

HOW TO FIGHT REDUNDANCIES



Notes from Below
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Editors

Jamie Woodcock
Callum Cant
Lydia Hughes
Wendy Liu
Sai Englert
Matthew
Dante Philp
George Briley
Roberto Mozzachiodi

Website

Wendy Liu

Cover design and layout

Bella Harter

www.notesfrombelow.org
editors@notesfrombelow.org
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INTRODUCTION

This resource draws on the collective experiences, insights, and strategies developed by trade union activists in their efforts to resist redundancies. Defending jobs is a core aspect of trade union work, but redundancy processes can be highly complex and resource-intensive, making them challenging for both activists and members to navigate. A solid understanding of the legal and procedural framework surrounding redundancies is important for organising an effective collective response to job cuts. While redundancy procedures vary across industries, all employers are required to follow standard legal regulations when seeking to reduce staff. Based on this common framework, this guidance document offers a general overview of the redundancy process and provides tactical and organisational advice for mounting a strong collective campaign against job losses.

GENERAL PRINCIPLES

Redundancy fights are fundamentally defensive struggles

When employers announce job cuts, they are on the offensive. They force unions into a defensive position focused on preserving what exists, rather than building for the future. The fear, stress and anxiety caused by redundancy threats make collective organising harder, and can lead elected reps to feel personally responsible for the outcomes. This often pushes reps to act more “professionally” and avoid confrontation, while workers may focus on personal survival instead of collective action. At the same time, redundancy processes often push previously disengaged workers to join unions or attend meetings out of fear. While this doesn’t always lead to long-term involvement, these moments can be formative. Organisers should use them to identify and develop new activists and lay the groundwork for stronger workplace organisation.

Time is critical so delay the process

Redundancy timelines are legally short, often giving employers the advantage of speed. This means unions should use every tool to slow the process, to enable industrial leverage to bite. In this light, consultations should not be treated as box-ticking exercises, they are opportunities to buy time and build leverage.

Consultation is not about winning an argument with bosses

It’s a mistake to focus consultation on arguing against the employer’s business case. It’s better to use consultation strategically to press legal and procedural challenges. Force the employer to take clear positions, then use those later in appeals, grievances, or legal claims. This creates pressure, delays the process, and can lead to improved outcomes, or even withdrawal of the redundancy plan altogether.

Redundancy fights are wars of attrition

Employers often invest heavily in pushing through redundancies, hiring consultants and dedicating HR and management resources to the process. As a result, they may absorb significant damage to achieve long-term goals like cost-cutting or restructuring. It can be a realistic campaign aim to increase the cost and disruption of implementing redundancies - making it harder, messier, and more politically costly - to deter future attacks.

Every redundancy fight is different

Workplace context matters: size, finances, union density, and morale all shape what's possible. A high-intensity campaign may not always be the best strategy if it risks burning out reps or weakening long-term structures. Unions should always weigh the cost of action against the need to sustain organising capacity for future struggles.

Redundancy struggles should leave lasting organisation

The success of a redundancy fight isn't just about stopping cuts, it's about what is built in the process. Campaigns should aim to recruit, develop activists, create structures and practices, build reps' skills, and connect workers across teams or sites. Even in defeat, a fight can strengthen the union if it leaves behind deeper organisation, more experience, and stronger solidarity.

Maintain accurate records for any potential legal challenges

It is important for union reps and affected staff to maintain accurate and organised records of all exchanges with management and HR throughout the redundancy process. Having all meeting minutes, email exchanges and official communications from the employer saved and organised chronologically, can make later challenges (appeal + employment tribunal) easier and far more effective.

Redundancy campaigns are a lot of work

Redundancy campaigns place intense demands on reps and activists. The pace, emotional pressure, and constant urgent tasks can quickly lead to burn-out - something employers exploit by forcing unions to fight on multiple fronts. No reps' group can carry this burden alone. Work should be shared from the outset, with clear delegation of roles and responsibilities. Setting up working groups and involving lay members spreads the load, develops new activists, and avoids over-centralisation among elected reps. Campaigns also need pacing. Not every action requires escalation or full mobilisation. Planning for peaks and troughs, and prioritising activities, helps preserve energy for key flashpoints and prevents activist burnout.

BEFORE REDUNDANCIES OCCUR

It's important for organisers and workplace activists to think about redundancies as ever present possibilities in any workplace situation. Capitalism is a competitive system which forces employers to constantly change operations to continue to draw profits from its workforces. When employers make changes to their organisational operations, this can often involve laying off employees.

They can do this for many reasons: it might be that they simply want to make recurring cost-savings on staffing, and believe they can carry out existing workloads with a reduced number of workers; it might be that following a single time-limited project, an employer wants to offload staff so they are not obliged to provide continuous employment; it might be that an outsourced employer has been advanced a fee to cover services for a period and wants to draw as much profit from that fee as possible during that time, so downsizes staff costs; it might be that workers have organised and effectively won major concessions from an employer, and the bosses see this as a threat to their competitiveness, so seek to destroy existing organisational structures to claw back concessions as a source of profit-making.

The stability of industrial relations in any given workplace context is only ever a temporary state in the competitive landscape of the capitalist market. In most cases, where it might appear as though employment is secure in a workplace, there is often a tier of workers (either on fixed term contracts or zero-hour contracts) who are regularly being made redundant. Defending these jobs should be taken just as seriously as when 'permanent' workers are at risk of redundancy.

For these reasons, it's important to think about the prospect of redundancies during relatively stable periods in a workplace. One of the most effective ways of fighting redundancies is to establish practices, knowledge and agreements which enable workers to be prepared for the eventuality of redundancies. This

is important because when redundancies are announced in a workplace, it can often take members and elected reps by surprise, and the employer will aim to move through the redundancy process as quickly as possible, making it very difficult for workers to mount effective resistance.

Below are some things workers can do in advance of redundancies, to put themselves in a stronger position if they do eventually arise.

1. Negotiate a redundancy policy in the workplace

Many workplaces do not have any internal processes for regulating redundancy processes. As such, employers will tend to be guided by statutory requirements when they carry out redundancies. The existing statutory framework for regulating redundancies, is very favourable to the employer, and provides very little room for workers to resist redundancies (see below). However, in some workplaces (most often where a trade union is recognised) there will be internal workplace policies which outline specific measures that employers will follow in the case of redundancies or organisational change. These can establish provisions for consultations that exceed statutory regulations: such as when consultation over the prospect of redundancies or organisational change should take place, the length of collective consultation, how collective consultation should be conducted, when individual consultations should take place with regard to collective consultation, defining the purpose of individual consultation, measures for avoiding compulsory redundancies, how the pooling and selection process should be carried out, how casework for individual consultations should be resourced etc. Depending on how open an employer is to accepting certain provisions, this can be a very effective way of pre-emptively carving out a redundancy process that is a lot more favourable to worker resistance.

2. Make a formal request for negotiated agreement for information and consultation arrangements

In cases where a trade union is not recognised in a workplace with more than 50 employees, workers are able to formally request that employers establish arrangements that enable a body of workers to be informed and consulted on significant company changes, including economic situations, activities, and

organisational or contractual developments. Employers must establish I&C arrangements if employees formally request them by a threshold of 15 employees or 2% of the workforce. If the employer refuses to do so, the Central Arbitration Committee will enforce the I&C regulations. This arrangement will enable workers to gain access to information about the financial situation of the organisation, as well as decisions taken by management that will signal that redundancies are a likelihood. It will also form a pre-established structure that workers can use to engage in collective consultation if redundancies arise. For info on this process see: <https://www.gov.uk/guidance/the-information-and-consultation-regulations>

3. Frame a dispute BEFORE the employer announces redundancies

It's often assumed that the best time to enter a formal dispute with an employer is when redundancies are announced. However, because of the strict timelines involved in industrial action ballots (notice periods, balloting requirements etc.) it can be difficult to organise action before the redundancy process is complete. For this reason, it is often more effective to begin a dispute before redundancies are formally declared. One way to do this is by framing the dispute around the employer's refusal to rule out redundancies over a certain period. Achieving this means being aware of the early warning signs that redundancies may be on the horizon. Below are some key indicators that redundancies could be expected:

VOLUNTARY SEVERANCE SCHEMES (VSS): Announcements or discussions regarding voluntary severance schemes. These programs, while ostensibly voluntary, often precede wider workforce reductions and may signal imminent staff cuts.

VACANCY SAVINGS: Budgetary decisions that prioritise vacancy savings, where positions left unfilled due to attrition or retirement are not replaced. This cost-saving measure can be an indication of impending staff reductions.

REDUCTION IN CASUALISED STAFF: Shifts in the employment status of casual or temporary staff members. A sudden decrease in the hiring or renewal of casual contracts may suggest efforts to streamline labour costs and could foreshadow broader workforce reductions.

EROSION OF CONTRACTUAL CONDITIONS: Attempts by management to renegotiate or undermine existing contractual conditions, such as changes to workload expectations, benefits, or job security provisions. These changes may be precursors to broader restructuring initiatives.

FINANCIAL CONCERNS: Discussions or announcements regarding the financial health of the business, including budget deficits, declining revenues, or forecasts of future financial challenges. Such warnings may signal the need for cost-cutting measures, including staff reductions.

MERGERS OF DEPARTMENTS/CLOSURES: Proposals or discussions regarding the merger or closure of departments, areas of work or administrative units. These structural changes often entail workforce realignment and may result in job losses or reassignments.

FREEZING PROMOTIONS: Monitor any decisions to halt or significantly reduce promotions within the institution. A freeze on promotions may indicate efforts to control personnel costs and could signal a broader strategy of workforce downsizing.

OTHER COST-SAVING MEASURES: Reductions in office space, supplies, or outsourced services.

INTERNAL AUDITS, ROLE EVALUATIONS & LINE MANAGEMENT CHANGES: Managers asked to justify team sizes or evaluate performance rigorously. Job functions/descriptions being reviewed or redefined. Sudden leadership departures or new execs with reputations for cost-cutting. New line management structures.

In addition to demanding no compulsory redundancies, it is useful to broaden the scope of the dispute to include issues that may arise as a result of job cuts. Redundancies often increase workload for remaining staff, especially if they are part of a wider restructure that changes roles and responsibilities. They may also raise equality concerns and disproportionately affect certain groups. Expanding demands beyond redundancies themselves is important, because it provides a basis to continue the dispute once redundancies have been issued. This helps maintain unity, momentum, and a sense of purpose when redundancy notices are served, which can be a period of demoralisation.

4. Conduct redundancy training tailored to the workplace:

Learning about redundancy regulations and processes while you are fighting to save jobs can be difficult to manage. Developing an understanding of the processes and procedures in advance, can help organisers identify the kind of structures needed to build in advance of redundancies. This means developing a good understanding of redundancies in law as well as workplace specific processes for organisational change.

REDUNDANCIES IN LAW

What is a redundancy situation?

Legally, a redundancy situation occurs when an employer has ceased or intends to cease:

- To carry on the business in which the employee was employed; or
- To carry on that business in the place where the employee worked.

Or, the requirement for employees to carry out work of a particular kind:

- Has ceased or diminished; or
- Is expected to cease or diminish.

This means that when employers intend to make redundancies, they must show how the proposed organisational change will, or is expected to, reduce or remove the need for employees to do a particular type of work.

It must be a genuine reduction in the need for employees to do a particular kind of work, not just a reshuffling of people, a personality conflict, or a way of removing someone cheaply.

Examples:

Likely genuine redundancy:

- A courier company loses a major contract, so it no longer needs 10 van drivers, only 6.
- A laboratory closes one of its branches, eliminating all roles at that site.

Not genuine redundancy:

- An employer wants to replace experienced staff with cheaper new hires doing exactly the same work.
- A manager restructures teams purely to move someone out, with no actual reduction in the work.

In cases where employers are intending on making organisational changes which might result in redundancies, they should inform employees and/or trade unions of the genuine reasons for the redundancy situation. If the employer is not able to provide a genuine reason for removing a post, this is not a genuine redundancy situation and should be challenged. If it is clear that the employer intends to hire replacements for the positions they have deemed redundant, this is not a redundancy situation.

The legal obligations of the employer when pursuing redundancies:

Understanding the legal obligations of employers and the rights of workers is crucial when facing the threat of redundancies. Several key pieces of legislation outline the process employers are obliged to follow when carrying out redundancies, and it is important that reps and lay members are familiar with these to be able to challenge the process at various levels.

Legislation:

EMPLOYMENT RIGHTS ACT 1996, SECTION 138-9:

This is the part of Employment Law that defines what constitutes a 'redundancy situation' in law (as above). It provides clarity on when employers must adhere to consultation requirements, what information employers are required to provide to unions and staff about redundancies, and other procedural safeguards.

TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992 SECTION 188:

This is the part of Labour Law that outlines the parameters for consultation, both at the collective and individual levels. This legislation stipulates the following timeframes for consultation based on the scale of proposed redundancies:

- **If proposed reductions are less than 100 employees, the employer is obliged to consult for 30 days.**
- **If proposed reductions are more than 100 employees, the employer is obliged to consult for 45 days.**
- **If proposed reductions are less than 20 employees, the employer is only obliged to consult with individuals.**

This legislation specifies that in order to carry out redundancies, all employers must inform the Secretary of State of their intentions to do so before providing notice to employees of the likelihood of redundancies. Employers will do this using what is called an 'HR1 form', which should include the following information:

- An estimated date of proposed redundancies
- The method of redundancy selection
- Total number of proposed redundancies
- Breakdown of this number by professional category
- Reasons for redundancy
- Names of trade union representatives or elected employment representatives involved in the consultation

If an employer moves toward redundancies without submitting an HR1 form, they will be liable for a fine of £5,000.

This legislation also specifies information the employer is obliged to provide trade unions or employee representatives before the consultation time period begins. Usually this will be provided to the union in what is called a 'Section 188' form. This should include a copy of the HR1 as well as the following information:

- The reasons for the proposed redundancies,
- The numbers and descriptions of employees that have been proposed to be made redundant
- The total number of employees in the areas affected by redundancies
- The proposed method of selecting the employees who may be dismissed
- How the employer plans to carry out the dismissals, following any agreed procedures or internal policies, and the period of time during which the dismissals will happen.

- The proposed method for calculating any redundancy payments to employees who may be dismissed, where those payments are not statutory redundancy pay.
- The number of agency workers temporarily engaged and working under the employer's supervision and direction, the parts of the business in which they are working, and the type of work they are performing.

CONSULTATION

Collective consultation

In cases where there is a recognised trade union in a workplace and the employer intends to make changes which might affect more than 20 employees then Section 188 mandates employers to carry out collective consultation as part of redundancy processes. It specifies that collective consultation deals with the following areas:

- Ways to avoid or reduce redundancies.
- Ways to mitigate against the consequences of redundancies.
- Ways of addressing how people will be selected for redundancy.
- Any issues you have with the process.

On holding consultation for the purposes of redundancy, **ACAS Guidelines** state the following:

You should consult with your employees before finalising any redundancies.

If you do not hold genuine and meaningful consultation before making redundancies, employees could claim to an employment tribunal for unfair dismissal.

Consultation is when you talk and listen to affected employees. In 'collective consultation' you also consult with their representatives.

You should use consultation to try and agree actions wherever possible, for example the selection criteria.

During consultation, you should discuss:

- *the changes that are needed, what you propose to do, and why*
- *ways to avoid or make fewer redundancies*
- *the skills and experience needed for the future*
- *the criteria for selecting employees for redundancy*
- *any concerns employees may have*
- *how you can support and arrange time off for affected employees, for example to update their CVs and get training*
- *Employees will often have good ideas that may help to avoid redundancies. You do not have to agree to their suggestions, but it's important to seriously consider any ideas that could reduce redundancies, otherwise employees could claim the redundancy process has been unfair.*

It goes on to state:

You should make sure any managers who lead consultation meetings:

- *have had training in managing the meeting appropriately*
- *are fully informed about the redundancy proposals and process*
- *can present the plan for the redundancy process clearly*
- *can provide everyone with a questions and answers document*

The leading legal case on reasonableness when managing redundancy, where a union is recognised, is *Williams and others v Compair Maxam Limited* (1982) IRLR 83. Taken together with the requirements set out in *Polkey v A E Dayton Services Ltd* [1987] IRLR 503, an employer is normally required, in order to avoid a dismissal being unfair, to:

- Provide “as much warning as possible of impending redundancies” to the union and employees (see *Williams* at [19]);
- Consult fairly with the union and individual employees.

In order for consultation to be fair the following components, as identified in *R v British Coal Corporation and Secretary of State for Trade and Industry, ex parte Price* [1994] IRLR 72 at [24], must be present:

- Consultation when the proposals are still at a formative stage.
- Adequate information on which to respond.

- Adequate time in which to respond.
- Conscientious consideration of the response to the consultation
- Identify an appropriate pool for redundancy selection
- Adopt selection criteria that, as far as possible, are objective and measurable
- Apply the selection criteria fairly
- Consider suitable alternative employment.

ACAS guidelines and these legal precedents offer a useful framework for understanding how consultations should be conducted by employers and how organisers might use these parameters to disrupt the redundancy process.

Firstly, it is important to recognise that during the consultation phase, employers are required to treat redundancies and organisational changes not as final decisions but as proposals. This is what is meant by the phrase “when the proposals are still at a formative stage.” In practice, this means that the employer’s plan for organisational change should, at least in theory, remain open to modification as a result of the consultation process.

According to ACAS guidelines, consultation should give affected staff and trade unions a genuine opportunity to put forward alternatives that could reduce or avoid compulsory redundancies. For this reason, the legal test of fairness focuses on whether the consultation has been meaningful. A consultation is meaningful if the employer has:

- Provided affected staff and trade union representatives with enough information to properly understand the proposal, including the business case for the changes.
- Allowed them to develop and present counterproposals.

It is not sufficient for an employer simply to announce that staff are at risk of redundancy without providing full and relevant information about the rationale for making these cuts or engaging with questions about the proposal. Employers must also allow adequate time for staff and representatives to review information, ask questions, and prepare counterproposals. Crucially, they must show that they have genuinely considered those counterproposals and provide evidence explaining why any were rejected.

Because the proposal is supposed to be formative (i.e. not finalised) during the consultation, the employer must not make any operational changes that pre-empt its outcome. For instance, if the employer begins implementing parts of

the proposal during the consultation, such as advertising new roles within the proposed new structure, this would undermine the consultation's integrity, as it suggests the outcome has already been decided.

It is important to understand that employers are under no obligation to accept counterproposals. In most cases, they will reject proposals that directly challenge the core objectives of their own plans. For this reason, counterproposals should not be viewed as the primary means of preventing redundancies. Reps often fall into the trap of believing that their main role in collective consultation is to produce a detailed and credible counterproposal, which can become the main focus of their efforts. Employers may even encourage this perception by insisting during consultations that they have not received a formal counterproposal from the unions. However, the chances of a counterproposal that seeks to halt all redundancies being accepted are very slim.

With this in mind, the most effective use of collective consultation for reps is to take advantage of the employer's legal duty to conduct a fair and meaningful process. This can be used to create more time for industrial action to take effect and to make legal challenges against any procedural failings. What this means in practice varies according to the nature of the proposal and the type of workplace. However, in general, pushing for the (potentially limitless) information that would be required to be able to genuinely understand the proposal, and the organisational issues they seek to address, as well as to be able to generate a counterproposal, is an important tactic in collective consultation.

Challenging the employer on the basis of a 'failure to meaningfully consult' when the employer does not provide requested information, or intends to complete the collective consultation when outstanding information has not been received, can be a way to put pressure on the employer to extend the timeline. Raising claims of a 'failure to meaningfully consult' in collective consultation meetings, along with alerting the employer of the union's intention to challenge any unfair dismissals that might result from the consultation, is a good way to put pressure on the employer. It is also good to raise these kinds of claims in minuted meetings, especially collective consultation, so that in any future appeals or legal challenges which follow, it is possible to point to instances where the employer has insufficiently consulted over any given issue.

A large part of any redundancy proposal will normally include description of a method of redundancy selection. During collective consultation, staff that may be affected by the proposal will be put into 'pools' and informed by email that their positions in the workplace may be 'affected' by the redundancy proposal.

At this stage they are technically only 'affected' by the redundancy proposal because the proposal is under consultation, and the decision to move ahead with the pooled staff in the proposal has not been finalised. Following the completion of collective consultation, the staff members that remain in the redundancy pool, will then be considered 'at risk' of redundancy. Redundancy selection is the process used to select members of staff from the pool for redundancy after the collective consultation has concluded, and the proposal is finalised.

Redundancy selection can be carried out in different ways, but when there are a high number of redundancies, employers tend to use a 'scoring matrix'. A scoring matrix usually involves a form with a series of questions. Each question reflects a 'criteria' that will be used to score each member of staff at risk of redundancy. Based on the total score across the various criteria, staff members will be ranked, and the lowest scoring staff will be selected for redundancy. In some cases, employers will conduct interviews rather than using a form to make redundancy selections.

The employer is legally obliged to conduct a 'fair' redundancy selection process. This means that the criteria established for judging one member or staff against another for the purposes of redundancy selection should be objective and not directly or indirectly discriminate against a member of staff due to a protected characteristic. Here, 'objective' means that the criteria should enable a judgement based on facts that can be measured and not be affected by personal opinions. So for example 'reliability' would not be an objective criteria, because this would ultimately be based on the personal opinion of a manager. An example of direct discrimination in this case would be to use attendance as a criteria for redundancy selection, but not introduce any mitigation for those on parental leave or those suffering health conditions or disabilities which prevent them from attending work. In this case, protected characteristics (pregnancy/disability) could conceivably be the reasons someone is selected for redundancy. An example of indirect discrimination would be to use 'leadership skills' as a criteria, while providing no mitigation for part time staff who, due to their employment status might not be provided any leadership opportunities on their role. While judging full-time staff and part-time staff would be unfair, and could be challenged on that basis, it would not necessarily be discriminatory. However, if a large proportion of female staff members were concentrated in part-time roles, this would be considered indirect discrimination on the basis of a protected characteristic (gender).

Since the method of redundancy selection forms part of the redundancy proposal, this can be an important area to challenge the employer during the col-

lective consultation process. If employers are alerted to parts of the redundancy selection process that are unfair in collective consultation, and they do nothing to resolve the issue, this could be a strong basis to raise an appeal or unfair dismissal claim to any redundancy decision that flows from redundancy selection. Areas of the selection process to focus on are:

DIRECT/INDIRECT DISCRIMINATION: Do the criteria risk discrimination, are there mitigations that should be introduced to prevent disadvantage in the scoring process: e.g. should part time staff be judged against full time staff? Should staff in a particular department be compared to staff in another department? Are there different levels of opportunity available if you are full time, or work in a particular department? Would this unfairly bias the scoring? And so on.

EQUALITIES IMPACT: An Equality Impact Assessment (EIA) is a tool for ensuring that workplace decisions, policies, and practices do not discriminate against workers with protected characteristics, and that equality, diversity, and inclusion are properly considered. Under Section 149 of the Equality Act 2010, public authorities must have due regard to eliminating discrimination, advancing equality of opportunity, and promoting understanding. Although not legally required, an EIA helps public sector employers demonstrate that they have assessed the equality implications of decisions and sought to mitigate negative impacts. If, for example, it is apparent that a proposed organisational change will disproportionately impact women of colour as a proportion of the total workforce, the employer should ensure measures are introduced to the redundancy selection process that mitigates against those impacts. Failure to show due regard to these duties can expose an employer to unfair dismissal claims at an Employment Tribunal. In collective consultation, it is therefore good to push employers to provide a detailed EIA from when the organisational change was considered and decided upon (i.e. before the collective consultation). This should show that the employers took due regard to the equalities impacts of their decisions, and introduced mitigation measures to address these impacts in advance.

MAKEUP OF THE SELECTION PANEL: Redundancy selection scoring and decisions are typically carried out by a designated redundancy panel. Where the panel includes managers who have prior working relationships, either positive or negative, with staff at risk of redundancy, employee representatives may question the panel's suitability on

grounds of potential conflict of interest and the need for impartiality. Representatives are also entitled to raise concerns about whether the panel's composition reflects the diversity of the workforce, in order to safeguard against unconscious bias. Ensuring that the panel is both impartial and representative strengthens the fairness and credibility of the redundancy process, reducing the risk of grievances or legal challenges. This can be leveraged against a proposed selection process.

WEIGHTING OF SCORING: Before the scoring process, it is important to get clarity from the employer how scores will be weighted. This means that if certain skills and experiences will be especially valued in the consideration, or certain criteria are more important than others, this should be clear to all affected staff.

APPEALING REDUNDANCY SCORING: To ensure fairness in redundancy selection, it is good practice for employers to provide an appeal process that allows staff to challenge the impartiality and accuracy of the scoring. For such challenges to be meaningful, staff at risk must be given access to a clear record of how scoring decisions were made, rather than being presented with a bare numerical score. This is not something an employer will do on their own volition, but should be pushed for in collective consultation.

QUERYING THE STATUS OF CVS: Often redundancies will form part of a broader organisational restructure. In that case, the employer will design a new structure (with new posts) based on the existing positions within the organisation. When the employer pools certain areas of staff for the purpose of organisational change, they should have accurate and up to date information about the remit of those roles. This is needed to justify the pooling exercise as some people may in fact be doing jobs different to ones used to project a new structure. Indeed, some may already do a job which is identical to one appearing in the new structure, in which case they should not be pooled. Additionally, if job descriptions are outdated, this can undermine the fairness of any job matching which is part of the restructuring. Raising a challenge about the use of outdated information about job descriptions and staff CVs during restructures can be used to push employers to start the process from the beginning. If it's clear that outdated information has been used, time your challenge so that the process reset maximises delays.

Given the strategic importance of delaying the redundancy process, it is useful to consider the timing of raising procedural and legal challenges during collective consultation. If you present all of your challenges to the employer at the very start, they will have time to adjust their proposals to address them. To be more effective, it is often better to assess the potential impact of each challenge and raise them gradually, at different stages of the consultation, ideally closer to the deadline - so that changes will extend the timeline.

It is crucial that representatives involved in collective consultation remain in direct contact with members at risk of redundancy. This is not only important for accountability, but also because members are often more aware of specific workplace issues and personal circumstances that can be used to challenge the redundancy proposal. For this reason, at least one representative attending the consultation should also participate in collective meetings with affected members. This ensures that representatives can strengthen their challenges to the redundancy proposal, the selection process, and the criteria by drawing on workplace-specific insights.

Individual consultation

According to ACAS guidance and legal case law, employers are required to consult with individuals affected by a redundancy proposal. The scope of this consultation should mirror that of collective consultation, i.e. when employers engage with recognised trade unions. In practice, this means all staff affected by a redundancy proposal must be given a genuine opportunity to engage meaningfully with the proposal. In other words, affected staff should be able to fully understand the redundancy process, challenge any unfair elements, and put forward counterproposals.

Many employers offer so-called 'voluntary' individual consultation meetings during the collective consultation, often presenting them as opportunities for information sharing. However, employers are required to hold meaningful individual consultations (not just to share information) as part of the collective consultation process. To make this effective, all affected employees must be given the relevant information needed to understand the redundancy proposal, and their reasonable questions about the consultation should be properly addressed. While there is no strict legal requirement on the exact timing of individual consultations, they must begin only after consultation with recognised unions has commenced, and before the collective consultation period is finished, and the proposal is finalised.

While individual consultations can be used to strengthen personal cases, they can also be approached collectively as a means of increasing pressure on the employer. When an employer seeks to make large-scale redundancies or pools a significant number of staff, the administrative burden of holding individual consultations with every affected employee can place substantial strain on management. This is why employers often downplay their importance by presenting them as 'voluntary.' However, if all staff assert their right to meaningful individual consultation, it can be a powerful tactic for slowing down the process, creating administrative pressure, and increasing the likelihood of employer errors with potential legal consequences. Employers should also provide additional facilities time for union caseworkers to manage individual consultations.

Individual consultations can also be used strategically by aligning the questions raised by staff in their meetings with the broader approach of union representatives during collective consultation. When both union representatives and a large number of affected workers raise the same challenges, the employer is compelled to respond, which can slow down the process if the challenges are serious enough. If the employer fails to engage with these questions despite repeated, documented attempts to influence the proposal, this record can serve as strong evidence in appeals and unfair dismissal claims.

Coordinating a collective approach to individual consultations, and linking these to broader efforts to put pressure on the employer (industrial leverage, comms campaign etc.) can also be a very effective way of organising affected staff. Framing the response to redundancy collectively helps steer members away from fear, isolation, and self-preservation. Through collective meetings, affected workers can be drawn out of the individualising experience of the redundancy process, share the emotional burden, and exchange information, knowledge, and practical strategies that strengthen a united approach to individual consultations. This in turn can be used to build broader buy-in for industrial actions, as the collective approach to individual consultations can be understood as one among many fronts that union members are pressuring the employer. While meetings can be used to inform and coordinate members for individual consultations (and often many members will attend such meetings to get support for their individual cases) they can also be used to promote and coordinate industrial actions.

ORGANISING THE CAMPAIGN

Just as redundancy processes vary depending on the context, organising a campaign against redundancies also depends on many different factors. The most important of these is the extent to which workers in a given workplace are already organised. This includes the number of union members, the presence of representative structures, the knowledge and experience of those reps, the regularity of meetings, the effectiveness of communication systems etc. All of these elements can make a significant difference when it comes to resisting redundancies.

When facing redundancies, it is important to assess the existing level of organisation in a workplace, before establishing your organising strategy. If there are no structures in place, it might be worth prioritising the task of building some aspect of workplace structure (e.g. rep committee) that will focus on a particular set of tactics aimed at pressuring the employer (e.g. public comms campaign + protest organisation). If organisational structure is more advanced, it is important to plan each level of your campaign strategy, the timeline of each element, and allocate roles and responsibilities to different reps and members.

The following areas should be considered when planning a redundancy campaign strategy. For each area, an appropriate number of reps and members should be allocated a clear remit and equitable workload:

INDUSTRIAL STRATEGY: the formal process of engaging in industrial action (either strikes or action short of strike depending on the context). This requires overseeing the administrative process of launching and running an official ballot. A large part of this work involves developing a clear and accurate timeline that maps the stages from the initial dispute through to potential periods of action. The timeline must account for dispute periods, formal notice requirements (both before the ballot and before action), the ballot period itself, and member meetings where decisions are made.

Because delays are almost always inevitable, it is essential to build contingencies into the industrial strategy timeline. In redundancy campaigns, the timeline must also be carefully aligned with the employer's redundancy process so that leverage can be applied at the most effective moments - ideally before the process formally begins. Another critical element is coordinating the "get the vote out" (GTVO) effort, which involves organising a team to canvas support for the ballot and systematically tracking members' voting intentions. Another part of this process involves building a team of members and reps working together on industrial strategy as well as coordinating and evaluating industrial strategy, as the campaign develops.

PROTEST AND INDUSTRIAL ACTION LOGISTICS: Effective collective action relies on careful logistical planning. This includes organising venues, equipment, transport, placards, speakers, sound systems, and stewarding to ensure protests and demonstrations run smoothly and safely. Coordinating rotas, setting up clear lines of communication for last-minute changes, mobilising attendance and preparing contingency plans for unexpected disruptions are also important. Protests should be strategically timed, aligning not only with key stages of the redundancy process but also with significant events in the workplace calendar (e.g. launches, shareholder meetings, high-profile visits etc). Targeting moments when the employer is most vulnerable to disruption or reputational pressure increases the effectiveness of collective action. This team should therefore work closely with the industrial strategy group and comms team to ensure protests deliver maximum impact.

CASEWORK TEAM: Redundancy campaigns almost always involve supporting individuals going through the process. A dedicated casework team should provide representation in consultations, accompany members to meetings, and ensure that rights and procedures are upheld. This team should also track cases systematically to identify patterns of employer behaviour and practices which can then feed into the collective strategy. Beyond supporting individuals, the casework team plays a key role in keeping the wider campaign grounded in the real experiences of affected members, and can be directly building support with affected staff.

FUNDRAISING & EXTERNAL SUPPORT: Campaigns against redundancies can be resource-intensive, so building a financial base for a strike fund and other activities is crucial. Fundraising initiatives, rang-

ing from support from other union branches to community solidarity events, should be planned and sustained throughout the campaign. Equally important is seeking external support from local community groups, notable figures, political allies, and other trade unions. Building these relationships can strengthen the campaign's legitimacy, broaden its reach, and provide material and moral support when it matters most.

COMMS STRATEGY: Clear and effective communication is essential both internally and externally. The comms team should establish regular updates for members, ensuring transparency and collective ownership of decisions. This means the comms team should be working closely with the reps involved in collective consultation and the industrial strategy. Externally, communications should aim to control the public narrative, highlight employer practices, and generate solidarity. A strong media strategy (including press releases, social media campaigns, visual branding, and spokespeople) can amplify the campaign's voice and apply significant pressure. It is also important to understand the existing reputation of the employer: how it is perceived by customers, the public, or key stakeholders. Campaign messaging should be designed to target and exploit reputational vulnerabilities - whether by challenging a "socially responsible" image, highlighting hypocrisy, or exposing contradictions between the employer's public commitments and its treatment of workers.

An important element of this is making the real effects of redundancies visible. Testimonies, interviews, and personal stories from workers at risk can humanise the issue, ensuring that the campaign is not reduced to abstract numbers or processes. By putting a human face on redundancies, the campaign can cut through media noise and generate empathy and solidarity. Where appropriate, communications can also personalise reputational challenges, highlighting the decisions of senior managers or board members in ways that hold them publicly accountable. This combination of collective messaging and individual testimony helps ensure that communications resonate emotionally as well as politically, maximising their impact.

ORGANISING TEAM - ONE TO ONE: Direct conversations remain the foundation of strong workplace organisation. An organising team should be tasked with carrying out systematic one-to-ones with members and non-members alike, listening to concerns, building trust, and encouraging active participation in the redundancy fight. This team should

maintain a record of engagement levels and map workplace influence to ensure no groups or individuals are left out. The more inclusive and participatory the organising process, the stronger the campaign will be. So it is good to draw in reps from different areas of the workforce to help with this work. The 'Get the Vote Out' process, can be a good opportunity to have meaningful organising conversations, and draw a broader layer of workers into the work of the redundancy campaign. This can also involve coordinating actions with other parts of the workforce, to put maximum pressure on the employer.

DEPARTMENTAL REPS: In larger workplaces, departmental reps play a crucial role in ensuring that communication and organisation reach every corner of the workforce. They act as the immediate point of contact for members in their areas, feeding back concerns and ideas to the wider campaign committee. By taking responsibility for their sections, departmental reps help maintain momentum and ensure that campaign actions reflect and align with the reality of different workplace contexts.

COLLECTIVE CONSULTATION AND DISPUTE NEGOTIATIONS: As we have noted, redundancy processes entail union reps engaging with the collective consultation process. These meetings are important for the broader campaign, and where arguments are put forward and employer plans challenged. It is vital that the reps attending these consultations are fully briefed, have a clear mandate from members, and are supported by the wider campaign team. Just as importantly, there must be good communication back from these meetings to the wider rep group and membership. Transparency ensures that all members feel included, decisions remain democratic, and no single rep is isolated or left to negotiate without accountability.

In disputes that escalate to negotiation or resolution talks, similar principles apply. The negotiating team must remain tightly connected to the campaign strategy, drawing on industrial, comms, and organising teams for leverage. Regular updates, feedback loops, and member meetings to discuss options and possible outcomes ensure that any resolution reflects the collective will of the workforce. Good communication between negotiators and the wider team is not just a matter of fairness - it strengthens the union's position, prevents employer divide-and-rule tactics, and keeps the campaign unified at critical decision-making points.

These are some of the key areas to consider when planning a redundancy campaign and deciding how to allocate resources and workload. Depending on how organised things already are, and on the particular vulnerabilities of the employer, reps and organisers may choose to prioritise only some of these activities.

It can also be useful to establish a clear routine of meetings to support these different areas of work. One effective approach to this is to set up working groups within all-member meetings, each focused on a specific area (e.g. industrial strategy committee, casework committee, comms group etc.) Handing over responsibility for running these groups to lay members helps prevent information, responsibility, and decision-making from becoming too centralised among elected reps. This risk is particularly high in redundancy campaigns, as elected reps are often pulled into formal consultation meetings, where much of the key information about the process is first shared. For this reason, it can also be useful to downplay the role of the collective consultation process, so that members don't simply hand over their agency to a process they aren't directly part of. All levels of campaign work add pressure on the employer, so it is important for reps and organisers to emphasise members' agency and the role of other areas of work.

In general, it's a good idea to increase the frequency of all-member meetings, rep committee meetings, and departmental rep meetings during a redundancy campaign. As mentioned earlier, redundancy processes can move very quickly. This makes it important for union members to stay responsive to day-to-day developments, share the most up-to-date information, and keep members engaged in the work of the wider fight. It also helps to have key reps who can move between committees and working groups, feeding updates from the ground back into the reps committee.

During redundancy campaigns, members at risk of losing their jobs can experience intense stress, fear, and uncertainty. Facilitating meetings under these conditions can be challenging, as discussions are often driven more by emotion than reason. This can create tensions, strain relationships, and slow down collective decision-making. For this reason, it is crucial to dedicate time and space for members to express their feelings, anxieties, and frustrations, and to ensure emotional support is available. At the same time, meetings should help channel these emotions into constructive collective action, so that members feel both heard as individuals and empowered as part of a group.

THE AFTERMATH

Knowing when to resolve a redundancy dispute is often very difficult. Once redundancy notices have been issued, it is rare for an employer to withdraw them. However, sustained industrial pressure can still help secure better outcomes during the appeal stage - such as enhanced settlements. Negotiating improved settlements for at-risk members can therefore be a valid reason to continue industrial action. At the same time, it is important to remain strategic and realistic about when the fight is effectively over. This can be emotionally challenging: some members may want to keep resisting indefinitely because of the unresolved injustices of the process, while others may feel uncomfortable being asked to take further action when the outcome appears decided. Such tensions can even lead normally committed members to waver or cross picket lines, underlining the importance of careful judgement in deciding when and how to wind down a campaign.

The best way to manage the resolution of a redundancy dispute is through open, honest, and direct communication with members, particularly those who have been made redundant. Decisions about whether the campaign should resolve should always be put to members, with the situation presented honestly and accurately, and all members having their views heard. It is also important to consider any outstanding demands linked to the dispute (workload, equalities, or changes to terms and conditions) and assess whether meaningful concessions can be secured before bringing the dispute to a close.

The aftermath of a redundancy process can be extremely difficult for union members, whatever the campaign's outcome. Where job losses occur, the impact on morale can be severe. Reps and members alike may struggle to recover after losing colleagues, especially if a great deal of effort and action went into trying to prevent cuts. Such experiences can test even the most committed activists. The outcome may also appear as a demonstration of strength by the employer, risking disillusionment and weakening members' belief in the effectiveness of collective struggle.

For all these reasons, it is vital that reps and members dedicate time to open, honest, and constructive reflection about the campaign. These conversations should avoid re-litigating old arguments, debates, or recriminations, and instead focus on drawing out positive lessons that can strengthen workers' ability to organise and fight in the future. Every workplace struggle is an educational experience, offering practical insights into the realities of class conflict. It is important that these lessons become part of the institutional memory of workplace organisation. One effective approach to this is to hold dedicated reflection meetings with elected reps to assess what was done well, what could have been improved, and to record these lessons in writing for the benefit of future reps.

It's essential to document the knowledge gained from the campaign - especially legal and procedural insights about redundancy processes, effective points of leverage in the workplace, and organisational strengths. Following up with members who participated in the struggle is equally important, discussing how they can continue to play an active role in the union. The structures established during the redundancy campaign should also be revisited, maintained, and re-oriented toward new objectives.

Preserving institutional memory is one of the greatest strengths workers have over their employers. Employers seldom reflect on how effectively they have managed conflicts with their staff, nor do they systematically pass on those lessons to future generations of managers. While workplace hierarchies impose a degree of organisation on managers and HR, this layer of the workforce rarely operates as a coherent class pursuing its collective interests in a deliberate way. When managers move on, they seldom take steps to equip their successors with the knowledge and experience needed to handle industrial relations. In contrast, workers - through their unions and collective structures - are far better placed to retain and transmit knowledge and experience, giving them a lasting advantage in the workplace.

CONCLUSION

Redundancy struggles are among the most difficult and demanding struggles faced by trade unionists. They test not only organisational capacity and legal understanding, but also the emotional resilience and solidarity of the workforce. But they also offer crucial opportunities to build collective power, strengthen union structures, acquire knowledge and develop new layers of activists. Even when the immediate fight is defensive, the experience gained and relationships forged can lay the foundation for future victories.

Redundancy struggles can also be incredibly politicising experiences for workers. They can often be the first time workers have a direct encounter with the underlying structural violence of the capitalist system. In this light, these fights can lead workers, organically, to class consciousness, and a long-term investment in class struggle politics.

This guide has outlined the legal, procedural, and organisational aspects of resisting redundancies. But the most powerful lesson is that no campaign rests on technical knowledge alone. Successful campaigns depend on unity, communication, and the collective determination of workers to stand together in the face of employer pressure. Every consultation meeting, every delay won, and every protest organised contributes to the broader goal of asserting workers' control over their workplaces and defending their right to secure, dignified employment.

When the formal process ends - whether through victory, compromise, or loss - the work of the union continues. Recording lessons learned, maintaining the structures built, developing politicised workers and supporting members affected ensures that no experience is wasted. Preserving this institutional memory gives workers a permanent advantage over their employers, who rarely reflect on or learn from their own actions in the same way. In this continuity of struggle lies the enduring strength of the trade union movement: the collective memory, courage, and commitment of workers who refuse to accept that redundancies are inevitable.

POSTSCRIPT: THE POLITICS OF REDUNDANCY

The only thing worse than having to sell your labour to capital in return for a wage is not being able to sell your labour at all.

The threat of redundancy hangs over our heads for a number of different reasons. Sometimes our employers invest in new technology that increases the amount each individual can produce. This then means they need less workers overall to produce the same amount of goods/services. Sometimes our employers cut jobs in order to turn the screw on those of us who are left. They might have no plans to increase productivity beyond forcing a smaller workforce to work harder and longer in order to defend or increase their margins. And sometimes our employers cut jobs to reflect bigger changes. As market conditions or the priorities of the government shift, so the demand for the things we make or the services we provide falls, and the problem gets passed onto us.

We experience these redundancy situations as mediated by laws which both defend our “rights”, but also aim to constrain and channel our struggle. The laws governing redundancy were passed as a result of the victories of previous generations of workers. A century and a half of struggles and strikes have resulted in us winning us some degree of protection. But despite offering us a defence against being fired on the spot, these regulations have never been straightforwardly beneficial. The state made these laws in a way that attempted to turn class conflict into a process of calm negotiation through “partnership” and “consultation.” When trade unions buy into this framework, we are always the ones who get shafted. Instead, we have to use the law without falling into the traps it sets for us. The goal of this pamphlet is to support workers to do just that.

We take up this challenge in particular circumstances. Overall, the labour market in Britain remains tight (e.g. unemployment is relatively low, and labour demand relatively high). However, this surface level appearance hides an un-

derlying reality of a downwards redistribution of labour through the tiers of the market. Redundancies increasingly target those jobs with above average terms and conditions, which have either been won through struggle over time or conceded by capital in an attempt to secure a highly skilled or otherwise limited workforce.

At the same time, the expansion of new employment is increasingly taking place in unorganised workplaces and industries such as care and logistics, where the terms and conditions of employment are of a much lower standard. Those people made redundant from the higher rungs of the labour market can find employment again, but only by going down the ladder into unorganised workplaces. They face the prospect of being reemployed out of the surplus labour force into jobs that increasingly coalesce around a common minimum level established by the state: minimum wages, minimum rights, and minimum benefits. As a result, redundancy is part of an ongoing process of class consolidation through which once-protected parts of the class are folded into an increasingly compact mass of workers clustered around the minimum wage.

This process echoes the historical pattern of the formation of a militant subject within the British working class at the turn of the 20th century: attacks on the skilled workers directly and indirectly break down the hierarchy within the labour market, creating the conditions for new alliances between once-separate layers of the class.

If spreading redundancies is producing such a class consolidation, a cynic might ask why we're fighting this process. Would it not be better to take a hands off approach and allow capital to immiserate those sections of the class that have above average wages and conditions?

Such an approach would totally fail to understand the reasons why revolutionaries participate in economic struggles. Redundancy fights are potentially transformative for their participants. Facing the threat - let alone the reality - of being thrown out of work and defined as unnecessary is a profound stimulus to political development. Workers who may once have trusted that they just needed to keep their head down and work hard and everything would be okay have their assumptions challenged. Redundancy processes are a moment where people's political ideas can change rapidly on the basis of their experiences. This is why it's so important that workers with a more developed understanding of the system we live in and the way we need to organise against it are active in redundancy fights. We need to convince the people we work alongside of the necessity of fighting both to protect our jobs in the short term, and of the need

for a revolutionary transformation of society away from a class system based on wage labour in the long term.

Leaving workers alone to face these fights without support would not only expose us to the practical consequences, but also leave the door open to nihilism and negative solidarity, where scapegoats are blamed for the capital's decision to declare us surplus to requirements.

Agitation in the workplace is the basic activity on which more advanced forms of politics rest, and defensive economic struggles have a key role to play in the process of political recomposition that we need to see in Britain. Bringing together workers to fight redundancies creates opportunities for larger scale development. Take the example of the higher education sector, where a wave of redundancies has been the spur for the development of rank and file structures. These structures have both increased the ability of workers to fight redundancies in local contexts, but also generated a new national industrial strategy with a more advanced political focus and base of support across the workforce in the industry, which was previously effectively siloed by union boundaries. It is our responsibility to get our heads out of the clouds and look at reality on the ground

N.B - Forthcoming changes under the Employment Rights Act 2025

The passing of the Employment Rights Act 2025 will see a number of significant legal changes regarding balloting for industrial action, protections for trade union activity and redundancies. Make sure you are up to date with the latest changes in the law. The two biggest changes to note regarding redundancies are:

FROM 6TH APRIL 2026: The maximum 'protective award' for failure to consult in collective redundancy will double from 90 days' pay to 180 days' pay.

FROM 2027: Employers will need to consider the total number of redundancies across their whole organisation, not just individual workplaces – currently, collective redundancy rules only apply to individual workplaces.

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