

FACING REDUNDANCY? – ADVICE FOR EMPLOYEES

Kuldeep S. Clair, a consultant solicitor for Nationwide Employment Lawyers, addresses common misconceptions regarding employee rights during redundancies.

Redundancy can be a traumatic experience for an employee, especially if it is unexpected and you believe that you have been unfairly singled out in circumstances which do not amount to redundancy.

So what are your rights?

An employer cannot use redundancy as an excuse if the real reason for your dismissal is something else. If that happens, you may have a claim for unfair dismissal, with further compensation if serious victimisation or bullying has occurred. Even if the redundancy is in principle fair, your employer must pay a minimum redundancy payment if you have been employed for at least two years.

So what is a genuine 'redundancy' situation?

That is a very complex legal area, which would take a few pages to explain. But to outline it as simply as possible, it must be as a result of a reduction of the work which you are employed to do. This can be either generally with the employer, or at the location where you are employed, or as a result of the job that you are doing not being needed anymore.

Where several people are employed to do that sort of work and the employer needs to select certain employees for redundancy, a fair and objective selection procedure must be used. This should eliminate any subjective criteria. The employer might use clear performance targets or the 'LIFO' (last in first out) method as a commonly acceptable criterion, amongst others.

An employer should always try to offer suitable alternative employment wherever possible. The failure to properly consider alternatives could make a redundancy unfair. The employer must also adopt a prescribed procedure and consult with employees properly when redundancies are pending. The extent of that consultation depends upon the number of employees being made redundant, but that consultation must always be genuine, and not just a sham.

The minimum statutory redundancy payment is calculated based upon your age, length of service, and weekly wage (subject to a maximum of £479). However, many employers will be prepared to pay more than that, and if you instruct Nationwide Employment Lawyers, we may be able to negotiate more if we are representing you, depending on your circumstances.

You may have a claim for underlying unlawful discrimination, if there is sufficient evidence. If you are offered a settlement agreement in a redundancy situation, we can assist in negotiating on the best possible deal for you and help you decide on whether accepting it would be a good option for you. Please see our separate piece on settlement agreements.

Nationwide Employment Lawyers has wide-ranging experience in advising employees in redundancy situations, negotiating on the best possible redundancy settlements, and advising/representing clients in tribunal claims where employees have been dismissed on grounds of redundancy, which are spurious.

Please contact us for expert professional advice on your precise situation.

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Any Questions?

I welcome any questions that you may have in regards to employment law.

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Any Questions?

Our lines are open 9am-5pm Monday-Friday, we are also very responsive to e-mails.