

HR Newsletter

November 2015:

Suitable Alternative Employment

Suitable alternative roles in a Redundancy situation.

Considering suitable alternative employment for employees at risk of redundancy is an important part of a fair redundancy procedure. When dealing with offers of alternative employment, employers need to understand the effect on entitlement to redundancy pay and the rights of employees on family-related leave.

5 things to remember in offering suitable alternative work:

1. Explore alternative employment for redundant employees as an integral part of the redundancy process

An employer that dismisses an employee for redundancy without considering whether or not there is alternative employment available could be found to have dismissed the employee unfairly, even if there was a genuine redundancy situation.

Exploration of alternative roles should be undertaken as an important part of the redundancy consultation process.

2. Don't rule out offering a role that may not seem "suitable" for a particular employee

An employee may be willing to accept an offer of a less senior role or a job in a different part of the business, if the alternative is unemployment. So employers should not withhold information about vacancies they assume an employee would not be interested in.

3. Start considering alternative employment as early as possible

Employers should begin considering what alternative employment might be available as soon as it is clear that redundancies may be necessary. Exploration of alternatives to redundancy should continue throughout the process.

4. Think very carefully before withholding a redundancy payment from an employee

An employee who unreasonably refuses an offer of alternative employment will not be entitled to a redundancy payment. However, it is not always clear if a particular job is "suitable" or whether or not it is unreasonable for the employee to refuse it, so employers should be very cautious about withholding a payment.

5. Be aware of special rights for employees on maternity leave

Employers need to be particularly careful when handling redundancies when there are employees on maternity leave, adoption leave or shared parental leave, as these employees have extra protection. If there is a suitable alternative vacancy for an employee on family-related leave, the employer has an obligation to offer it to him or her.