

Redundancy Rights



10 things to check if you're facing redundancy

It can feel overwhelming when you are facing redundancy, but you have rights during the process. Here's ten key things to check:

1. Check if your redundancy is fair.

As an employee, there are rules to protect you from being discriminated against, and for being picked for redundancy due to an unfair reason. For example, although you can be made redundant while pregnant or on maternity leave, you cannot be made redundant because you are pregnant or on maternity leave. This would count as "[automatic unfair dismissal](#)" and discrimination. Examples of unfair reasons for redundancy can include being picked because you work part-time or you made a complaint about health and safety. Read more about [checking if your redundancy is fair](#).

2. Check how much redundancy pay you get.

You are entitled to [statutory redundancy pay](#), which is the minimum the law says you should receive if you've been an employee for two years. You won't get statutory redundancy pay if you've worked for the company for less than two years, are self-employed or are in certain professions such as the armed forces or police. You may also lose out on statutory redundancy pay if you turn down a suitable alternative job from your employer without a good reason. Your employer may also pay extra money on top of the statutory amount you're entitled to - this is called contractual redundancy pay.

3. Furloughed? Make sure you get 100% redundancy pay.

If you were furloughed and then made redundant, your [redundancy pay](#) should be based on your normal wage. If you were paid 80% of your wages while on furlough, your redundancy pay should be based on your full wage.

4. What is your notice period?

If you're made redundant, you're normally entitled to a [paid notice period](#). If you've worked for your employer for at least a month you're entitled to a paid statutory notice period. If you've worked there for more than a month but less than two years, you have to be given a week's notice. For two years or more, it's a week for each full year you have worked, up to a maximum of 12 weeks. You may be entitled to a longer notice period as part of your employment contract. Your notice period only starts when your employer says you'll be made redundant and gives you a finishing date - not when your employer says you're at risk of redundancy. Your employer might decide to give you notice pay instead of your notice period - this is called 'pay in lieu of notice'.

5. Check your holiday pay.

You'll be paid for any holiday you have left over when you leave. This should be at your normal rate's pay, even if you're currently furloughed on 80% of your pay. You can ask to take holiday during your notice period, but it's up to your employer to decide if you can take it then. Your employer can also tell you to use up any holiday you have left over, but they must give you notice. The notice must be at least twice as long as the holiday they want you to take.

6. You might be entitled to paid time off to look for work.

If you've worked for your employer for two years at the end of your notice period, you're likely to be entitled to 'reasonable' time off to apply for jobs or go on training. You can take the time off at any time in normal working hours and your employer can't ask you to rearrange your work hours to make up the time off. When taking time off to look for work, you'll be paid at your normal hourly rate, but only for up to 40% of a week's work - for instance for up to two days if you work a five-day week. See [preparing for after redundancy](#) for more information.

7. Check your insurance policies.

Some [insurance policies](#) cover accident, sickness or unemployment, which can be hugely beneficial if you do face redundancy. Often people get 'legal expenses cover' as part of their home insurance package, but many don't realise they can get free legal help to [challenge redundancy](#) if they think it's discriminatory or unfair. It's worth checking the terms and conditions and speaking to your insurer if unsure. If you have a trade union at work, you could also contact them. Your union can help you work out if you've got a claim, and support you through the process.

8. Apply for emergency funding.

If you need emergency help to pay for essentials like food, gas or electricity because of Coronavirus-related redundancy, you could apply for a crisis grant from the [Scottish Welfare Fund](#).

9. Find out if you're eligible for any [Coronavirus-related support](#).

Numerous measures are in place to support people whose incomes have been directly impacted by Coronavirus. This includes credit card and loan help, overdrafts, car finance, and energy deals. Some changes have also been made to Universal Credit, which you can apply for to help with living expenses if you're between jobs. There's a five week wait between your application being approved and your first payment so it's good to look into this sooner rather than later.

10. Look after your mental health.

Losing your job is an extremely challenging circumstance to go through. It is important to take care of your mental health and know where to access support. Don't be afraid to tell family and friends your news. The chances are that they will be supportive and will be able to provide help. [NHS inform](#) has advice on accessing help, as do charities such as [Breathing Space](#) and [SAMH \(Scottish Association for Mental Health\)](#).

The Citizens Advice network is here to help. You can check our advice online at www.citizensadvice.org.uk/scotland/redundancy-rights or contact your local bureaux through www.cas.org.uk