



Externally Initiated Redundancy Policy

Date Adopted:	6 October 2015
Council or Corporate Procedure:	Council Policy
Responsible Division:	General Manager
Supporting documents, associated policies & forms of this procedure:	
References & Legislation:	Local Government Act 1993 (NSW)

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1 Background

With the introduction of the NSW State Government's *Fit for the Future* proposals local government throughout New South Wales is facing the threat of forced amalgamations.

Council and the Union covering the majority of employees within our Council, the United Services Union (USU), wish to restore some degree of certainty to all employees, whether USU members or not, by having in place, before and if any future proposed amalgamations or boundary changes take place, an agreed policy on staff conditions of employment and redundancy.

2 Purpose

To the extent allowed by law, Council wishes to embody a mechanism for protecting the employment security of all Leichhardt Council staff (other than a senior staff member who is employed under a Senior Officer or General Manager Contract as provided by the Office of Local Government) who may lose their position by reason of amalgamation or similar external action.

3 Definitions

Word/Term	Definition (with examples if required)
Act / LG Act	Local Government Act 1993 (NSW)
Award	Local Government (State) Award 2014
Employee	Any person employed by Leichhardt Municipal Council whether a member of a Union or not, other than a senior staff member who is employed under a Senior Officer or General Manager Contract as provided by the Office of Local Government
Externally Initiated Redundancy	Any redundancy of a member of Council's staff due to: <ol style="list-style-type: none">1. Forced amalgamation of Council with any other Local Government body;2. Forced removal of an area of Leichhardt Council to another Local Government body.
Proposal period	The period between the first transfer day of the former Council and ending on the following day to the newly constituted council (or as the Minister proposes).

4 Current Employment Protections & Preservation of Entitlements under Local Government Act 1993 (NSW)

4.1 Under Section 354D of the Act, it currently states;

354D Preservation of entitlements of staff members

(1) If a staff transfer occurs, the employment of:
(a) a transferred staff member, and

- (b) *in the case of a boundary alteration:*
 - (i) *a remaining staff member of the transferor council, and*
 - (ii) *an existing staff member of the transferee council,*

other than a senior staff member, continues on the same terms and conditions that applied to the staff member immediately before the transfer day, subject to section 354E.

This indicates that existing entitlements, for example grant days that Council staff currently have, will continue as per normal during any transition/proposal period from an amalgamation or boundary alteration.

4.2 Furthermore under Section 354F of the Act, it currently states;

354F No forced redundancy of non-senior staff members for 3 years after transfer

If a staff transfer occurs, the employment of:

- (a) *a transferred staff member, and*
- (b) *in the case of a boundary alteration:*
 - (i) *a remaining staff member of the transferor council, and*
 - (ii) *an existing staff member of the transferee council,*

other than a senior staff member, must not be terminated, without the staff member's agreement, within 3 years after the transfer day on the ground of redundancy arising from the staff transfer.

5 Proposed Employment Protections and Extension of Preservation Entitlements under this policy

- 5.1 In the event of an Externally Initiated Redundancy the above employment protection of three (3) years under Section 354F of the Act is extended by two (2) years to a total of five (5) years by this Policy.
- 5.2 This Policy does not alter any other employment conditions contained within the Act or the Award.

6 Version Control Table

Version Control	Date Effective	Approved By	Amendment
1	06/10/2015	Council	
2			