

AUGUST 2015

CHECKLIST

Redundancy: Collective consultation



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ESTABLISH WHETHER THERE IS A GENUINE REDUNDANCY SITUATION

- Is there a closure of a business?
- Is there a closure of a workplace?
- Is there a reduced requirement for employees to carry out work of a particular kind?

ESTABLISH HOW MANY REDUNDANCIES ARE BEING PROPOSED

- If 20 or more redundancies are proposed in a 90-day period then collective consultation obligations will arise under the Trade Union and Labour Relations (Consolidation) Act 1992 and it will be necessary to notify the Secretary of State of the proposed redundancies.
- If fewer than 20 redundancies are being proposed then it will be necessary to follow a fair procedure in relation to each employee at risk of redundancy.

PLAN IN ADVANCE

- Ensure managers involved in the process are aware of the employer's legal obligations.
- Establish whether there will be any confidentiality restrictions on the information which can be shared with employee representatives.
- Ensure that the relevant company representatives and line managers are available to hold the meetings and provide necessary support to employees at risk of redundancy.

IF NO RECOGNISED TRADE UNION OR STANDING REPRESENTATIVE BODY, HOLD ELECTIONS FOR EMPLOYEE REPRESENTATIVES

- Notify employees that there is a redundancy situation and that you will be consulting with elected representatives.
- Comply with statutory requirements for fair elections:
 - determine how many representatives are needed to represent the interests of affected employees;
 - determine whether the representatives will represent constituencies;
 - determine the term of office;
 - invite nominations for candidates;
 - ensure that no affected employee is unreasonably excluded from standing for election;
 - ensure that all affected employees are entitled to vote;
 - ensure that the voting is secret and the votes are accurately counted.
- Notify candidates and affected employees of the outcome of the elections.

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NOTIFY THE SECRETARY OF STATE

- The employer must notify the Secretary of State in writing using form HR1 that it is planning to make collective redundancies:
 - at least 30 days before the first dismissal takes effect (in other words, the date on which notice is to expire or employment is to end) where the employer proposes to dismiss 20 to 99 employees within a 90 day period, or
 - at least 90 days before the first dismissal where the employer proposes to dismiss 100 or more employees.
- Provide a copy of the form HR1 to the employee representatives.

PROVIDE EMPLOYEE REPRESENTATIVES WITH THE NECESSARY INFORMATION

- Notify the representatives in writing of:
 - the reasons for the proposed redundancies;
 - the numbers and descriptions of employees whom it is proposed to dismiss as redundant;
 - the total number of employees of any such description employed by the employer at the establishment;
 - the proposed selection method;
 - the proposed method of calculating the amount of any redundancy payment;
 - the number of agency workers working temporarily for and under the supervision and direction of the employer, the parts of the business in which they are working and the type of work they are doing.
 - the date of the first consultation meeting.

HOLD FIRST CONSULTATION MEETING WITH EMPLOYEE REPRESENTATIVES

- Consult the appropriate representatives (with a view to reaching an agreement) on:
 - ways of avoiding or reducing dismissals and mitigating their consequences;
 - appropriate pool(s) for selection;
 - selection criteria.

HOLD FURTHER CONSULTATION MEETINGS WITH EMPLOYEE REPRESENTATIVES

- Continue to consult until either agreement is reached or there is no further scope for discussion.

BEGIN INDIVIDUAL CONSULTATION WITH EMPLOYEES AT RISK OF REDUNDANCY

- See our separate guide, **Checklist – Redundancy: Individual consultation**.

GIVE NOTICE OF DISMISSAL

- Write to the employee confirming the decision to dismiss them as redundant and specify the termination date which must be not less than 30/90 days after the consultation began.



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APPEAL

- If an employee appeals, invite them to attend a further meeting to hear the appeal. If possible, the meeting should be held by someone senior to the person who held the previous meeting(s).
- Allow employee to be accompanied by a trade union representative or work colleague.
- Following the meeting, write to the employee confirming the outcome of the appeal and that the decision is final.

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