



QUICK REFERENCE GUIDE (QRG) FIXED-TERM EMPLOYEES SEVERANCE PAY PROFESSIONAL & ACADEMIC STAFF

OVERVIEW OF THE SECTION

CLAUSE REFERENCES:

WESTERN SYDNEY UNIVERSITY ACADEMIC STAFF AGREEMENT 2022

Fixed Term Employees Severance Pay (Clause 53)

WESTERN SYDNEY UNIVERSITY PROFESSIONAL STAFF AGREEMENT 2022

Fixed Term Employees Severance Pay (Clause 61)

BRIEF DESCRIPTION:

The Fixed-Term Employees Severance Pay clause in the Agreements prescribes severance entitlements for fixed-term employees whose contracts are not renewed, subject to specified exemptions.

INTERPRETATION AND APPLICATION

ENTITLEMENT TO SEVERANCE PAY – ACADEMIC AND PROFESSIONAL STAFF ON SECOND/SUBSEQUENT CONTRACT – SPECIFIC TASK OR PROJECT/RESEARCH ONLY CATEGORIES

If an academic or professional fixed term employee is engaged for a **specific task or project or research only functions** and their contract is not renewed in circumstances **where the employee seeks to continue employment**, they are entitled to **severance pay of 3 weeks' pay** per completed year of continuous service if:

- They are on a second or subsequent fixed-term contract; and
- The same or substantially similar duties are no longer required by the University; or
- The duties continue to be required, but another person has been or will be appointed to the role.



ENTITLEMENT TO SEVERANCE PAY – ACADEMIC AND PROFESSIONAL STAFF ON SECOND/SUBSEQUENT CONTRACT – ALL OTHER FIXED TERM CATEGORIES

If an academic or professional fixed term employee is engaged under any other category of fixed term employment and their contract is not renewed in circumstances where the employee seeks to continue the employment, they are entitled to the following severance payment if:

- They are on a second or subsequent fixed-term contract; and
- The same or substantially similar duties are no longer required by the University; or
- The duties continue to be required, but another person has been or will be appointed to the role.

Period of continuous service	Severance payment
Less than 2 years	No payment
2 years but less than 3 years	2 weeks
3 years or more	2 weeks per completed year of service

ENTITLEMENT TO SEVERANCE PAY – PROFESSIONAL STAFF ON FIRST CONTRACT – ROLE OFFERED ON ONGOING BASIS

If a professional employee is concluding their **first** fixed term contract and the position is offered on an ongoing basis but the employee is not re-employed in the position, the employee is entitled to a **severance payment of 2 weeks' pay** for the first completed year of service and then in accordance with the clause (as applicable).

DEFERRAL OR VARIATION OF SEVERANCE PAY

If the University advises a fixed term employee that they may be offered further employment within 6 weeks of their contract's expiry, the University may defer payment of the employee's severance entitlements for up to 4 weeks after the expiry date.

The University may **vary** a fixed term employee's severance payment if the employee accepts an offer of substantially similar alternative employment with the University. Similarly, if the University obtains, and the employee accepts, an offer of comparable alternative employment, the University may, with the employee's agreement, vary the employee's severance payment.

NO SEVERANCE PAY

No severance payment will be made if the employee is:

- A **genuine retiree**;
- Engaged as a **temporary replacement**;
- Engaged on a **pre-retirement contract**;
- Engaged on a **post-retirement contract**; or,
- Engaged in **employment subsidiary to studentship**.



FREQUENTLY ASKED QUESTIONS

QUESTION	ANSWER
What is severance pay for fixed-term employees?	Severance pay is financial compensation provided to a fixed-term employee if their contract is not renewed and they meet specific eligibility criteria.
What happens if I am eligible for fixed-term employees severance pay but I accept another role with the University?	If you accept an offer of substantially similar alternative employment with the University, your severance payment may be varied. Similarly, if the University obtains and you accept an offer for comparable alternative employment, your severance payment may also be varied, provided you agree to the variation.
Do all fixed-term employees receive severance pay?	No, not all fixed-term employees are entitled to severance pay. Severance is not payable to those who do not meet the eligibility criteria or are engaged under an exempt category of fixed term employment, temporary replacements, retirement-related contracts or for employment that is subsidiary to studentship.

EXAMPLES

EXAMPLE 1: ACADEMIC EMPLOYEE – FIRST FIXED-TERM CONTRACT NOT RENEWED (PROJECT-BASED WORK)

Dr. Sarah is an academic who has been employed on a second 3-year fixed-term contract for a research project. When the project concludes, the University decides not to renew her contract, but another person is appointed to the same role. Dr. Sarah is entitled to **3 weeks' pay per completed year of service** since she was hired for a specific task and receives a severance payment of 18 weeks' pay (3 weeks × 6 years of service).



EXAMPLE 2: PROFESSIONAL EMPLOYEE – SECOND FIXED-TERM CONTRACT NOT RENEWED

Mark, a professional staff member, has worked on a special project for 2 years under 2 fixed-term contracts. At the end of Mark's second contract, the University informs him that the role is no longer required, and no alternative employment is offered. Mark, having completed 2 years of continuous service and being on his second contract, qualifies for 3 weeks' pay per year of service. Mark receives 6 weeks' severance pay after his contract ends.

EXAMPLE 3: ACADEMIC EMPLOYEE – THIRD CONTRACT NOT RENEWED (RESEARCH ONLY FUNCTIONS)

Dr. Lisa is an academic engaged on her third fixed-term contract to undertake research only functions. Dr. Lisa's overall length of continuous service under fixed term contracts is 4 years. At the end of Dr. Lisa's third contract the duties continue to be required, but the University does not renew her appointment and instead appoints someone else to the role. As Dr. Lisa seeks to continue her employment she is entitled to 3 weeks' pay for each year of completed service, being a total of 12 weeks' severance pay.

INFORMATION IN THIS GUIDE IS A SUMMARY ONLY

This document provides a general summary to assist staff understand the rights and processes related to this entitlement. To avoid doubt, this document:

- does not contain a complete account of the rights, entitlements, conditions, or obligations that may be available;
- does not replace or override the terms of the relevant enterprise agreement or under legislation, or the Western Sydney University's policies or procedures; or
- does not constitute legal or financial advice.

FURTHER INFORMATION

For further details on Fixed-term severance pay, please refer to the relevant Professional/Academic [Enterprise Agreement](#).

KEY CONTACTS FOR FURTHER ADVICE

If you have any questions or would like to discuss your Casual Pay Rate options, please contact the People Services Team (previously known as the HR Operations Team) or the Workplace Relations Team.