

TEACHER AND EDUCATOR INFORMATION SHEET 5/2013

FREQUENTLY ASKED QUESTIONS

CHANGES TO THE REDEPLOYMENT AND REDUNDANCY PROVISIONS

This information relates to the proposal in the Commissioner for Public Employment's offer ('the offer') to review Schedule 2: 'Northern Territory Redeployment and Redundancy Provisions' of the [Northern Territory Public Sector Teacher and Educator 2010-2013 Enterprise Agreement](#).

Q1. Why is the redeployment and redundancy schedule being rewritten?

The existing redeployment and redundancy schedule ('the schedule') is convoluted, prescriptive, and in certain areas lacking clarity. These factors combined make it difficult to interpret and apply. This is acknowledged by all parties.

The offer for a new general NTPS enterprise agreement includes changes to the schedule to ensure it is contemporary and easier to understand. It also aims to align redeployment entitlements more closely with other jurisdictions, and to incorporate certain elements of the *Fair Work Act 2009* (Cth) ('FWA') provisions.

The offer also proposes that provisions dealing with redeployment and redundancy entitlements be retained within the body of the agreement.

Q2. What changes to entitlements are being proposed?

The offer includes a continued commitment to no forced redundancies and no job losses arising directly from the implementation of the new agreement. It also includes a continued commitment to offer voluntary redundancies (that includes a generous severance payments) to employees who are potentially surplus prior to declaring the employee formally redundant.

The offer proposes notice periods for employees who are formally declared redundant of 20 weeks or 40 weeks (40 weeks is for employees over the age of 45 years or with 20 years or more of service) up from the last offer of 4 or 6 months (17 weeks or 26 weeks). These periods are moderately shorter than the current periods in the agreement of 6 and 12 months.

While the proposed new notice periods are a reduction, they remain more generous overall when compared with the National Employment Standard minimum notice provisions, as specified in the FWA. See comparison table below.

Q3. Will there still be a focus on finding suitable employment for employees declared as potentially surplus (redeployees)?

Yes. The principles underpinning the objective to find redeployees suitable employment remain but have been written more clearly.

Q4. Will the current option for voluntary retrenchments remain?

Yes. Where alternative suitable employment cannot be found, and where the Commissioner considers it appropriate in the circumstances, a redeployee may be offered voluntary retrenchment which includes generous payment provisions. An employee who is potentially surplus must be offered and have refused a voluntary retrenchment before they can be declared formally redundant.

Q5. Have the voluntary retrenchment entitlements reduced?

No. The voluntary retrenchment payment (which is capped at 48 weeks salary depending on years of service) remain unchanged and is significantly more generous than the FWA provisions. See table in Q8.

Q6. Can there be an involuntary redundancy?

Not as a direct result of the cost of implementing the new agreement. However, through changes to work allocation and programs, agency restructuring and the like that occur from time to time, an employee may find that they may become potentially surplus to requirements; this has always been a possibility during the seven previous agreements.

In these cases the priority for the employer and employee is to find alternative employment at their level. If none can be found, the employer can and always has been able to declare an employee redundant but not before first offering them a voluntary retrenchment package which has generous redundancy payments.

Q7. Are there still provisions for income maintenance?

Yes. With the agreement of a redeployee, he/she may be transferred to a job that has a lower designation and salary and in such cases the redeployee is entitled to income maintenance that ensures no loss of salary. The period of income maintenance is linked to the notice of redundancy period, being 20 weeks, or 40 weeks where the employee has 20 or more years of service or is over the age of 45 years.

Q8. How does the Offer compare to the FWA minimum standard?

The NTPS Schedule significantly exceeds the overall FWA minimum standard as seen in the table below.

Fair Work Provision	NTPS Teacher & Educator Current Agreement Provision Voluntary Retrenchment	NTPS Teacher & Educator Offer Notice of Redundancy
Notice Period on Termination		
<i>Fair Work Act 2009</i> s117	Schedule 2 clause 4.2	Schedule 2 clause 5.3
Between 1 and 4 weeks* notice, dependent on dependent on service * plus an increase of an additional week where an employee is over 45 years old and has completed 2 years service	4 weeks notice (or 5 weeks where an employee is over 45 years old)	4 weeks notice (or 5 weeks where an employee is over 45 years old)
Redundancy Entitlements		
<i>Fair Work Act 2009</i> s119	Schedule 10 clause 4.4	Schedule 10 clause 5.2
Up to 16 weeks maximum redundancy payment, dependent on length of service.	Up to 48 week maximum retrenchment payment dependent on length service.	Up to a 40 weeks maximum notice of redundancy dependent on length service or age.

Q9. How can I put my views or suggestions forward for consideration?

You can have your say and become involved by providing feedback using the form found at http://www.enterpriseagreements.nt.gov.au/general_feedback/. Employees are also able to have input through their bargaining representatives. With more feedback, the employer and employee representatives will have a better understanding of your views, and where possible will use the information received to directly inform future developments in the bargaining process.

All feedback through the website will be considered and treated confidentially.