

# Termination and Separation Policy

## 1 Purpose

**PLEASE NOTE: All human resource management policy instruments are currently under review to ensure alignment with the new Enterprise Agreement. Contact the People Portfolio for more information.**

To ensure the exit, termination and separation of Employees is managed efficiently and effectively, and in compliance with the provisions of the Enterprise Agreement, employment agreements and other relevant legislation.

## 2 Scope

This Policy applies to eligible Employees in applicable positions identified in the Procedures pursuant to this Policy, excluding Employees whose conditions of employment are covered by a written agreement or contract with the University in relation to:

- termination of employment through means such as:
  - resignation or retirement
  - death of an Employee
  - Abandonment of Employment
  - unsatisfactory performance
  - probationary employment
  - serious misconduct
  - ill health
- severance payments
- voluntary severance, redundancy and redeployment.

This Policy applies to all voluntarily exiting Employees in relation to participation in an exit survey or interview.

## 3 Policy Statement

The University will ensure that termination and separation of Employees is timely, fair and complies with the provisions of the Enterprise Agreement, employment agreements and other relevant legislation.

## 4 Principles

The University will provide a process for the effective termination or separation of Employees with appropriate consideration of organisational needs, whilst ensuring a transparent and fair process, the provision of associated entitlements, and clear communication of important and sensitive Information.

All Information relating to the termination of employment or separation of Employees will remain confidential to those involved in the process.

The University will provide an opportunity for all voluntarily terminating Employees to participate in a confidential exit survey or interview to discuss the organisation's strengths and weaknesses, provide feedback about their reasons for leaving and to assist with better understanding the variety of experiences of working at the University.

Supervisors are responsible for ensuring all University property of departing Employees is returned in good condition prior to the cessation date.

Separation or termination of employment will be managed in accordance with the requirements of relevant legislation and as specified in the relevant University Procedure.

### 4.1 Termination of employment

Termination of an Employee may be voluntary or involuntary.

Where termination is voluntary and initiated by the Employee, the Employee must indicate in writing their proposed date of termination, in accordance with relevant Notice periods.

Decisions made by the University to terminate the employment of an Employee will be made in accordance with the Enterprise Agreement. Where employment is terminated for valid reasons, the University will give an Employee Notice and/or compensation.

The process for managing the termination of employment and separation of Employees, together with Notice periods and compensation, is specified in the Termination Procedure and may be as a result of the following.

#### 4.1.1 Resignation or retirement

An Employee must put in writing their intention to resign or retire from the University, indicating the proposed date of separation, and provide the required Notice period in accordance with their

employment category. If an Employee fails to give the required Notice, the University may withhold salary or take legal action.

#### **4.1.2 Death**

In the event of the death of an Employee, the University will assist the Employee's immediate family, calculate and pay outstanding salary and leave entitlements, and advise the relevant superannuation fund.

#### **4.1.3 Abandonment of Employment**

Abandonment of Employment is considered termination of employment at the initiative of the Employee. The circumstances under which an Employee may be deemed to have abandoned their employment are set out in the Termination Procedure.

#### **4.1.4 Unsatisfactory performance**

The Vice-Chancellor may terminate employment due to an Employee's unsatisfactory performance in accordance with the provisions of the Termination Procedure and the Enterprise Agreement.

#### **4.1.5 Probationary employment**

If at any time during the probationary period:

- an Employee's progress is considered by the University to be unsatisfactory, or
- if the Employee is not satisfied with the position or the University,

either the Employee or the University may terminate the employment subject to giving of the appropriate Notice.

#### **4.1.6 Serious misconduct**

In accordance with the Termination Procedure and the Disciplinary Action for Misconduct or Serious Misconduct Procedure, the University may terminate without Notice the employment of an Employee found to have engaged in serious misconduct such that would make it unreasonable to require the University to continue employment during a period of Notice.

#### **4.1.7 Ill health**

The University may require an Employee whose capacity to perform the duties of their position is in doubt to undergo a medical examination by a medical practitioner chosen by the University at the expense of the University.

If the medical examination reveals that the Employee is unable to perform assigned duties and is unlikely to be able to resume them within 12 months, the University may offer the Employee the opportunity to resign, or where that is not accepted, terminate the employment. In instances where the Vice-Chancellor decides to terminate employment on the grounds of ill health the standard Notice period will apply.

## **4.2 Severance payments**

A terminating fixed-term Employee with more than twelve months continuous service, for a specific task or project, or research, is entitled to a severance payment calculated in accordance with their period of continuous service, provided specific conditions of eligibility are met as outlined in the Termination Procedure.

## **4.3 Voluntary severance, redundancy and redeployment**

Arrangements, Notice periods and benefits relating to voluntary severance, redundancy, early separation, review and redeployment are outlined in the Voluntary Severance, Redundancy and Redeployment Procedure.

Normally, where an Employee is notified under these provisions that their position is no longer required by the University, the Employee must not seek re-employment in either casual, fixed-term, or continuing modes for a minimum period of two years.

### **4.3.1 Substantial organisational change**

The University may review its structure and operations for reasons which may include, but are not limited to, reasons of an economic, technological, structural or similar nature:

- a decrease in Student load in any Employee program or Course, or combination or mix of programs or Courses, conducted on one or more campuses;
- a Decision to stop offering, or to vary the Employee content of any program or Course, or combination or mix of programs or Courses, conducted on one or more campuses;
- financial exigency within an organisational unit or cost centre; or
- changes in technology or work methods.

### **4.3.2 Consultation and notification**

Where one position is directly impacted by substantial organisational change, the University will consult directly with the impacted Employee and, where requested, their Nominated Representative. Where, after direct consultation, the impacted Employee acknowledges that their position is no longer required, the University will comply with the Enterprise Agreement.

Outcomes of the consultation process will be communicated to the Staff Consultative Committee and will include, but is not limited to, the implementation of the change as it relates to work, conditions and the impact on the Employee's team (where appropriate).

Where there is more than one position impacted by substantial organisational change, or where the impacted individual referenced above is of the view that their position is required, the University will consult in accordance with the Enterprise Agreement.

Where it is likely that a Decision in relation to substantial organisational change will result in one or more positions no longer being required, the University will consult with affected Employees, their Nominated Representative where requested, and the relevant Unions through the Staff Consultative Committee, prior to making the Decision.

### **4.3.3 Voluntary severance**

The University may call for expressions of interest from all Employees interested in taking voluntary severance. Where the University intends to call for expressions of interest, a period of at least two weeks' Notice will be provided to Employees, where practicable.

Where an Employee submits an application for voluntary severance which is accepted by the Vice-Chancellor, the Employee is entitled to a voluntary severance benefit payment, and payment for long service leave in proportion to the Employee's length of service with the University.

### **4.3.4 Redundancy and redeployment**

The University will notify an Employee and their Nominated Representative that their employment will terminate on the grounds of redundancy.

Where an Employee has received notification that their position is no longer required by the University, the Employee may apply to the Vice-Chancellor to seek redeployment to a suitable vacant position within the University, and/or a review of the Decision to terminate the employment, or receive a redundancy payment based on age, length of service and termination date.

## **5 References**

Nil.

## **6 Schedules**

This policy must be read in conjunction with its subordinate schedules as provided in the table below.

## 7 Policy Information

<b>Accountable Officer</b>	Deputy Vice-Chancellor (Enterprise Services)
<b>Responsible Officer</b>	Deputy Vice-Chancellor (Enterprise Services)
<b>Policy Type</b>	Executive Policy
<b>Policy Suite</b>	<a href="#">Exit Surveys or Interviews Procedure</a> <a href="#">Termination of Employment Procedure</a> <a href="#">Voluntary Severance, Redundancy and Redeployment Procedure</a>
<b>Subordinate Schedules</b>	
<b>Approved Date</b>	12/12/2018
<b>Effective Date</b>	3/4/2019
<b>Review Date</b>	3/4/2024
<b>Relevant Legislation</b>	<a href="#">Crime and Corruption Act 2001</a> <a href="#">Enterprise Agreement</a>
<b>Policy Exceptions</b>	<a href="#">Policy Exceptions Register</a>
<b>Related Policies</b>	<a href="#">Code of Conduct Policy</a> <a href="#">Performance Planning and Review Policy</a> <a href="#">Professional Development Policy</a> <a href="#">Recognition and Reward Policy</a>
<b>Related Procedures</b>	<a href="#">Disciplinary Action for Misconduct or Serious Misconduct Procedure</a> <a href="#">Employee Conflict of Interest Procedure</a>
<b>Related forms, publications and websites</b>	<a href="#">People Portfolio Website</a> <a href="#">Organisational Change Process</a>
<b>Definitions</b>	<b>Terms defined in the Definitions Dictionary</b> <a href="#">Course</a> <p>A discrete element of a program, normally undertaken over a single Study Period, in which the Student enrolls, and on completion of which the Student is awarded a grade.</p>

### [Decision](#)

A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University.

### [Employee](#)

A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

### [Information](#)

Any collection of data that is processed, analysed, interpreted, organised, classified or communicated in order to serve a useful purpose, present facts or represent knowledge in any medium or form. This includes presentation in electronic (digital), print, audio, video, image, graphical, cartographic, physical sample, textual or numerical form.

### [Notice](#)

A Notice from the University is a document, whether physical or electronic. A Notice may be: given by hand to the addressee or delivered to the address provided by the addressee to the University; or sent by registered or pre-paid mail to the address provided by the addressee to the University; or sent by electronic communication to the University-issued email account provided by the University to a Student during the period of Enrolment until the completion of their program; or sent by electronic communication to the email address provided to the University by an addressee not enrolled at the University. A Notice is taken to be received if: given by hand to the addressee or delivered to the address provided to the University by the addressee; or sent by registered or pre-paid mail - three University Business Days after the date of posting; or sent by electronic communication - at the time that would be the time of receipt under the Electronic Transactions Act 1999 or its succeeding legislation. A Notice that would be deemed to have been received out of business hours or on a non-University Business Day will instead be deemed received on the next University Business Day.

### [Policy](#)

A high level strategic directive that establishes a principle based approach on a subject. Policy is operationalised through Procedures

that give instructions and set out processes to implement a Policy.

### [Procedure](#)

An operational instruction that sets out the process to operationalise a Policy.

### [Student](#)

A person who is enrolled in a UniSQ Upskill Course or who is admitted to an Award Program or Non-Award Program offered by the University and is: currently enrolled in one or more Courses or study units; or not currently enrolled but is on an approved Leave of Absence or whose admission has not been cancelled.

### [University](#)

The term 'University' or 'UniSQ' means the University of Southern Queensland.

### [Enterprise Agreement](#)

University of Southern Queensland Enterprise Agreement 2023-2026.

## **Definitions that relate to this policy only**

### **Abandonment of Employment**

Where an Employee fails to attend work for a sustained period of time without authorisation or satisfactory explanation.

### **Nominated Representative**

Means in relation to an Employee, a person selected by the Employee to assist or represent the Employee. The person may be an officer or Employee of the relevant Union, or any other person chosen by the Employee. In relation to the University, it means a person selected by the University to assist or represent the University. The person may be an Employee of the University, or an officer or Employee of AHEIA, or any other person selected by the University. The Nominated Representative must not be a practising barrister or solicitor and must not present a Conflict of Interest.

### **Supervisor**

Any person responsible for leading the activities of others. In the context of this Policy, a Supervisor includes Employees at any classification level or title who have responsibilities for leading, managing or supervising work teams and/or individual Employees.



<b>Keywords</b>	Termination, Abandonment of Employment, unsatisfactory performance, probation, ill health, retire, fired, retirement, redundancy, redeployment, early separation, voluntary severance, voluntary separation, restructure, exit surveys, exit interviews, feedback
<b>Record No</b>	15/2858PL