

TERMINATION OF CONTRACT

POLICY AND PROCEDURE

Policy Statement

Mypower Foundations engages support workers both as employees and on a Contractual basis. This arrangement accommodates various work preferences, offering flexibility for those who choose their working hours, locations, days, and client interactions. Whether employed or contracted, individuals have specific rights, responsibilities, and conditions to adhere to.

This policy is to be read alongside the NDIS Specific Human Resource Management Policy and Procedure and the Duty of Care Policy and Procedure.

Definitions

- **Employee:** An individual hired and paid by Mypower Foundations to perform specific tasks under a formal agreement or contract of employment.
- **Contractor:** An individual who works independently and provides services as specified in the contract agreement signed with Mypower Foundations. They can accept or refuse work from other sources.
- **Termination:** Refers to the ending of employment or a contract either through expiration, mutual agreement, or early cessation.
- **Notice of Termination:** A formal notice given prior to ending the contract or employment. The standard notice is fourteen days unless there's a breach of Duty of Care Policy and Procedure, wherein termination can be immediate based on the Director's discretion after consultation with relevant parties.

Procedure

- For both employees and contractors, there are ongoing conditions that need to be met:
 1. **Insurance:** Contractors specifically need to maintain professional indemnity insurance, business-use motor vehicle insurance, and CTP insurance. Employees are covered under the organization's insurance policy for professional indemnity insurance, but must maintain business-use motor vehicle insurance, and CTP insurance.

2. **Working with Children Check:** A valid check number followed by an NDIS Worker Screening Check.
 3. **NDIS Worker Check and/or Police Check:** Current at the time of joining and renewed when requested by the Director.
 4. **Continuous Improvement:** Keeping updated with sector changes.
 - Non-compliance or failure to produce the above without a valid reason can lead to termination.
- Notice of termination should be in written form, conveyed by the party initiating the termination.
 - Regular absenteeism without prior notice or a valid reason may lead to termination.
 - Breaching the Duty of Care Policy and Procedure can result in immediate termination.
 - Both the employee/contractor and the Director can mutually agree to terminate the contract or employment.

Responsibility

Employees and contractors are both responsible for maintaining current checks, certifications, and compliance with stipulated requirements.

Relevant Legislation and Policies

- Privacy Act 1988
- Work Health and Safety Act 2011
- Fair Work Act 2009
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- NSW Disability Services Standards
- National Standards for Disability Services
- Disability Discrimination Act 1992
- National Disability Insurance Scheme Act 2013
- NDIS Code of Conduct
- NDIS Quality and Safeguarding Framework
- Universal Declaration of Human Rights
- United Nations Convention on The Rights of Persons with Disabilities