

**Current Employee**

**Redundancy**

**Employment**

Useful knowledge

An employer must make all reasonable adjustments to ensure disabled employees are not discriminated against in a redundancy process, and must ensure the selection criteria they apply to the process does not put disabled employees at a disadvantage. An employer also cannot make you redundant simply on the basis of your disability.

Useful skills

* Effective communication
* Openness
* Self-awareness
* Problem solving

Ways to assert your legal rights

Prior to the commencement of any redundancy process, ask your employer which selection criteria they will be applying. For example, if the employer is using absence as a means of selection, you can ensure they do not include disability related absence or leave in the calculation. If using flexibility i.e. ability to perform other tasks or roles, work additional hours, you should ask them to ensure your disability or health condition is taken into account, and not make a decision based solely on flexibility shown already.

If the issue hasn’t been resolved to your satisfaction, you should invoke your employer’s grievance policy

[**Click here for template complaint letter**](http://righttoparticipate.org/templates/Emp-Current-employer-redundancy.docx)

If you still don’t get a satisfactory resolution, you can take a claim to an employment tribunal. There are timescales within which a claim should be made. In general, the time limit within which a claim of disability discrimination must be raised is three months less one day from the date of the discrimination taking place, or from the end of your employment.

Before taking a current or former employer to an employment tribunal, you must first attempt what is termed ‘early conciliation’. Early conciliation is a service delivered by the Advisory, Conciliation and Arbitration Service (ACAS), a publicly funded but independent organisation.

Engaging early conciliation can reduce the stress and anxiety caused by taking a claim to a tribunal. If engaged within its own time limit (also three months less one day), early conciliation extends the time period for taking action via an employment tribunal if you need to take it that far.

If you are a member of a trade union, it’s worth engaging their support as early as possible, but at any stage of the process. [**Find out more about joining a trade union here**](https://www.gov.uk/join-trade-union)**.**

You can have confidence in   
the process because

Disabled employees are protected from discrimination,   
harassment and victimisation by The Equality Act 2010.

You can get more help from

The [**Equality Advisory & Support   
Service (EASS)**](http://www.equalityadvisoryservice.com/) runs a free helpline assisting individuals with equality and human rights issues across England, Scotland and Wales.

**Telephone**

**Text phone**

**Email**

0808 800 0082

0808 800 0084

[**through websites form**](http://www.equalityadvisoryservice.com/app/ask)

ACAS runs the [**Early Conciliation service**](http://www.acas.org.uk/index.aspx?articleid=4028) for when you can’t sort out things directly with an employer.

**Helpline**

**Website**

0300 123 1100

[**www.acas.org.uk**](http://www.acas.org.uk)