



Trade Union Reform and Employment Rights Act 1993

1993 CHAPTER 19

PART II

EMPLOYMENT RIGHTS

Transfer and redundancy rights

34 Redundancy consultation procedures

- (1) Chapter II of Part IV of the 1992 Act (procedure for handling redundancies) shall be amended in accordance with subsections (2) to (5) below.
- (2) In section 188 (duty of employer to consult trade union representatives)—
 - (a) in subsection (4) (information to be disclosed to representatives), after paragraph (e) there shall be inserted “and
 - (f) the proposed method of calculating the amount of any redundancy payments to be made (otherwise than in compliance with an obligation imposed by or by virtue of any enactment) to employees who may be dismissed.”,
 - (b) for subsection (6) there shall be substituted—

“(6) The consultation required by this section shall include consultation about ways of—
 - (a) avoiding the dismissals,
 - (b) reducing the numbers of employees to be dismissed, and
 - (c) mitigating the consequences of the dismissals,and shall be undertaken by the employer with a view to reaching agreement with the trade union representatives.”, and
 - (c) at the end of subsection (7) (exception from requirements in special circumstances) there shall be inserted—

Status: This is the original version (as it was originally enacted).

“Where the decision leading to the proposed dismissals is that of a person controlling the employer (directly or indirectly), a failure on the part of that person to provide information to the employer shall not constitute special circumstances rendering it not reasonably practicable for the employer to comply with such a requirement.”.

- (3) In section 190 (entitlement under protective award), subsection (3) (avoidance of double payments) shall cease to have effect.
- (4) In section 193 (duty of employer to notify Secretary of State of certain redundancies), at the end of subsection (7) (exception from requirements in special circumstances) there shall be inserted—

“Where the decision leading to the proposed dismissals is that of a person controlling the employer (directly or indirectly), a failure on the part of that person to provide information to the employer shall not constitute special circumstances rendering it not reasonably practicable for the employer to comply with any of those requirements.”.

- (5) For section 195 there shall be substituted—

“195 Construction of references to dismissal as redundant etc

- (1) In this Chapter references to dismissal as redundant are references to dismissal for a reason not related to the individual concerned or for a number of reasons all of which are not so related.
- (2) For the purposes of any proceedings under this Chapter, where an employee is or is proposed to be dismissed it shall be presumed, unless the contrary is proved, that he is or is proposed to be dismissed as redundant.”.
- (6) Section 283 of the 1992 Act (which excepts employment as a merchant seaman from the provisions of Chapter II of Part IV) shall cease to have effect.