

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates Hearings February 2015

Communications Portfolio

Australian Broadcasting Corporation

Question No: 36

Program No. Australian Broadcasting Corporation

Hansard Ref: Page 78-79, 24/02/2015

Topic: Re-hired staff

Senator URQUHART asked:

Mr Scott: I would have to check on that. As a rule we say it has to be two years—24 months, I think—before someone can be re-employed. I believe that there is a change to that. Under our guidelines I need to have personally signed that off and approved it. Sometimes for flexibility—the South Australian example is not a bad example of this—we know that some people's positions are being made redundant, but there is still some work we need them to do over a period of time. If there were some contracting for a short period of time there would be some specific circumstances about that, and they would be very few.

Senator URQUHART: When you say 're-employment' is that the same as being rehired under contracts?

Mr Scott: No, I mean literally someone re-joining the ABC having taken—

Senator URQUHART: But there is provision where someone may have lost their job but could be rehired on a contractual arrangement?

Mr Scott: It would be very rare.

Senator URQUHART: But can it happen—

Mr Scott: Again, I think that would be something that would probably need to come to me for signing off. But we can check on that—

Senator URQUHART: Do you expect that it might happen?

Mr Scott: In a sense people are taxed at a favourable rate on a redundancy. That is on the fact that it is a genuine redundancy. So we do not have people returning to do the same work they left from—

Senator URQUHART: But they may be hired to do different work.

Mr Scott: There is a possibility of short-term project work, but it is certainly not common in the organisation...

Senator URQUHART: ...But I would certainly be interested if there were. If there are any, are they employed on lower wages and lesser conditions?

Mr Scott: Let me take that on notice.

Senator URQUHART: The other issue is whether or not you expect that that may need to happen, given what your overall makeup looks like for short-term or whether it will be longer-term contractual arrangements?

Mr Scott: We will take that on notice.

Answer:

As at 19 March 2015, no employees who were retrenched as part of the ABC's 24 November 2014 announcement have been re-engaged.

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In accordance with the *ABC's Re-engagement of Employees who have been Retrenched Policy*, a retrenched employee cannot be re-employed by the ABC within twelve months of their retrenchment without the express written approval of the Managing Director. In situations where the employee has received a redundancy payment which is the equivalent to more than twelve months' pay, they cannot be re-employed for the period to which the payment equates without the approval of the Managing Director. Endorsement of the relevant Director is also required for re-engagement of employees within twelve months.

Where there is an urgent or unforeseen operational need to re-employ a former employee within the timeframes set out above, and there are no alternatives to engaging that person, a prospective request to engage a former employee must be made to the Managing Director with endorsement from the relevant Director. Employees that have been retrenched from the ABC and are proposed to be used as independent contractors as opposed to re-employed may only be engaged as an independent contractor within 12 months of their retrenchment if they meet the conditions of the aforementioned Policy and they are working as true independent contractors. Further, any re-engagement within 12 months of retrenchment either as a sole trader or through a company also requires the approval of the relevant Divisional Director.