

Note that this document is a translation of the information about the redundancy process at the HR web. The information at the HR web is the official information.

# The redundancy process

**Redundancy does not necessarily mean a shortage of work duties. It could, for example, be due to an organisational change. Below is further information for managers on what redundancy entails.**

Operational, organisational or economic changes can result in a change of staff requirements. The term “redundancy” refers to the staff changes that result from these causes and does not necessarily mean a shortage of work duties. The employer, based on their management rights, determines whether there is redundancy or not. The employer is also to present satisfactory supporting documentation for the assessment that has been made. Redundancy does not exist if the reason is only applicable to the employee on a personal level. Before redundancy can be established, the situation is to be investigated to ascertain that there is no work available that offers a possibility of redeployment.

As a manager in charge of staff, you have the main responsibility for the transition process if a redundancy arises. The University's process for handling redundancy includes the basic elements that you need to know in order to manage a redundancy situation in the correct way.

A number of laws and agreements regulate a transition process in the case of redundancy, such as the Employment Protection Act, the Public Employment Act and the priority regulations in the agreement on government employees (TurA-S). During the process, the University also has an obligation to negotiate in accordance with the Employment (Co-Determination in the Workplace) Act and a requirement to cooperate with the protection agency in accordance with the Work Environment Act.

## The process at Lund University

As an employer, the University has a responsibility for ensuring the transition process in the case of redundancy is carried out in a correct and efficient way.

As a manager with responsibility for staff, you initiate the transition process if redundancy arises. As support for this work there is a diagram of the various stages of the process. The process diagram describes what is to be done, when activities are to take place, and who is to take action.

# Planning

**Planning is the first step in a transition process in the case of redundancy. Below is information for managers on available support for planning in preparation for redundancy.**

As a manager with responsibility for staff, your work is to be based on the University's established process with support from your local HR officer. Draw up a timetable together for the various steps in the process. Involve the health and safety representative at an early stage.

## Inform those affected

Information for the affected work group is an important part of the planning. A prompt and open dialogue reduces the risk of speculation and worry. As a manager with responsibility for staff, your task is to inform, but also to face and address the reactions that may arise during a transition process. You should provide information on one or more occasions, when your emphasis should be on describing the background to the necessary change.

The aim of these information meetings is to establish clarity about the transition process and the support that can be offered to the affected work group. As labour law issues often arise, your local HR officer should participate in one or more information meetings. Information on options for extra support via the Occupational Health Service is always to be given to employees. Bear in mind that until the question of redundancy has been negotiated and the employer can establish redundancy, you as a manager can only convey that the employer is considering termination due to redundancy.

Remember to keep on providing information throughout the process (even though there may not be very much that is new to relate). Avoid providing information just before a weekend and set aside time when you can be available for your staff. Also remember to obtain support yourself, for example from a colleague, your local HR officer or the Occupational Health Service.

Bear in mind that if there is a risk of major staff changes, you should also inform the union organisations in accordance with section 19 of the Employment (Co-Determination in the Workplace) Act.

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## Examine possible solutions

With an aim to safeguard expertise and avoid labour law measures, as a manager you are to consider possible solutions prior to negotiations about redundancy. A need for change can also create new development opportunities for both the organisation and the employees. You should take stock of opportunities for internal mobility, forthcoming retirements and leaves of absence or the need for extensions for fixed-term positions. You can also utilise your management rights. If you do not find a solution, this process of taking stock becomes a part of your support documentation in negotiations on redundancy in accordance with the Employment (Co-Determination in the Workplace) Act.

# Negotiating

Redundancy is established after negotiations with the union organisations. Prior to changes, you are to conduct a risk and consequence assessment. Below is further information for managers about what this means and how to proceed.

## Prepare supporting documentation

Redundancy is established after negotiations with the union organisations with which the University has collective agreements in accordance with the Employment (Co-Determination in the Workplace) Act. Prior to negotiations, as a manager with responsibility for staff you are to draw up supporting documentation for the negotiations. The documentation is to describe your work place (i.e institution, department etc.), the background to the redundancy that has arisen, work duties that may be redundant, affected employees and when the redundancy is expected to arise. The documentation is to also include relevant documents as support for the proposed change, for example staff statistics, related budget material, decisions that have been made and an assessment of the risks of ill-health and accidents that the redundancy may entail for the affected work group.

## Assess risks and consequences

Before an organisation changes, as in the case of redundancy, the employer in accordance with the Work Environment Authority's regulations on systematic work environment management is to assess the risks of ill-health and accidents that the change may entail. The aim of the risk and consequence assessment is to identify the preventive measures that are needed to ensure no-one will be subject to ill-health and accidents.

The risk and consequence assessment can be described as a four-step process: investigate – assess risk – instigate measures – follow up/control. As a manager with responsibility for staff, you conduct the assessment with the health and safety representative and document it in a template. Affected employees are also to be given the opportunity to take part. The assessment is to cover social, organisational, psychological and physical risks and is carried out both for the person or persons affected and for the remaining staff.

[Read more about risk and consequence assessment prior to organisational change and the template for the risk and consequence assessment](#)

## Negotiations in accordance with the Employment (Co-Determination in the Workplace) Act

As a manager with responsibility for staff, before you make a decision about important changes in your organisation you are to initiate negotiations in accordance with section 11 of the Employment (Co-Determination in the Workplace) Act. Establishing redundancy is an important change of this type. The aim of the negotiations is for you to ascertain the union organisations' position on the matter prior to making a decision.

Your supporting documentation for the negotiations is to be sent via your local HR officer to The Human Resources section, which convenes the negotiations, takes part to support you as a manager and writes the minutes. At the negotiations, you should be accompanied by your local HR officer.

[Read more about the University's rules of procedure for matters relating to the Employment \(Co-Determination in the Workplace\) Act](#)

After the negotiations have concluded, you are to notify the affected employees about the employer's decision on the confirmation of redundancy and the continued transition process.

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# Redeployment

As a manager you have a redeployment obligation and this means that a thorough investigation is to be conducted. Below, managers can read more about what this entails.

## Investigate redeployment options

After the negotiations on redundancy have concluded at the department or equivalent, a redeployment investigation is conducted in accordance with section 7 of the Employment Protection Act. The redeployment obligation means that the University is to carry out a thorough investigation concerning redeployment options throughout the organisation regardless of location for the employee under threat of redundancy. The investigation is to include all vacant positions. Fixed-term positions may also be reasonable offers. The redeployment obligation is to be fulfilled up to the time of a notice of termination, if applicable. As a manager with responsibility for staff, you are responsible for the investigation with the support of your local HR officer. If options for redeployment exist, there is no reason for the employees in question to be given notice of termination.

One precondition for redeployment is that the employee has sufficient qualifications for the new position. Sufficient qualifications refers to general qualifications in the form of education and experience that is normally required for the position in question. The employee does not need to fully master the new duties from the first day, as they, like a new recruit, are entitled to an initial learning period.

The redeployment investigation should start with a conversation between you as a manager with responsibility for staff, the affected employee and the local HR officer regarding qualifications and redeployment options.

## Offer redeployment

The redeployment obligation is not limited to positions of an identical or similar type to the employee's current position, as the determining factor is whether the employee has sufficient qualifications. Similarly, the employee is to be prepared to take on new duties and undertake continuing professional development. However, an offer of redeployment is to be reasonable, i.e. work as comparable as possible to the current position that the University can offer. What constitutes reasonable redeployment is assessed on a case-by-case basis. Contact your local HR officer for support in making this assessment.

When an offer of a new position is made, a written offer is drawn up containing a description of duties and conditions. The offer is sent to the affected employee who is requested to provide a written reply. If the employee is a union member, the notification of the offer is also sent to the relevant union organisation. A redeployment is to be negotiated in accordance with section 11 of the Employment (Co-Determination in the Workplace) Act before the employer can make a decision. An employee who, without making an application and due to redundancy, is redeployed to another position at the University, retains in accordance with the agreement on terms of employment, the salary and other conditions that applied to the previous position.

Declining a reasonable redeployment offer may mean that the University's redeployment obligation is considered to be fulfilled and that there is an objective basis for termination. This may also have consequences for the support an employee can obtain through the contract of employment. The employee is to be informed of the possible consequences of the decision in conjunction with the written notification of the redeployment offer.

# Order of priority

A priority group is drawn up and negotiated by you as a manager prior to terminations due to redundancy if redeployment is not an option. Below is information on how to proceed.

## Investigate priority groups

Prior to terminations due to redundancy, the University is to first draw up an order of priority list in accordance with priority regulations in the agreement on government employees (TurA-S) and the Employment Protection Act. The order of priority is drawn up by investigating the group or groups of employees who may be made redundant, as well as the internal order of priority between these employees.

As a manager affected by redundancies, you are responsible for drawing up a proposal for a priority group. This process is to be carried out with your local HR officer.

## Negotiations on order of priority

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The priority group is established after concluded negotiations with the union organisations with which the University has collective agreements. The negotiations are part of your managerial responsibilities. Your supporting documentation regarding the establishment of a priority group is sent via your local HR officer to The Human Resources section, which convenes the negotiations, takes part to support you as a manager and writes the minutes. At the negotiations, you should be accompanied by your local HR officer. The negotiations begin with a report on the completed redeployment investigation. You should also be prepared to submit written documentation relating to the redeployment investigation to the union organisations.

After the negotiations have been concluded, you notify the affected employees about the employer's decision on establishing a priority group and the continued transition process.

Redeployment based on duration of employment in accordance with section 22 of the Employment Protection Act takes place first within the framework of a priority group when the University can offer no redeployment options, i.e. in accordance with the "last in-first out" principle. Employees who have been employed for a long period are redeployed to positions within the same group at the expense of employees who have been employed for a shorter period, provided that they have sufficient qualifications for the work. In principle, a redundancy at one institution/equivalent can thus affect employees with a shorter period of employment at another part of the University.

After the negotiations are concluded, the manager responsible for staff informs the affected employees about the result of the negotiations and the employer's decision.

## Termination

**As a manager you are responsible for the affected employed being notified of the termination decision and informing them about the preferential right to re-employment. Below is information for managers on how to proceed.**

### Giving notice

After the conclusion of negotiations on order of priority, The Human Resources section draws up a notice of termination. The decision on termination is made by the vice-chancellor. As a manager with responsibility for staff, ensure that the affected employee receives the notice of termination. As a rule, termination is effective from the point the employee receives the notice. The employee's period of notice is also calculated from that day. The notice shall in accordance with section 10 of the Employment Protection Act be delivered to the employee personally and, if this is not possible, is to be sent in a registered letter to the employee's last known address. If the employee cannot be reached and notice of termination has been dispatched by letter, notice of termination shall be deemed effective 10 days after the letter was submitted to the post office for delivery. If the employee is on holiday, notice of termination shall be deemed effective not earlier than the day after the holiday ends.

If the employee is on parental leave, the notice of termination can be deemed effective on the same basis as if the employee had been on duty. In that case, the period of notice begins when the employee wholly or partly resumes work, or when work would have resumed according to the application for parental leave valid at the time of termination.

The University has a redeployment obligation up until notice has been given. After being made redundant, the employee may have the preferential right to re-employment. If the employee is entitled to this priority, information with a form for submitting a claim to priority shall be given to the employee in conjunction with the notice of termination. The preferential right applies during the period of notice and a nine-month period after the last day of employment.

[Read more about the preferential right to re-employment](#)

[Read more about periods of notice](#)

### Transition support

When a government employee's contract is terminated due to redundancy, the employee is given the opportunity to participate in Job Security Foundation schemes. The foundation's task is to create the best possible conditions for the person to avoid unemployment. At the latest in conjunction with the employee receiving the notice of termination, the manager responsible for staff is to provide the employee with information on their rights and obligations relating to the contract of employment. Reporting to the Job Security Foundation is handled by The Human Resources section.

During the period of notice, the employee has the right to reasonable leave with salary in order to look for a new position and take part in the schemes offered by the Job Security Foundation. As a manager with responsibility for staff, you should ensure that you are available for the redundant employee after the notice of termination. Also pay close attention to other employees' reactions.

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## **Employment is terminated**

As a manager with responsibility for staff, you should initiate a concluding discussion/appraisal before an employment contract is terminated. A good conclusion is just as important as a good introduction, both for the University as an employer and for the person whose employment is coming to an end. The discussion provides an opportunity to review what has been good, not so good and what changes the redundant employee can propose.

As a manager with responsibility for staff, you are to write a certificate of performance with a personal assessment if this is requested. The employer is also obliged, if requested, to write an employer's certificate. The certificate may be needed so that the redundant employee can receive compensation from union unemployment benefits, but is also important as documentation. The certificate is to include information on how long the person worked at your organisation and details about their job.