



**CATHOLIC EDUCATION**  
COMMISSION OF WESTERN AUSTRALIA

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|----------------------|---|
| Topic:               | <b>Termination of Services Staff Members - Redundancy</b> |
| Policy No:           | <b>2-C9</b>   |
| Policy Area:         | <b>Stewardship</b>  |
| Standing Committee:  | <b>School Personnel Committee</b>                         |
| Originally Released: | <b>1992</b>   |
| Date for Review:     | <b>2017</b>   |

## 1. Rationale

The Catholic Church has consistently advocated that work is one of the keys to building a just society (Rerum Novarum 1891, Centesimus Annus 1991). This is why the right to work has been central to the Church's teachings on social justice. Pope John Paul II in his encyclical *Laborem Exercens* 'On Human Work' (n.9) says 'that through work, paid or unpaid, a person achieves fulfilment as a human being and, in a sense, becomes more a human being.' Therefore, being deprived of meaningful work deprives the person of an important opportunity for self-expression, growth and development.

To advance the schools' mission it is acknowledged that periodically schools need to change, which may result in the consideration of the redundancy of a position(s), for the betterment of the operations of the school.

## 2. Definitions

- 2.1 The term redundancy refers to a situation where the employer has made a definite decision that they no longer wish the duties the staff member has been performing to be undertaken by anyone.
- 2.2 An employer includes an accountable officer, such as a principal or such other figure of authority delegated with the duty of employing and directing staff.
- 2.3 Except for requirements to consult and notify regarding change, reference to staff member does not apply to the following categories of employees for the purposes of this policy:
  - to staff members with less than one year's service;
  - to staff members engaged on a temporary basis or for a specified task or tasks; or
  - to casual staff members.
- 2.4 Redundancy provisions will not apply where employment is terminated as a consequence of serious misconduct that justifies dismissal without notice.

## 3. Scope

- 3.1 This policy applies to all Catholic schools in Western Australia.

## 4. Principles

- 4.1 All aspects of a redundancy process should give utmost consideration to the staff member(s) affected, recognising that a redundancy is a significant event in the employment relationship.
- 4.2 Redundancy refers to a position becoming genuinely redundant and not a staff member(s) themselves.
- 4.3 A staff member's position is considered redundant if:
- the decision that the position is no longer required is not due to the ordinary and customary turnover of labour;
  - termination of employment is not on account of any personal act or default of the staff member; or
  - termination of employment has resulted from enrolment decline, budgetary factors, a major change in the school's curriculum offerings, a re-structuring of the school's administration and support staff, the closure of the school, or any other genuine reason related to the betterment of the operations of the school.
- 4.4 A redundancy shall not be made by an employer seeking to terminate employment for other reasons, for example inefficiency or alleged incompetence or misconduct.

## **5. Procedures**

- 5.1 When it has been identified that decisions are to be made which may result in a reduction to the number of staff members employed in a school (either teaching or non-teaching), the Catholic Education Office, Employment and Community Relations Team shall be notified. Staff of the Catholic Education Office will help the employer implement procedures, including a redundancy plan, to help minimise potential disruption to the school and the affected staff member(s).
- 5.2 Before any action is taken to progress a redundancy, an employer shall allow time for the potentially affected staff member or other staff members, to explore alternatives including redeployment, retraining, leave without pay and changes to other structures.
- 5.3 The criteria for selecting the position to be declared redundant are based on the requirements, including educational requirements, of the school. Where there is more than one position of an identical or largely similar nature, a fair and equitable process is required to distinguish which staff member(s) will be made redundant.
- 5.4 It is a legislative requirement for the employer to hold discussions with the staff member and their industrial union/s, where nominated by the staff member. The discussions shall cover:
- reasons for the proposed redundancies;
  - measures being implemented to avoid or minimise the redundancies;
  - measures to mitigate any adverse effects of the redundancies on the staff members concerned;
  - the number and categories of staff members likely to be affected;
  - the number of staff members normally employed; and
  - the period over which any redundancies are to occur.
- 5.5 An employer is not required to disclose prejudicial information, the disclosure of which would be harmful to the employer's business undertaking or the employer's interests in the carrying on, or disposition of the business undertaking.
- 5.6 When the need for a redundancy has been identified, relevant staff members of the school shall be informed of the procedures adopted by the employer regarding the redundancy process so that staff in a similar department or in a related position are consulted.
- 5.7 Where an employer decides to initiate redundancies for 15 or more staff members due to economic, technological or structural reasons he/she they must advise Centrelink in writing before the terminations take place.

The following information needs to be provided:

- reasons for the terminations;
- number and categories of staff members likely to be affected; and
- when the terminations will occur.

An employer must not proceed until such time as Centrelink is informed.

- 5.8 The following minimum notice periods based on length of service apply to all staff members except in the case of those staff members whose relevant enterprise bargaining agreement provides a greater period of notice.

| <b>Staff Member's Period of continuous service</b> | <b>Period of Notice with the Current School Employer</b> |
|--|--|
| One year or less                                   | One Week   |
| One year but less than three years                 | Two Weeks  |
| Three years but less than five years               | Three Weeks  |
| Five years and over                                | Four Weeks   |

The period of notice is increased by one week if the staff member is over 45 years of age and has completed at least two years of continuous service with the employer.

Notification of termination of service of not less than three (3) months is to be given to teaching/non-teaching staff in the event the introduction of automation or other like technology has resulted in the redundancy.

- 5.9 It is hoped that as much notice as possible would be given to staff members and that positions would preferably be terminated at the end of the school year. If possible, an employer shall aim to provide at least a term's notice of a termination resulting from redundancy.
- 5.10 The following provision of severance pay is currently applicable in cases where no suitable alternative employment or options are available:

| <b>Period of Continuous Service</b>  | <b>Severance Pay</b>  |
|--------------------------------------|---|
| One year or less                     | Nil   |
| One year but less than two years     | four weeks pay  |
| Two years but less than three years  | six weeks pay   |
| Three years but less than four years | seven weeks pay   |
| Four years and over                  | two weeks pay per year of service to a maximum of 16 weeks. |

Note: A 'weeks pay' means the ordinary time rate of pay for the staff member concerned

- 5.11 Where a full time position is determined to be superfluous to school requirements and a part time position is subsequently created in its place, the full time position is deemed to be redundant and the part time position is classified as a new position. Where this occurs, the incumbent shall be offered the part time position and if accepted, redundancy provisions apply for the portion of the position made redundant.
- 5.12 A staff member who has been informed of a pending redundancy is entitled to paid leave of up to one day for the purpose of being interviewed for further employment. The staff member shall satisfy the employer that the leave is for the purpose of interview.
- 5.13 An employer shall consider further support options for affected employees, including providing access to the Employee Assistance Provider for counselling where appropriate.

## 6. References

Rerum Novarum, Encyclical of Pope Leo XIII on Capital and Labor, 1891

Pope John Paul II, *Centesimus Annus: Encyclical Letter to His Venerable Brother Bishops in the Episcopate The Priests and Deacons Families of Men and Women Religious All the Christian Faithful and to all Men and Women of Good Will on the Hundredth Anniversary of Rerum Novarum*, 1991

Pope John Paul II *Laborem Exercens: Encyclical Letter to His Venerable Brothers in the Episcopate to the Priests to the Religious Families to the sons and daughters of the Church and to all Men and Women of good will on Human Work on the ninetieth anniversary of Rerum Novarum*, 1981

## 7. Related Documents

Western Australian Industrial Relations Commission General Order 2005 WAIRC 01715

## 8. Review History

| Year of Review: | Reviewed by: | Amendments/Review   |
|-----------------|--------------|---------------------|
| 1992            | SPC          | Originally Released |
| 1995            | SPC          | Reviewed            |
| 1997            | SPC          | Reviewed            |
| 2002            | SPC          | Reviewed            |
| 2007            | SPC          | Reviewed            |
| 2010            | CEOWA        | Reformatted         |
| 2012            | SPC          | Reviewed            |

## 9. Next Review

| Year: | CEOWA Standing Committee Responsible |
|-------|--------------------------------------|
| 2017  | School Personnel Committee           |