

Negotiating for race equality: redundancy procedures

Why is it vital to challenge racism in redundancy procedures?

Because it will

- ensure **Black** workers are not at greater risk when redundancies are made

UNISON's own research looking at the impact of redundancies on Black workers in local government showed in councils across England that Black workers were more likely to be made redundant. In one council in London, Black workers made up just 31% of the workforce but 63% of redundancies.

- help address deep-rooted discrimination and reduce unfair treatment, including stereotyping
- recruit new members and activists, of benefit to all the membership and contributing to the growth and future strength of your branch
- place public authorities under a proactive duty to identify activities to help address any inequality in the workplace.

No workplace where racism is allowed to flourish can ever be effectively organised. That's why anti-racist work must be part of all branch activity.

It is unlawful to discriminate in redundancy procedures because of race. Race is defined as: race or colour; nationality (including citizenship); ethnic or national origins.

More information in UNISON's [Equality and diversity guide](#)

How can branches make redundancy procedures fairer?

- Educate yourselves. Make sure union reps have the knowledge and skills to notice, deal with and report discrimination during the redundancy procedure.

More information in UNISON's [Bargaining over collective redundancy](#)

Contact your regional education teams and / or LAOS to find out what training and resources are available to assist you with negotiating with your employer or promoting the issues in this leaflet with your members <https://learning.unison.org.uk>

- Listen to Black members; never dismiss or trivialise their lived experience of racism. Encourage members to communicate with branch officers and workplace reps. Make sure Black members are properly represented amongst reps and branch officers.
- Is there evidence that Black workers are less likely to be recruited, promoted or trained at the workplace, or more likely to be disciplined and to receive negative performance ratings? Where there has been evidence of past discrimination, selection for redundancy should be carefully scrutinised.
- Negotiate with employers to get rid of zero hours contracts and other forms of insecure work. These types of workers are unlikely to have statutory redundancy rights and may not receive the same protection.

The [Work Foundation's analysis](#) shows that Black workers are 2.7 times more likely than white workers to be on zero-hour contracts; and those from multiple/mixed backgrounds are 2.3 times more likely than white workers.

- If voluntary redundancy is offered by the employer, reps should take care that members are not volunteering just because they believe they will not get a fair chance at any alternative jobs and will suffer discrimination.
- Support Black members with any appeals they make against the decision to make them redundant. Ensure the appeal is clear about why they have been unfairly selected and discriminated against, or why the Black worker should be offered an alternative job.
- If a claim is made, follow the [race discrimination claims protocol](#) when supporting Black members.
- Ensure that the redundancy policy and procedure have been equality proofed. Are proposals to make staff redundant equality impact assessed? Is the trade union involved in this equality impact assessment? Does the policy and procedure impact adversely on Black workers even unintentionally?

More information in UNISON's [Model equality impact assessment flowchart](#)

- Is it a genuine redundancy situation? Any doubts about whether the reason put forward for dismissal would be regarded as 'fair' in legal terms should be raised with [your relevant regional officer](#), who can consider if there are grounds for seeking legal advice.
- Is the procedure fair? Is genuine, meaningful individual and collective consultation taking place, and within any legally defined time periods?
- Is the employer providing all the information required (selection pool, reasons for redundancy, selection criteria, schedule and plan for calculating pay) clearly and in a timely manner to all affected staff? Including to those on leave and working from home?
- Are the selection criteria transparent, non-discriminatory, objective and job-related? Are any unfair criteria being used such as length of service, absence record, qualifications, productivity, working hours, fixed term contracts etc? Are roles not individuals being selected? Are criteria being consistently applied and backed by evidence where possible? Has anyone who scores employees against the criteria been properly trained on how to avoid unlawful discrimination? How are comparators, for example white workers, scored and redundancy decisions made?

More information in Equality and Human Rights Commission's '[Avoiding unlawful discrimination when making redundancy decisions](#)'

- What is the selection pool? If the employer is not selecting everyone in a particular category of workers, can they show that their pool selection does not discriminate unlawfully? Are Black workers being disproportionately affected by reorganisation and proposed redundancies? Keep an up-to-date workplace map and use surveys to help identify where unfair selection has taken place.
- Has the employer fully explored alternatives to redundancies? Are they genuinely seeking to avoid or minimise redundancies and hardship caused for all affected staff?
- Where staff are identified as at-risk of redundancy, are any current and new vacancies brought to their attention, and ring-fenced to give all at-risk staff first consideration in the appointment to the vacancy?
- Are they given appropriate trial periods for alternative employment? If the numbers seeking a role judged to be suitable alternative employment exceeds the number of posts available, is the scoring system for interviews fair, non-discriminatory and based on the job descriptions?
- Do all affected workers have genuinely equal opportunities to retrain or for redeployment if they wish?