



# **Blackall-Tambo** Regional Council

## **Redundancy Policy**

Policy Number: Admin 48	Effective Date: 25.01.2023
Version Number: 2	Review Date: 01.02.2026
Policy Compiled by: Human Resources Officer	
Policy Approved by: Chief Executive Officer	

### **1. PURPOSE**

Whilst Blackall Tambo Regional Council is committed to maintaining the secure and ongoing employment of permanent employees, it may be necessary in certain circumstances for Council to declare a position redundant for operational reasons. This policy sets out Council processes and redundancy entitlements, in the instance where a position is made redundant and where an employee is terminated by way of redundancy.

### **2. SCOPE**

This policy does not form part of any employee's contract of employment. The Policy is not intended to override the terms of any award, certified agreement or contract that applies to an employee.

This policy reflects the provisions of the *Industrial Relations Act 2016* (the Act) and the common provisions contained in the Local Government Awards. This policy does not override any more beneficial provision in an employee's contract of employment, including Local Government Awards and the Blackall Tambo Regional Council's Enterprise Bargaining Agreement, as applicable.

### **3. APPLICATION**

This policy applies to all permanent employees of Council.

### **4. REDUNDANCY**

A redundancy may occur where an employee's employment is terminated because Council no longer requires the employee's job be done by the employee or by anyone.

An employee is not entitled to redundancy pay if:

- The employee's employment is terminated because of the ordinary and customary turnover of labour;
- The employee is a casual employee;

Policy Number: Admin 48	Version number: Two	Adopted by Blackall-Tambo Regional Council	Page 1 of 5
-------------------------	------------------------	--------------------------------------------	-------------



- The employee's period of continuous service with Council is less than 1 year;
- The employee is employed for a fixed period, for a fixed task, or for the duration of a particular season;
- The employee is participating in a labour market program; or
- The employee is not covered by an applicable industrial instrument.

## 5. CONSULTATION

Where Council proposes to make an employee/s position redundant, Council shall consult with the employee/s directly affected and, where relevant, their union, prior to making a decision. For the purpose of the consultation, Council shall provide in writing to the employee/s concerned and, where relevant their union/s, all relevant information about the proposed redundancy and terminations including the reasons for the proposed redundancy and terminations, the number and categories of employees likely to be affected, the number of workers normally employed and the period over which the redundancies/ terminations are likely to be carried out.

Prior to making any decision to make an employee's position redundant and terminating their employment, Council will provide the employee with an opportunity to respond to the proposal and will carefully consider any information made available by the employee.

## 6. REDEPLOYMENT

Where an employee's position is declared redundant, Council will take reasonable steps to try and identify acceptable alternative employment for the employee within Council or in a subsidiary of Council, prior to considering termination. When assessing an acceptable position, Council may consider the following factors:

- Pay levels and entitlements/ benefits;
- Hours of work
- Nature/ type of employment;
- Employment status/ seniority;
- Skills and qualifications, including whether there is an offer to provide the necessary training for the Employee to acquire the necessary skills and/ or qualifications;
- Locations of new offered position and reasonableness of relocation if required; and
- Job security.

Where an alternative position is identified at a lower rate of pay, and the employee accepts transfer into the position, the employee's salary will be maintained for six (6) months or until the rate for the lower paid position equals or exceeds their previous rate, whichever is earlier.

Where the employee's salary is not to be maintained, the employee will be provided with the same period of notice of transfer to lower paid duties as the employee would have been entitled to if the employee's employment was terminated. At Council's discretion, Council may make payment in lieu thereof of an amount equal to the difference between the former amount the Council would have been liable to pay and the new lower amount the Council is liable to pay the employee for the number of weeks of notice still owing.



**7. VOLUNTARY REQUESTS**

Where a proposed organisational change may lead to a number of redundancies Council may decide to seek expressions of interest from employees to participate in a voluntary redundancy scheme. Voluntary redundancy schemes are strictly at the discretion of Council and may be used as a method to minimise the impacts of termination, via redundancy, on employees.

Where a voluntary redundancy scheme is implemented there is no requirement on Council to accept or approve applications. The Chief Executive Officer will maintain approval discretion with the objective of ensuring the retention of required skills, experience and competencies in the workforce.

**8. NOTICE PERIOD**

When terminating the employment of an employee by way of redundancy, Council will give the employee notice in accordance with the following table:

<b>Period of Continuous Service</b>	<b>Period of Notice</b>
Less than 1 year	1 week
1 year and less than 3 years	2 weeks
3 years and less than 5 years	3 weeks
5 years and over	4 weeks

In addition to the notice above, an employee over 45 years of age at the time of giving notice with at least two (2) years continuous service, shall be entitled to an additional week’s notice.

Council may elect to pay an employee in lieu of part or all of the notice period.

Where an employee, given notice of termination by way of redundancy, decides to terminate their employment during the period of notice, the employee is entitled to receive the benefits and payments they would have otherwise received had they remained in employment until expiry of the notice period. The employee will not be entitled to payment instead of notice in such circumstances.

**Time off during the notice period**

An employee will be entitled up to two (2) paid days off during the notice period to attend to financial affairs, job interviews or other job search activities.

If the employee has been allowed paid leave for more than one (1) day during the notice period, for the purpose of seeking other employment, the employee must, at the request of the Council, produce proof of attendance at an interview or risk payment for the time absent. For this purpose, a statutory declaration will be sufficient.

**9. ENTITLEMENT TO REDUNDANCY PAY**

A permanent employee, with more than 12 months’ continuous service, who is terminated by way of redundancy, will be entitled to severance pay in accordance with the following:



A severance benefit of two (2) week's pay per year of service and a proportionate amount for an incomplete year paid at the employee's ordinary time rate of pay. The minimum payment is four (4) week's pay; and the maximum is 52 weeks.

## **10. OTHER PAYMENTS**

### **Annual Leave**

Each employee shall be paid out any annual leave accrued but not yet taken, as at the date their employment terminates, plus any loadings which would otherwise have been paid on that leave. If the employee is paid in lieu of notice, the employee's annual leave will continue to accrue until the end of the notice period.

### **Long Service Leave**

Employees will be paid out any accrued or proportionate payment of long service leave, in accordance with the requirements stipulated under the *Industrial Relations Act 2016*. The employee's long service leave will continue to accrue until the end of the notice period.

## **11. TERMINATION PAYMENT**

An employee's termination payment will be made within five (5) days following the date of termination, unless otherwise informed. Council will pay the termination payment via electronic funds transfer into the employee's nominated bank account.

## **12. RE-DEPLOYMENT FOLLOWING REDUNDANCY**

It is a condition of accepting payment under this policy that no employee may be engaged in any capacity (permanent, casual, as an independent contractor, or through an agency) at Council for a period of twenty-six (26) weeks from the date of termination by way of redundancy.



### **13. CERTIFICATE OF SERVICE AND SEPARATION CERTIFICATE**

A certificate of service is available to an employee upon their request. A certificate of service will outline an employee's length of service and the position held by the employee during the employment. On termination of employment, Council will provide an employee with an Employment Separation Certificate in the form required by Centrelink.

### **14. RELEVANT INFORMATION**

*Industrial Relations Act 2016*  
*Local Government Act 2009*

### **15. DATE NEXT REVIEW DUE**

July 2026

### **16. CHANGES SINCE LAST REVISION**

### **17. RECORDS**

When completed and approved the original, signed hard copy of the policy is filed in the Master File.

Electronic copies are saved in the appropriately labelled folder in Magiq.