

### NTPS GENERAL BARGAINING INFORMATION SHEET 4/2013

## 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 10: 'Northern Territory Redeployment and Redundancy Provisions' of the [Northern Territory Public Sector 2010-2013 Enterprise Agreement](#) ('the Schedule'). This information is subject to ongoing bargaining.

#### **Q1. 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) ('FWA') provisions.

Also, the offer proposes that provisions dealing with redeployment and redundancy entitlements be retained within the body of the agreement, while procedural provisions be provided outside of it.

#### **Q2. 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.

#### **Q3. 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.

#### **Q4. 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.

#### **Q5. Can there be an involuntary redundancy?**

The current provisions allow an employee to be made redundant involuntarily however, this is only an option once the employee has been offered a voluntary retrenchment and has declined that offer. This has not changed.

**Q6. Have the notice periods for redundancies changed?**

Notice of redundancy occurs where an employee has been offered and has declined a voluntary retrenchment and instead chooses to work out a notice period before being terminated on redundancy grounds. Under the offer it is proposed to reduce the notice periods from 6 months to 17 weeks (4 months), or where the employee has 20 or more years service or is over the age of 45 years, from 12 months to 26 weeks (6 months). While the proposed new notice periods are a reduction, they remain very generous when compared with the National Employment Standard minimum notice provisions, as specified in the FWA. See comparison table below.

**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 17 weeks, or 26 weeks where the employee has 20 or more years of service or is over the age of 45.

**Q8. How does the NTPS Schedule 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 Voluntary Retrenchment	NTPS Notice of Redundancy
<b>Notice Period on Termination</b>		
<i>Fair Work Act 2009</i> s117	Schedule 10 clause 4.2	Schedule 10 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)
<b>Redundancy Entitlements</b>		
<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 26 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/](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.