

# SECTION **H**

Guide to Managing Collective Redundancies

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# H1. Legislation

- H1.1 The main legislation governing redundancy is:
- (a) The Trade Union and Labour Relations (Consolidation) Act 1992.
  - (b) The Collective Redundancies and Transfer of Undertakings (Protection of Employment) Regulations 1995 (SI 1995/2587).
  - (c) The Employment Rights Act 1996.
  - (d) The Collective Redundancies and Transfer of Undertakings (Protection of Employment) Regulations 1999 (SI 1999/1925).
  - (e) The Collective Redundancies (Amendment) Regulations 2006.
  - (f) The Trade Union and Labour Relations (Consolidation) Act (Amendment) Regulations 2013.
- H1.2 The following information briefly explains the main provisions of the legislation. It is not intended to be a strictly legal interpretation.

# H2. Requirement to Notify Government

- H2.1 An employer intending to dismiss as redundant 20 or more employees in one establishment within a period of 90 days or less must notify the Department for Business, Innovation and Skills, of his proposal within the same minimum periods of notification as set out in Section H7.1 (a) & (b), before any employee is given their notice of termination. An employer may notify by letter or use form HR1, obtainable from any Redundancy Payments Office, Job Centre or Unemployment Benefit Office. A copy of the information supplied must also be given to the parties involved.
- H2.2 SJIB members should give written details of their redundancy proposals to The Secretary of the SJIB and the Union.

# H3. Redundancy Payments

- H3.1 A redundancy payment is due only to an Operative with at least two years continuous service with their employer. No redundancy payment is payable if an Operative leaves of his own accord, dies or is dismissed for reasons other than redundancy, e.g. inefficiency, unsuitability or for health reasons.
- H3.2 Employers are required to make redundancy payments, which are not taxable up to the current HMRC threshold.

- H3.3 For each complete year of service, up to a maximum of 20, Operatives are entitled to:
- (a) For each full year of service under 22 years of age – half a week’s pay.
  - (b) For each full year of service at age 22 but under 41 – one week’s pay.
  - (c) For each full year of service at age 41 or over – one and a half week’s pay.
- H3.4 The Redundancy Calculation Table – Appendix H1, will assist the parties in calculating the appropriate payment. Reckonable service is calculated by working backwards from the effective date of dismissal. Only complete years (12 calendar months) count.
- H3.5 The current statutory caps around redundancy pay and length of service can be found using this link: <https://www.gov.uk/staff-redundant/redundancy-pay>.

## H4. Definition of a Week’s Pay

- H4.1 A week’s pay is that which the Operative is entitled to under the terms of the contract at the calculation date. This is the date on which the employer gives the Operative the minimum notice to which he is legally entitled. If the pay varies (e.g. through piece work), the amount of the week’s pay is averaged over the 12 weeks prior to the calculation date. There is a maximum limit on statutory redundancy payments. The figure is published each February by the Department for Business, Energy & Industrial Strategy <http://www.gov.uk>.

## H5. Difficulty in Employers Making Redundancy Payments

- H5.1 If an employer has cash-flow problems so serious that making a redundancy payment would damage the business, arrangements can be made by the Department for Business, Energy & Industrial Strategy (BEIS) to pay the Operative direct from the National Insurance Fund. The employer is expected to pay back the payment as soon as possible.
- H5.2 If the employer is insolvent, the payment is made by BEIS and the employer’s share recovered from the assets of the business.
- H5.3 Operatives should apply for repayment to the insolvent employer’s representative, liquidator, or trustee.

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## H6. Collective Redundancies

- H6.1 Redundancies commonly arise when an employer needs to:
- (a) Close or move all or part of the business.
  - (b) Make cost savings due to a lost order or change in customer demand.
  - (c) Introduce new technology or reorganise the way the business is run.
- H6.2 In such circumstances, the law requires that, if the number of employees to be made redundant in one establishment is 20 or more, the employer must consult with the Union Regional Officer and/or Elected Shop Stewards.
- H6.3 If an employer proposes to make redundant fewer than 20 employees in one establishment, the employer is legally required to hold meaningful individual consultation with all affected employees (see Appendix H2 – Redundancy Flowchart).
- H6.4 SELECT has produced separate Guidance for employers entitled Handling Small Scale Redundancies which is aimed particularly at small and medium sized businesses that are considering making fewer than 20 employees redundant.

## H7. Consultation

- H7.1 Consultation must begin:
- (a) at least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less
  - (b) at least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.
- H7.2 Consultation must be fair, that is the Union Regional Officer and/or Elected Shop Stewards should be met while the redundancy proposals are still at an early stage. They should be given enough information on the proposed redundancies, and time to digest it, before making an informed response. At the same time all employees should be made aware of the company's situation in writing and the possible implications for them. (see Appendix H3 - At Risk Letter).

## H8. Definition of Establishment

- H8.1 For the purposes of consultation, establishment is defined as the entity to which the employees who are to be made redundant are assigned to carry out their duties.

## H9. Information Disclosure

- H9.1 The information to be disclosed should include:
- (a) The reasons for the proposed redundancies.
  - (b) The numbers and descriptions of employees who may be dismissed as redundant.
  - (c) The total number of employees of any description employed at the establishment in question.
  - (d) The proposed method of selecting the employees who may be dismissed.
  - (e) The proposed method of carrying out the dismissals, taking into account any agreed procedures, including the period over which the dismissals are to take effect.
  - (f) The proposed method of calculating redundancy payments to be made to those who are dismissed.
  - (g) With regard to agency workers, how many there are, where they are working and what type of work they are doing.

## H10. Rights of Redress - Protective Awards

- H10.1 If, where the proposals are to dismiss 20 or more employees in one establishment, an employer fails in any way to comply with the requirements to consult about proposed redundancies a complaint may be made to an Employment Tribunal within the specified time period.
- H10.2 A complaint may be made by either the Union, or any affected Operative who has been, or may be, dismissed.
- H10.3 Where a Tribunal finds a complaint well founded it may make a protective award relating to that group of employees. This entitles every employee who is made redundant within the group to be paid one week's pay for each week of the protected period. This period will be up to 90 days, beginning on the date on which the first of the dismissals to which the complaint relates was proposed to take effect, or the date after the award, whichever is earlier.
- H10.4 Where an Operative believes this situation applies to his particular circumstances, he should contact the Union prior to any protective award claim being lodged.

## H11. Rights of Redress - Unfair Dismissal

- H11.1 Operatives may also be able to make a complaint of unfair dismissal if they feel they have been unfairly selected for dismissal. For further information please refer to Section G (Resolving Issues at Work) of the SJIB Handbook – Appendix G7, SJIB Procedure for Handling and Resolving Disciplinary and Redundancy Dismissal Appeals.
- H11.2 Where an Operative believes this situation applies to his particular circumstances, he should contact the Union prior to any unfair dismissal claim being lodged.

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## H12. Conducting Consultation

H12.1 Consultation must include ways of:

- (a) Avoiding dismissals.
- (b) Reducing the number of employees to be dismissed.
- (c) Mitigating the effects of dismissals.

H12.2 Employers should, at all times, be mindful of the SJIB Code of Practice on Temporary Use of Labour – Only Sub-Contractors, which can be found in Section C.

## H13. Suitable Alternative Employment in the Company

H13.1 Where an Operative is likely to be dismissed as redundant the employer should make every effort to find suitable alternative employment in the company. Operatives should be consulted to discuss any possible vacancies and, where suitable jobs exist, offers of alternative work should be made. It should be noted that where redundant Operatives refuse any reasonable offer of suitable alternative employment they may lose their right to redundancy pay.

H13.2 When redundant Operatives take up alternative employment they are entitled to a statutory four week trial period in the new job. Where the new role necessitates training, this period may be extended by written agreement between both parties. The agreement must specify the date on which the trial or the extended training period is to end and the terms and conditions that apply thereafter. Should either the employer or Operative terminate employment during the trial or extended training period, the Operative will still be treated as redundant and the right to redundancy pay will be preserved. If the Operative works beyond the specified date of the four week or the extended training period, any redundancy entitlement will be lost because the Operative will be deemed to have accepted the new employment.

## H14. Time Off to Look for New Work or Training

H14.1 Operatives who are under notice of redundancy and have been continuously employed for at least two years qualify for a statutory entitlement to a reasonable amount of paid time off to look for another job or to arrange training.

H14.2 Employers are required to pay up to 40% of a week's pay during the entire notice period regardless of the amount of time off allowed. For example, an Operative who is contracted to work five days per week who takes four days off during their entire notice period would be entitled to be paid for two of these days. Operatives who contractually work less than five days per week should receive up to 40% of a week's pay.



H14.3 Operatives are also entitled to reasonable unpaid time off.

## H15. Individual Consultation

- H15.1 Employers need to be flexible about how they arrange individual consultation. Some companies wait until collective consultation has ended before consulting individual Operatives who may be at risk of redundancy. However there may be situations when it is appropriate to run collective and individual consultation concurrently.
- H15.2 For example, different groups of Operatives might be made redundant at different times. In this case, collective consultation might be taking place for one group at the same time as individual consultation is ongoing for the other group.
- H15.3 Individuals likely to be at risk of being made redundant should be informed as soon as possible after the decision to make redundancies has been reached. The employer should write to all Operatives likely to be involved, notifying them of the reason for the redundancy and inviting them to a meeting to discuss matters further. (see Appendix H4 – Letter inviting an Operative to an Individual Consultation Meeting).

## H16. Identifying the Redundancy Selection Pool

- H16.1 Before selecting an Operative for dismissal on the grounds of redundancy, an employer must consider from which pool of Operatives the redundancy selection should be made. Otherwise the dismissal is likely to be unfair.
- H16.2 When defining the pool, employers should consider the day to day activities of their Operatives and their contractual terms, which particular type of work is disappearing and which of the Operatives do this particular work. Care should be taken where Operatives are multi-skilled and do different types of work.

## H17. Selection Criteria

- H17.1 Once the selection pool has been determined, the employer will develop and apply the appropriate selection criteria to decide which Operatives will be provisionally selected for redundancy. Employers are required to consult with the Union to agree on suitable selection criteria.

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## H17. Selection Criteria continued

- H17.2 Employers should be able to demonstrate that the selection criteria is objective, justifiable and not based on the subjective opinion of the individuals applying the criteria. As far as possible the criteria should be measurable and supported by documentary records, data or other evidence, for example attendance records. Examples of selection criteria may include, but will not be limited to:
- (a) Attendance.
  - (b) Timekeeping.
  - (c) Conduct/Disciplinary Record.
  - (d) Relevant Skills/Qualifications.
  - (e) Demonstrable Experience and Training.
  - (f) Measurable Quality of Work.
- H17.3 Length of Service can be used as a criterion where this can be legally justified and may be used, for example, to differentiate between two individuals who have been awarded the same score as a result of a range of objective selection criteria being applied.
- H17.4 An employer must not select an Operative for redundancy based on any of the following reasons:
- (a) Pregnancy; including all reasons relating to maternity.
  - (b) Family; including parental leave, paternity leave (birth and adoption), adoption leave or time off for dependents.
  - (c) Acting as an employee representative.
  - (d) Acting as a trade union representative.
  - (e) Joining or not joining a trade union.
  - (f) Being a part-time or fixed-term Operative.
  - (g) Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
  - (h) Pay and working hours (for example refusing to give up rest breaks or asserting one's right to the National Minimum Wage or statutory holiday entitlement).

## H18. Application of Selection Criteria

- H18.1 Operatives will be scored by the application of factual documented evidence against the selection criteria. An employer may decide that it is appropriate to interview Operatives as part of the selection process and, if so, will give clear guidance on how the selection will be made and who will be involved in the selection process.

## H19. Operative Selection

- H19.1 Once the employer has scored Operatives within the selection pool, a selection list for redundancy will be made. All Operatives will be provided with a copy of their completed Selection Matrix, showing how they scored against each criterion and their overall score.

- H19.2 Operatives will be invited to attend individual consultation meetings to discuss their score to ensure they understand, and are satisfied, that their score is correct. Operatives will be permitted to be accompanied at the meeting by an elected representative, fellow worker or a Union representative.
- H19.3 Where an Operative believes his score to be wrong, the meeting should normally be adjourned for a short period in order to allow evidence to be considered. If necessary, the score should be amended to reflect any agreed changes.
- H19.4 Following the conclusion of this individual consultation meeting, the employer will confirm the decision in writing. If the decision is to dismiss by reason of redundancy, the letter should also advise the Operative of the right to appeal and will contain a written statement detailing the redundancy payment as appropriate. (see Appendix H5 – Letter Confirming Redundancy).

## H20. Redundancy Notice

- H20.1 Redundancy notices must not be issued until collective and individual consultations have been completed. The dismissal itself cannot take effect until the minimum period has expired and individual notice periods have been observed. The employer must give at least the minimum statutory notice period, which is:
- (a) One week's notice if the Operative has been employed by the employer continuously for one month or more but less than two years.
  - (b) One week's notice for each year employed if the Operative has been employed by the employer continuously for two years or more, up to a maximum of 12 weeks.
- H20.2 The date on which a dismissal takes effect is the date on which the notice expires, not the date on which it is given.
- H20.3 Employment can be terminated before the end of the notice period where an Operative has agreed to take a payment in lieu of notice.
- H20.4 An employer is bound by law to provide a written statement to Operatives setting out the way in which their redundancy pay has been calculated.

## H21. Appeal

- H21.1 An Operative who has been selected for redundancy and is dissatisfied with the way in which his employer has applied the selection criteria, or who believes that he has been unfairly disadvantaged, can appeal against his selection for redundancy through the SJIB Procedure for Handling and Resolving Disciplinary and Redundancy Dismissal Appeals (refer to the SJIB Handbook, Section G, Appendix G7).

# Appendix H1

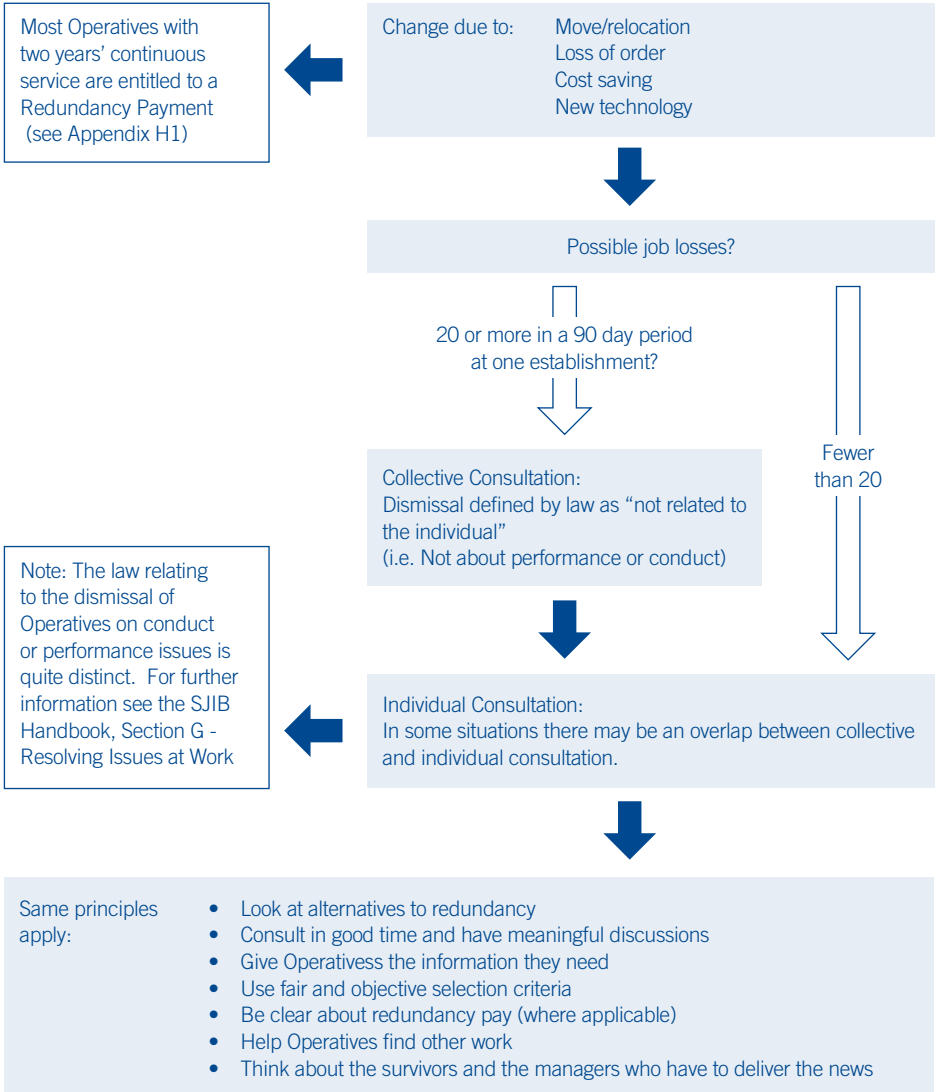
- 18\* It is possible that an individual could start to build up continuous service before age 16, but this is unlikely, and therefore we have started from age 18.
- 61# The same figures should be used when calculating the redundancy payment for a person aged 61 and above.

**REDUNDANCY CALCULATION TABLE**

Age	Services (Years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
18*	1																			
19	1	1 <sup>1/2</sup>																		
20	1	1 <sup>1/2</sup>	2																	
21	1	1 <sup>1/2</sup>	2	2 <sup>1/2</sup>																
22	1	1 <sup>1/2</sup>	2	2 <sup>1/2</sup>	3															
23	1 <sup>1/2</sup>	2	2 <sup>1/2</sup>	3	3 <sup>1/2</sup>	4														
24	2	2 <sup>1/2</sup>	3	3 <sup>1/2</sup>	4	4 <sup>1/2</sup>	5													
25	2	3	3 <sup>1/2</sup>	4	4 <sup>1/2</sup>	5	5 <sup>1/2</sup>	6												
26	2	3	4	4 <sup>1/2</sup>	5	5 <sup>1/2</sup>	6	6 <sup>1/2</sup>	7											
27	2	3	4	5	5 <sup>1/2</sup>	6	6 <sup>1/2</sup>	7	7 <sup>1/2</sup>	8										
28	2	3	4	5	6	6 <sup>1/2</sup>	7	7 <sup>1/2</sup>	8	8 <sup>1/2</sup>	9									
29	2	3	4	5	6	7	7 <sup>1/2</sup>	8	8 <sup>1/2</sup>	9	9 <sup>1/2</sup>	10								
30	2	3	4	5	6	7	8	8 <sup>1/2</sup>	9	9 <sup>1/2</sup>	10	10 <sup>1/2</sup>	11							
31	2	3	4	5	6	7	8	9	9 <sup>1/2</sup>	10	10 <sup>1/2</sup>	11	11 <sup>1/2</sup>	12						
32	2	3	4	5	6	7	8	9	10	10 <sup>1/2</sup>	11	11 <sup>1/2</sup>	12	12 <sup>1/2</sup>	13					
33	2	3	4	5	6	7	8	9	10	11	11 <sup>1/2</sup>	12	12 <sup>1/2</sup>	13	13 <sup>1/2</sup>	14				
34	2	3	4	5	6	7	8	9	10	11	12	12 <sup>1/2</sup>	13	13 <sup>1/2</sup>	14	14 <sup>1/2</sup>	15			
35	2	3	4	5	6	7	8	9	10	11	12	13	13 <sup>1/2</sup>	14	14 <sup>1/2</sup>	15	15 <sup>1/2</sup>	16	16 <sup>1/2</sup>	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14 <sup>1/2</sup>	15	15 <sup>1/2</sup>	16	16 <sup>1/2</sup>	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15 <sup>1/2</sup>	16	16 <sup>1/2</sup>	17	17 <sup>1/2</sup>	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16 <sup>1/2</sup>	17	17 <sup>1/2</sup>	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17 <sup>1/2</sup>	18	18 <sup>1/2</sup>	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18 <sup>1/2</sup>	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19 <sup>1/2</sup>	
42	2 <sup>1/2</sup>	3 <sup>1/2</sup>	4 <sup>1/2</sup>	5 <sup>1/2</sup>	6 <sup>1/2</sup>	7 <sup>1/2</sup>	8 <sup>1/2</sup>	9 <sup>1/2</sup>	10 <sup>1/2</sup>	11 <sup>1/2</sup>	12 <sup>1/2</sup>	13 <sup>1/2</sup>	14 <sup>1/2</sup>	15 <sup>1/2</sup>	16 <sup>1/2</sup>	17 <sup>1/2</sup>	18 <sup>1/2</sup>	19 <sup>1/2</sup>	20 <sup>1/2</sup>	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4 <sup>1/2</sup>	5 <sup>1/2</sup>	6 <sup>1/2</sup>	7 <sup>1/2</sup>	8 <sup>1/2</sup>	9 <sup>1/2</sup>	10 <sup>1/2</sup>	11 <sup>1/2</sup>	12 <sup>1/2</sup>	13 <sup>1/2</sup>	14 <sup>1/2</sup>	15 <sup>1/2</sup>	16 <sup>1/2</sup>	17 <sup>1/2</sup>	18 <sup>1/2</sup>	19 <sup>1/2</sup>	20 <sup>1/2</sup>	21 <sup>1/2</sup>	
45	3	4 <sup>1/2</sup>	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	8 <sup>1/2</sup>	9 <sup>1/2</sup>	10 <sup>1/2</sup>	11 <sup>1/2</sup>	12 <sup>1/2</sup>	13 <sup>1/2</sup>	14 <sup>1/2</sup>	15 <sup>1/2</sup>	16 <sup>1/2</sup>	17 <sup>1/2</sup>	18 <sup>1/2</sup>	19 <sup>1/2</sup>	20 <sup>1/2</sup>	21 <sup>1/2</sup>	22 <sup>1/2</sup>	
47	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	11 <sup>1/2</sup>	12 <sup>1/2</sup>	13 <sup>1/2</sup>	14 <sup>1/2</sup>	15 <sup>1/2</sup>	16 <sup>1/2</sup>	17 <sup>1/2</sup>	18 <sup>1/2</sup>	19 <sup>1/2</sup>	20 <sup>1/2</sup>	21 <sup>1/2</sup>	22 <sup>1/2</sup>	23 <sup>1/2</sup>	
49	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13 <sup>1/2</sup>	14 <sup>1/2</sup>	15 <sup>1/2</sup>	16 <sup>1/2</sup>	17 <sup>1/2</sup>	18 <sup>1/2</sup>	19 <sup>1/2</sup>	20 <sup>1/2</sup>	21 <sup>1/2</sup>	22 <sup>1/2</sup>	23 <sup>1/2</sup>	24 <sup>1/2</sup>	
51	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13 <sup>1/2</sup>	15	16	17	18	19	20	21	22	23	24	25	
52	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13 <sup>1/2</sup>	15	16 <sup>1/2</sup>	17 <sup>1/2</sup>	18 <sup>1/2</sup>	19 <sup>1/2</sup>	20 <sup>1/2</sup>	21 <sup>1/2</sup>	22 <sup>1/2</sup>	23 <sup>1/2</sup>	24 <sup>1/2</sup>	25 <sup>1/2</sup>	
53	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13 <sup>1/2</sup>	15	16 <sup>1/2</sup>	18	19	20	21	22	23	24	25	26	
54	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13 <sup>1/2</sup>	15	16 <sup>1/2</sup>	18	19 <sup>1/2</sup>	20 <sup>1/2</sup>	21 <sup>1/2</sup>	22 <sup>1/2</sup>	23 <sup>1/2</sup>	24 <sup>1/2</sup>	25 <sup>1/2</sup>	26 <sup>1/2</sup>	
55	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13 <sup>1/2</sup>	15	16 <sup>1/2</sup>	18	19 <sup>1/2</sup>	21	22	23	24	25	26	27	
56	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13 <sup>1/2</sup>	15	16 <sup>1/2</sup>	18	19 <sup>1/2</sup>	21	22 <sup>1/2</sup>	23 <sup>1/2</sup>	24 <sup>1/2</sup>	25 <sup>1/2</sup>	26 <sup>1/2</sup>	27 <sup>1/2</sup>	
57	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13 <sup>1/2</sup>	15	16 <sup>1/2</sup>	18	19 <sup>1/2</sup>	21	22 <sup>1/2</sup>	24	25	26	27	28	
58	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13 <sup>1/2</sup>	15	16 <sup>1/2</sup>	18	19 <sup>1/2</sup>	21	22 <sup>1/2</sup>	24	25 <sup>1/2</sup>	26 <sup>1/2</sup>	27 <sup>1/2</sup>	28 <sup>1/2</sup>	
59	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13 <sup>1/2</sup>	15	16 <sup>1/2</sup>	18	19 <sup>1/2</sup>	21	22 <sup>1/2</sup>	24	25 <sup>1/2</sup>	27	28	29	
60	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13 <sup>1/2</sup>	15	16 <sup>1/2</sup>	18	19 <sup>1/2</sup>	21	22 <sup>1/2</sup>	24	25 <sup>1/2</sup>	27	28 <sup>1/2</sup>	29 <sup>1/2</sup>	
61*	3	4 <sup>1/2</sup>	6	7 <sup>1/2</sup>	9	10 <sup>1/2</sup>	12	13 <sup>1/2</sup>	15	16 <sup>1/2</sup>	18	19 <sup>1/2</sup>	21	22 <sup>1/2</sup>	24	25 <sup>1/2</sup>	27	28 <sup>1/2</sup>	30	

# Appendix H2

## REDUNDANCY FLOWCHART COLLECTIVE AND INDIVIDUAL CONSULTATION – THE BASIC PRINCIPLES



# Appendix H3

## 'AT RISK' LETTER (SAMPLE)

[Address]

[Date]

To all Operatives employed at:

(a) \_\_\_\_\_ Site

(b) \_\_\_\_\_ Shop

A meeting has taken place on (date) between the Company and (a) representatives of the Union or (b) Company employee representatives regarding a foreseeable decline in the order book affecting the number of Operatives required at the above mentioned (a) Site or (b) Shop in the immediate future.

The Company is currently considering a number of alternative measures in order to avoid a reduction in manning levels and any subsequent compulsory redundancies.

Further meetings will take place with (a) representatives of the Union (b) Company employee representatives to examine and review this serious situation. (Delete if not applicable)

It is hoped that compulsory redundancies can be avoided. However, you should consider this letter as an 'at risk of redundancy notification'.

As necessary, Operatives will be selected for redundancy on the basis of the **[Enter the redundancy selection criteria to be applied and include a copy of the Selection Matrix]**. You will be told of the score that you achieved following the application of these criteria.

If you are selected for redundancy, you will be sent a letter of confirmation inviting you to a meeting to discuss your dismissal.

The company will endeavor to keep you informed of developments, but in the meantime if you wish to discuss matters further please contact **[enter name]**.

Yours sincerely,

**[For and on behalf of]**

## Appendix H4

### LETTER INVITING OPERATIVE TO AN INDIVIDUAL CONSULTATION MEETING (SAMPLE)

[Address]

[Date]

Dear [Operative's Name]

Following the meeting between **[enter Company and (a) representative of the Union or (b) Company employee representatives]** on **[enter date]** regarding the current redundancy situation, the workload has decreased to such an extent that we are compelled to consider Operatives for redundancy. Specifically we plan to dismiss **[enter details e.g. the total number of Operatives by grade and/or department or location]**.

As you are likely to be affected by the selection process, I am writing to invite you to a meeting on **[date of meeting]** at **[time of meeting]** which is to be held at **[place of meeting]**. At this meeting we will discuss the selection criteria along with any possible alternatives to redundancy.

Please contact **[enter name]** to confirm your attendance, or if the date and time are not suitable, to arrange an alternative date for the meeting.

You have the right to be accompanied at this meeting by a fellow worker or Union Representative.

Yours sincerely,

**[For and on behalf of]**

# Appendix H5

## LETTER CONFIRMING REDUNDANCY (SAMPLE)

[Address]

[Date]

Dear [Operative's Name]

Further to our recent meeting(s) regarding the need to reduce manning levels which took place on **[enter date(s)]**, I am writing formally to confirm that you have been selected for redundancy and will leave the company's employment on **[enter date]**.

The selection of Operatives to be made redundant was based on the Company redundancy selection procedure, which has been discussed with you, and the need for the Company to retain a balanced labour force.

### **[Choose one of the following four options]**

Unfortunately, you have less than two qualifying years service with **[Company]** and therefore you are not entitled to statutory redundancy pay.

Or

**[You are entitled to [Enter number] weeks' notice, commencing on [Enter date] and ending on [Enter leaving date]. While working your notice you are entitled to reasonable time off with pay to pursue your job search. You will be required to show appointment details in order to get approval from your manager for time off].**

Or

**[You are entitled to [Enter number] weeks' notice, commencing on [Enter date]. We would like you to work during the first [Enter number] weeks of this notice and your date of termination of employment will therefore be [Enter date]. The balance of your notice will be paid in lieu. While working your notice you are entitled to reasonable time off with pay to pursue your job search. You will be required to show appointment details in order to get approval from your manager for time off].**

Or

**[You are entitled to [Enter number] weeks' notice which will be paid in lieu].**

Redundancy payment entitlement is as shown on the attached schedule.



The money will be paid by cheque/credit transfer to your normal bank account on or shortly after your date of leaving.

You will also be entitled to any outstanding holiday pay, which is subject to normal deductions and will be paid through the payroll with your final salary payments. The final payroll run may occur after you have left employment. Your P45 and final salary advice will be posted to you as soon as possible afterwards.

**[Delete the following if not applicable]**

**[As a member of the Company Pension Scheme, you will also receive details in due course of the options open to you. This normally takes [Enter number] weeks from the date of leaving].**

**[As you are currently off sick I am obliged to issue you with a form SSP1 which you should present to the Department for Work and Pensions as soon as possible so that Sickness Benefits payments may be continued].**

You are advised to register as unemployed at your local Job Centre the next weekday after your date of leaving. You may or may not qualify immediately for Jobseekers Allowance but may separately qualify for National Insurance credits. These can be important for securing your State Pension benefits.

It is the company's policy not to provide open references to Operatives. However, we will be pleased to respond quickly to a reference request made by any potential future employer provided that request is made on their letter-headed paper.

You have the right to appeal against the decision to dismiss you on the grounds of redundancy. If you wish to appeal please do so in writing to **[Enter name and contact details]** by **[Enter date]**.

I would like to thank you for the contribution you have made to the company and wish you every success in the future.

Yours sincerely,

**[Signatory name]**

# Appendix H5 continued

## CONFIRMATION OF ENTITLEMENTS

Name:	
Job Title:	
Date of Birth:	
Date of Leaving:	
Start Date:	
Number of completed years' service at expected date of termination:	
Amount of Weeks' Pay (Note: This is capped at the current statutory rate):	
Redundancy Pay:	
Sub Total:	
Pay in Lieu of Notice:	
Holiday Pay:	
Grand Total:	

If a weeks' pay is not defined in the employees' contract of employment, it is the average pay calculated over the 12 week period preceding the date of termination excluding any weeks not worked.

## Appendix H6

### INVITATION TO REDUNDANCY APPEAL MEETING

[Address]

[Date]

Dear [Enter name]

I am writing to confirm that I have received your **[Enter verbal notification or written notification]** that you wish to appeal against the decision to dismiss you on the grounds of redundancy.

I should like to meet you therefore on **[Enter date]** at **[Enter time]** in **[Enter location]**. The purpose of this meeting will be for you to provide me with full details of your appeal in order that I can gather all the relevant facts.

Present at the meeting will be **[Enter name and position]**. I should remind you that you may be accompanied at this meeting by an employee representative, fellow worker or an accredited trade union official. Would you please inform me prior to the meeting who you intend to have accompanying you.

Yours sincerely,

**[Signatory name]**

