

# Re-employment of Redundant Staff Policy

## Section 1 - Key Information

<b>Policy Type and Approval Body</b>	Administrative – Vice-Chancellor
<b>Accountable Executive – Policy</b>	Chief Operating Officer
<b>Responsible Manager – Policy</b>	Chief People Officer
<b>Review Date</b>	23 May 2028

## Section 2 - Purpose

(1) This Policy sets out the University's position on the re-employment of redundant staff members.

## Section 3 - Scope

(2) This Policy applies to all staff members who are/may be reemployed as staff members, contractors, consultants or principals of companies engaged in contracting to the University.

(3) This Policy does not apply to:

- a. casual staff members;
- b. staff terminated at the end of a fixed-term period (regardless of whether they receive a severance payment);
- c. research continuing staff; or
- d. continuing staff who do not receive any redundancy or severance payment on termination.

(4) Hiring managers are expected to comply with this Policy, any other University policies and legislation including anti-discrimination laws.

### Terms Explained

(5) The following terms used within this Policy are described below and are intended to support and comply with the [La Trobe University Enterprise Agreement 2023 \(Enterprise Agreement\)](#) approved by the Fair Work commission. Should the terms described in this Policy not support or comply with the [Enterprise Agreement](#), the [Enterprise Agreement](#) will prevail.

## Section 4 - Key Decisions

<b>Key decision making power/responsibility</b>	<b>Role</b>
Approve the employment of a former staff member previously made redundant	SEG member Chief People Officer

## Section 5 - Policy Statement

(6) The University is committed to job security and enhancing our commitment to operating sustainably and ethically.

(7) The University will ensure that decisions it makes during an organisational change process are sound and that redeployment opportunities are explored prior to the termination of a staff member's employment by redundancy.

(8) Re-employment of a former staff member whose employment was previously terminated by redundancy may alter the status of a 'bona-fide' redundancy and therefore have a potential adverse financial impact on the University and on the former staff member.

(9) The University aims to promote proper decision making with respect to implementing redundancies, and redeployments to minimise the bona fides of the redundancy from being called into question.

(10) In all cases, the normal selection processes, including employment/reference checks must be followed.

### Effects of Re-employment

(11) Re-employment of a Redundant Staff Member can:

- a. alter the bona fide nature of the redundancy;
- b. alter the favourable tax treatment of the redundancy payout;
- c. impose additional tax liability on both the University and on the redundant staff member.

(12) In particular, re-employment of a Former Redundant Staff Member into a position with the same or similar duties and functions of their redundant position, on a continuing casual or fixed term basis calls in to question the organisational change decision making and, increases the risk of the effects outlined above.

### Re-employment Exclusion Period

(13) An exclusion period will apply to all Former Redundant Staff Members, and they:

- a. shall not be re-employed into any of the 'Modes of Employment' as detailed in the [Enterprise Agreement](#) within two years from the date of termination other than within the provisions of 'exceptional circumstances' as detailed below;
- b. shall not be re engaged as a consultant, contractor, or re employed as a staff member or principal of a company/business within two years from the date of termination other than within the provisions of 'exceptional circumstances' as detailed below.

### Exceptional Circumstances

(14) A Former Redundant Staff Member may be re-employed at the University within their exclusion period in exceptional circumstances only.

(15) Such exceptional circumstances include but are not limited to:

- a. employment of a former Academic staff member on an ad hoc or casual basis to continue supervision of higher degree research students;
- b. employment of a former Academic staff member on an ad hoc or casual basis to conduct sessional teaching, where their expertise or experience is so specialised as to be required for a particular course or subject;
- c. employment of a former Professional staff member on an ad hoc, casual or short-term basis to provide specialised advice or expertise.

(16) If an exceptional circumstance prevails, the relevant Senior Executive Group (SEG) member in consultation with the Chief People Officer may grant an exemption on re-employment of a Former Redundant Staff Member.

(17) An exemption will only be granted where the nature of the proposed re-employment is such that the previous decision making with respect to implementing the redundancy and the bona fides of the redundancy are not compromised.

(18) Where an exceptional circumstance applies, the staff member's employment will be in accordance with the relevant provisions of the [Enterprise Agreement](#), including those relating to leave accrual and recognition of prior service.

## Section 6 - Procedures

### Preamble

(19) This Procedure sets out the process for the application to reemploy redundant staff members under exceptional circumstances.

### Application

(20) During the recruitment process (prior to an offer being made) a Hiring Manager (under exceptional circumstances) may apply to re-employ a Former Redundant Staff member by submitting a request in writing to the relevant SEG member and the Chief People Officer via email. The written request must include the following information:

- a. details of the Former Redundant Staff member and the circumstances surrounding their redundancy;
- b. timeline of events from termination date to proposed employment date;
- c. the business case for supporting the re-employment of a former staff member;
- d. nature and details of the position to be filled.

(21) Approval from both the SEG member and the Chief People Officer in writing, via email is required prior to proceeding to re-employment.

## Section 7 - Definitions

(22) For the purpose of this Policy and Procedure:

- a. Former Redundant Staff Member: means a person previously employed as a continuing staff member or a fixed term staff member who has received a redundancy payment, including staff who leave the University as a result of a University initiated redundancy, a voluntary redundancy, or staff who leave the University as a result of rejecting a reasonable offer of redeployment.
- b. Re-employment: means the hiring of a former staff member which includes the former staff member's business, partnership, company or other controlled entity as a consultant, contractor, staff member or principal of a company/business.
- c. Redundancy: When the position held by a staff member is no longer required to be performed by the University and whose employment is terminated for reasons of an economic, technological, structural or similar nature as detailed in the [Enterprise Agreement](#).
- d. Redeployment: The provision of assistance to review options of relocating a redundant staff member to another position in the University, in accordance with the [Enterprise Agreement](#).

## Section 8 - Authority and Associated Information

(23) This Policy is made under the [La Trobe University Act 2009](#).

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	23rd May 2025
<b>Review Date</b>	23rd May 2028
<b>Approval Authority</b>	Vice-Chancellor
<b>Approval Date</b>	23rd May 2025
<b>Expiry Date</b>	Not Applicable
<b>Responsible Manager - Policy</b>	Regan Sterry Chief People Officer
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