

# Top 5 Tips for Employers: Redundancy Selection Criteria

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One of the key issues in establishing procedural fairness in redundancy dismissal cases is fair selection criteria. We set out below our top tips when considering and applying redundancy selection criteria.

## **1. OBJECTIVE CRITERIA**

Use objective scoring criteria where possible to avoid potential allegations of bias or discrimination. Employers who use “last-in-first-out” as the only criteria in redundancy dismissals may run the risk of age discrimination claims from younger employees.

## **2. SEEK TO AGREE THE SELECTION CRITERIA WITH TRADE UNION OR EMPLOYEE REPRESENTATIVES**

Employers should consult trade union or employee representatives on the proposed selection criteria. In order to engage in meaningful consultation, employers are encouraged to listen and to respond to any concerns raised by representatives.

## **3. CONSIDER ADJUSTMENTS**

Adjustments may need to be made for employees who have been absent as a result of:

- ill health;
- family-related leave (e.g maternity leave); or
- having to shield during the Coronavirus pandemic.

In these circumstances, seek advice on whether it would be appropriate to extend the relevant review periods for these individuals.

## **4. MULTIPLE SCORERS**

Where possible, at least two line managers should score each employee against the selection criteria. This should be followed by a moderation process to ensure fairness and consistency.

## **5. RECORDS AND REASONS**

Scorers should explain why they have awarded each score and keep a record of their reasons. Scoring without wider explanations may expose employers to potential allegations of bias and/or discrimination.

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For more information on redundancy, or if you need any legal advice in relation to any employment law topics, do not hesitate to get in touch.

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