

TAFE –redundancy, redeployment, retrenchment and voluntary separation

This document is issued for general guidance only. It does not constitute professional advice. The issues with which it deals are complex and the document necessarily deals only with general principles. No reader should rely on this document for the purpose of making a decision as to action but should seek the appropriate advice from the Union on the particular circumstances of that reader. The Union accepts no responsibility for the consequences should any person act in reliance on this document without obtaining the appropriate advice from the Union.

Redundancy is applicable to permanent employees and occurs if there is no longer a viable funding source to warrant the retention of staff or the employee's position becomes surplus to requirements due to workplace change. In these circumstances, the institute may move to terminate the employee's employment.

Redeployment or "placement" offers you a (limited) opportunity to find another job elsewhere in TAFE Queensland or the public service. If you opt for redeployment, you are entitled to be paid your current salary (salary maintenance) while redeployment options (including transfer to a lower level position) are explored.

Retrenchment is the termination of employment of an employee whose position has become redundant and for whom redeployment has not proven to be a viable option.

Being identified as surplus to requirements

When TAFE Queensland decides it no longer wishes the job you have been doing to be done by anyone and this may lead to termination of employment, they are required to consult you and your Union. This consultation requires TAFE to provide, in writing, the reasons for the proposed termination and steps taken to avoid or minimise both the decision and the impact on you.

In the first instance, TAFE Queensland must proactively consider options to facilitate your immediate placement into a suitable alternative permanent role.

If you cannot be placed into an alternative permanent role, TAFE Queensland must advise you in writing that you have been designated as surplus and provide you with two calendar weeks to decide between:

(a) accepting a voluntary redundancy

(b) pursuing transfer and/or redeployment opportunities.

What should I do?

If you are facing redundancy, you should request written advice about your options from your institute.

Seek financial advice, especially if aged over 65, as tax concessions which apply to some severance packages do not apply to this age bracket.

If you believe that you have been incorrectly targeted for redundancy, you can launch dispute resolution procedures as per section 7 of the award (see below).

Seeking placement or redeployment

If you choose to continue to seek redeployment or placement elsewhere in the system, you will be afforded a period of three months of meaningful employment while options are explored. If TAFE has not been able to secure a transfer or redeployment within three months, it will conduct a review. If the review determines that all reasonable placement efforts have been undertaken and it is not appropriate to continue these efforts, you will be retrenched.

If you are considering redeployment, you need to be aware that redeployment options for TAFE employees, particularly those in the trades, can be quite limited, given that the skills base of trades teachers does not readily translate into employment opportunities in the broader public service. You should also consider the number of other displaced employees seeking deployment into a limited pool of vacancies.

If you are successfully redeployed, salary maintenance "at level" or as a top-up for a lower level salary can continue for a period of up to 12 months.

If you accept a temporary role for redeployment, your employer is obliged to offer you the training required in that position to assist you to develop the skills needed to be able to apply for the job on merit at the end of the 12-month deployment period.

How much is my retrenchment or voluntary redundancy payout?

If you are advised that your position has become redundant, you will be offered a voluntary redundancy package, which comprises:

- accrued recreation leave
- accrued long service leave (where eligible)
- payout of unused NAT (teachers and tutors)
- a severance payment of two weeks full-time pay per calendar year of service and a pro-rata amount for an incomplete year of service (minimum four weeks and maximum 52 weeks).

A voluntary redundancy package may include an incentive payment to exit on or by a specified date. This payment is \$6,500 or 12-weeks' pay, whichever is the greater (pro-rata for part-time employees). The incentive payment reduces by the equivalent of one week's pay for each week you delay leaving after the specified date.

If you are retrenched following exhaustion of options for redeployment, you will receive a payout which is the same as the voluntary redundancy payout but will not be eligible for the incentive payment of \$6,500 or 12-weeks' pay.

Voluntary separation

From time to time, the government will offer (selected) employees incentives to leave the public service, as a way of achieving cuts to staffing levels. Voluntary separation packages are usually more generous than redundancy packages.

If you are considering a voluntary separation package, you should seek independent financial advice.

Disputing identification for redundancy

Should you wish to appeal or dispute the identification of your position for redundancy or you believe you were unfairly targeted for redundancy because of some issue relating to you personally you would commence a grievance process. This process is outlined in Section 7.2 of the TAFE Queensland Award - State 2016.

A link to this award is found below. Examples of this type of dispute would include:

- TAFE did not act impartially or properly in making the decision to declare the position redundant
- the rules of natural justice were not applied
- the decision was discriminatory.

If you believe there was poor decision making and your position should not have been identified as redundant but this decision was not related to you personally, you would commence the dispute resolution process. This process is outlined at Section 7.1 of the TAFE Queensland Award - State 2016.

Further resources

TAFE Queensland Certified Agreement 2016

http://www.qirc.qld.gov.au/qirc/resources/pdf/certified_agreements/cert_agreements/2016/ca213_2016.pdf

TAFE Queensland Award – State 2016

http://www.qirc.qld.gov.au/qirc/resources/pdf/awards/t/tafe_queensland.pdf