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1.14 Child Care Services Taree & Districts Inc.

Separation from Employment or Contract

Child Care Services Taree & Districts Inc. will provide a process for the effective termination or separation of employees or support workers 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 support workers will remain confidential to those involved in the process.

The Purpose of the Policy:

Child Care Services Taree & Districts Inc. will support an environment that encourages retention of employees and support workers and seeks to minimise worker turnover.

An employment relationship can end for a number of reasons including when;

- a worker resigns
- a fixed-term employment contract concludes
- a position becomes redundant
- a worker is dismissed for poor performance or misconduct
- A worker is dismissed on-the-spot for extremely serious misconduct, which is referred to as a summary dismissal.

Worker Responsibilities and Rights

An employee or support worker has the right to resign at any time but to avoid any misunderstanding or dispute, notice should be given by the employee or support worker in writing. A resignation by an employee or support worker is a conscious decision that they no longer want to be part of the contract relationship.

Employees or support workers who believe their workplace rights have been threatened by the service, or who believe they have been treated unfairly by the service, can ask Fair Work Australia to intervene.

In all cases of resignation, CCSTD will ensure that for employees all entitlements are met and are treated fairly and equitably during the process.

A support worker intending to resign from CCSTD is required to give notice in accordance with their Service Agreement.

Responsibilities and Rights

CCSTD should note the following issues when a termination of occurs;

- The termination must be lawful, e.g. not in breach of contract, equal opportunity, discrimination or other legislation, and in compliance with any award or agreement and there must be a valid reason for the termination.
- The date and reasons for termination must be clear to both parties — whoever initiates the termination should do so in writing
- Both parties must comply with notice periods required by legislation, awards, or contract (whichever is the most generous) e.g. a resigning employee must give the required period of notice and a dismissed or retrenched employee must receive at least the minimum period of notice required by law, or payment in lieu of that notice (if the award or agreement permits).
- Employees must receive payment of their accrued entitlements, such as payment for untaken annual and long service leave if required by the legislation.

- CCSTD must meet documentation requirements, such as keeping payroll records, providing statements of entitlements and calculations and certificates of service.
- CCSTD should collect any property issued to CCSTD before the employee or support worker leaves (such as vehicles, mobile phones, credit cards, business cards, uniforms, product samples, security/access cards, etc.).

CCSTD must keep employment, payroll and termination records for 7 years after an employee or support workers termination.

CCSTD are also required to give the employee a detailed statement of his/her termination entitlements. The statement sets out calculations for each component — ordinary pay, severance pay, leave payments, other payments and tax deducted.

You must also provide a Statement of Service where requested.

In some circumstances, external agencies must be notified, e.g. Centrelink for some redundancies and workers compensation insurers where injured employees are involved.

Relevant Legislation and Standards

- NDIS Practice Standards
- NDIS Code of Conduct
- NSW Disability Service Standards (NSW DSS)
- NDIS Terms of Business
- Health Records and Information Privacy Code of Practice 2005 (NSW)
- Freedom of Information Act 1982
- Privacy and Personal Information Act 1988 (NSW)
- The Disability Inclusion Act 2014 (NSW) and Disability Inclusion Regulation 2014 (NSW)
- Disability Services Act (2011)
- Disability Services Regulations (2015)
- Personal Information Protection Act (2004)
- National Standards for Disability Services
- Work Health and Safety Act 2011
- Fair Work Act 2009