



Department for
Business, Energy
& Industrial Strategy

Rt Hon Sir George Howarth MP
House of Commons
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Paul Scully MP
Parliamentary Under-Secretary of
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Dear Sir George,

Thank you for your email dated 12 January to Minister Trevelyan, on behalf of a number of your constituents, about companies such as Centrica and British Airways using fire and rehiring tactics. I am responding as this matter falls within my Ministerial portfolio.

I am sorry to hear about your constituents concerns during what is a very difficult period for many people. I appreciate that announcements about redundancies and job losses will be distressing for employees. The Government is working continuously to provide clarity and financial support to both business and individuals during an unprecedented time.

The Government wants to emphasise that we always expect employers to treat employees fairly and in the spirit of partnership. We have been clear that using threats about firing and re-hiring simply as a negotiating tactic is unacceptable. However, employers must retain the flexibility to negotiate terms and conditions as a commercial matter. This is particularly pertinent as we recover from the Covid-19 pandemic and navigate a difficult economic climate.

On matters of redundancy, we continue to strongly encourage employers to do the right thing. Legislation makes clear that the redundancy process should be fair and reasonable, with appropriate equalities considerations. Both employers and employees should engage in good faith and consult reasonably. Employers should offer fair terms.

As such, legislation provides robust protections to affected employees. Those with the necessary qualifying service who believe that they have been unfairly selected for redundancy, or that the redundancy was unfair in some other way, may be able to complain to an employment tribunal.

To better understand the issues in relation to fire and rehire, the Government is working with the Advisory Conciliation and Arbitration Service to facilitate discussions with a range of stakeholders. This includes employer bodies and trade unions, employee representatives and other bodies in order to learn more about the range of circumstances of its use and its impact on the workplace.

Thank you once again for taking the time to write. I hope this information is helpful in responding to your constituents.

A handwritten signature in blue ink, appearing to read 'Paul Scully', with a stylized flourish at the end.

PAUL SCULLY MP

Minister for Small Business, Consumers & Labour Markets
Minister for London