

Staff Information Sheet – Redundancy Process

Introduction

A redundancy at a school occurs when the employer no longer requires a particular job to be done and this results in the termination of employment of one or more staff members. The redundancy process applies only to ongoing employees.

The redundancy process for the Victorian Catholic schools is set out in Appendix 2 of the [Victorian Catholic Education Multi Enterprise Agreement 2018 \(VCEMEA\)](#).

The redundancy process in the VCEMEA aims to:

- Avoid redundancies in Catholic schools
- Delay redundancies where avoidance is not possible
- Endeavour to assist those staff whose positions are declared redundant to find other suitable employment within Catholic education.

Where redundancies cannot be avoided, the redundancy process in the VCEMEA ensures a process that is fair and consistent to staff.

The redundancy process has six steps which are set out in Appendix 2 of the VCEMEA:

- (i) Redundancy identification (clause 3)
- (ii) Redundancy document (clause 4)
- (iii) Redundancy meeting (clause 5)
- (iv) Notifying the redundancy result (clause 6)
- (v) Assistance in re-deployment (clause 7)
- (vi) Variations and redundancy payment advice (clause 8)

A **flowchart** depicting the redundancy process is attached.

1. Step 1 – Redundancy identification

1.1 Identification

The first stage in the redundancy process is when the principal identifies that there is a potential redundancy situation due to a change in one or more of the following:

- program or curriculum
- organisation or structure
- funding
- enrolment decline
- technology.



Timing: Where a potential redundancy would take effect from the start of the following school year, the redundancy process generally commences early in term 3 of the current school year. However, the process may commence at any time during the year.

1.2 Notification of Potential Redundancy

As soon as a potential redundancy situation is identified, the principal will notify staff and the Independent Education Union Victoria Tasmania (**union**).

Affected staff will be provided with:

- the reasons for the potential redundancy situation
- access to the redundancy procedures in Appendix 2 of the [VCEMEA](#)
- a request for **staff intentions** for the following year (or other period as relevant).

Based on the information provided by staff in the Staff Intentions Form, it may be possible to resolve the redundancy situation through time fraction reductions, leave or voluntary redundancies.



Timing: You will be notified as soon as a potential redundancy situation is identified.

1.3 Attempt Resolution

The principal will explore avenues to avoid/delay redundancies, including the following:

- Consideration of staff intentions
- Voluntary redundancy requests. (The principal is not compelled to accept voluntary redundancy requests)
- Redeployment (at the school or elsewhere under the same employer) or retraining
- Reorganisation of duties
- Reductions in time fractions (the time fraction of a full-time staff member may only be reduced with the express agreement of that staff member)
- Seeking additional funding.



Timing: The principal will attempt resolution from the time the potential redundancy situation is identified.

2. Step 2 – Redundancy Document

If the potential redundancy situation cannot be resolved, the principal will prepare a **redundancy document** to be provided which contains the following confidential information:

- detailed reasons for the redundancy including relevant information on funding, staffing and enrolments
- number and categories of staff likely to be affected
- number of staff employed and details of their employment
- outline of alternatives investigated.

The **redundancy document** will form the basis of discussion for the redundancy meeting. The information contained in the redundancy document will help the principal and the union agree on the criteria that will be used to identify the staff member(s) that will be declared redundant.



Timing: The principal will provide the redundancy document to the union at least three working days before the redundancy meeting.

3. Step 3 – Redundancy Meeting

If the potential redundancy situation is not resolved, the principal will hold a **redundancy meeting** with the union to seek agreement on the criteria that will be used to identify the staff who will be declared redundant.

The purpose of the redundancy meeting is to reach agreement on the criteria to identify the staff who will be made redundant. The principal will nominate and prioritise the factors from clauses 5.4(i) and 5.4(ii) of Appendix 2 of the [VCEMEA](#) (outlined in the first two columns in the table below) in determining the staff member(s) to be declared redundant.

MUST USE	MAY USE	MUST NOT USE
<ul style="list-style-type: none"> • Needs of school • Work currently being performed that is no longer required • Positions that are required (ie school would need to employ new staff if those staff were declared redundant) 	<ul style="list-style-type: none"> • Current contract of employment, current duties • Curriculum programs • Experience, length of service, graduate status • Funding base for staff member • Qualifications, specialist expertise • Voluntary redundancy nomination • Previous redundancy history • Pastoral considerations 	<ul style="list-style-type: none"> • IEU representation/affiliation, employment activity, industrial activity • Sex, age, race, religious belief or activity, political belief or activity, physical features • Pregnancy, breastfeeding, carer status, parental status, absence from work on parental leave • Disability, temporary absence from work because of illness or injury • Lifestyle, marital status, sexual orientation, gender identity, lawful sexual activity • Personal association with a person with any of the above attributes • Performance, competence, suitability

It is unlawful to base the decision as to whose position is made redundant on any of the attributes covered by state and federal anti-discrimination laws, for example sex, age and pregnancy. The full list of attributes is included in the third column of the table above. This does not mean that a person with a particular attribute cannot have their position made redundant, only that the attribute must not be a factor in that decision.

Once there is agreement on the redundancy criteria, the principal must advise the union of the name(s) of the staff member(s) who will be made redundant.



Timing: The principal will arrange the redundancy meeting as soon as practicable after the principal has considered alternatives and concluded that the redundancy situation cannot be resolved.

4. Step 4 – Notifying the redundancy result

As soon as practicable after the redundancy meeting, the principal will:

- inform the relevant staff member(s) of the redundancies
- consider the staff member's response (if any) to the redundancy
- confirm the final decision regarding the redundancy in writing to the staff member
- provide the staff member with notice of termination (where there is no change to the redundancy result)
- confirm the redundancy in writing to the union.

Education support employees and school services officers are entitled to the following notice of termination.

Period of continuous service	45 years of age or less	Over 45 years of age
Less than 1 year	1 week	1 week
1 year but less than 3 years	2 weeks	3 weeks (more than 2 years' service)
3 years but less than 5 years	3 weeks	4 weeks
5 years and over	4 weeks	5 weeks

Teachers and deputy principals are entitled to the following notice of termination.

Period of continuous service	Notice
Less than 10 years in Catholic education and less than five years in their current school	7 weeks
10 or more years in Catholic education or 5 or more years in their current school	12 weeks (9 of which shall be working weeks)



Timing: The principal will notify the relevant staff member(s) as soon as practicable after the redundancy meeting.



Timing: The principal will send the confirmation of redundancy and the letter to the union within two weeks of the redundancy meeting.

5. Step 5 – Assistance in re-deployment

The principal will provide assistance to any staff member who has been made redundant, including the following:

- Where agreed, meet regularly with the staff member to discuss pastoral and professional issues
- Offer counselling
- With the agreement of the staff member, contact neighbouring schools for redeployment opportunities
- Provide paid leave to attend job interviews etc
- Offer leave without pay or other leave.

Leave Without Pay (LWOP)

The principal should advise the staff member that they are entitled to take LWOP for the following school year (or another period as appropriate) as a means of delaying and potentially avoiding the redundancy. The staff member may accept or reject this offer. If the staff member accepts the offer of LWOP, the principal should confirm this in writing with the staff member and notify the union.

If a suitable position becomes available during LWOP, the principal must notify the staff member. The staff member may elect to either accept the position immediately or continue on LWOP for the remainder of the period and accept the position at the conclusion of the LWOP (in which case the principal must keep the position open for the staff member).

If no position becomes available during the LWOP and there is no change to the redundancy situation, the principal should provide the staff member with notice that their employment will terminate by reason of redundancy at the end of the LWOP. The principal should also advise the union that the redundancy will proceed at the end of the LWOP.



Timing: The principal will provide assistance from the time the staff member is notified of redundancy until the end of their employment.

6. Step 6 – Variations and redundancy payment advice

If there is no resolution to the redundancy situation and the staff member's employment at the school/workplace has ended, the final step is for the principal to arrange the relevant payments to the staff member.

The redundancy payment is made no earlier than 15 days **after** the end of the staff member's employment.

If the employee commences employment with another employer in Catholic education within 15 working days of the date of termination because of redundancy then the employee is no longer eligible for the redundancy payment.

The redundancy payment is payment to the employee to take account of the loss of entitlements (including salary, long service leave and sick leave).

Redundancy payment entitlements

Period of continuous service	Under 45 years of age	45 years of age or over
Less than 1 year	Nil	Nil
1 year but less than 2 years	4 weeks' pay	5 weeks' pay
2 years but less than 3 years	7 weeks' pay	8.75 weeks' pay
3 years but less than 4 years	10 weeks' pay	12.5 weeks' pay
4 years but less than 5 years	12 weeks' pay	15 weeks' pay
5 years but less than 6 years	14 weeks' pay	17.5 weeks' pay
6 years and over	16 weeks' pay	20 weeks' pay
15 years and over	21 weeks' pay	25 weeks' pay



Timing: The redundancy payment is made no earlier than 15 days after the end of the staff member's employment.

7. Resources

Appendix 2 of the [Victorian Catholic Education Multi Enterprise Agreement 2013](#) (VCEMEA)

Overview of Redundancy Process

