

POL – 1.3 Termination Policy

1. Purpose

Accommodation and Care Solutions (hereafter referred to as ACARES) has systems in place to ensure staff terminations are fair, justifiable and adhere to legislative requirements.

2. References

Reference	Title & Description
POL – 1.2	Human Resource Management Policy
	Fair Work Act 2009 (Cth)
FM-196	Employee EXIT checklist & interview

3. Responsibilities

The Senior Management Team share responsibility for the implementation of the Termination Policy.

4. Process

ACARES Employee Termination Procedure

Staff members may end their employment with ACARES by providing a letter of resignation, and/or retirement. In the event that a staff member has not actively worked for a period of 6 months, the HR department will make contact to decipher their interest in pursuing work with ACARES. Should either party deem that no suitable work is available, employment will be terminated. Staff are welcome to reapply for future work opportunities should they arise.

Internal staff will follow the processes outlined in the Employee EXIT checklist & interview form (FM-196) – this will include a brief interview with the staff member relating to areas of work they have enjoyed and areas of operation that they feel can be improved.

Termination of a staff member's employment will occur automatically at the end of a fixed-term or casual period of employment, unless there is mutual agreement to enter into a new period of employment.

Resignation and Retirement	Minimum notice period
Within probation period	1 week
Less than 3 years	2 weeks

5 years or over	4 weeks
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ACARES may terminate a staff member’s employment on the basis of:

- early completion of a contracted agreement for which the staff member has been specifically employed
- underperformance
- unacceptable police reference check
- misconduct (including serious misconduct)
- ill health of the staff member, where it is demonstrated that the staff member will not be able to return to duty within a reasonable time frame
- loss of a licence or qualification results in the staff member becoming incapable of performing the duties of his or her position for an unreasonable period of time.

Periods of notice and severance payments will apply to most forms of termination, as specified. Where ACARES is required by legislation to provide more notice it will provide that longer notice or payment in lieu.

The termination of a staff member’s employment will be effective from the date at which the notice period expires.

Where a staff member’s employment is terminated for any of the following reasons, the corresponding minimum notice period will apply:

Reason for termination of employment	Minimum notice period
Underperformance, misconduct	Within 2 weeks
Serious and willful misconduct	Immediate – without notice
Ceasing employment on the grounds of ill health	Discretionary – agreement between parties

In cases of unsatisfactory performance, ACARES may terminate the employment of a fixed-term staff member on written notice or payment in lieu of notice.

4.1.1 Termination of Casual Employment

Casual staff members’ employment may be terminated by ACARES, or the staff member by giving one hour’s notice, or by the ACARES paying, or the staff member forfeiting, one hour’s salary in lieu of notice.

Nothing above shall prevent a staff member and a member of the Senior Management team arranging to effect a mutual termination earlier than the specified notice period. Salary and entitlements will be paid to that date.

4.1.2 Termination – Poor Performance or Misconduct (Warning Procedure)

Poor performance or misconduct by employees may be identified on an ad-hoc basis or during annual performance appraisals. In these instances ACARES would follow the steps detailed below in terminating employment.

The Employee would be provided three formal warnings, confirmed in writing and witnessed by a member of the Senior Management Team. The warnings would involve:

- a) A meeting conducted, in the presence of a witness, to discuss the nature of the misconduct or poor performance with the employee.
- b) The employee would be provided the opportunity to explain the issue and where appropriate to give a written undertaking to desist with further misconduct.
- c) In the case of **poor performance** ACARES may offer, training, counselling or a mentor to assist the employee to achieve an expected performance level within an agreed time frame.
- d) A review date would be scheduled to monitor the employee's progress.
- e) All communications in relation to formal warnings, minutes of meetings and associated records of interview would be held on file in the employees personal records. Copies of some or all meeting notes may, where appropriate be provided to the employee.

4.1.3 Termination – Serious Misconduct

In a case of serious misconduct, ACARES would seek legal advice prior to any action being instigated by the company. In a situation of serious misconduct, instant dismissal may apply with the employee being escorted from the office premises and/or in the presence of a State authority e.g. Victorian Police.

4.2 Steps for Termination to Proceed

- a) ACARES to provide written notice of termination and the termination date.
- b) Deactivate access to system network and vital services, such as security access, that the employee once had.
- c) Retrieve all physical access devices such as Ids, keys and smart cards.
- d) An exit interview should be performed.
- e) The employee must return any equipment that is the property of the organization, including any off-site devices.
- f) Notification to HR prior to terminating an employee, for the preparation of final wages (including holiday pay) and the exit interview.
- g) Return any personal property from the employee's work space. Inspect and examine any media or documentation that may contain confidential or proprietary data and information that is the legal property of ACARES.

5. Document Review

Page No.	Context	Revision	Date
All	Initial Release	1	Apr-10
All	Annual review	1	Apr-11
All	Annual review	1	Apr-12
All	Annual review	1	Apr-13
All	Annual review	1	Apr-14
All	Annual review	1	May-15
1	Review of procedure to include FM-196	2	Dec-15
All	Annual review	2	Mar-16
All	Annual review	2	Mar-17
All	Review of termination procedure to include termination of non-active staff	3	Feb-18