

Redundancy Selection - 1

The issue of the selection for redundancy is an issue which is going to be arising. This issue did actually arise in case ADJ-00014858. The employee was not successful in that case.

The relevant legislation is Section 6 of the Unfair Dismissals Act 1977. In relation to the issue of selection for redundancy Subsection 3 is the relevant section which provides

“(3) Without prejudice to the generality of subsection (1) of this section, if an employee was dismissed due to redundancy but the circumstances constituting the redundancy applied equally to one or more other employees in similar employment with the same employer who have not been dismissed, and either the selection of that employee for dismissal resulted wholly or mainly from one or more of the matters specified in subsection (2) of this section or another matter that would not be the ground justifying dismissal, or he was selected for dismissal in contravention of a procedure (being a procedure that has been agreed upon by or on behalf of the employer and by the employee or a trade union, or an excepted body under the Trade Union Acts 1941 and 1977, representing him or has been established by the custom and practice of the employment concerned, relating to redundancy and there were no special reasons justifying a departure from that procedure, then the dismissal shall be deemed, for the purposes of this Act, to be an Unfair Dismissal”

In looking at this it is also important to look at the provisions in Section 7 subsection 2 the Redundancy Payments Act 1967 as amended.

In these cases the question is always going to be whether the employee was properly selected for redundancy. In these types of cases it will be imperative for employers to have the appropriate documentation in place showing the selection process and how it was applied to the employee and how the employee was given fair procedures in relation to same.