

<b>Name of Policy</b>	<b>Interim – Minimum Employment Period Policy</b>	
<b>Description of Policy</b>	<i>This Policy describes the operation of the Minimum Employment Period at ACU</i>	
<input checked="" type="checkbox"/> New Policy		<input type="checkbox"/> Revision
<b>Description of Revision</b>	<i>This Policy replaces the Qualifying Period Policy and it incorporates the appropriate references from the Fair Work Act, 2009.</i>	
	<i>Insert</i> <i>Please type brief description of the insert and specify information to be inserted</i>	

### Human Resources Directorate

<b>Policy and Revision Number</b>	
<b>Original Effective Date</b>	
<b>Review Due Date</b>	
<b>Revision Effective Date</b>	
<b>Senate Approval Date</b>	
<b>Vice Chancellor's Approval Date</b>	8 March 2010

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## 1. Background Information

Read together, the provisions of Sections 383 and 384 of the *Fair Work Act, 2009* as amended (the **Act**), require the completion of a six (6) month Minimum Employment Period before a staff member, whose employment has been terminated may commence a proceeding under Section 394 of the Act.

Section 394 provides that a staff member may apply to the Fair Work Australia Tribunal (FWA) for relief in respect of her/his termination of employment on the grounds that the termination was harsh, unjust or unreasonable.

## 2. Policy Statement

**2.1** This Interim Minimum Employment Period Policy operates to the exclusion of the University's:

- Interim Probation for General Staff Policy,
- Interim Probation for Continuing Academic Staff Policy, and
- Interim Probation for Fixed-Term Academic Staff Policy.

**2.2** The Minimum Employment Period for a staff member commencing employment with ACU on either a continuing basis or for a fixed-term contract of six (6) months or more, is six (6) months.

## 3. Policy Purpose

The purpose of this policy is to clarify the operation of the Minimum Employment Period at ACU.

## 4. Application of Policy

This policy applies to all continuing and fixed-term staff members of the University. It does not apply to casual or sessional staff members.

## 5. Approvals

All approvals of decisions made in relation to the Minimum Employment Period must be in accordance with the University's Staffing Delegations Register.

## 6. Procedures

**6.1** After following the implementation of the relevant University Policy, a nominated supervisor may recommend and the appropriate delegated Officer may approve either:

- the non confirmation a staff member's probationary appointment, or
- the termination of a staff member's employment.

**6.2** Where a member of staff whose employment was terminated (or whose appointment was not confirmed) was employed on either a continuing basis or on a fixed-term contract for six (6) months or more, and she/he subsequently lodges an application under Section 394 the Act regarding the University's decision to terminate her/his employment (or not confirm her/his appointment); the University may rely on the requirement that the staff member must have completed a six (6) month Minimum Employment Period to challenge, on jurisdictional grounds, the application made by the former staff member under Section 394 of the Act.

**7. Policy Review**

The University may make changes to this policy and procedures from time to time. In this regard, any staff member who wishes to make any comments about this Policy may forward her/his suggestions to the Director, Human Resources.

**8. Further Assistance**

Any staff member who requires assistance in understanding this Policy should consult her/his nominated supervisor who is responsible for the implementation and operation of these arrangements in her/his work area. Should further advice be needed, she/he should contact the Human Resources Consultant responsible for her/his campus.