

# Redundancy Route Map

A 'dismissal due to redundancy' is legally defined when:

The employer has ceased, or intends to cease, to carry on the business for the purposes of which, or in the place where, the employee was so employed; or

The requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed (or otherwise), has ceased or diminished or are expected to cease or diminish.

If redundancies are being proposed, or if rumours are circulating about them, then many workers beyond those directly affected will be concerned. It is an ideal time to recruit new members, involve members in activity and get new union reps.

## Compensation

Most local authorities will have their own schemes. The payments under the statutory scheme depend upon the age of the employee and their length of service. To calculate the number of weeks pay due, you should use the following amounts –

- 0.5 week's pay for each full year of service where age during year is less than 22
- 1.0 week's pay for each full year of service where age during year is 22 or above, but less than 41
- 1.5 week's pay for each full year of service where age during year is 41+

There is a maximum figure for weekly pay that is revised in February each year (From 1 February 2009 it was £350). From 1 October 2009 it increased to £380.

## CONSULTATION

**Misunderstandings are best avoided by engaging in consultation as early as possible. Adequately trained management and HR staff should be available to properly conduct the consultation to help make it meaningful, they must do more than simply inform. Some branches may need to negotiate a temporary**

**increase in facility time. Several legal rights exist:**

- Consultation (with a trade union or employee representatives) must take place at least 30 days before the first of the dismissals takes effect where between 20 and 99 redundancy dismissals are proposed at one establishment within a period of ninety days or less; or
- Consultation (with a trade union or employee representatives) must take place at least 90 days before

the first of the dismissals takes effect where 100 or more redundancy dismissals are proposed.

**The employer must disclose in writing:**

- The reasons for the proposals
- The numbers and descriptions of employees it is proposed to dismiss as redundant

- The total number of employees of any such description employed by the employer at the establishment in question
- The proposed method of selecting the employees who may be dismissed
- The proposed method of carrying out the dismissals, taking account of any agreed procedure, including the period over which dismissals are to take effect

The proposed method of calculating any redundancy payments, other than those required by statute, that the employer proposes to make.

**Consultation should include:**

- Ways of avoiding the dismissals
- Reducing the numbers of employees to be dismissed
- Minimising the effects of the dismissals.

### Planning

ACAS say, 'Effective human resource planning can help to determine existing and future staffing needs. Management is advised to consult recognised trade unions or employee representatives about the staffing implications of any measures designed to improve efficiency'.

### Consideration of Alternatives

It may be possible to make a claim for unfair selection if it can be shown that the employer did not undertake a reasonable search for alternative work throughout the organisation.

Alternatives could include:

- natural wastage (not replacing staff who leave)
- recruitment freeze
- elimination of vacant posts
- voluntary redundancy – a higher take up through high compensation levels is likely to lessen the need for compulsory redundancies
- 'letting go' agency staff
- stopping or reducing overtime
- offer early retirement to volunteers (subject to age discrimination issues)
- retraining
- work sharing – reduction in hours (this could be potentially unfair when applied to P/T staff)

### Training

Both in the sense of re-deployment within the organisation and work preparation without. Try to get employers to also arrange career counselling, advice on CVs, applying for jobs and financial advice.

### Establishment of Selection Pool

How will selection be identified, will it be appropriate by department or across the organisation? (refer to the legal fact sheet)

In voluntary redundancy situations push for as wide a pool as possible to create redeployment possibilities for 'at-risk' staff  
Use FOI and Information and Consultation of Employees (ICE) Regulations to ensure adequate information and consultation during the process

### Selection Criteria

The criteria should be precisely defined, non-discriminatory and consistently applied in an objective way to ensure fairness

### Redundancies confirmed

### Notice Period

The council has to allow employees reasonable time off to look for alternative work

### Compensation (See panel on left)

### Pensions

Request a copy of the employer's policy in relation to both the exercise of its functions to increase total pensionable service and to increase the amount of pension payable. Request a copy of the employer's policy for awarding discretionary compensation on redundancy or retirement in the interests of efficiency of the service. Negotiate to improve both policies.

### Appeals

For example, on selection or consultation grounds

### Counselling and Support

Giving notice is unpleasant and needs careful handling. Common employer faults include being brutally abrupt or too vague. Particular care will be needed to make sure that people know where to go for further advice or support.

Members can be badly affected by redundancy and need support to accept reality and mount an effective job search. A well-designed redundancy programme should enable employees to refresh their interview skills, redraft CVs and reply effectively to job advertisements. Good counselling by outplacement consultants or others, also reassures those remaining that the council is prepared to treat redundant employees well.

## CAMPAIGNING

**Try to begin campaigning as early as possible:**

- With members
- With other unions
- With service users and community groups
- By lobbying councillors
- By using the press
- By keeping members informed and engaged
- Any proposals to make staff redundant or to cut services must have an Equality Impact Assessment carried out

on them by the public body. This gives UNISON a strong tool to use to minimise redundancies; ensure members are treated equally and ensure the union and the local community are fully involved in any proposals

- And recruit new members!