

Applying for redundancy pay

In certain situations, employers might be able to lay people off or put them on short-time working. They can only do this for those with the [legal status of employee](#).

Someone is not likely to be an employee if they're:

- an agency worker
- a casual worker
- on a zero-hours contract

Employees who have been laid off or put on short-time working might be able to apply to claim redundancy pay. This would also end their employment.

Applying for redundancy pay in this situation is called a notice of intention to claim redundancy payment. This is sometimes called NIC.

They can do this if they've been paid less than half a week's pay for:

- 4 or more weeks in a row
- 6 or more weeks in a 13-week period – if no more than 3 of these weeks are consecutive

To claim redundancy pay, an employee must have worked continuously for their employer for 2 years or more.

How to apply

Employees must apply for this in writing, for example in a letter or an email. The letter or email must say that:

- they want to claim redundancy pay
- this is because they have been laid off or on short-time working for 4 or more weeks in a row, or 6 or more weeks in a 13-week period

They must apply within 4 weeks of the end of the relevant period when they were laid off or on short-time working.

Example of making a claim based on 4 weeks in a row

An employee is laid off for 4 weeks in a row. Their employer brings them back to work for a week, before laying them off for another week.

The employee decides to claim redundancy pay because they were laid off for 4 weeks in a row.

They must apply for this within 4 weeks of the end of the original 4-week period they were laid off for. That's because this is the end of the relevant period that made them eligible for redundancy pay.

Example of making a claim based on 6 weeks in a 13-week period

An employee is laid off for 3 weeks. Their employer brings them back to work for 6 weeks, before laying them off for another 3 weeks. The employer then brings them back to work for another week.

The employee decides to claim redundancy pay. This is because they were laid off for 6 weeks in a 13-week period.

They must apply for this within 4 weeks of the last day of the 6-week period they were laid off for.

How the employer can respond

After an employee applies to claim redundancy pay, their employer has 7 days to respond. They can either:

- accept the request
- decline the request by giving 'counter notice' in writing, for example in a letter or email

Employers can only give counter notice if they expect to be able to offer at least 13 weeks' consecutive work to the employee within 4 weeks.

If the employer does not respond within 7 days, this counts as accepting the employee's request.

Employers can withdraw counter notice later. They must do this in writing.

Resigning

If the employer accepts the request or doesn't respond in time, the employee must resign to get their redundancy pay. They still need to work their [resignation notice period](#).

It's a good idea to do this in writing, for example in a letter or an email. They must do this within 3 weeks, starting from:

- 7 days after they gave notice to their employer – if they did not get a counter notice
- the date their employer withdrew their counter notice

[Use our resignation letter template](#)

Contact the Acas helpline

If you have any questions about lay-offs and short-time working, you can [contact the Acas helpline](#).