

Redundancy - what are your rights?

More than 1.3 million workers have lost their jobs during this recession and there are substantial public sector job cuts to come. Even if you do not face redundancy, it is likely that you know someone who will. It therefore pays to know your rights.

If you have more than one year's employment, you may be able to claim unfair dismissal if the redundancy was not genuine or your employer did not follow the correct procedure. You have to move quickly though - you only have three months from the date your employment ends to start a claim.

In following the correct procedure, your employer has to consult with you individually in a series of meetings. This gives you a chance to come up with suggestions for avoiding your redundancy, consider any other jobs your employer may have available and go through the payments you will receive. You will usually have the right to appeal if you are made redundant. If more than 20 employees are affected, there are additional obligations.

Where a job is at risk and there are others doing the same job, you will all be put into a pool and scored against agreed criteria. Those with the lowest scores will be made redundant. The criteria must be objective and non-discriminatory and could include qualifications, experience, performance, disciplinary record and attendance.

Ware & Kay LLP in YORK



Address
Sentinel House
Peasholme Green
York, YO1 7PP



Tel
01904 716 000
Fax
01904 716 100

If you are selected for redundancy, your employer must consider if there is any suitable alternative employment available. You also have the right to paid time off work to look for another job or arrange training.

For anyone who has been employed for more than two years, you will be entitled to a statutory redundancy payment. This is calculated using a formula based on your age, length of service and weekly pay, capped at £400 per week. If your employer refuses to pay, you have six months to bring a claim. If your employer is insolvent, you can claim the payment from the National Insurance Fund. If you are made redundant and your employer does not want you to work your notice period, you should be paid in lieu of notice. You should also be paid for any holiday you have accrued and not taken.

You may be offered an enhanced redundancy payment, in return for signing a compromise agreement giving up any employment claims. You will have to take legal advice on this agreement and a contribution towards your legal fees is usually paid by your employer.

If you have been told your job is at risk of redundancy, we can tell you what your rights are. If you have been offered a compromise agreement we can advise you on it. If you have been made redundant and think you may have a claim, you should contact us as soon as possible.

For further advice on your redundancy rights and other employment issues please contact a member of our Employment Team on on York **01904 716 000** or Wetherby on **01937 583 210**.

Ware & Kay LLP

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Ware & Kay LLP in WETHERBY



Address
The Aire Suite
Brunswick Court
Victoria Street
Wetherby, LS22 6RE



Tel
01937 583 210
Fax
01937 587 556