

20. NOTICE OF TERMINATION BY EMPLOYER FOR EMPLOYEES OVER 45 YEARS OF AGE

- 20.1 The provisions of this clause are to be read in conjunction with clause 8 – Contract of Service of the Applicable Award.
- 20.2 The period of notice for an Employee who, at the end of the day the notice is given, is over 45 years of age and has completed at least two years' continuous service with the Employer, is to be increased by one week.
- 20.3 The additional period of notice shall form part of the notice provided under the Applicable Award or payment in lieu of notice worked out on the basis of the Employee's ordinary hours of work.

This new clause increases by a week the minimum period of notice Employers are required to give when terminating the employment of Employees aged over 45 who have completed at least two years of continuous service. Under clause 8 (3) (c) of the Applicable Award, the minimum notice period is one month or another period specified in a contract of service. This clause increases the minimum period to five weeks, or the period specified in a contract of service plus one week.

This is consistent with the minimum notice provisions under section 117 of the *Fair Work Act 2009* (Cth), which applies to Western Australian public sector employers.