

# Redundancy and Redeployment Procedure - Academic Staff (MPF1144)

## GOVERNING POLICY

This procedure is made under the Leaving the University Policy.

## SCOPE

This procedure applies to all continuing academic staff at the University.

## PROCEDURE

### 1. Grounds for redundancy

1.1 Where the dean determines that the employment of a continuing academic staff member is no longer required for economic, technological, structural or similar reasons, including:

- a decrease in student load in any academic course or subject or combination or mix of courses or subjects conducted on one or more campuses
- 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
- financial exigency within an organisational unit or cost centre
- changes in technology or work methods,

they will recommend to the Provost that the academic staff member's employment be terminated and cite the reasons.

### 2. Notice of redundancy

2.1 Where the Provost agrees to terminate the employment of an academic staff member, the Provost, through the local Human Resources representative, will formally notify in writing the academic staff member that their employment will terminate and the reasons for the termination.

- At the request of the academic staff member, the Provost will forward a copy of the notice of termination of employment to the academic staff member's representative.
- An academic staff member may act by way of a representative, but not a practicing barrister or solicitor, at any time during the implementation of this procedure, provided that the staff member notifies the University in writing of the appointment of such a representative.

2.2 The period of notice required to be given is based on scales of age and length of service as set out in Table 1.

**Table 1. Notice period – academic staff member**

Age of staff member	Basic notice period	Additional notice period
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45 year or over	22 weeks	3 weeks for each completed year of continuous service to a maximum notice period of 74 weeks
40 - 44 years	20 weeks	3 weeks for each completed year of continuous service to a maximum notice period of 74 weeks
Less than 40 years	18 weeks	3 weeks for each completed year of continuous service to a maximum notice period of 74 weeks

### 3. Working during the period of notice

3.1 An academic staff member who receives notice of the termination of employment under these procedures may apply to the dean to work out all or part of the relevant period of notice.

3.2 The dean will approve an academic staff member working out all or part of the relevant period of notice if there are suitable duties for the academic staff member to undertake that will result in sufficient work to occupy the time fraction on which the academic staff member is employed.

3.3 The work may be either work in which the academic staff member was previously engaged or work designed to retrain the academic staff member.

3.4 If the University has no work for the academic staff member, the academic staff member will receive a genuine redundancy payment equivalent to the unexpired portion of the notice period.

### 4. Transition period

4.1 An eight week transition period commences immediately upon written notification of termination being given to the academic staff member.

### 5. Election of separation options

5.1 The academic staff member must indicate to the dean within fourteen days from the commencement of the transition period which of the following options for separation they elect:

- early separation (see section 6 below)
- apply for a review of the decision to terminate
- apply for redeployment within the University.

5.2 Where an academic staff member elects early separation, the dean may accept the election of early separation. The dean will advise the Executive Director Human Resources of their decision.

5.3 Where an academic staff member elects to apply for a review, the academic staff member will advise the Vice-Chancellor who may accept the application for review.

5.4 Where an academic staff member elects to apply for redeployment, the academic staff member will advise the Executive Director Human Resources who may accept the application for redeployment.

## 6. Early separation

6.1 Where an academic staff member elects early separation, they will receive upon termination a genuine redundancy payment which will be calculated based on:

- the unexpired portion of the eight week transition period
- the balance of the notice period calculated using the formula in section 2.2 Table 1 and
- payment on a pro rata basis for long service leave.

6.2 All payments will be calculated on the academic staff member's salary at the date of cessation of employment.

## 7. Review

7.1 An academic staff member who receives notice that his or her position is declared redundant may apply to the Vice-Chancellor within fourteen days of receiving such notice for a review of the decision to terminate his or her employment on the grounds that:

- the University did not act fairly or properly in making the decision
- the rules of natural justice were not applied or
- the decision was discriminatory.

7.2 Upon receiving an application for review, the Vice-Chancellor will within seven days establish a Review Committee in accordance with the Review and Appeals Committee Procedure to investigate the process leading to the decision to terminate the employment. The Review Committee must be established and the matter referred to the Committee within 7 days of receipt of the referral.

7.3 The Review Committee will provide the academic staff member adequate opportunity to put forward a verbal or written submission relating to the process and will conduct the investigation in an expeditious and informal manner.

7.4 The Review Committee will determine, within no more than three (3) weeks after the referral, whether the University, in making the decision to terminate the academic staff member's employment, acted fairly, properly and in accordance with natural justice, including whether the decision was in any way discriminatory.

7.5 If the Review Committee is unable to complete its deliberation within three weeks, the Committee may apply to the Vice-Chancellor for an extension of time, putting forward the grounds for the extension and outlining the timeframe for making a determination.

7.6 Whilst the recommendations of the Review Committee are not binding on the University, the Review Committee will, after making a determination, make recommendations to the Vice-Chancellor who must take into account the findings of the Review Committee.

7.7 If the Review Committee determines that:

- the University acted fairly and properly, that the rules of natural justice were applied, and that the decision was not discriminatory, the Vice-Chancellor may

extend the timeframe for possible redeployment of the academic staff member by two weeks, if the academic staff member elects to be redeployed.

- the University did not act fairly or properly, that the rules of natural justice were not applied, or that the decision was discriminatory, the Vice-Chancellor may make a determination as to an appropriate further course of action and will take into account the findings of the Review Committee in so doing.

## 8. Redeployment

8.1 Where the academic staff member seeks redeployment, the Manager Staff Transition will provide the staff member and their representative with all relevant redeployment information and, taking into account the relevant skills, experience and work preferences of the academic staff member, will:

- examine options for retraining
- examine measures that could be taken to avoid termination
- arrange counselling for the academic staff member as required
- monitor all vacancies within the University and
- offer the academic staff member redeployment to a suitable vacant position where such a position exists.

8.2 An academic staff member who needs to update skills and experience to undertake the duties of the suitable vacant position, may take a reasonable amount of time to do so but this will not normally be greater than six months.

8.3 At the request of the academic staff member, Manager Staff Transition will consult with the academic staff member's representative when considering redeployment options.

8.4 Where the academic staff member unreasonably rejects an offer of redeployment to a suitable vacant position, the Vice-Chancellor may terminate their employment in accordance with the notice and severance provisions in Division 11 of Part 2-2 of the [Fair Work Act 2009](#) and the staff member will not receive the redundancy payment.

## 9. Failure of review or redeployment

9.1 Where the academic staff member elects redeployment or review and subsequently fails to be redeployed to a suitable vacant position, or fails in their review application, the academic staff member will, at the completion of the eight week transition period (or ten weeks, if the Vice-Chancellor extends the timeframe for redeployment), either:

- where it has been agreed that the academic staff member will work out his or her notice period, commence working out his or her period of notice or
- have his or her employment terminated.

9.2 The University will, on the termination of employment under section 9.1, pay to an academic staff member:

- a genuine redundancy payment equivalent to the notice period in Table 1
- long service leave on a pro rata basis.

9.3 All payments will be calculated on the academic staff member's salary (including fortnightly paid agreement-based allowances and loadings) at the date of cessation of employment.

## 10. Employment after redundancy

10.1 An academic staff member who has accepted a redundancy payment which attracts concessional tax treatment must not be re-employed in the same job.

10.2 At the time of the termination, there must be no agreement (including any informal arrangement) between the staff member and the University or the University and another person to employ the staff member after the termination date.

10.3 An "agreement" is defined in section 27A(1) of the [Income Tax Assessment Act 1936](#) to mean "any arrangement or understanding whether formal or informal, whether express or implied and whether or not enforceable, or intended to be enforceable, by legal proceedings."

## RELATED DOCUMENTS

- [Income Tax Assessment Act 1936](#)
- [Fair Work Act 2009](#)
- [University of Melbourne Collective Agreement 2010](#)
- Delegations Policy
- [Human Resources Delegations](#)
- [Leaving the University Policy](#)
- [Employment Types Procedure](#)
- [Flexible Work Arrangements Procedure](#)
- [Review and Appeals Committee Procedure](#)
- [Human Resources website](#)
- [Australian Taxation Office](#)

## DEFINITIONS

Suitable vacant position	A position at the same classification level of the staff member and for which the staff member has the skills and qualifications to undertake.
Same job	Includes a role that is identical to the role held by the staff member prior to termination of employment and any role that is substantially the same, involving similar duties to be performed within the same department at the same or similar classification level to the role held by the staff member prior to termination.

## RESPONSIBLE OFFICER

The Executive Director, Human Resources is responsible for the development, compliance monitoring and review of this procedure and any associated guidelines.

## IMPLEMENTATION OFFICER

The Director, HR Specialist Services is responsible for the promulgation and implementation of this procedure in accordance with the scope outlined above. Enquiries about interpretation of this procedure should be directed to the Implementation Officer.

## REVIEW

This procedure is to be reviewed by 28 February 2015.

## VERSION HISTORY

Version	Approved By	Approval Date	Effective Date	Sections Modified
1	Senior Vice Principal	21 August 2012	21 August 2012	New version arising from the Policy Simplification Project. Loaded into MPL as Version 1.