

- 1. TITLE:** **The Retrenchment of Temporary Employees Engaged on a Full Time or Part Time Basis**
- 2. PURPOSE:** To detail the conditions applying to temporary employees whose work is determined to be surplus to requirements.
- 3. LEGISLATIVE PROVISIONS:** Sections 34(2), 112(4) and 113(4) of the *Public Service Act 1996*.
- 4. APPLICATION:** This directive applies to temporary employees engaged under sections 112(2)(a) and 113(2)(a) of the *Public Service Act 1996*.

This directive **does not apply** to employees of tenure.
- 5. STANDARD:** The conditions and entitlements prescribed in the Schedule apply.
- 6. EFFECTIVE DATE:** This directive is to operate from **1 November 2001**.
- 7. VARIATION:** The provisions in the Schedule may be varied in accordance with certified agreements made under section Chapter 6, Part 1 of the *Industrial Relations Act 1999* or decisions of an industrial tribunal of competent jurisdiction.
- 8. INCONSISTENCY:** Sections 34 and 117 of the *Public Service Act 1996* and section 687 of the *Industrial Relations Act 1999* apply if there is a conflict with an act, regulation or industrial instrument.
- 9. SUPERSEDES:** Directive 25/99: *The Retrenchment of Temporary Employees Engaged on a Full Time or Part Time Basis*
- 10. PREVIOUS REFERENCES:** Part 6 of the Public Service Commissioner's Directive 19/97: "*The Employment of Temporary Employees Engaged on a Full Time or Part Time Basis*".

SCHEDULE

TEMPORARY EMPLOYEES WHOSE WORK IS SURPLUS TO REQUIREMENTS

GENERAL CONDITIONS

Coverage

For the purposes of this directive a temporary employee is an employee engaged under sections 112(2)(a) or 113(2)(a) of the *Public Service Act 1996*. This excludes an employee engaged on tenure under these provisions.

It does not apply to a casual employee engaged under sections 112(2)(b) or 113(2)(b) of the *Public Service Act 1996*.

The engagement of a temporary employee is for the purpose of undertaking a specific task or for a specific period.

The employee may undertake work either in a position normally occupied by an officer or in one in which an officer does not ordinarily perform the work.

Requirement

This directive is to be read and operate in conjunction with the directive issued by the Public Service Commissioner on *The Employment of Temporary Employees Engaged on a Full Time or Part Time Basis*.

Eligibility*

An employee engaged to undertake a specified task, or for a specific, fixed period of time is not eligible for Voluntary Early Retirement or Prenchment provisions under this directive. This is to be noted in the letter of engagement.

An exception to the conditions outlined above may occur

- when an employee's engagement extends beyond the initial period of their employment; and
- the employee has been engaged by a particular employer on a regular and systematic basis; and

- there have been several engagements over a lengthy period; and
- the continuity of the employee's service remains unbroken; and
- apart from the employer's decision not to continue to employ the employee, the employee had the expectation that the employment would continue to completion.

Such an employee may be entitled to some form of compensation for the premature termination of the contract where this has occurred as a result of changed work demands and requirements.

Continuity of service is unbroken for short periods of leave for sickness, injury or recreation.

The notice provisions of the *Industrial Relations Act 1999* are also to be applied.

Entitlements

Provided the conditions of eligibility are met, the chief executive may grant compensation in accordance with the Termination, Change and Redundancy (TCR) policy issued by the Queensland Industrial Relations Commission.

This is contained in a decision of the Full Bench of the Commission dated 16 June 1987 and published in 125 QGIG 1119-1121 and is amended in 125 QGIG 1377 and 126 QGIG 188.

***NOTE: The test in these circumstances will be that found in the decisions of industrial tribunals**