

Council Policy Name: Payments and presentations on Termination

Responsible Directorate: Finance and Corporate services

Version: Current

1. PURPOSE

- 1.1. This Policy provides a framework for recognising, where relevant, the contribution of employees when they voluntarily leave the employment of the City.
- 1.2. This Policy additionally sets out the circumstances in which the City of Busselton will pay an employee who is leaving the employment of the City a severance payment in addition to any amount the employee is entitled to under their contract of employment, Industrial Instrument or order of a court or industrial tribunal, in accordance with Section 5.50 of the *Local Government Act 1995* (WA).

2. SCOPE

- 2.1. This policy applies to all City of Busselton employees.

3. DEFINITIONS

Term	Meaning
Industrial Instrument	An instrument that has legal application with respect to minimum entitlements including modern awards and enterprise agreements
Policy	This City of Busselton Council policy entitled "Payments and presentations on termination"

4. STRATEGIC CONTEXT

- 4.1. This policy links to Key Goal Area 6 - Leadership of the City’s Strategic Community Plan 2017 and specifically Community Objective 6.3: Accountable leadership that is supported by a skilled and professional workforce.

5. POLICY STATEMENT

Recognition of service

- 5.1. The Chief Executive Officer is authorised, at their discretion to make a contribution towards a gift to recognise the service of employees voluntarily leaving the employment of the City, including at the end of a fixed or maximum term contract, up to the value outlined in the table below:

Years of Service	Council Contribution
1 to 5 Years	\$50
5 to 10 Years	\$100
10 to 15 Years	\$150
15 to 20 Years	\$200

20 to 25 Years	\$350
More than 25 Years	\$500

5.2. Gifts enabled under this Policy will generally be presented to the employee at a farewell function held on City premises.

5.3. A contribution of up to \$200 may be provided for the purposes of a farewell function, or, where the CEO considers that special circumstances apply, a contribution of up to \$300 may be made.

Settlement of an employment-related claim

5.4. Subject to the Chief Executive Officer’s approval, the City may make a severance payment to an employee in settlement of a dispute where an employee has, or is reasonably likely to, take action or make a claim under any relevant industrial relations legislation. Any such decision will be made in accordance with Regulation 19A of the *Local Government (Administration) Regulations 1996 (WA)*.

5.5. Clause 5.1 does not apply to the Chief Executive Officer and those designated as senior employees in accordance with section 5.37 of the *Local Government Act 1995 (WA)*.

5.6. In assessing and making a severance payment, the following factors will be considered:

- a. the amount recommended by legal advisors, a court or industrial tribunal to settle the matter;
- b. the exposure or potential exposure to litigation and the strength of the respective cases;
- c. the cost or potential cost of legal services in relation to the matter; and
- d. the disruption to operations and cost to the organisation of the dispute ongoing.

5.7. The amount of the payment under clause 5.1 above will be no more than the value of the employee's final annual remuneration.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Local Government (Administration) Regulations 1996*
- 6.3. *City of Busselton Enterprise Agreement 2017*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	26 June 2019	Resolution #	C1906/107
Previous Adoption	DATE	9 August 2017	Resolution #	C1708/188