Position Abolition: Management of Employee Transfer, Redeployment and Redundancy Guidelines

Scope

WA Health manages all aspects of position abolition in accordance with the Public Sector Management Act (Redeployment and Redundancy) Regulations 1994. The directives of these regulations are applicable to all WA Health staff, in partnership with the conditions of the relevant award under which they are employed.

These guidelines may be used across WA Health, which incorporates the following entities:

• Department of Health

• Metropolitan Health Service

• WA Country Health Service

These guidelines should be read in conjunction with the WA Health Position Abolition: Management of Employee Transfer, Redeployment and Redundancy Policy, which can be accessed at:

Background

Decisions to abolish positions can be made at times of agency and departmental restructure. In such circumstances, the agency retains the responsibility of management of the affected employee, which may involve internal transfer, redeployment or redundancy. These guidelines provide a framework for management of position abolition, in line with the relevant legislation (including the Public Sector Management Act (Redeployment and Redundancy) Regulations 1994, Public Sector Management Redeployment and Redundancy Amendment Regulations 2006, the Industrial Relations Act 1979), government policy (Western Australian Industrial Relations Commission General Order – Termination, Change and Redundancy Entitlement to Public Sector Employees, Public Sector Code of Ethics) and employee awards.
As management of employee movement associated with position abolition is a complex and sensitive process, it is important that the division works closely with the associated Human Resources Branch (HR) to achieve an optimal outcome for all involved. Management contact with HR should be made as soon as the decision to abolish a position is being contemplated.

**Decision to abolish a position**

The decision to restructure WA Health (or Groups/Divisions within it) is made at the executive level involving the Director General of Health (DG), Tier 2 Officers, HR and other relevant parties. This may be initiated as a response to many factors, including a change in Government direction and work product requirements. Positions that are considered surplus to requirements under a new structure may be abolished.

A one-off decision to abolish a single position may also be made, if at any time it becomes evident that the work value of that position is no longer required or cost effective.

Issues of employee performance or misconduct are not suitable reasons for abolishing a position. Managers should refer to agency misconduct or performance management policies and guidelines in such circumstances.

Once it has been deemed within the agency’s best interest to abolish one or more positions, the Tier 2 Officer will submit in writing the reasons for the position abolition to the DG, for approval. With the appropriate approvals, the following actions will be addressed:

- The Manager will provide HR with a memo formally requesting the position abolition, including the position title and number, the effective date of abolition, details of the current occupant, with a copy of the executive approval for this action. HR will collaborate with Health Corporate Network (HCN) to manage the abolition of the position and will advise the Division when this action is complete.

- Executive/Management will work with HR to develop and action a plan to advise the affected employee/s of the abolition of their position. Employees must be advised in person, and provided with written confirmation, and openly consulted with throughout this process. This interaction must adhere to the principles of procedural fairness and natural justice. It is imperative that employees on long service leave, annual leave, maternity leave, sick leave, LWOP, secondment and workers’ compensation are kept informed of the restructure decision and activity.

- All relevant unions should be simultaneously advised by HR of the general restructure and position abolition plan at an appropriate stage of the planning process.
• HR will develop a general plan to case manage effected employees, that will outline timelines for the position abolition/restructure activity, the case management process, options for staff counselling and advice, and the roles and responsibilities of people involved. This plan will be available to all employees and relevant unions.

• HR will allocate a Case Manager to each affected employee. It is the role of the HR Case Manager to work with the employee and Division to achieve suitable employment or appropriate resolution within the capacity of guiding legislation and policies. The HR Case Manager is responsible for keeping an employee file, with all documents related to the position abolition and subsequent management.

• Appropriate levels of confidentiality should be maintained by all parties during the process.

Employee Transfer

• Where a decision is made to abolish a substantively filled position, the affected employee can be transferred to a position in the organisation at the same or equivalent level or classification (Public Sector Management (Redeployment and Redundancy) Regulations 1994, Part 2 r.5.1).

• This can either be a permanent placement or a trial period (which may lead to permanent placement). The HR Case Manager will maintain involvement where a trial period is undertaken, until permanent resolution is achieved.

• Upon successful completion of the employee transfer, HR will finalise all relevant documentation, and ensure the associated employee file is kept in line with the State Records Act 2000.

Employee Redeployment

• Where a surplus employee cannot be transferred within the organisation, they can be placed on the State redeployment register (as managed on the Recruitment Advertising Management System (RAMS)) with the approval of the DG and the Minister’s delegated authority (Public Sector Management (Redeployment and Redundancy) Regulations 1994, Part 4 r11). HR will finalise the relevant documentation (including the Registered Employee Profile form and copy of the employee’s current Curriculum Vitae) for this registration, in consultation with the Manager and the employee.

• While an employee is registered, it is the responsibility of the department to:
  o Continue to pay their salary (which will be costed to the directorate that the surplus employee was attached to) until they have found suitable employment,
Consider the employee’s interests in redeployment decision making (including employee career interests, medical issues, compassionate considerations and workplace location),

- Provide interim, meaningful work and a suitable work space, and
- Actively assist the employee in obtaining employment through the provision of training and support (which may incur additional costs).

- The employee is required to be pro-active in the process of seeking permanent employment. They do have the right to decline to apply for positions if they do not feel the job is suitable or they are not adequately skilled. However, under the *Public Sector Management (Redeployment and Redundancy) Regulations 1994*, there are consequences for an individual if they hinder or obstruct a suitable offer of redeployment into a position.

- The employee and HR Case Manager will work together to enhance the employee’s ‘job readiness’ (i.e. interview skills, Curriculum Vitae and written application standard), identify and apply for appropriate employment positions (via the redeployee function within RAMS), access relevant training opportunities, and generally manage the redeployment period. The HR Case Manager is responsible for ensuring the employee proceeds through the redeployment process with the necessary information, procedural fairness and opportunities for appropriate placement afforded them.

- WA Government positions are listed for redeployment consideration for three days on RAMS, prior to being openly advertised. Where a suitable position is identified through RAMS, the HR Case Manager can place a ‘hold’ on the position. The employee and HR Case Manager will discuss the suitability of the position, and decide if the employee will make a formal application for the position. If the employee does not choose to apply, the HR Case Manager will remove the ‘hold’ on the position.

- Where the employee wants to apply for the identified position, the HR Case Manager will manage this process through RAMS. The Advertising Agency will then provide the HR Case Manager with a report detailing their decision. If the employee is successful, they could be placed in a position in three ways:
  - **Permanent** - The HR Case Manager should advise the Manager, and assist with termination arrangements. The employee should formally lodge their resignation and submit the necessary HCN forms. HCN will liaise with the Advertising Agency and the employee’s WA Health Manager regarding the transfer of entitlements in accordance with Treasurer’s Instruction 520. The HR Case Manager will finalise all relevant documentation and ensure the associated employee file is kept in line with the *State Records Act 2000*. 

Trial – If parties are unsure of the employee’s suitability to the position, a trial period may be negotiated. If successful, the status will convert to a permanent placement, and tasks undertaken as outlined above. If not successful, the HR Case Manager will request written feedback from the trial agency, so that areas for improvement and/or issues that need addressing can be identified. The HR Case Manager and employee will continue to search for suitable employment.

Temporary basis – The employee may accept temporary positions if suitable. Upon completion, the employee will return to their position of meaningful interim work with the WA Health Division, until a permanent position is secured. The HR Case Manager should continue to look for suitable placements and inform the employee of any that arise while they are on the temporary placement.

RAMS must be updated by the HR Case Manager to reflect the employee’s status at all stages.

- The Public Sector Management (Redeployment and Redundancy) Regulations 1994 contain a provision relating to the placement of redeployees into positions that have a salary within 80% - 110% of the redeployee’s original salary. Further information on this can be sought from HR. Where a registered redeployee is placed into a position which has a lower rate of pay than his/her substantive position, the employing authority will maintain the payment of that higher rate for a period of 6 months after the day on which the registered employee begins employment. After the expiry of the 6 month period, the employee concerned will receive pay at the rate applicable to their new position.

- An employee will only be deregistered from the State redeployment register when a suitable permanent outcome is identified and completed.

Employee Redundancy (voluntary severance)

- HR will manage this process in line with Public Sector Commission directives. Any decision to offer a redundancy must be authorised by the Tier 2 Officer, and receive prior approval by the DG and the Minister’s delegated authority (Public Sector Management (Redeployment and Redundancy) Regulations 1994, Part 2 r.6.1).

- In usual circumstances, WA Health in-house funding is accessed to meet redundancy payments. There are some instances (e.g. Government instigated separations) where funding may be made available through the Department of Treasury and Finance (DTF). HR will ascertain if DTF funding is available and manage the application process.
With the decision to abolish a substantively filled position, there is no entitlement for an employee to opt for redundancy. This is an agency decision, which will only be made once thorough consideration has been undertaken and the offer of redundancy is the best option in meeting the agency’s needs.

The agency must make the decision to offer redundancy on the basis of:
  - Operational requirements (capacity to continue to meet service goals in light of the loss of the individual’s expertise),
  - Availability of funding, and
  - Approval from the Minister’s delegated authority.

Where the agency has determined it appropriate to offer voluntary redundancy as an option, HR will make the criteria available to employees. Individuals wishing to access this option, who fulfill the prescribed criteria, should submit their request in writing, to include assurances that this decision is totally voluntary (without coercion) and that they have sought financial advice. This request must be approved or declined by the employee’s Manager, and forwarded to the Tier 2 Officer and HR for final determination. HR will then forward this to the DG and Minister’s delegated authority for final approval. The Manager and HR will ensure that the employee is advised in person, and in writing, of this final decision.

All employees considering offers of voluntary redundancy need to be advised to obtain financial advice in relation to their post separation financial circumstances. GESB or other providers can be contacted to provide advice to public sector departments and employees on superannuation matters. Similarly the Australian Taxation Office can be contacted to provide advice on taxation issues.

The employee’s last day at work must be scheduled to fall within twelve weeks from the date that voluntary redundancy was approved. HR will negotiate this date, in consideration of the completion of work tasks, with the Manager and employee.

HCN will provide a calculation of the severance amount. The calculation for severance payment varies according to the instrument regulating employees (the award). Outstanding annual leave and long service leave is factored into this final payment amount.

Once the calculations are finalised and agreed to, the HR Case Manager will prepare the *Deed of Severance* for the employee to sign.

Any staff member who has accepted voluntary severance payments may not be re-employed in the Public Sector before the expiration of the number of weeks for which they have received the voluntary severance payment.
The HR Case Manager will finalise all relevant documentation and ensure the associated employee file is kept in line with the State Records Act 2000.

**Employee Assistance Program**

It is acknowledged that the ramifications of position abolition can be difficult for the affected employee. WA Health makes support available through the Employee Assistance Program. Information can be accessed at: [http://intranet.health.wa.gov.au/eap/home/](http://intranet.health.wa.gov.au/eap/home/)

**Grievance**

Any employee affected by position abolition, who is unhappy with the management of their situation may lodge a grievance. Details for lodging a grievance can be accessed at: [http://intranet.health.wa.gov.au/policies/doh_policy.cfm](http://intranet.health.wa.gov.au/policies/doh_policy.cfm)

**Record Keeping**

All aspects of position abolition, employee transfer, redeployment and redundancy must be documented and maintained in line with *State Records Act 2000*.

**Authority**

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<th>Dr Peter Flett, Director General</th>
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</tr>
<tr>
<td>Primary Contact:</td>
<td>Human Resources Branch, Business Unit Development Division</td>
</tr>
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