

Metropolitan Local Government Reform



Information Sheet

Operation of the two year guarantee

Decision Day to Post October 2015

Prepared for the Metropolitan Reform Implementation Committee by the Human Resources Subcommittee

Operation of the two year guarantee for local government employees

The *Local Government Act 1995* provides a guarantee that employees affected by an amalgamation or boundary change will have their employment conditions continued for at least two years or they may agree to take a compensation package.

Local Government Act 1995- Schedule 2.1 Clause 11 (4)

A contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless —

- (a) compensation acceptable to the person is made; or
- (b) a period of at least 2 years has elapsed since the order had effect.

With the changes planned to take effect from 1 July 2015, this means the two year guarantee for people whose employment is affected as a result of amalgamation or boundary changes would start in July 2015 and extend until July 2017 - or until the end of a person's contract if this is due to finish before July 2017. Contract employees may choose to work part of their contract and then accept a termination payment.

Beyond 1 July 2017, there is no guarantee of employment, and it will be up to each of the newly formed local government entities to make decisions with regard to their staffing.

Individual circumstances will need to be considered whenever people are looking at their options. Where there are Federal industrial arrangements, these would need to be considered. Employees should contact their local government Human Resources staff for advice on their situation.

Situation	Guaranteed employment under existing legislation
Contract: >2 years left (as at July 2015)	2 years
Contract: >1 <2 years left (as at July 2015)	Until end of contract. (>1<2 years)
Contract: <1 years left (as at July 2015)	Until end of contract

Situation	Guaranteed employment under existing legislation
	(< 1 year)
Permanent Employees and staff with no contract (as at July 2015)	Guaranteed 2 years (July 2015 – July 2017)

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Operation of the two year guarantee is available for viewing and download from the Department of Local Government and Communities website: www.dlqc.wa.gov.au

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