

Employment Fact Sheet: Lay offs and short time working

If your employer does not have enough business for the workforce, they might **lay you off**, or put you on **short time working**.

If you are not an employee, for example, if you are a temp, you do not have a right to paid work and so you cannot be laid off.

Being **laid off** usually means that your employer may ask you not to come into work for a while, and you will not get paid. However, your contract has probably not ended. Your employer may not actually tell you that you're being laid off but may say, for example, that you must take some unpaid holiday as there is not enough work for you to do. This is still a lay off, even if your employer doesn't call it that.

Being on **short time working** means that you work shorter hours than usual, so your pay is less than a normal week's pay.

Your employer may lay you off or put you on short time working as an alternative to redundancy. What you can do about this situation depends on what your contract of employment says.

Your contract says you can be laid off or put on short time working

Some contracts say that you **can** be laid off or put on short time working. If your contract says this, but you are laid off or put on short time working (or a mixture of both) for a certain amount of time, you may be able to claim that you've actually been made redundant. The amounts of time you must be laid off or put on short time working are:

- four or more whole weeks in a row, or
- six whole weeks in any 13 week period.

There are special procedures to claim redundancy in these circumstances. For example, you must give your employer written notice that you intend to claim a redundancy payment.

You may be able to take a claim to an industrial tribunal if you follow the correct procedure to claim a redundancy payment, and:

- your employer argues that you are not entitled to a redundancy payment, or
- your employer doesn't pay the redundancy pay.

You may need help to make a claim for redundancy pay or to go to an industrial tribunal. You can get help from a Citizens Advice Bureau adviser.

Your contract does not say you can be laid off or put on short time working

If your contract does **not allow** for lay offs or short time working, you can't claim redundancy. However you may have other options, for example, you may be able to claim a guarantee payment or claim unfair constructive dismissal.

You may need help to make a claim for unfair constructive dismissal. You can get help from a Citizens Advice Bureau adviser.

Working while laid off or on short time working

You can usually take up other work while you are laid off or on short time working, as long as your contract does not stop you doing this. However, you should not take up any work which might be against your employer's interests, for example, by working for a competitor.

If you want to work while you're laid off, you should let your employer know and get their agreement. You should also make sure that you're able to return to your normal job as soon as your employer is able to offer you work again. If you don't do this, your employer may argue that you have resigned by taking up other work. This means that your employer may not let you return to your normal job, or may not pay you redundancy pay.

For more information, or if you are having problems with working while laid off or on short time working, you should seek the help of an experienced adviser.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB visit www.citizensadvice.co.uk or look under C in your phone book.

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