

Redundancy dismissal procedures after 6 April

The repeal of the statutory dispute resolution procedures on 6 April 2009 means that an employer's procedural failures in carrying out a dismissal no longer result in the dismissal being deemed automatically unfair. From now on, most dismissal procedures will be subject to the new Acas Code of Practice on Discipline and Grievance – but the Code does not apply to redundancies. In this article, we explain the law that governs procedural fairness in redundancy from 6 April and the impact this will have on compensation for unfair dismissal in a redundancy context. We also highlight the transitional provisions that cover the changeover to the new regime.

Before the introduction of the statutory dispute resolution procedures in October 2004, procedural fairness in redundancy dismissals was determined solely by reference to rules established by case law. The statutory procedures introduced by the Employment Act 2002 – which applied to redundancy dismissals as much as to any other type – changed all that by introducing statutory minimum standards of procedural fairness in dismissal. Although the ordinary principles of fairness in dismissal continued to apply alongside the statutory requirements, the sanctions attached to the statutory procedures meant that, for many employers, the focus shifted away from general fairness to consideration of whether formulaic minimum procedures had been complied with.

The procedures were intended to reduce litigation by encouraging parties to resolve disputes in the workplace, rather than proceeding straight to an employment tribunal. Unfortunately, they had the effect of accelerating the litigation process in many cases, with both parties seeking legal advice at an earlier stage to ensure compliance. Given the draconian consequences for failing to comply – including employees being denied access to a hearing of their claim and employers facing a finding of automatically unfair dismissal for technical procedural failings and a consequent possible increase in compensation of up to 50 per cent – this was, perhaps, hardly surprising.

On 6 April 2009, the statutory procedures were repealed by the Employment Act 2008 and replaced by the new Acas Code of Practice on Discipline and Grievance. The Code's provisions will be taken into account by tribunals in determining the procedural fairness of most dismissals and an unreasonable failure to observe the Code's requirements may lead to an increase (or reduction) in compensation. However, the Code does not apply to redundancy dismissals. Thus, for redundancies, the guiding principles of procedural fairness will be those that applied pre-2004.

In this article, we review these principles as they apply to redundancy dismissals occurring on or after 6 April 2009. We outline the basic requirements of procedural fairness, derived from pre-2004 case law, and how they apply from 6 April. We also consider the rules on

compensation for procedurally unfair dismissals and the transitional provisions covering the limited time frame during which the statutory procedures continue to apply after 6 April.

Procedural fairness

As stated above, the statutory procedures have now been repealed. Under that regime, where an employer contemplated dismissing fewer than 20 employees as redundant, he had to follow the three-step DDP contained in Part 1 of Schedule 2 to the Employment Act 2002. (Employers contemplating 20 or more redundancy dismissals within 90 days were obliged to go through collective consultation procedures instead of the statutory dispute resolution procedures – see below under 'Collective consultation'.) This involved:

- Step 1: setting out in writing the circumstances that led the employer to contemplate dismissal, i.e. the redundancy situation, and inviting the employee to a meeting to discuss it
- Step 2: holding a meeting, having first informed the employee of the basis for the redundancy and allowing the employee a reasonable opportunity to consider his or her response
- Step 3: giving the employee the opportunity to appeal against the decision taken at the Step 2 meeting.

These procedures were only intended to provide a minimum standard and so compliance did not make a dismissal automatically fair. The 'ordinary' unfair dismissal provisions in S.98 of the Employment Rights Act 1996 – as elaborated by the case law rules developed before 2004 – still applied on top of the statutory procedures. However, where an employee with at least one year's service was dismissed and the DDP was not completed owing to the employer's failure to comply with any of its requirements, the dismissal would be rendered automatically unfair by S.98A(1) ERA.

S.98A ERA was repealed along with the statutory procedures by the EA 2008 on 6 April. The key consequence of this is that, from now on, procedural failures can no longer result in a dismissal being deemed automatically unfair.

Fair procedure after 6 April

Section 98 ERA sets out how a tribunal should approach the question of whether a dismissal for redundancy – or indeed for any of the potentially fair reasons listed in S.98(1) and (2) – is fair. S.98(4) requires the tribunal to consider whether the employer acted reasonably in treating that reason as a sufficient reason for dismissing the employee. The tribunal must have regard to the circumstances of the dismissal, including the size and administrative resources of the employer's undertaking. The abolition of the DDPs means that, in unfair redundancy dismissal cases where the employer starts the process leading to dismissal on or after 6 April, tribunals must rely primarily on pre-2004 case law on S.98(4) to determine what constitutes a fair redundancy procedure.

The leading case is *Polkey v AE Dayton Services Ltd* 1988 ICR 142. There, the House of Lords established that procedural fairness is an integral part of the reasonableness test in S.98(4) ERA. In the words of Lord Bridge, 'the employer will not normally act reasonably unless he warns and consults any employees affected or their representative, adopts a fair basis on which to select for redundancy and takes such steps as may be reasonable to avoid or minimise the redundancy by deployment within his own organisation'. Thus, *Polkey* sets out the core elements of procedural fairness in redundancy. We consider these elements separately, below.

'No difference' rule

Their Lordships in *Polkey* also ended what had become known as the 'no difference' rule. Previously, where there was a proven procedural irregularity in an otherwise fair dismissal – e.g. failure to consult before a redundancy – but it could be shown that carrying out the proper procedure would have made no difference, the tribunal would be able to find the dismissal fair. The House of Lords overturned this rule in all cases, except those where it would be 'utterly useless' or 'futile' to carry out the omitted procedure. This decision had the effect of blurring the line between 'procedural' and 'substantive' fairness in redundancy cases, giving tribunals scope to decide that a number of the steps that employers are expected to take are not purely procedural, but go to the very heart of what amounts to a fair redundancy dismissal.

The Employment Act 2002, under which the statutory procedures were introduced in 2004, also brought in a partial reversal of the *Polkey* decision. New S.98A(2) ERA stated that a failure by the employer to follow a fair procedure *other than* the applicable DDP in relation to the dismissal would not be regarded by itself as making the dismissal unfair if the employer could show, on the balance of probabilities, that he would have decided to dismiss the employee if that additional procedure had been followed. If the employer could overcome this hurdle – and there was no issue of substantive unfairness – the dismissal would be deemed fair notwithstanding the procedural failures committed by the employer. Thus, the

'no difference' rule was reinstated, albeit only in circumstances where the minimum obligations of the statutory procedures had been observed.

Following the demise of the statutory procedures and the repeal of S.98A, the *Polkey* decision will return to the fore in redundancy cases. It will thus no longer be possible for an employer to invoke the 'no difference' argument when defending a failure to adopt a fair procedure, except in cases where following the required procedure would have been futile. This is the key difference between the requirements imposed on employers before and after 6 April. Before 6 April, an employer who saw redundancy dismissal as a foregone conclusion might have felt safe observing only the statutory minimums required by the DDPs. Although fairness and good practice might have required a more thorough consultation process, so long as it could be shown that it was more likely than not that dismissal would have resulted in any event, S.98A(2) would prevent a finding of unfair dismissal. Following 6 April, there is no prescribed minimum and hardly any scope for 'rescuing' a procedurally unfair dismissal. Unless there is absolutely no possibility of avoiding dismissal, the safest course will be for employers to go through the full redundancy procedure in all cases, no matter how inevitable the eventual outcome may seem.

Consultation

As their Lordships made clear in *Polkey*, the employer's obligation to consult employees as part of a fair redundancy procedure is very much a part of reasonableness under S.98(4) ERA. In that case, P was dismissed for redundancy without his employer having made any attempt to consult him. The tribunal condemned the company's breach of procedural fairness but decided that P had not been unfairly dismissed because he would have been dismissed even if the company had consulted him. The EAT and the Court of Appeal rejected P's appeal but the House of Lords held that he had been unfairly dismissed. The tribunal should have asked whether the employer had acted reasonably in deciding that the reason for dismissing P was sufficient, not whether P would have been dismissed even if warning or consultation had taken place. Only if the employer could reasonably have concluded at the time of dismissal that the decision to dismiss would be unaffected by any consultation with P could a dismissal in breach of procedural fairness be reasonable.

The question of whether an employer acts reasonably in deeming it futile, during a redundancy exercise, to carry out consultation – or any other fair procedural step – must be determined by the tribunal. In reaching its decision the tribunal will take into account the circumstances known to the employer at the time of dismissal. In *Polkey*, Lord Bridge's view was that dispensing with consultation would be 'exceptional' and,

in practice, it has tended to be allowed only where the employer has been bound to operate under some measure of secrecy – see, for example, *Speller v Golden Rose Communications plc* EAT 1360/96.

Subject of consultation

If consultation is generally expected of an employer, the inevitable question arises: consultation about what? To some extent, the subject-matter will depend upon the specific circumstances, but best practice suggests that it should normally include: (i) an indication (i.e. warning) that the individual has been provisionally selected for redundancy; (ii) confirmation of the basis for selection; (iii) an opportunity for the employee to comment on his or her redundancy selection assessment; (iv) consideration as to what, if any, alternative positions of employment may exist; and (v) an opportunity for the employee to address any other matters he or she may have.

Case law indicates that concern over the adequacy of consultation is likely to be particularly acute if an employee is left in the dark until too late a stage in the redundancy process. The Acas advisory booklet ‘Redundancy handling’ states that it is good practice for employers to consult at an early enough stage to allow discussion as to whether the proposed redundancies are necessary at all. Further, the consultation process should precede any public announcement of the redundancy programme and the issue of termination.

It is important to note that the scope of the duty to warn and consult extends only to those employees who are the target of the proposed redundancy. An employer will not be penalised for failing to consult an employee at an earlier stage if the employee was not at risk of redundancy at that time but only becomes so as a result of subsequent knock-on effects of the original redundancies. To impose such a duty would place much broader obligations on an employer to consider the potential economic consequences of redundancy than are required under the reasonableness test in S.98(4) ERA – *Byrne v Arvin Meritor LVS (UK) Ltd* EAT 239/02.

Collective consultation

The employer’s duty to consult in respect of collective redundancies is contained in S.188(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A), which states that ‘where an employer is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less, the employer shall consult about the dismissals all the persons who are appropriate representatives of any of the employees who may be affected by measures taken in connection with those dismissals’. S.188 goes on to set out details of when and how that consultation must be carried out.

Under the statutory dispute resolution regime, these requirements applied in place of the statutory DDPs and so collective redundancy situations are unaffected by the changes brought about by the Employment Act 2008.

For a detailed examination of the collective consultation requirements, see IDS Employment Law Handbook, ‘Redundancy’ (2008), Chapter 11.

Fair selection

Consultation was the first element of a fair redundancy procedure identified by Lord Bridge in *Polkey*. ‘A fair basis on which to select for redundancy’ was the second. As we note above, there is substantial overlap between procedural and substantive fairness in redundancy and this is particularly evident in the context of selection. If an employer adopts unfair selection criteria, or applies them in a subjective or otherwise unreasonable way, not only is there a breach of the procedural requirements, the basic premise that redundancy is the reason for dismissal is undermined. Indeed, given that establishing a fair selection procedure is so central to establishing a genuine redundancy dismissal, it was open to question whether flaws in the selection criteria could even be excused by the ‘no difference’ rule under S.98A(2). Now that *Polkey* is fully in force again, that issue has become academic.

We recently considered the basic principles governing fairness in selection criteria in a feature article in Brief 873 and will not repeat that outline here. However, one point worth reiterating is that, with the statutory procedures abolished, the more prescriptive requirements of a DDP-compliant redundancy procedure, as developed by case law, have gone too. For example, it was established by the EAT in *Alexander and anor v Bridgen Enterprises Ltd* 2006 IRLR 422 (Brief 807) that employees facing redundancy were entitled to be informed of the ‘basis’ of their selection before the Step 2 meeting. This meant that they should have been informed of the selection criteria and their individual score against those criteria. Their employer’s failure to provide this information meant that Step 2 of the DDP had not been observed and so the redundancy dismissals were automatically unfair.

This is not to say that such a requirement will not apply after 6 April. It would be open to a tribunal to find that facts similar to those in *Alexander* give rise to a breach of the ordinary principles of fairness in a redundancy procedure. Indeed, such a finding must be thought likely. However, such a breach will not lead to an automatic finding of unfair dismissal. Furthermore, there is the possibility that such a breach might be ‘cured’ at a later stage in the procedure, for example, at a later meeting or on appeal. Although such a possibility was ruled out by the EAT in *Alexander* with regard to DDP compliance, cases such as *Lloyd v Taylor Woodrow Construction* 1999 IRLR 782, EAT, allow for it under the ‘ordinary’ rules of procedural fairness.

Alternative employment

The consideration of alternative employment for the employees selected for redundancy will often be an important part of a fair and reasonable redundancy procedure. An employer should do what he can so far as

is reasonable to seek alternative work for an employee facing redundancy. This does not mean that he is obliged by law to enquire about job opportunities elsewhere, and a failure to do so will not necessarily render a dismissal unfair. In certain circumstances, an employer may be excused a failure to make efforts to redeploy employees rather than make them redundant. However, as a general rule, tribunals will expect an employer with sufficient resources to take reasonable steps to alleviate the effects of redundancy, including giving detailed consideration to whether suitable alternative employment is available.

Lord Bridge established in *Polkey* that the potential for deployment of redundant employees within the organisation is something that the reasonable employer will consider. More recently, in *Fisher v Hoopoe Finance Ltd* EAT 0043/05, the EAT suggested that an employer's responsibility does not necessarily end with drawing the employee's attention to job vacancies that may be suitable. The employer should also provide information about the financial implications of taking up any vacant alternative positions. A failure to do so may lead to any later redundancy dismissal being found to be unfair.

Compensation

The repeal of the statutory procedures will have a significant impact on compensation following a finding of unfair redundancy. When the statutory procedures were in force, failure to comply by either the employer or the employee could lead to an adjustment of up to 50 per cent in the compensation awarded in a resulting tribunal claim. These penalties are no longer applicable in cases where the redundancy dismissal process starts on or after 6 April (subject to the transitional provisions – see below). However, the rules on compensation in cases of procedurally unfair dismissal mean that, in some cases, employees could see their compensatory award reduced to zero.

Basic principles

Tribunal awards in unfair dismissal cases are split into two parts – the basic award and the compensatory award (although the tribunal can make an 'additional award' in cases where an order for reinstatement or re-engagement is made but not complied with). In redundancy dismissal cases, where a statutory redundancy payment has been made, provided that the payment has been correctly calculated, an employee who successfully establishes that his or her redundancy was in fact unfair will not normally be entitled to the basic award element. The formula used to calculate the basic award is identical to that used to calculate redundancy payments and the statutory regime makes it clear that employees are only entitled to one, not both – see S.122(4) ERA.

Section 123(1) ERA provides that the compensatory award shall be such amount as the tribunal considers just and equitable in all the circumstances having regard to the loss sustained by the employee. Under this subsection the

tribunal can reduce the compensatory award (but not the basic award) to reflect general considerations of fairness.

Polkey reduction

In *Polkey*, although the House of Lords ended the 'no difference' rule on questions of procedural failure except in cases where following the required procedure would have been futile, they did accept that the rule should live on as regards compensation. The basic principle in this regard is that where an employer has dismissed for a fair reason but has failed to follow a fair procedure, the compensatory award (but not the basic award) may be reduced – potentially to nil – if it can be shown that a fair procedure would have resulted in dismissal anyway. This rule – known as a 'Polkey reduction' – is part of the assessment of what is 'just and equitable' as required by S.123(1) ERA.

The House of Lords in *Polkey* emphasised that there is no need for the tribunal to take an all or nothing approach to this issue – if there is doubt as to whether a fair procedure would have produced a different result, the compensation can be reduced by a percentage reflecting the chance that the employee would have been dismissed in any event. So, for example, if there is a 20 per cent chance that dismissal would have resulted anyway, the compensatory award may be reduced by 20 per cent.

As noted above, before 6 April, S.98A(2) provided that a failure by an employer to follow a fair procedure (other than an applicable DDP) in relation to a dismissal would not be regarded in itself as making the dismissal unfair if the employer could show, on the balance of probabilities, that he would have decided to dismiss the employee regardless of the breach of procedure. This provision had the side-effect that *Polkey* reductions of more than 50 per cent were no longer possible where the statutory DDP had been completed – if there were a greater than 50 per cent chance that the employee would have been dismissed anyway, that would satisfy the balance of probabilities under S.98A(2). The tribunal could therefore find that the dismissal was fair and so no basic or compensatory award would become payable.

The possibility of a 100 per cent *Polkey* reduction continued to apply alongside S.98A(2) in cases where the employer had failed to comply with the applicable DDP. Now that the statutory procedures and S.98A ERA have been repealed, the possibility of 100 per cent *Polkey* reductions will apply without restriction to the compensatory award in redundancy dismissals provided there is no substantive unfairness.

Code of Practice

The repeal of the statutory procedures by the Employment Act 2008 has been accompanied by the publication of a new Acas Code of Practice on Discipline and Grievance. In an attempt to move away from the formulaic and prescriptive requirements of the statutory

procedures, while still maintaining an incentive to resolve disputes in the workplace rather than through litigation, tribunals have been given power to adjust compensation in a successful tribunal claim by up to 25 per cent to reflect a party's unreasonable failure to follow the Code – new S.207A TULR(C)A, inserted by S.3 of the Employment Act 2008. For an outline of the Code's requirements and its potential impact on compensation, see the Q&A in Brief 871.

The foreword to the Code of Practice states that it does not apply to dismissals due to redundancy. This makes sense, given that the Code is framed in terms of misconduct and, to a lesser extent, capability, making it inapt to deal with the particular requirements of a redundancy procedure. Employers should therefore be entitled to assume that they are unaffected by the Code's requirements in carrying out a redundancy procedure. Unfortunately, the statutory provisions are less than clear in exempting redundancy dismissals from the compensation uplift regime. New S.207A TULR(C)A states that the tribunal may consider making an uplift in proceedings listed in Schedule A2 to that Act. The Schedule includes complaints of unfair dismissal under the ERA, without restricting that scope to non-redundancy dismissals. However, S.207A further provides that, for the uplift to apply, the employer's failure to comply must have been unreasonable. Presumably, therefore, the Code's express statement that it does not apply to redundancies means that it will always be considered reasonable for the employer not to follow it.

One area of uncertainty surrounding the Code's application to redundancy situations is what happens when an employer asserts that the reason for dismissal is redundancy but, after hearing an unfair dismissal complaint, the tribunal finds that the reason is not made out, i.e. there is no potentially fair reason for dismissal. Does the tribunal's finding that the dismissal was not for redundancy mean that the Code – and the uplift – should apply? We would suggest that an employer caught out by this situation should be able to argue that, although in hindsight there was no redundancy, it was reasonable for him to believe that there was and so his failure to follow the Code was not unreasonable.

Transitional provisions

The Employment Act 2008 (Commencement No.1, Transitional Provisions and Savings) Order 2008 SI 2008/3232 contains transitional provisions governing when the DDPs will continue to apply from 6 April. The statutory procedures will still apply to redundancy dismissals occurring on or after 6 April where the 'trigger event' occurs before the cut-off dates set out in the Order. Employers cannot, therefore, wash their hands of the statutory procedures on 6 April – the procedures will make their presence felt for many months yet, as claims make their way through the tribunal and appeal process.

Transitional provisions: which regime applies?

- Mrs A was issued with a Step 1 letter on 5 March 2009 and she was dismissed as redundant on 5 April. She has reason to believe that her dismissal was automatically unfair in contravention of S.98A(1) ERA because her employer breached parts of the statutory DDP, and she presents an employment tribunal claim on 4 July 2009. In this case the old statutory procedures apply because Mrs A was dismissed on 5 April 2009. Furthermore, even if Mrs A had been dismissed after 5 April 2009, this case would still qualify to be dealt with under the old regime because the employer had complied with Step 1 of the standard DDP on or before 5 April 2009.
- Mr B was issued with a Step 1 letter on 6 April 2009 and he was dismissed as redundant on 6 May 2009. He has reason to believe that his dismissal was generally unfair in contravention of S.98(4) ERA because his employer had failed to consult him over the redundancy, and he presents an employment tribunal claim on 5 August 2009. In this case the new regime applies because the employer only complied with Step 1 of the standard DDP after 5 April 2009.

It is important for employers to establish which regime applies to redundancy procedures that straddle 6 April. The consequences of getting it wrong are potentially significant, as a failure to observe the DDP where it applies exposes the employer to the risk of a finding of automatically unfair dismissal and an increase in compensation. Furthermore, where the procedures do still apply, the associated three-month extension for bringing a tribunal claim applies too. Under Reg 15 of the Dispute Resolution Regulations, an employee is automatically entitled to an extra three months to lodge his or her unfair dismissal claim if, on the date the normal three-month time limit expires, he or she has reasonable grounds for believing that a dismissal or disciplinary procedure, whether statutory or otherwise, was being followed.

In accordance with the above Order, the requirements of the statutory DDPs will continue to apply to a redundancy procedure ongoing on or after 6 April 2009 if, on or before 5 April, the employer has either dismissed the employee or complied with Step 1 or 2 of the standard procedure. See the box above for examples of when a redundancy dismissal would fall to be considered under the old statutory procedures or under the new regime applying after 6 April. For further details, see the feature article on the transitional provisions in Brief 872.

Grievance procedures

So far in this article, we have focused on the impact of the statutory DDPs on redundancy dismissals. The statutory grievance procedures (GPs), also introduced by the Employment Act 2002, have limited relevance to redundancy procedures. By virtue of Reg 6(5) of the Employment Act 2002 (Dispute Resolution) Regulations 2004 SI 2004/752, the GPs do not apply to a complaint

of dismissal (other than constructive dismissal). So, for example, an employee's complaint that he or she has been unfairly selected for redundancy can only be resolved within the statutory DDP and, if needed, an unfair dismissal claim, even though in ordinary language the complaint could be termed a grievance.

One redundancy-related jurisdiction to which the GPs do apply, however, is a complaint about non-payment or partial payment of redundancy pay. This is so regardless of whether the redundancy pay entitlement at issue is statutory or contractual – statutory redundancy pay claims under S.163 ERA and contractual claims under the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 SI 1994/1623 are both listed in the Employment Act 2002 as jurisdictions to which the procedures apply.

Before 6 April, the statutory GPs required an employee making such a complaint to put that complaint in writing to the employer and wait 28 days before bringing a tribunal claim. Failure to do so would deprive the tribunal of jurisdiction to hear the claim – S.32 Employment Act 2002. The repeal of the statutory procedures means that this is no longer required. Although, as with the statutory DDPs, transitional arrangements set out in the Employment Act 2008 (Commencement No.1, Transitional Provisions and Savings) Order 2008 SI 2008/3232 provide for the statutory GPs to continue to apply in certain circumstances beyond 6 April, these circumstances are limited to ongoing complaints. A failure to pay redundancy pay, or a partial payment, is a one-off event. So, if it occurs on or before 5 April, the statutory GPs apply. If it occurs on 6 April or later, they do not.

Acas Code of Practice

As we explain above, the disciplinary and dismissal procedures contained in the new Acas Code of Practice on Discipline and Grievance, and tribunals' new power under S.207A TULR(C)A to adjust compensation to reflect unreasonable failures to comply with them, do not apply to redundancy dismissals. However, the Code also contains grievance procedures, which employers and employees will be expected to observe. For an outline of the requirements of these procedures, see the Q&A in Brief 871.

New Schedule A2 to the TULR(C)A, which lists the jurisdictions to which the tribunals' power to adjust compensation applies, includes claims under S.163 ERA

and under the Extension of Jurisdiction Order. Therefore, from 6 April, redundancy pay claims fall to be considered in accordance with the new Acas Code of Practice. Although an employee is not absolutely required to present a written grievance to his or her employer before bringing a tribunal claim, his or her failure to initiate a grievance in accordance with the new Code could mean that any compensation he or she receives is reduced by up to 25 per cent. Likewise, an employer's failure to deal with the grievance as the Code requires could result in an increase in compensation of up to 25 per cent.

It is important to note that S.7 EA 2008 introduces a new power for employment tribunals to award additional financial loss to workers who have brought successful claims for either a redundancy payment or unlawful deduction of wages where that loss is attributable to the employer's non-payment. The amount that a tribunal can award must be 'appropriate in all the circumstances'. This new power does not apply to claims that have been presented to employment tribunals before 6 April 2009.

Best practice in redundancy procedures

The Acas advisory booklet 'Redundancy handling' states that it is good practice to give redundant employees as much information as possible to help them at this difficult time of their working lives. Such information may include:

- the financial effects of redundancy on the individual (redundancy pay, pension payments and state benefits)
- how to complete application forms and present themselves at job interviews
- the importance of discussing the implications of redundancy with their family as early as possible
- how to search for appropriate vacancies in the press and follow up opportunities; and
- the importance of being prepared to consider a wide range of alternative jobs.

In addition, where resources permit, employers may consider whether to help redundant employees by individual counselling. Where it is not possible to employ a trained counsellor, personnel managers may be given appropriate training. In any event, some support and advice should remain available to redundant employees after their dismissals.