

REDUNDANCY

A redundancy occurs when an employer decides that a job or position is no longer required to be done by anyone. The key to a redundancy is the disappearance of a job or position.

The most common reason for redundancy is when a business restructures or reorganises its operations in such a way that a job is no longer required, or it is to be performed in a substantially different way.


When is a redundancy 'genuine'?  See Fair Work Act s. 389

To avoid a successful unfair dismissal claim, a redundancy must be 'genuine.' The Fair Work Act provides that for a redundancy to be genuine, three requirements must be satisfied:

an employee's position is no longer required to be performed by **anyone** because of changes in the **operational requirements** of the business;

the employer has complied with the **consultation** requirements in an applicable modern award or enterprise agreement; AND

it was not reasonable, in the circumstances, to give the employee another job within the business or an associated entity.

 **Note:** The test for genuine redundancy is not whether the work or duties of the employee is still being done, but whether the **job or position** previously performed by the employee still exists. The work or duties may be distributed to other positions or be **outsourced** to a third party and still be a case of genuine redundancy.

Changes in operational requirements

An employer will need to demonstrate the redundancy was due to changes in operational requirements. Some common examples of changes in the 'operational requirements' of a business are:

1. Restructure

Restructures are sometimes brought about by an external force. For example, an employer may lose a contract or a major client which, in turn, results in a decrease in work to be performed. An employer may also undertake the restructure process voluntarily to ensure the business is operating in the most efficient manner possible.

The restructure process examines and reviews the organisation's operations and requirements. A common outcome of the process is a finding that the organisation can no longer sustain the number of positions it currently has and the operational and financial reasons for this finding are identified.

From the restructure process the employer can identify:

- > the position(s) that are excess to requirements;
- > the employee(s) who will be affected; and
- > alternative options for these employees.

This process should not be rushed, and should be transparent to all affected staff (this may include other staff members who work with or in conjunction with the position(s) to be made redundant and those who may need to absorb additional duties).

This process should not be rushed, and should be transparent to all affected staff (this may include other staff members who work with or in conjunction with the position(s) to be made redundant).

2. Relocation of the business

Where a business decides to relocate its workplace, employees may be able to argue that there has been a material change to their position and, as a result, their job has been made redundant. Whether such an argument will be successful, however, will depend on a number of factors.

3. Sale of business

When a business is sold, all existing employment contracts must come to an end. This will usually amount to a dismissal by way of redundancy. However, if a purchaser decides to hire all existing employees and recognise their prior service with the seller, then this may not be a redundancy situation. Please contact the Workplace Relations Advice Line on (03) 8662 5222 for further advice regarding a sale of business (also known as a **transfer of business**).


4. Introduction of new technology

Where a job is no longer required to be performed by anyone because of the introduction of new technology, the position will most likely need to be made redundant.

Consultation Obligations

The obligation to consult employees about major workplace change - including redundancies - arises when a modern award or enterprise agreement applies to the employee. The consultation requirements usually include:

- > notifying the employees who may be affected by the proposed changes
- > providing employees with relevant information about the changes
- > discussing measures that may avert or minimise any negative effects on the employees; and
- > considering employees' ideas or suggestions about the changes.

 **Note:** Although there is no requirement to consult employees that are **not covered** by an award or enterprise agreement, it is still good practice to do so.

Example consultation clause in modern award

The clause below has been extracted from the Clerks – Private Sector Award 2010. However, employers should check their relevant award for any variations to this clause.

8. Consultation about major workplace change

8.1 If an employer makes a definite decision to make major changes in production, program, organisation, structure or technology that are likely to have significant effects on employees, the employer must:

- (a) give notice of the changes to all employees who may be affected by them and their representatives (if any); and
- (b) discuss with affected employees and their representatives (if any):

- (i) the introduction of the changes; and
- (ii) their likely effect on employees; and
- (iii) measures to avoid or reduce the adverse effects of the changes on employees; and

- (c) commence discussions as soon as practicable after a definite decision has been made.

8.2 For the purposes of the discussion under clause 8.1(b), the employer must give in writing to the affected employees and their representatives (if any) all relevant information about the changes including:

WORKPLACE RELATIONS > FACTSHEET AND CHECKLIST



- (a) *their nature; and*
- (b) *their expected effect on employees; and*
- (c) *any other matters likely to affect employees.*

8.3 *Clause 8.2 does not require an employer to disclose any confidential information if its disclosure would be contrary to the employer's interests.*

8.4 *The employer must promptly consider any matters raised by the employees or their representatives about the changes in the course of the discussion under clause 8.1(b).*

8.5 *In clause 8:*

significant effects, on employees, includes any of the following:

- (a) *termination of employment; or*
- (b) *major changes in the composition, operation or size of the employer's workforce or in the skills required; or*
- (c) *loss of, or reduction in, job or promotion opportunities; or*
- (d) *loss of, or reduction in, job tenure; or*
- (e) *alteration of hours of work; or*
- (f) *the need for employees to be retrained or transferred to other work or locations; or*
- (g) *job restructuring.*

8.6 *Where this award makes provision for alteration of any of the matters defined at clause 8.5, such alteration is taken not to have significant effect.*

Redeployment

The final requirement of a genuine redundancy is being able to demonstrate that there was no suitable alternative roles within the business (or an associated entity) into which the employee could reasonably be redeployed.

The question that must be asked is: would it have been reasonable, in all the circumstances, for the employee to be redeployed? Employers should consider:

- > the nature of any available alternative position(s);
- > the qualifications required to perform such a position(s);
- > the employee's skills, experience and qualifications; and
- > the location of the position in relation to the employee's residence.

There are many reasons as to why it would not be reasonable for an employee to be redeployed. For example, a small business may not have any available redeployment options. The redundant employee may also not have the required qualifications, skills or experience to perform another role within the business.

The risk of not offering an employee suitable redeployment where it exists is an unfair dismissal claim.

Redundancy (severance) pay  See Fair Work Act s. 119

Under the Fair Work Act, an employee may be entitled to a sum of money as compensation for being terminated by way of redundancy. This is known as redundancy (or 'severance') pay.

Based on the table below, the scale of redundancy pay depends on the years of continuous service the employee has spent with the business and it is calculated at the base rate of pay for ordinary hours worked. An employee's 'base rate of pay'

WORKPLACE RELATIONS

> FACTSHEET AND CHECKLIST

excludes bonuses, loadings, allowances, overtime and penalty rates, and any other 'separately identifiable amounts'.

Employee's period of continuous service with the employer	Redundancy pay period
At least 1 year but less than 2 years	4 weeks
At least 2 years but less than 3 years	6 weeks
At least 3 years but less than 4 years	7 weeks
At least 4 years but less than 5 years	8 weeks
At least 5 years but less than 6 years	10 weeks
At least 6 years but less than 7 years	11 weeks
At least 7 years but less than 8 years	13 weeks
At least 8 years but less than 9 years	14 weeks
At least 9 years but less than 10 years	16 weeks
At least 10 years *	12 weeks*

* There is a reduction in redundancy pay from 16 weeks to 12 weeks for employees with at least 10 years continuous service. This is because an employee is expected to receive the benefit of long service leave entitlements.

Does redundancy pay apply to all employees?  See Fair Work Act ss. 121 – 123.

There are a number of circumstances where redundancy pay is not applicable under the Fair Work Act. The following employees are not entitled to receive redundancy pay:

- > employees of a small business;
- > employees whose period of continuous service with an employer is less than 12 months;
- > employees engaged for a fixed term;
- > employees terminated for committing serious misconduct;
- > casual employees;
- > trainees engaged only for the length of the training agreement;
- > apprentices; and
- > an employee to whom an industry-specific redundancy scheme in a modern award applies

A **small business employer**, for the purpose of determining redundancy pay, is an employer who, at the time of redundancy, employs fewer than 15 employees. Included in this headcount are:

- > all permanent employees;
- > casual employees who are employed on a regular and systematic basis;
- > all permanent employees and regular casual employees in an associated entity; and
- > the employee being made redundant (and any other employee being made redundant at the time).

WORKPLACE RELATIONS > FACTSHEET AND CHECKLIST



Please call the Workplace Relations Advice Line on (03) 8662 5222 if you are unsure whether you must pay redundancy pay.

Is redundancy payable if an employee rejects an offer of suitable redeployment?  See Fair Work Act ss120

If an employer:

- > cannot pay the amount of redundancy pay specified (due to financial hardship, for example); **or**
- > the employee rejected an offer of acceptable alternative employment;

the employer may apply to the Fair Work Commission for permission to reduce the payment of redundancy pay to a specified amount (which may be nil).

Is redundancy pay payable in a transfer of business scenario?  See Fair Work Act s. 122

The Fair Work Act contains 'transfer of employment' provisions which apply when an employee transfers from one employer (the old employer) to another employer (the new employer) within a period of three months, and there is a transfer of business involved.

If the above conditions are satisfied, and the period of service with the old employer is recognised as service by the new employer for the purposes of entitlements under the Fair Work Act, the employee is not entitled to redundancy pay.

However, there are exceptions to this general rule. In circumstances where a new employer (not an associated entity of the old employer) decides to not recognise a transferring employee's previous service for the purposes of calculating redundancy pay, the old employer will be required to pay out the employee's redundancy pay (despite the employee remaining employed by the new employer).

In addition, an employee is not entitled to redundancy pay under the Fair Work Act in relation to the termination of their employment with the old employer if:

- > the employee rejects an offer of employment made by the new employer that:
 - o is on terms and conditions substantially similar to, and, on an overall basis, no less favourable than the employee's terms and conditions of employment with the old employer immediately before the termination; and
 - o recognises the employee's service with the old employer for the purposes of redundancy pay; and
 - o had the employee accepted the offer, there would have been a transfer of employment.

Variation of redundancy pay for other employment or incapacity to pay  See Fair Work Act s. 120

This section applies if:

(a) an employee is entitled to be paid an amount of redundancy pay by the employer because of section 119 (redundancy pay); and

(b) the employer:

- (i) obtains other acceptable employment for the employee; or
- (ii) cannot pay the amount.

WORKPLACE RELATIONS

> FACTSHEET AND CHECKLIST

On application by the employer, the FWC may determine that the amount of redundancy pay is reduced to a specified amount (which may be nil) that the FWC considers appropriate.

The amount of redundancy pay to which the employee is entitled under section 119 is the reduced amount specified in the determination.

Notice of termination  See Fair Work Act s. 117

When terminating an employee's employment, an employer must:

- > provide the employee with the minimum period of notice (see table below); **or**
- > pay the employee in lieu of such notice at the full rate of pay for the hours the employee would have worked had the employment continued until the end of the minimum notice period.

An employee's full rate of pay includes:

- > incentive-based payments and bonuses;
- > loadings
- > monetary allowances;
- > overtime or penalty rates; and
- > any other separately identifiable amounts.

Employee's period of continuous service with the employer	Period
Not more than 1 year	1 week
More than 1 year but not more than 3 years	2 weeks
More than 3 years but not more than 5 years	3 weeks
More than 5 years	4 weeks

Note: If an employee is over the age of 45, and has completed at least two (2) years of service with the employer, then an additional one (1) weeks' notice must be given.

Step-by-Step: the redundancy process

Step 1: Analysis

Ensure the position is *genuinely redundant*. A genuine redundancy occurs where a position is no longer required to be performed by anyone because of changes in the operational requirements of the business.

Ensure the employee is not going to be replaced in their position and that the redundancy is not being carried out because it's seen as a safer option than performance or conduct management.

Step 2: Explore alternatives

An employer should consider alternatives to redundancy such as:

- > reduction in casual staff numbers;
- > reduction in overtime worked;
- > alteration to rosters and/or opening hours (with the agreement of employees)
- > possible job sharing arrangements (with the agreement of employees);
- > a temporary decrease in working hours for a pre-determined period of time (by agreement of the employees);
- > requesting employees to take outstanding annual leave or long service leave (with agreement and with appropriate notice);
- > requesting employees to take unpaid leave (with agreement and with appropriate notice); and
- > any other method that may mitigate against an employee being terminated from employment.

The employer must consider the employee's contract of employment before altering working arrangements. This is because when an employee's working arrangements are altered it is effectively an alteration of their employment contract and the change therefore requires the consent of the employee.

Step 3: Communication and consultation

Having determined that a position is genuinely redundant, the employer should communicate and consult with affected employees (and their union representatives, if requested by the employee).

a. Provide notification in writing

Provide a letter to employees advising of the proposed operational changes as soon as practicable, including:

- o the nature of the proposed changes; and
- o the expected effects of the changes on employees (ie. possible redundancy)

b. Discuss the changes with employees (and their representatives)

Discuss, in person, the proposed operational changes raised in the letter.

Ideally, the employer will also communicate the following information:

- o the reasons leading up to the declaration of redundant positions, that is, the reasons why the redundant positions have been identified;
- o possible measures to avert or mitigate the redundancies; and
- o the criteria to be used for redundancy if a determination needs to be made between employees doing the same job (for example, making 2 out of 5 of the same positions redundant).

c. Consider the employee's response

WORKPLACE RELATIONS

> FACTSHEET AND CHECKLIST



Adjourn the meeting (for as long as is required) to consider matters raised by the employees about the operational changes. (An employee may, for example, have asked if any part-time work positions were available elsewhere in the business.)

d. Make your decision

Hold another meeting with affected employee(s) and inform them of the outcome of your consideration.

Step 4: Notice

Provide the employee with the required notice of termination. An employee can be asked to work out their period of notice or they can be directed to “finish up” immediately and the notice can be paid out (known as pay in lieu of notice).

Step 5: Redundancy pay

Provide the employee with the required redundancy pay (if necessary).

Step 6: Other termination pay entitlements

As well as redundancy pay and pay in lieu of notice, an employee is also entitled to receive the following entitlements in their final pay:

- outstanding wages;
- any accrued unused annual leave; and
- any long service leave (if applicable)

In Victoria, the entitlement to pro-rata long service leave on termination of employment arises after seven (7) years of continuous employment with one employer. This may be different in other jurisdictions. Please call the Workplace Relations Advice Line on (03) 8662 5222 if you are unsure whether long service leave is payable.

Personal leave is **not** paid out on termination (unless stated in the employee’s award or enterprise agreement).

Step 7: Notify Centrelink and the union See Fair Work Act ss. 530-531, 785

An employer that decides to dismiss **15 or more employees** for economic, technological, structural or similar reasons must notify the following organisations as soon as possible about the proposed terminations and **before** actually dismissing the employees:

- the relevant union (if any); and
- Centrelink

The Notification to Centrelink of Proposed Dismissals form (Attachment 2 below) must be submitted to Centrelink’s business contact centre, the National Business Gateway.

Submit the form by:

- email to national.business.gateway@humanservices.gov.au or fax to 132 115

Frequently Asked Questions

What are the potential risks of making an employee redundant?

WORKPLACE RELATIONS

> FACTSHEET AND CHECKLIST



If a redundancy is **not genuine** then a business may be exposed to a successful unfair dismissal or adverse action claim. As discussed above, a redundancy is genuine if a position no longer exists; a consultation process was undertaken; and redeployment options were explored.

Employers should not manipulate the redundancy process to conceal the real reason for dismissal which may, for example, be performance related.

Whilst a business cannot prevent an employee from lodging a claim for unfair dismissal or adverse action, it can put itself in a good position to defend itself against such a claim. It is important to have a clear and transparent documentary trail demonstrating the communication and consultation undertaken with employees and the basis upon which selection for redundancy was completed.

The best defence to any potential claim arising from redundancy is to ensure that any decisions are based on objective grounds that can be easily demonstrated both during and after the redundancy process.

Can an employee on sick or annual leave be made redundant?

A business cannot dismiss an employee if his or her selection for redundancy was based on grounds relating to absence on leave. An employee is protected from dismissal under the Fair Work for exercising a workplace right such as taking annual or sick leave.

If the taking of leave has nothing to do with an employee's selection for redundancy, the employee must nevertheless be consulted about the workplace change, preferably **in person**. This cannot be done if an employee is on holiday or is sick.

Also, the courts have held an employer cannot give notice of termination to an employee who is **already on approved leave** because to do so would deprive the employee of their rights to paid leave.

For these reasons, making an employee redundant whilst on sick or annual leave is **not recommended**.

If an employee commenced employment prior to 2010, how does that affect their redundancy pay?

Service *may* not apply retrospectively – if no entitlement existed to redundancy pay prior to 1 January 2010 (for example, in an award/ enterprise agreement/ employment contract), then service prior to that date will not count for the purposes of redundancy pay in the NES.

If there was redundancy provisions in an award/enterprise agreement/employment contract prior to 1 January 2010, then the entire period of employment is counted for the purposes of redundancy pay in the NES.

The redundancy payment table outlines the entitlements as per the FW Act. In addition, there may also be other award, policy or contractual obligations which provide for greater benefits than those outlined in the NES.

Can an employee on parental leave be made redundant?

Employees on parental leave do not have any special protection from being made redundant, but a business cannot dismiss an employee if his or her selection for redundancy was based on grounds relating to absence on parental leave.

The Fair Work Act prohibits the termination of an employee because:

- of family or caring responsibilities;
- they are pregnant; or
- they are on parental leave.

WORKPLACE RELATIONS

> FACTSHEET AND CHECKLIST

Terminating an employee for these reasons would be an unfair or unlawful dismissal.

Employers have a **legal obligation to consult** employees on parental leave about proposed redundancies (section 83 of the FW Act). Preferably, this discussion should occur in person and not over the phone. An employee being considered for redundancy must be consulted as soon as possible and not when the employee comes back to work from parental leave.

It is important for employers to be clear and transparent when determining which position(s) are selected for redundancy and why some employees in a team are chosen over others. Employers should select who is to be made redundant using an objective selection process.

An example selection matrix is attached to this guide (see Attachment 1).



Note: Dismissing an employee on parental leave can pose risks to business. Please call the Workplace Relations Advice Line on (03) 8662 5222 for advice before proceeding with any redundancy.

When selecting employees for redundancy, what criteria should be applied?

When more than one employee is doing the same job, the question is: which employee(s) should be selected for redundancy? When going through a selection process to determine which employee(s) to make redundant, the criteria used should be objective, non-discriminatory and measurable. Subjective criteria (for example, 'trust', 'credibility' or 'company values') are unreliable measurements as they may imply a different meaning depending on the manager or supervisor.

Typical objective criteria include:

- > Disciplinary record;
- > Skills and experience;
- > Performance, behaviour and attitude; and
- > Customer feedback (if applicable).

When drafting selection criteria, the Victorian Chamber of Commerce and Industry recommends:

- > using objective criteria that are known by employees in advance (eg. company policy);
- > applying the criteria in a consistent and impartial manner to all employees. Difficulties generally arise when a business targets an individual employee and fits the criteria to the desired outcome (such application of criteria is unfair and may be held unlawful in some circumstances);
- > where performance-based criteria are used, this should be cross checked to ensure scoring is standardised across the workplace;
- > where attendance records are used, ensure only lateness or unauthorised absence is taken in to account. An employee cannot be discriminated against for taking authorised leave (sick and annual leave, for example)



Note: For an example **Selection Criteria Matrix** please see Attachment 1 below.

REDUNDANCY CHECKLIST

Sequence of tasks		
Preliminary steps — Prior to making a definite decision to make a position redundant		
1.	Assess the motivating reasons for the redundancy. Consider whether the reason for the redundancy would amount to a genuine redundancy.	<input type="checkbox"/>
2.	Do you no longer wish the job to be performed by anyone because of changes in the operational requirements of your enterprise or due to insolvency or bankruptcy?	<input type="checkbox"/>
3.	Are there reasons of an economic, technological, structural nature that necessitates a restructure of the business? Obtain data to support those reasons.	<input type="checkbox"/>
4.	Consider alternatives to redundancy, such as transfers, retraining or redeployment (within the employer's enterprise or the enterprise of an associated entity of the employer).	<input type="checkbox"/>
5.	Do you still need to consider redundancies?	<input type="checkbox"/>
Selection of employee to retrench		
6.	Select employees for redundancy, in a fair and non-discriminatory way.	<input type="checkbox"/>
7.	Identify employees for redundancy by objective selection criteria which are applied consistently to employees whose position may be made redundant. Relevant factors may include a consideration of an employee's: <ul style="list-style-type: none"> (i) qualifications (ii) skill set (iii) experience (iv) performance 	<input type="checkbox"/>
Consultation		
8.	Consider obligations contained in awards, agreements, contracts, legislation and employer policies that mandate consultation and notification with employee(s) and/or unions about the proposed redundancies before they take effect.	<input type="checkbox"/>
9.	Consider whether you are obliged to, or will elect to offer voluntary redundancies.	<input type="checkbox"/>
10.	Discuss re-deployment opportunities with employees.	<input type="checkbox"/>
11.	Comply with obligations in awards, agreements, contracts and legislation.	<input type="checkbox"/>
12.	Notify affected employee(s) and relevant unions (where required) of impending redundancies.	<input type="checkbox"/>

WORKPLACE RELATIONS

> FACTSHEET AND CHECKLIST



13.	Ensure affected employee(s) understand the genuine operational reasons for the impending redundancies.	<input type="checkbox"/>
14.	Notify the employee of his/her redundancy and final date of employment in writing.	<input type="checkbox"/>
Entitlements		
15.	Identify any entitlement to redundancy/severance pay an employee might have under an applicable award or agreement, contract of employment, employer policy or legislation.	<input type="checkbox"/>
16.	Consider whether there are exclusions from paying redundancy pay under the applicable award or agreement, contract of employment, employer policy or legislation.	<input type="checkbox"/>
17.	Discuss with an accountant or tax adviser any applicable tax free components of the redundancy/severance payments.	<input type="checkbox"/>
18.	Consider whether you will offer additional severance payments to employees above their legal entitlements. If so consider using a Deed of Release.	<input type="checkbox"/>
19.	Check applicable award or agreement, contract of employment and legislation for minimum notice periods. Comply with these notice periods.	<input type="checkbox"/>
20.	Calculate termination entitlements.	<input type="checkbox"/>
General		
21.	Notify other parties affected by the redundancy, eg employee's superannuation fund, workers' compensation and other insurers (where relevant), other employees and managers, payroll, key customers etc.	<input type="checkbox"/>
22.	Issue an employment separation certificate.	<input type="checkbox"/>
23.	Check the applicable award, agreement or contract of employment, employer policies and legislation to see whether you must issue a statement of service.	<input type="checkbox"/>
24.	Notify Centrelink where a decision has been made to terminate the employment of 15 or more employees for reasons of an economic, technological, structural or similar nature before termination.	<input type="checkbox"/>
25.	Arrange the return of any property of the employer which is in the employee's custody, possession or control (eg company vehicle, mobile phone, laptop, business cards, office keys, security passes etc). Also, change any passwords and other security measures, which would allow the employee in question to continue to gain access to the business or its computer network.	<input type="checkbox"/>

WORKPLACE RELATIONS

> FACTSHEET AND CHECKLIST



Attachment 1: Selection Criteria Matrix (example)

Employee Name: _____

Date: _____

Category	Weight	Criteria	Rating	Score Score x Weight
Job Knowledge	x2	Operates flexibly across a range of functions		
	x2	Demonstrates competence in standard tasks		
	x2	Demonstrates a readiness and capacity to learn new skills		
Supervision	x1	Works independently without constant supervision.		
	x1	Responds appropriately to directions		
Communication Skills	x1	Communicates with other personnel in both the written and spoken word		
OHS Issues	x1	Complies with company policies and/or safe work practices		
Quality	x2	Demonstrates an understanding and acceptance of the need for quality control		
	x2	Demonstrates an understanding of the importance of meeting the needs of internal and external customers		
Teamwork	x2	Demonstrates a willingness to assist and cooperate with others		

Total Score _____

Ratings: Consistently Exceeds Expectations (3)
 Meets Expectations (2)
 Needs Improvement (0)
 Not Applicable (NA)

Other relevant factors: (e.g. special skills, discipline record)

Comments offered by employee:

Manager/Supervisor _____

Date _____

WORKPLACE RELATIONS > FACTSHEET AND CHECKLIST



Attachment 2: Notice to Centrelink of proposed dismissals

NOTICE TO THE DEPARTMENT OF HUMAN SERVICES OF PROPOSED DISMISSALS

TO: CHIEF EXECUTIVE CENTRELINK

I, full name of employer or person completing notice on behalf of employer, the position held of name of employer of person completing notice, give notice, under subsection 530(1) of the Fair Work Act 2009, that name of employer ABN proposes to dismiss the employment of 15 or more of its employees for the following reasons:

[Set out reasons for proposed dismissals. Reasons may be of an economic, technological, structural or similar nature, or for other reasons (please provide the reasons).]

NB: Please ensure this document remains in Microsoft Word format for Centrelink

Details we need from you	Your details
Dated	Click here to enter a date
Name	Full name
Signature (Digital Signature accepted)	X _____
Position	Your position
Contact number	Please provide the best contact number to discuss this notice
Contact email address	Please provide the best contact email to discuss this notice
Retrenchment Start Date/Proposed future date	Click here to enter a date
Do you require the services of a Financial Information Services officer?	Please select from drop down menu

Use this table to enter the details of employees being dismissed

Category - please specify (Full or part time) use a different line for each	Address including postcode and State	Job title	Number of employees
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text

WORKPLACE RELATIONS > FACTSHEET AND CHECKLIST



Category - please specify (Full or part time) use a different line for each	Address including postcode and State	Job title	Number of employees
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text
Choose full time or part time	Click here to enter text	Click here to enter text	Click here to enter text

Your privacy

Your personal information is protected by law, including the *Privacy Act 1988*, and is collected by the Australian Government Department of Human Services for the assessment and administration of payments and services.

Your information may be used by the department or given to other parties for the purposes of research, investigation or where you have agreed or it is required or authorised by law.

You can get more information about the way in which the Department of Human Services will manage your personal information, including our privacy policy at humanservices.gov.au/privacy or by requesting a copy from the department.

For privacy reasons, it is important that you **do not** provide any attachments or information that identifies employees by name.

This is a notice to the Chief Executive Centrelink.

WORKPLACE RELATIONS > FACTSHEET AND CHECKLIST



Submitting this form

Before you submit this form, please save it to your computer. Please name the file: *[name of employer completing notice]-notice-to-dhs-of-proposed-dismissals*

Ensure all the details in the form are correct before submitting.

Please return this form by email to national.business.gateway@humanservices.gov.au

You can also return it by fax to **132 115**.

If you need any assistance in completing the above notification, please contact the National Business Gateway on **131 158**.

Contacting the Victorian Chamber of Commerce and Industry

The Victorian Chamber's team of experienced workplace relations advisors can assist members with a range of employment, human resources and industrial relations issues.

There have been numerous incidences where the Victorian Chamber has saved a business considerable time and money by assisting in the redundancy process. Restructures leading to redundancies can be a complex area of workplace relations, and there are a number of potential risks for employers to be aware of. In the context of a redundancy strategy, employees may still claim an entitlement to severance payments or be able to bring a discrimination claim against their employer, even if they remain employed in a post-restructure position, which makes this area especially problematic.

We highly recommend you consider seeking assistance in determining a restructure strategy that ensures, as far as possible, that the process is dealt with in accordance with the legislative requirements.

Our experienced workplace relations consultants can also provide assistance to both members and non-members on a range of more complex matters for a fee-for-service. The consultants can, among other things, provide training to employees, conduct investigations and provide representation at proceedings at the Fair Work Commission.

For assistance or more information, please contact the Workplace Relations Advice Line on **(03) 8662 5222**.

Disclaimer

The information contained in this document has been prepared by the Victorian Chamber of Commerce and Industry in this format for the convenience and benefit of its members and is provided as a source of information only. The Victorian Chamber does not accept responsibility for the accuracy of the information or its relevance or applicability in particular circumstances. The information does not constitute, and should not be relied on, as legal or other professional advice about the content and does not reflect the opinion of the Victorian Chamber, its employees or agents. The Victorian Chamber and its employees, officers, authors or agents expressly disclaim all and any liability to any person, whether a member of the Victorian Chamber or not, in respect of any action or decision to act or not act which is taken in reliance, whether partially or wholly, on the information in this communication. Without limiting the generality of this disclaimer, no responsibility or liability is accepted for any losses incurred in contract, tort, negligence, or any other cause of action, or for any consequential or other forms of loss. If you are uncertain about the application of this information in your own circumstances you should obtain specific advice.