

TEACHER AND EDUCATOR INFORMATION SHEET 8/2013

[This document is an update of information sheet 5/2013]

FREQUENTLY ASKED QUESTIONS

CHANGES TO THE REDEPLOYMENT AND REDUNDANCY PROVISIONS

This document has been updated to take into account the revised offer of 19 November 2013.

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](#) ('the Schedule').

Q1. What changes are being made to the redeployment and redundancy entitlements?

No change to the current NTPS notice periods for employees who are formally declared redundant.

No change to the current requirement to invite employees to consider a voluntary redundancy (that includes generous severance payments) in the first instance prior to declaring an employee formally redundant and invoking notice periods.

The income maintenance provisions following termination due to redundancy have been removed as it is not considered appropriate that rights and obligations arising from an employment relationship continue beyond the termination of that relationship and the Commissioner would not allow such a situation to occur in any case.

Part A *Entitlements* will be rewritten under new Agreement Schedule 2: Redeployment and Redundancy Entitlements.

Part B *Procedures* will be rewritten and placed in an [Employment Instruction No. 14: Redeployment and Redundancy Procedures](#).

Q2. Why is the redeployment and redundancy schedule being rewritten?

The existing redeployment and redundancy 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) provisions.

The offer also proposes that provisions dealing with redeployment and redundancy entitlements be retained within the body of the agreement, while procedural provisions be put into an Employment Instruction.

Q3. Is the notice of redundancy period being reduced under the proposed agreement?

No. The notice period will remain as it is under the current agreement.

Q4. 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.

Q5. 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.

Q6. 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 26 weeks, or 52 weeks where the employee has 20 or more years of service or is over the age of 45 years. Provisions relating to the impact of personal leave in extending the income maintenance periods have been retained and clarified.