
Intro

Being made redundant is one of the most stressful experiences many people will face in the work place. Here we attempt to answer a few of the many queries you may have if you have been recently made redundant or your employer has recently placed you at risk of redundancy.

What is a redundancy?

Although employers will frequently label dismissals as being redundancy; a redundancy situation can only occur in one of three circumstances:

- 1) Where the business closes down
- 2) Where the business continues but the place you work at closes down
- 3) Where the business requires fewer employees to carry out the work you do.

Any dismissal which does not fall within the above definitions is not a genuine redundancy.

What is the process?

The redundancy process is set down by law and varies depending on the reason for the redundancy, the number of people being made redundant and the nature of the role being made redundant. Please see our **Redundancy Flow Diagram** highlighting the main steps that employers need to go through.

What information am I entitled to from my employer?

Where a business seeks to make redundancies the employer must go through a process of consultation with all "at risk" employees. The format of the consultation will depend on the number of employees the employer proposes to make redundant and the circumstances of the particular case. The following information should be considered standard and you should be advised of:-

- 1) The reasons for the redundancy proposal.
- 2) Who is "at risk" of redundancy?
- 3) What are the alternatives to compulsory redundancy?
- 4) When does the business intend to effect the redundancies?
- 5) What are the selection criteria?
- 6) Details of redundancy payments
- 7) Whether there is any suitable alternative employment within the organisation

The redundancy consultation process is a two way process requiring your involvement and the consideration of any alternative options that may be available and appropriate. Do not be afraid to ask difficult questions and put forward alternatives to compulsory redundancy.

How do I contest my scores?

Following the consultation process all employees “at risk” of redundancy should be scored against a set of objective selection criteria. Those scoring least well should be called to a one to one meeting to discuss their scores and you should be given the opportunity to question and challenge the scores allocated to you.

Can I appeal the decision to make me redundant?

Following all forms of dismissal, employees should be given the right to appeal to their employer. The Employment Tribunal encourages individuals to make use of the appeal process before issuing a claim to the Tribunal. Therefore you should write to your employer as soon as possible after dismissal confirming that you wish to appeal and setting out the grounds for your appeal.

What payments am I entitled to if I am made redundant?

If you are made redundant and have less than two years continuous employment unless you are entitled to a contractual redundancy payment you will only be entitled to receive your notice pay and accrued but untaken holiday, if any.

If you are made redundant and have more than two years continuous employment you are entitled to a minimum statutory redundancy payment in addition to your notice pay and any other contractual payments. Please see our **Redundancy Calculation Information Sheet** for a full break down.

What if my employer is unable to pay my redundancy payment?

Where your employer is unable to make payment of your redundancy payment due to insolvency it is possible to apply to the National Insurance Fund for payment of your redundancy payment. More information can be found on the BERR website.

What can I do if I consider that I have been unfairly dismissed by reason of redundancy?

Any employee who has more than one years continuous service with an employer can bring a claim for unfair dismissal if they feel that their dismissal was unfair or the correct procedure was not followed.

How long would I have to issue a claim for unfair dismissal?

The deadline for bringing a claim for unfair dismissal is 3 months from the date of termination of your employment.