

## **View from the Chair; Business Newsletter; 21 July 2020 Geraldine McGahey, Chief Commissioner, Equality Commission NI**

### **Redundancy during the Covid-19 pandemic**

Sad to say, as the COVID-19 pandemic enters another phase, we are seeing waves of redundancies across the UK, and Northern Ireland is not immune. Businesses are having to adapt to an unparalleled threat to public health, new practices and procedures and a changed business landscape post-lockdown. In a tough fight for business survival, it is clear that, however regrettably, some employers will need to make staff redundant.

Having to make staff redundant is not easy, and the conversations you have with staff about redundancy are likely to be amongst the most difficult of an employer's life.

It's important to understand that all of the duties, procedures and rules relating to equality law that apply in 'normal' times continue to apply now. As you would plan and prepare carefully when considering redundancies in normal times, you should do the same now. It is not a legal requirement to have a redundancy policy, but if you have one and it is clear, comprehensive and up to date, it will be invaluable guiding your actions and explaining processes to staff. You will find that using your 'soft skills' in communicating, sharing, listening and explaining is crucial. Decisions and processes have to be explained and you should record them and keep track of them in case you are challenged.

In general, if you comply with employment law in planning and implementing redundancies in your business, you will be meeting the requirements of equality law. This is because of some key words which are at the heart of lawful redundancy processes - 'fair', 'objective', 'unbiased' and 'consistent'. These are important principles and making genuine efforts to ensure you meet them will help you to comply with your duties under the Employment Rights (NI) Order 1996 as well as the equality and discrimination laws.

Applying fair procedures consistently between employees of different sexes, religious beliefs, political opinions, racial groups, sexual orientations and ages is the best way to safeguard against allegations of direct discrimination on those particular grounds. You may need to use a more flexible approach on certain occasions, especially in the case of disabled employees, or those who are pregnant or on maternity leave.

The equality considerations lie mainly in the choice and application of selection criteria for redundancy, where the risk of unlawful discrimination is greatest and

where caution is most required. We have produced new detailed guidance for employers which is on our website now.

You can make a difference to the way your employees receive and react to this news. Handling redundancy processes well can mean your staff are in a position where they know what is happening and why, what support is available to them, what will happen and when and they will have it all in writing. And they will know the decision was made in an objective way and with equality in mind.

The guidance is online at [www.equalityni.org/Redundancy-Covid19](http://www.equalityni.org/Redundancy-Covid19)

For advice on employers' obligations under equality and discrimination law, contact the Equality Commission's helpline on **028 90 500 600** and ask for our **Advisory Services Team**. Alternatively, you can email [edenquiries@equalityni.org](mailto:edenquiries@equalityni.org) and we will answer as soon as possible.