

## 25. Employee Resignation, Termination and Redundancy Procedure

### Purpose

The purpose of this procedure is to outline the processes for the ending of employment at LSC&PH through resignation, termination or redundancy, either instigated by LSC&PH or the employee, and the necessary exit procedures.

### Scope

These Procedures apply to all employees at LSC&PH.

### Definitions

Abandonment of employment	<p>A situation where an employee is deemed to have repudiated their contract of employment through not attending for work and not notifying their supervisor as required.</p> <p>The absence must be for a minimum period of three consecutive work days and attempts must have been made by the supervisor to contact the employee.</p>
Employee	Any person employed by Lord Somers Camp and Power House.
Redundancy	<p>The situation where an employer no longer requires employees to carry out work of a particular kind or to carry out work of a particular kind at the same location. It refers to a job becoming redundant and not an employee becoming redundant. An employee's position is usually considered to be redundant if:</p> <ul style="list-style-type: none"> <li>• An employer has made a definite decision that the employer no longer wishes the job the employee has done to be done by anyone</li> <li>• That decision is not due to the ordinary and customary turnover of labour</li> <li>• That decision led to the employee's termination of employment</li> <li>• That termination is not on account of any personal act or default of the employee.</li> </ul>
Resignation	<p>Termination of employment initiated by the employee. That is, the employee voluntarily decides to end his/her employment and clearly communicates that decision to the employer.</p> <p>There are other forms of termination initiated by the employee. These</p>

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	include voluntary retirement, repudiation of the employment contract and abandonment of employment.
Termination	Termination of employment is the voluntary or involuntary ending of a contract of employment, which may be done by giving proper notice (resignation of employee, dismissal, or retrenchment by the employer), summarily due to the employee's misconduct, by frustration (e.g. frustration of contract, etc.), repudiation or abandonment of employment by an employee.

### Responsibilities

LSC&PH organisationally	<p>Ensure that:</p> <ul style="list-style-type: none"> <li>• All paperwork and documentation are completed to ensure that resigning or terminated staff receive their correct entitlements as soon as possible after the resignation or termination has taken place</li> <li>• The employee is treated fairly during the period of notice</li> <li>• All LSC&amp;PH property is accounted for at the completion of the notice period</li> <li>• Sufficient accruals are made to ensure that final payments can be made to the departing employee without creating a financial risk to the organisation</li> <li>• All cases of resignation are reviewed to ensure that learning is achieved from it and appropriate action is taken because of such learning; and</li> <li>• Where appropriate, resignations are accompanied by an exit interview.</li> </ul>
The departing employee	<p>Ensure that:</p> <ul style="list-style-type: none"> <li>• Required notice provisions and procedures relating to resignation are complied with</li> <li>• All LSC&amp;PH property is returned in good working order.</li> </ul>

### Procedures

#### Notice of termination by LSC&PH

All terminations, whether by redundancy or other reason, must be approved by the CEO. The termination

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of the CEO must be approved by the Board.

To end an employee's employment (also known as firing or terminating employment), an employer must give them written notice of their last day of employment.

An employer can give notice to the employee by:

- Delivering it personally
- Leaving it at the employee's last known address, or
- Sending it by pre-paid post to the employee's last known address.

Employment can be terminated during leave, but the correct amount of notice still needs to be given.

The National Employment Standards (NES) sets out:

- How much notice (if any) they have to give when they resign
- When an employer can withhold money if they don't give the minimum notice period.

Refer to the National Employment Standards [\(NES\)](#) for notice periods required.

If an employee's employment is ended while they're on probation, they still have to get or be paid out notice based on their length of service i.e. 1 week.

The period of notice does not apply:

- In the case of dismissal for serious misconduct
- To employees engaged for a specific time period or for a specific task or tasks
- To trainees whose employment under a traineeship agreement or an approved traineeship is for a specified period or is, for any other reason, limited to the duration of the agreement; or
- To casual employees.

### **Job search entitlement**

Where an employer has given notice of termination to an employee, an employee shall be allowed up to one day time off without loss of pay for the purpose of seeking other employment. The time off shall be taken at times that are convenient to the employee after consultation with the employer.

### **Payment in lieu of notice**

Payment in lieu of the prescribed notice must be made if the appropriate notice period is not required to be worked. The required amount of payment in lieu of notice must equal or exceed the total of all amounts that, if the employee's employment had continued until the end of the required period of

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notice, the employer would have become liable to pay to the employee because of the employment continuing during that period. That total must be calculated based on:

- The employee's ordinary hours of work (even if not standard hours); and
- The amounts ordinarily payable to the employee in respect of those hours, including (for example) allowances, loading and penalties; and
- Any other amounts payable under the employee's contract of employment.

Discretion rests with the CEO, in consultation with the Risk Committee, regarding any relaxation of the period of notice. Factors which may determine a decision to pay out a notice period include:

- The circumstances of the termination
- Previous work history
- Complexity of handover process

### Final Payments

- Termination payments will be made according to the Award and Fair Work Act. Advice from LSC&PH's employer advisor may also be sought as required.
- Employees should receive the following entitlements in their final pay:
  - any outstanding wages or other remuneration still owing
  - any pay in lieu of notice of termination
  - any accrued annual leave and long service leave entitlements
  - the balance of any time off instead of overtime (TOIL) that the employee has accrued but not yet taken
  - any redundancy pay or entitlements if the employees has been made redundant and is eligible.
- If an employee has taken leave in advance and their employment ends before they have accrued it all back, the employer can deduct the amount still owing from the employee's final pay.
- The CEO or their delegate will arrange for the Book Keeper to prepare a final payment at the completion of the notice period.
- No payment in lieu is to be made if the notice period is worked out.

### Accruals / provisions to cover termination payments

LSC&PH will factor termination and redundancy packages for employees into budgets and financials to ensure that the organisation is able to meet its responsibilities if programs or activities are not

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continued, or other factors result in terminations / redundancies.

### Exit Interview

Feedback from employees leaving the organisation can provide valuable information on their perception of LSC&PH and the way it is managed. During the notice period the exiting employee's supervisor will arrange for the employee to attend an exit interview, although this is not compulsory.

When all organisation property is returned to LSC&PH, the CEO will provide the exiting employee with a letter outlining Termination Entitlements and Statement of Service. It is the responsibility of the supervisor to ensure that all LSC&PH's property has been returned before the employee receives their final payment.

All final documentation must be returned to the office for filing in the employee's personnel file.

### Other relevant policies and procedures

- Misconduct Procedure

### Policy review

This Procedure will be reviewed every three years by the LSC&PH Risk Committee, or sooner if warranted by internal or external events or changes.

Changes to the Procedure will be recommended by the Risk Committee to the CEO.