Involuntary redundancies will be used as a last resort.

Wherever possible, as a first step to avoid the need for notification of redundancy, the University reserves the right to redeploy, relocate or transfer an affected staff member to a suitable position in accordance with the ACU Staff Enterprise Agreement 2013 – 2017 and this policy.

This policy will be used to guide the process for the management of redundancy, redeployment, retrenchment and voluntary early retirement.

## 3. Policy Purpose

This policy informs eligible staff members of the process and entitlements applicable in circumstances where the University decides that a position is no longer required.

## 4. Application of Policy

### 4.1 Staff covered by the Policy

This policy applies to continuing and fixed-term Academic and Professional Staff of the University whose terms and conditions of employment are covered by the ACU Staff Enterprise Agreement 2013 - 2017. This policy does not apply to casual or sessional staff members or to staff members during their minimum period of employment (i.e. the first six (6) months of employment with ACU).

### 4.2 Reasons for Redundancy

A "redundancy" occurs where the University decides that it no longer wishes the job/duties that the staff member has been doing to be done by anyone at that campus or location, and this is not due to the ordinary and customary turnover of labour. A redundancy may occur:

- (i) for reasons of an economic, technological, structural or similar nature
- (ii) through the transfer of a position and/or function to another campus in another State or Territory.

The University may declare a staff member's position to be redundant for one or more of the following reasons:

- (i) a decrease in student demand or enrolments in any academic course or subject or combination or mix of courses or subjects conducted on one or more campuses;
- (ii) a decision to cease offering or to vary the academic content of any course or subject or combination or mix of courses or subjects conducted on one or more campuses;
- (iii) financial exigency within an organisational unit or cost centre;
- (iv) changes in technology or work methods; or,
- (v) changes in the organisational structure of an organisational unit, a Faculty, a campus, or the University.

### **Notification of Decision to Declare Position(s) Redundant**

**4.2.1** As soon as practicable after a decision to make one or more positions redundant, the University will inform the staff who are affected and will indicate the time when or the period over which the University intends to effect the termination(s).

**4.2.2** At the same time as providing the above information, the University will invite the staff who are affected to be consulted regarding measures which may be taken to minimise the adverse effects of the decision. These measures may include:

- (i) an agreed variation to the staff member's contract (e.g. from a full time to a fractional appointment including to a pre-retirement contract),
- (ii) the staff member electing to take voluntary redundancy,
- (iii) transfer to another work unit and/or campus redeployment to a suitable position (including a trial redeployment),
- (iv) relocation,
- (v) voluntary early retirement, or
- (vi) secondment.

### **4.2.3 Staff Member's Support**

Staff may choose to be assisted during these discussions by a staff representative, who may be a union member or union official but not a practicing solicitor or barrister.

Following the consultation process outlined above, the University will decide which, if any, measures to minimise the adverse effects of its decision will be implemented.

### 4.3 Formal Notice of Redundancy

Where the University is unable to redeploy the staff member(s), the University's Human Resources Directorate will provide the affected staff member(s) with the following formal notice of redundancy:

Completed years of service at the time when notice is given	Period of Notice
Less than or equal to 5 years of service	3 weeks per year of service
More than 5 years of service	26 weeks

### 4.4 Staff Member May Elect to Take Voluntary Redundancy or Redeployment

**4.4.1** A staff member who has received formal notice from the University that their position has been declared to be redundant, may advise the University's Human Resources Directorate in writing within twenty eight (28) calendar days of the date of the notice, that they wish to either take voluntary redundancy from the University or seek redeployment.

**4.4.2** A staff member who elects to take voluntary redundancy must indicate their preferred last day of employment which must be no later than the date of effect advised in a prospective date of up to twelve (12) weeks from the date that the formal notice period commenced.

**4.4.3** A staff member who chooses to take voluntary redundancy will receive payment in lieu of any remaining notice period and relevant severance payments, normally within twenty one (21) days of their last day of employment. The University will cease all related retraining, redeployment, relocation or secondment activities.

**4.4.4** A staff member who does not respond to the University within twenty eight (28) days of the date of the formal notice will be considered to be seeking redeployment.

**4.4.5** During the notice period a staff member will be allowed up to one (1) days' time off without loss of pay during each week of notice for the purpose of seeking other employment.

### 4.5 Redeployment, Relocation and Retraining

#### General Principles

**4.5.1** In order to avoid the need for retrenchment following notification of redundancy where the staff member seeks redeployment, the University will continue to explore options to transfer, redeploy or relocate the affected staff member to another suitable position until the staff member's last day of employment.

- 4.5.2** In the case of Academic Staff members, the University may decide to change their Academic Career Pathway in order to mitigate the effects of a redundancy or potential redundancy<sup>1</sup>.
- 4.5.3** Redeployment to a suitable position may be either within the University, or it may be with an alternative employer. In the case of the latter, the University may obtain suitable position with, for example, a Hospital for an Academic Staff member from the Faculty of Health Sciences or a School for an Academic Staff member from the Faculty of Education and Arts.
- 4.5.4** A staff member shall not unreasonably decline to accept transfer, redeployment, relocation, training or retraining.
- 4.5.5** In redeploying a staff member to a suitable position, the University will consult with the staff member and shall have regard to the needs of the University and any or all of the particular staff member's:
- (i) skills and knowledge;
  - (ii) substantive classification;
  - (iii) salary level;
  - (iv) retraining requirements;
  - (v) physical and/or health requirements;
  - (vi) flexibility (personal) requirements;
  - (vii) present residential location; and,
  - (viii) capacity to move to another campus.
- 4.5.6** Further, the University will consider the following:
- (i) an Academic Staff member's qualifications and areas of research interest,
  - (ii) the potential synergies between the discipline or sub-discipline of an Academic Staff member and those of the proposed suitable position ;
  - (iii) an Academic Staff member's possible Academic Career Pathways, trajectories and/or professional standing,
  - (iv) an Academic Staff member's suitability for Professional Staff positions, and Professional Staff suitability for Academic positions, and
  - (v) suitable lower classified positions (see 4.5.7-4.5.8 below).

### **Redeployment to a Suitable Lower Level Position**

- 4.5.7** While redeployment of a staff member to a position at an equivalent salary level is the preferred outcome, the University considers a lower classified position would offer suitable alternative employment under circumstances which include the following:
- the same or similar skill set is required;
  - employment is continuous or for the remainder of the fixed-term contract;
  - all employment entitlements are recognised;

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<sup>1</sup> The Academic Career Pathway for the staff member is a University decision as outlined in sub clause 5.2.4.2 in the Australian Catholic University Staff Enterprise Agreement 2013-2017.

- ongoing opportunities are available to continue to explore redeployment or transfer to a position at the staff member's substantive level; and,
- income maintenance at the staff member's substantive level is available for twelve (12) months (refer to Section 4.6).

**4.5.8** The staff member will be consulted in relation to the potential for redeployment into the lower level position and their agreement to the redeployment will be sought. The agreement of the staff member will not be unreasonably withheld.

### **Trial Redeployment**

**4.5.9** A redeployment to a suitable position may be conducted on a trial basis. The purpose of the trial is to provide both the staff member and the University with the opportunity to determine whether the staff member is suitable for redeployment to a particular position.

**4.5.10** The period of the trial will normally be conducted during the period of notice (refer to Section 4.3). The staff member will not unreasonably withhold agreement to trial redeployment.

**4.5.11** The staff member will be provided with required training or retraining during the trial and their performance throughout the trial will be monitored by their supervisor. Prior to the end of the trial period, the supervisor will prepare a formal report of the performance of the staff member and recommend to the member of the Senior Executive whether the redeployment should proceed or not. The member of the Senior Executive will determine whether the redeployment will continue and notify the University's Human Resources Directorate.

**4.5.12** The staff member will be notified in writing of the outcome of the trial redeployment by the University's Human Resources Directorate:

- if the redeployment proceeds, the staff member will be confirmed in the redeployment position subject to their agreement which must not be unreasonably withheld;
- if the redeployment does not proceed, the staff member will be notified of their entitlement to involuntary redundancy (refer to Section 4.9.2).

## **4.6 Income Maintenance**

**4.6.1** When an affected Academic or Professional Staff member has agreed to be redeployed to a position classified at a lower level and/or fraction than the position made redundant by the University, the staff member shall continue to be paid the salary they would have received had the position not been made redundant during a period of no more than 12 months from the date of redeployment.

**4.6.2** After receiving salary maintenance for a period of 12 months, the staff member will then receive the salary applicable to the classification and fraction of the position into which the staff member has been redeployed.

## 4.7 Severance Pay

- 4.7.1** If the University offers suitable or alternative employment for a staff member who is otherwise entitled to severance payment, then that staff member is not entitled to severance payment.
- 4.7.2** A staff member who chooses to take Voluntary Redundancy and/or a staff member who is made redundant involuntarily by the University will receive severance payments as follows:

<b>Completed continuous years of service</b>	<b>No. of weeks salary</b>	
	<b>Less than 45 years of age</b>	<b>45 years of age or older</b>
Less than 1	4	
1	4	
2	7	8.75
3	10	12.5
4	13	16.25
5	15	18.75
6	17	21.25
7	19	23.75
8	21	26.25
9	23	28.75
10	31.25	31.25
11	33.75	33.75
12	36.25	36.25
13	38.75	38.75
14	41.25	41.25
15	43.75	43.75
16	46.25	46.25
17	48.75	48.75
18	51.25	51.25
19 or more	52.18	52.18

## Calculation of Severance Payments

**4.7.3** Severance payments will be calculated on the basis of the staff member's substantive salary as at the date of effect of the retrenchment. This means that no loadings or allowances will be taken into account in the calculation unless they are considered regular payments for the purpose of calculating superannuation contributions.

**4.7.4** A fixed-term staff member who is retrenched prior to the expiry of their contract of employment in accordance with its terms is entitled to the same notice period as a continuing staff member.

**4.7.4.1** In such circumstances, a fixed-term staff member will be paid a sum equal to the greater of:

- their salary for the balance of the term of the contract, or
- six (6) months' salary.

**4.7.4.2** The sum applicable under the previous clause (i.e. 4.7.4.1) is subject to the overall capping of notice and severance payments (refer to Section 4.8 below).

**4.7.4.3** Staff members who are within two (2) years of their anticipated retirement date for superannuation purposes may apply to take Voluntary Retirement.

## 4.8 Capping of Notice and Severance Payments

The maximum amount of monies that a staff member may receive from redundancy severance payments and any payment in lieu of part or full notice as may be determined by the University, is capped at seventy eight (78) weeks' salary.

## 4.9 Involuntary Redundancy Payments

The severance payments for involuntary redundancy will be paid to a staff member where the staff member:

**4.9.1** elected to seek redeployment but was not able to be redeployed into a suitable vacant position; or

**4.9.2** participated in a trial redeployment period which was not successful (in which case the amount of severance payments will be reduced by the length of the trial redeployment unless the trial fully occurred within the notice period).

## 4.10 Voluntary Retirement

**4.10.1** A staff member who is within two (2) years of the eligible retirement date prescribed by their superannuation fund and who is provided with notice of redundancy, may apply for voluntary early retirement.

- 4.10.2** In such circumstances, the staff member should write to the Director Human Resources requesting consideration of her or his request. The staff member should also advise of her or his anticipated last day of employment.
- 4.10.3** If the University approves an application from a staff member for voluntary early retirement, the benefit payable to a staff member shall be based on the following:
- (i) twelve (12) weeks salary which is conditional upon the staff member confirming the cessation of her or his employment no later than the end of the semester in which the notice has been given to the staff member, or another date mutually agreed with the University; plus
  - (ii) two (2) weeks for each completed year of service,
  - (iii) capped at seventy eight (78) weeks' salary.

## **5. Approvals**

All decisions in relation to the application of this policy must be in accordance with the relevant University Delegations. A position may only be declared redundant by the approval of the Vice-Chancellor on the recommendation of the delegated officers; including the relevant Member of the Senior Executive and the Director Human Resources.

## **6. Policy Review**

The University may make changes to this Policy from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this Policy may forward their suggestions to the Human Resources Advisory Service.

## **7. Further Assistance**

Any staff member who requires assistance in understanding this Policy should first consult their nominated supervisor who is responsible for the implementation and operation of redeployment, redundancy and voluntary early retirement arrangements in their work area. Should further advice be required staff should contact the Human Resources Advisory Service, [HR@acu.edu.au](mailto:HR@acu.edu.au) or extension 4222.