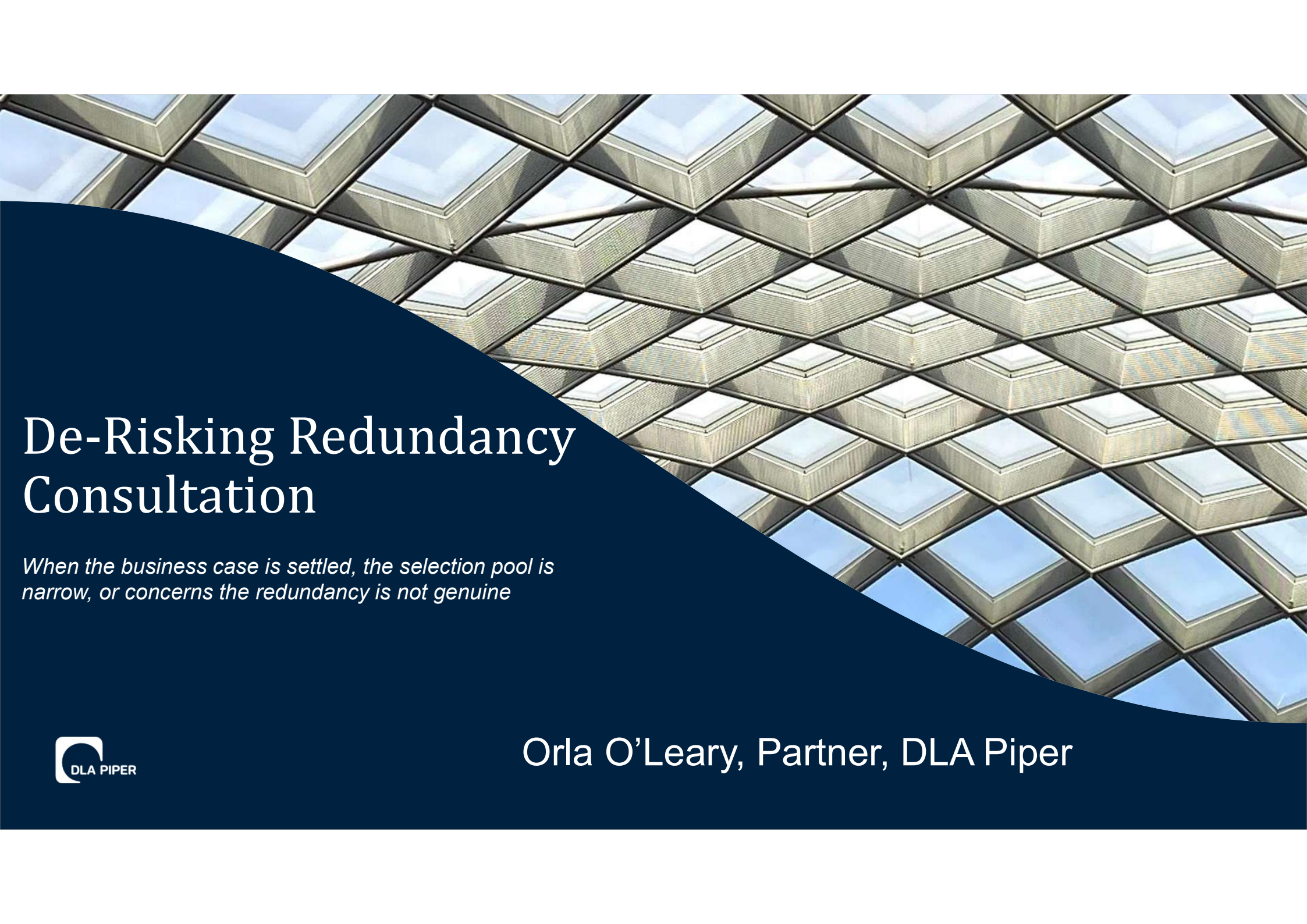




De-Risking Redundancy Consultation

When the business case is settled, the selection pool is narrow, or concerns the redundancy is not genuine



Orla O'Leary, Partner, DLA Piper

1. The Business Decision

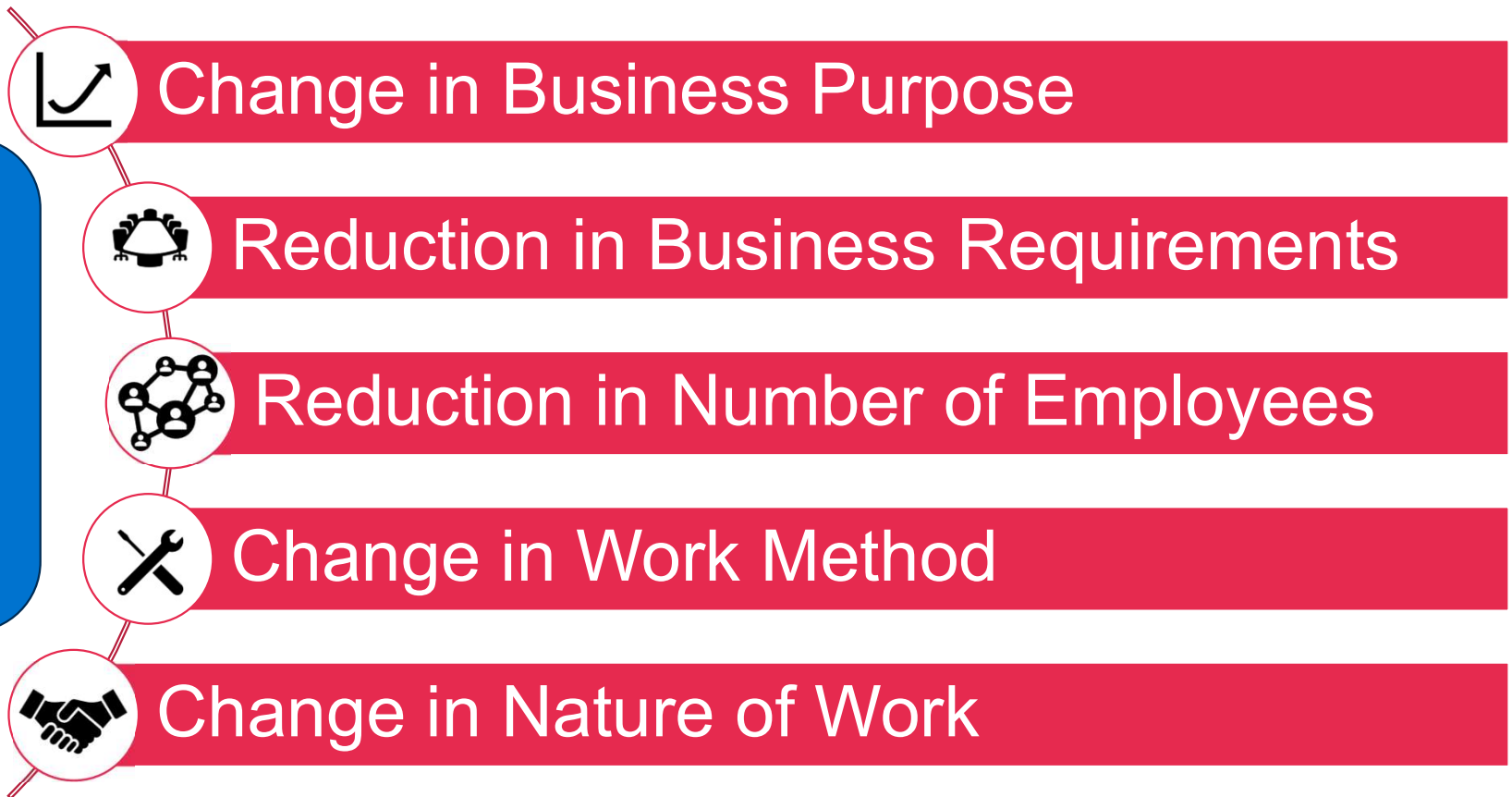
2. The People Decision

3. The Fairness Decision

What May be Settled	What Should Remain Open
• The commercial objective	• The appropriate pool
• The target operating model	• The application of selection criteria
• The requirement to reduce cost or headcount	• Employee representations
• The work the organisation requires in future	• Implementation alternatives
	• Suitable alternative employment
	• The final individual outcome

What is a Redundancy

*“An employee who is dismissed shall be taken to be dismissed by reason of **redundancy** if the dismissal is attributable wholly or mainly to.”*

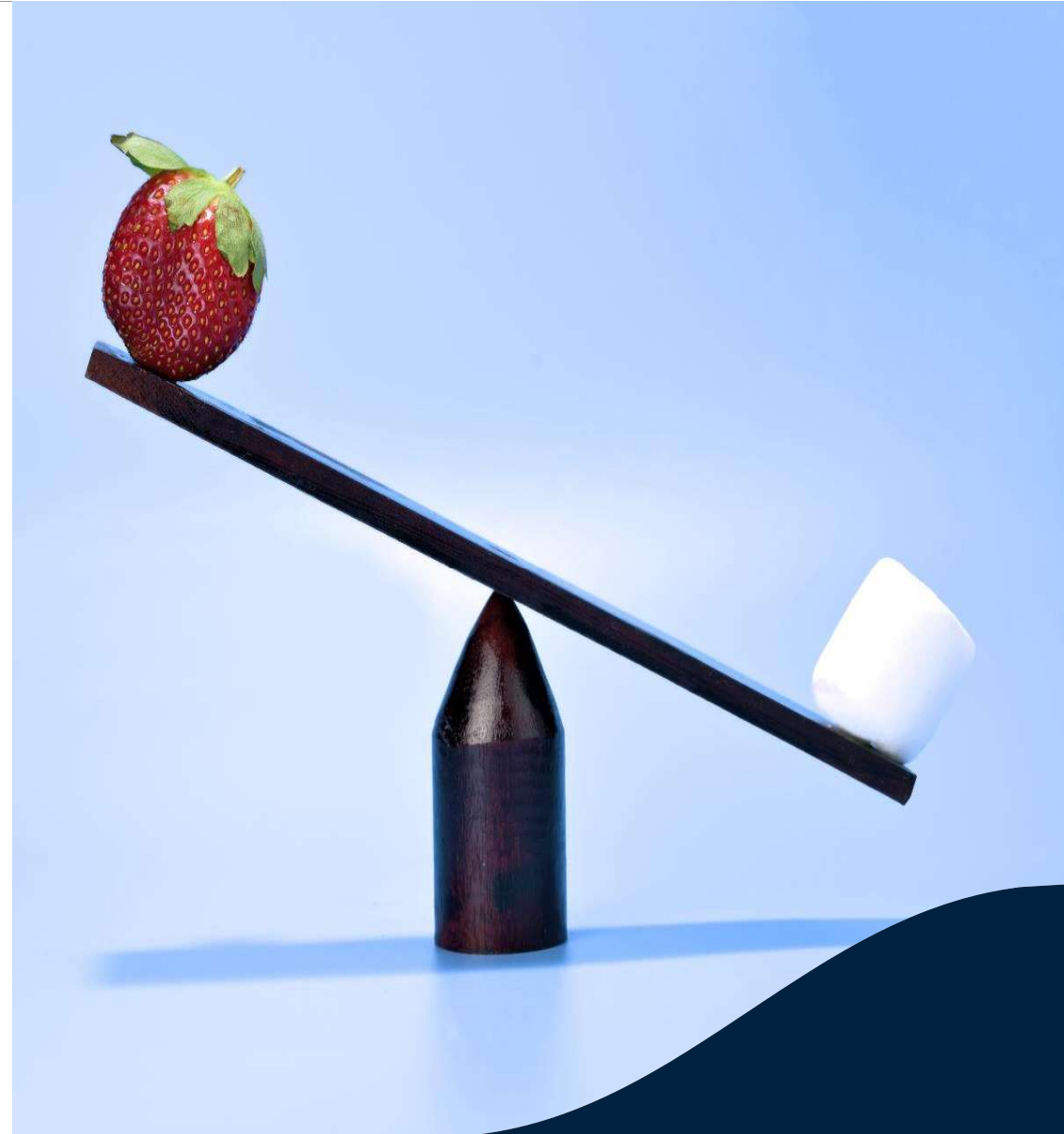


80:20 Rule

- 80% process
- 20% substance

The redundancy claim is rarely about the restructuring.

It is usually about how the organisation selected and treated the individual.



Practical Considerations / Common Risk



The Consultation Lead must UNDERSTAND

Employees quickly lose confidence where company representative cannot answer basic questions



Slide 7

GN1 Basis to bring in roundabout quote - A redundancy in Ireland is like a roundabout in Ireland = the solution to everything.

However this is not necessarily the case - it won't solve everything and you will be challenged.

The areas of concern that could cause issue and need to be handled appropriately:

1. Business case is settled
2. Narrow Selection Pool
3. Is it Genuine in Nature

Gráinne Ní Fhrighil, 2026-10-06T18:50:10.427

How to reduce your Risk

- Stress Test the People Decision
- Appoint the right people
- Meaningful consultation is Key / Appeal
- Document the representations and decisions
- Representation?
- Sick Leave Policy

GN1 Employed as an Educational Sales Representative in the Northwest region, from 2014.

Nutshell: unfairly dismissed despite genuine business need - awarded 60k due to failure in process.

In *James Higgins v M.H. Gill & Co. Unlimited Company*, the Employee was employed as an Educational Sales Representative in the Northwest region, from 2014. The WRC held that although the employer had a genuine commercial rationale for restructuring its business following difficulties in the educational publishing market, the redundancy dismissal was unfair because the employee was not afforded a fair consultation process. The complainant, a long-serving sales representative, was informed of his redundancy by email while absent on sick leave with Covid-19 and was not given advance notice that his role was at risk, an opportunity to discuss alternatives, or a meaningful appeal. The WRC therefore upheld his unfair dismissal complaint and awarded €60,000 in compensation.

A point to note - stated that they clearly never intended to offer an appeal based on "immediacy of the termination" and the company's moves to shut off access to company system and collect Higgin's work phone and car."

Gráinne Ní Fhrighil, 2026-10-07T18:15:29.643

Take Aways

- The Commercial Decision V The People/Fairness Decision
- Genuine Redundancy ≠ fair dismissal.
- Stress Test the People Rationale
- Meaningful consultation is Key
- The right people - who will make a good witness.
- The power of a DSAR – Train your managers



Thank You

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