

Unfair Dismissal Arising from a Redundancy*

This issue arose in case ADJ-00025155 being a case of an office manager and a service company.

In this case the employee won the case on the basis that the Respondent had taken on new employees in the previous year though two of them were made redundant at the same time as the Complainant. The growing number of employees and company profits disclosed did not accord with the respondents alleged financial concerns.

Importantly though, it was pointed out that the Complainant had long service and experience in sales. She had no pension. No consideration was given to the Complainant's redeployment or alternative to redundancy in consultation with the complainant.

Where an employer is considering making an employee redundant it is important to make sure that the employer goes through a consultation process with the employee and examines issues relating to redeployment or alternative roles to redundancy. This may mean that the employee moves to a job where another employee is performing that function, but which the employee under risk of redundancy could perform those functions, where the other employee has lessor service.

***Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.**

***In contentious cases a solicitor may not charge fees or expenses as a proportion or percentage of any award or settlement.**