

Collective Redundancy and Protective Awards



If an employer is considering making 20 or more employees redundant they must first consult:

- a) with any Trade Union which is recognised for collective bargaining; or**
- b) with elected representatives of the workforce (if no Trade Union is recognised)**

In case b), if there are no such representatives, elections must take place and the employer must organise them.

Consultation must take place “in good time” – the employer must not leave it till the last minute.

Where an employer proposes to make 100 or more employees redundant the employer must consult for no less than 45 days. Where there are to be between 20 and 99 redundancies, the consultation period must be for no less than 30 days.

The employer must provide appropriate information to the Union, or where there is no recognised Union, the elected representatives, and the employer has to consult with a view to reaching an agreement regarding the proposed redundancies.

If the employer fails to consult and fails to provide the appropriate information then the Union, or where there is no recognised Union, the employees, can each apply to the Employment Tribunal for a Protective Award. The award can be for up to 90 days' pay for each affected employee, dependant on the circumstances.

There is no minimum amount of time employees must be employed to be able to bring Protective Award claims. The claims must, however, be commenced within 3 months (less 1 day) from the date of dismissal.

We regularly pursue protective award claims and are very experienced in this area of law. We have successfully pursued a wide range of such claims, with experience in successfully representing thousands of employees. We have recently successfully obtained Judgments for the maximum 90 days pay period for ex-employees of City Link, Bezier Limited UK and 2E2 and are currently pursuing claims for ex-employees of Austin Reed and Phones 4 U. We assist people with all shapes and sizes of problems at work handling a wide range of employment matters, including Protective Awards, unfair dismissal and discrimination.

The time limit for pursuing a protective award claim is normally 3 months (less a day) from the date the last dismissal takes effect. If you have been made redundant you should seek advice immediately.

We can carry out a free review of a potential protective award for free and if you have a viable claim, we could act for you on a 'no win, no fee' basis. If we did, we would bring your claim to an end as soon as possible, providing regular communications and assisting you throughout.

Why use us?

Morrish Solicitors LLP has vast experience in bringing multiple Protective Award claims for employees from across the UK, having brought these types of claims for many years, winning and securing full protective awards for thousands of employees. For example, we have successfully represented employees in claims against Phones4u, Austin Reed, City Link, Bezier, Oakworth Joinery, 2e2, Jarvis, 4Children and Aqua Interiors, to name but a few. We are currently pursuing many claims against other employers. We will bring your claim to an end as soon as possible, providing regular communications and assisting you throughout.

This Fact Sheet is for information only and is not intended to be a substitute for legal advice.

Correct as of March 2017

For further information on Collective Redundancy and Protective Awards, please call our Employment Rights team on 033 3344 9600 or email daniel.kindell@morrishsolicitors.com or david.sorensen@morrishsolicitors.com

Sign up to our monthly employment email update by emailing clair.watmore@morrishsolicitors.com

