

## Step 8 Offer alternative employment

You must try and move anyone selected for redundancy into other jobs within your organisation instead. This is called offering 'suitable alternative employment'.

Redundancy only applies to 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

### How to offer alternative employment

You must identify any available jobs in your organisation and talk to the affected employees to see if they agree they're suitable.

If a role is suitable, you should offer it instead of redundancy. If you do not, the employee could make a claim to an employment tribunal for [unfair dismissal](#).

They should not have to apply for the role. If more than one employee is interested in the same role, you must:

- offer the role to any employees on maternity leave, shared parental leave or adoption leave first
- follow a fair process for all other employees, for example holding interviews for the role

When you offer an employee another role, it must be:

- put in writing
- offered before their current contract ends
- a different role to the one they're currently doing – you'll need to explain how it's different
- start within 4 weeks of their current role ending

There is extra [redundancy protection for pregnant employees and new parents](#). You must offer them any suitable alternative vacancies as a priority over other employees.

### Trial periods

Employees have the right to a 4-week trial period if they accept a new role. If they need more time to train for the role, you can agree to a longer trial period. It must be agreed in writing and have a clear end date.

The trial period should start after they've worked their notice period and their previous contract has ended.

This avoids any confusion or disputes over dates if the trial does not work out. It's a good idea to set out the dates for the trial in writing.

If the employee is in the new role beyond the 4-week trial they will lose the right to redundancy. This is unless you have agreed a longer trial period with them.

If the new role is unsuitable, the employee can leave at any time in the 4-week trial period without having to give additional notice.

If you offer more than one job, the employee can try each one for 4 weeks.

## If an employee turns down an alternative role

If an employee refuses your offer for a suitable alternative role, or turns it down after the trial period, they need to have a valid reason why it's not suitable.

Examples of reasons could include:

- the job is on lower pay
- health issues stop them from doing the job
- they have difficulty getting there, for example because of a longer journey, higher cost or lack of public transport
- it would cause disruption to their family life

If the employee has a valid reason to turn down the job, they'll be entitled to redundancy pay.

But if the employee does not have a valid reason for turning down the job, you could refuse to pay their redundancy pay.

For example, the employee's contract could say they have to work anywhere you ask them to. This is called a 'mobility clause'. This might mean that turning down a job because of its location could risk their right to redundancy pay.

You'll need to be able to prove the employee's decision was unreasonable if they make a claim to an employment tribunal.