



Australian Government

AFTRS

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AFTRS Limitations on the Engagement of Persons who have received a Redundancy Benefit

Responsible Officer	Director, Corporate Services
Contact Officer	Head of Human Resources
Authorisation	AFTRS Executive
Effective Date	21 st June 2010 Reviewed 25 th February 2011
Associated Documents	AFTRS Enterprise Agreement 2011 <i>Fair Work Act 2009</i>

1. Policy Name

The AFTRS Limitations on the Engagement of Persons who have received a Redundancy Benefit Policy.

2. Preamble

The basis of the redundancy process is that every reasonable attempt is made to redeploy an employee to other suitable duties within AFTRS prior to offering a redundancy.

Previously AFTRS policies were based on those in the Australian Public Service. In May 1996, to ensure that redundancies were only offered in legitimate cases, the re-employment within the Australian Public Service of people who had accepted an offer of voluntary retrenchment was limited for the 12 months following the end date of their employment. AFTRS adopted this policy.

The Australian Public Service has now amended its policy. While retaining the principles it has limited the restricted period to the “redundancy benefit period” rather than the previously applicable 12 months. AFTRS is now adopting a similar policy.

3. Policy Scope

This policy limits the re-engagement by AFTRS of employees who have received a redundancy benefit from AFTRS.

The restrictions in this policy apply to any person who has received a redundancy benefit from AFTRS under legislation, an Award, an Enterprise Agreement, an Australian Workplace Agreement, or a Common Law Contract.

4. Definitions

Redundancy Benefit means a severance payment (or similar payment) made to an employee on cessation of their employment and includes a payment made to an employee as a result of the shortening of a retention period.

Redundancy Benefit Period is the number of weeks and whole days pay received as a redundancy benefit. It is calculated by dividing the amount of the person's gross redundancy benefit by the person's weekly salary that was used to calculate the benefit. Payment of accrued entitlements and payment in lieu of notice of termination are not taken into account when calculating the redundancy benefit period.

5. Policy Statement

Under no circumstances may an employee who has received a redundancy benefit be re-engaged by AFTRS on an ongoing or fixed term basis during the redundancy benefit period.

If the Chief Executive Officer considers that the re-engagement of an employee during their redundancy benefit period is essential to AFTRS' operations they may be employed on a short term casual basis. An employee may also be re-engaged during their redundancy benefit period for "work readiness" related reasons (e.g. government approved schemes, requirement under a law of the Commonwealth). The delegation for approval is to remain with the Chief Executive Officer.

People whose employment is terminated at the end of a retention period and who do not receive any redundancy payment other than their National Employment Standards entitlement are not subject to a restriction on re-engagement.

6. Review

This policy will be reviewed as required by changes to legislation, regulations, agreements or Government guidelines.