



UCPH's guidelines for compulsory redundancy due to institutional issues

1. Background and purpose

These guidelines are intended to set a clear framework for dealing with cases of compulsory redundancy due to institutional issues. Institutional issues are taken to mean for example budgetary cutbacks, termination of grants and organisational changes. The guidelines are also intended to ensure that in such situations, employees experience a supportive workplace with consideration being shown for their individual circumstances.

UCPH is required to prioritise good financial management, partly with respect to day-to-day operations and partly with respect to long-term strategic planning. Even so, situations may arise that make financial cutbacks necessary. In achieving such savings, management is required to involve the collaboration committee in acting professionally with respect to employees in the unit affected and also to provide timely, relevant information so as to minimise uncertainties amongst employees as much as possible.

UCPH regularly has to make organisational changes to conform to its overall objectives and to ensure the right balance between tasking and resources. Organisational changes often have consequences for employees and should therefore insofar as possible be implemented on the basis of a transparent process and timescale.

The fundamental principles of UCPH's HR policy emphasise the importance of on-going academic development, giving employees the opportunity to maintain and enhance their skills. This naturally serves several purposes but it also gives employees better opportunities for moving to other duties/units. These guidelines apply to all employment at UCPH regardless of the nature of the employment, source of funding and the working area. There are also special rules for public servant employees and union representatives, etc., cf. items 8 and 9.

2. Involvement of collaboration committee where there is a risk of redundancies ¹

The collaboration committee (CC) are to exchange information during the process and hold discussions about workplace issues. Insofar as possible, the information should be both oral and in writing and provided at such an early stage and be sufficiently complete so as to enable thorough discussions to be held in the collaboration committee so that employees' points of view and proposals can be included in a final decision by management.

The chair of the collaboration committee is to brief the committee when the budgetary figures for the area are available, making it clear that there is a risk of redundancies, or when the plan becomes available for impending organisational changes which could possibly lead to employee redundancies. The aim of this is for the CC to discuss the situation and the future process.² When giving a briefing, management is to submit budgetary details and other issues that form the background for possible redundancies and proposals for

¹ cf. Collaboration agreement 2013, circular on collaboration and collaboration committees in state enterprises and institutions

² See also the report from CFU (November 2005) on the provisions in the CC agreement on management's requirement for discussions in, and to provide information to, the collaboration committee.

any possible mitigation measures that could be involved, cf. item. 3. The general criteria for selecting which (groups of) employees to be made redundant are to be submitted to the collaboration committee for discussion. If possible at this time, the collaboration committee will discuss the consequences of any headcount reductions for dealing with future tasking. If it is not possible to discuss the potential consequences at this time, these discussions will occur at the same time as the decision/selection phase, cf. item. 4 and the briefing phase, cf. item. 5.

In the case of individual redundancies due to institutional issues, the chair of the collaboration committee is to report the case to the vice chair. The vice chair can require the main content of the case to be discussed in the collaboration committee.

The collaboration committee will agree on the level of confidentiality to be observed at different stages of the process, also so as not to create unnecessary concerns amongst the employees at an early stage. The further process in the event of compulsory redundancies due to institutional issues is outlined below.

3. Minimisation phase

The purpose of the minimisation phase is insofar as possible to avoid redundancies due to institutional issues. In the minimisation phase, decisions are not made on which employees are at risk of being made redundant due to institutional issues.

During the minimisation phase, management investigates the opportunities for avoiding redundancies. These could for example be by way of natural wastage, senior and voluntary retirement schemes, accommodating requests for part-time employment, special consideration being given to extending time-limited employment and special assessment of the need for any new appointments. Management will further consider whether the number of redundancies could be reduced by relocation within the employing authority's area.³

Managers are especially required to brief managerial colleagues outside the area of the employing authority in cases where there is a risk of redundancies in a work area in which it is felt that employees' skills could be usable elsewhere in UCPH.

When implementing such general minimisation measures, union representatives are required to provide advice and guidance to employees.

4. Decision/selection phase

Following the end of the minimisation phase, management decides on the final headcount. When redundancies are necessary, one fundamental concern is that the institution should also in future be able to undertake its tasking in a qualified manner.

On this basis, and on the basis of the general criteria discussed in the CC, management should undertake an assessment of the group of employees in order to retain the best qualified group of employees for dealing with tasking. Managers can then decide which employees should be recommended for redundancy in the particular situation.

³ The employing authority is taken to mean the organisational unit that has its own funding area and its own competence to make redundancies and new appointments. These might for example be within the department if there are TAPs and limited tenure VIPs. For tenured assistant professors, associate professors, senior researchers and professors, the employing authority is the faculty since the competence to make redundancies/appointments lies with the Dean in line with delegation of management competence from Rector.

5. Briefing phase

When managers authorised to make appointments/redundancies have decided which employees should be recommended for redundancy, their task will be to:

- Notify the union representative of the number of intended redundancies within his/her particular area but without giving the names of the employees affected, since this information to the Union representative must first be given concurrently with or immediately after the employee has been informed of the impending dismissal.
- Call the employees affected in for individual interviews and encourage them to get assistance from a union representative/academic organisation or other observer to attend the interview at the employee's request.
- At the same time or immediately after the notice of the affected employees to inform the relevant Union representatives who will be dismissed.
- Briefly outline the situation to the employee and confirm the intended redundancy either by handing over a written notice or by notifying the employee orally that he/she will subsequently receive a notice of intended redundancy.
- When the affected employees have been briefed, possibly notify the unit's staff on the status of the process.

6. Mitigation phase

UCPH management and union representatives share the responsibility for assisting employees recommended for redundancy or during their period of notice to get another job at UCPH, if they so wish.

UCPH wishes to provide the best possible assistance for employees facing redundancy or during their period of notice. Individual employees can accordingly set up an "electronic job agent" on the UCPH Job Portal so that they are automatically notified by e-mail about relevant vacant positions at UCPH in their chosen area. Managers will in various ways offer to assist employees recommended for redundancy or working out their notice in moving on. This could for example be done by:

- Circulating CVs to relevant units at UCPH
- Being available as a referee
- Arranging contacts with internal and external collaboration partners
- Providing information about the option of counselling with external psychologists, etc.

If relevant positions fall vacant in UCPH up to the date of redundancy, employees have the right to an interview if they apply for such a position and if they have made clear in their application that they have been recommended for redundancy or that their employment has been terminated due to institutional issues.

Additionally, the following may for example be offered within a framework set by management:

- Outplacement process
- Financial support for relevant education/training courses
- Senior and voluntary retirement schemes

7. Role of union representatives/academic organisation

Management is especially required to notify relevant union representatives about possible impending redundancies. Management is to urge employees to seek assistance as early as possible from their union representative/academic organisation. Employees also have the right to seek assistance from elsewhere. Union

representatives have special responsibility for assisting employees recommended for redundancy or who have been made redundant.

8. Civil servant staff - redundancies

Chapter 5 of the Danish Civil Servants Act⁴ lays down special rules for compulsory redundancy. Decisions on compulsory redundancy are taken by the ministry concerned on the recommendation of Rector.

9. Dismissal of union representatives and others with positions of trust

The union representative agreement lays down special procedures and terms of notice for dismissing union representatives. The agreement applies to (joint) union representatives, their reserves, collaboration committee members (employee representatives) and their reserves (employee representatives), and occupational health and safety representatives. Employee representatives with seats on UCPH's Board have the same protection, cf. s. 12.5 of the Danish University Act.

10. Legal basis and delegation issues

Compulsory redundancy cases based on institutional issues are regulated by various regulations, including Danish employment law and case law, the Public Administration Act and the fundamentals of public administration law.

Rector is responsible for day-to-day management of the University in accordance with the University Act. Other managers carry out their duties subject to delegated powers from Rector, cf. Rector's delegation powers for HR.

11. Validity and termination

The guidelines take effect on adoption by the General Collaboration Committee.

Termination shall comply with the rules in the collaboration committee circular according to which either of the parties may give three months' notice of termination of the guidelines. Before termination, the collaboration committee is to endeavour to amend the existing guidelines so as to make them satisfactory for the parties in the collaboration committee.

Replaces the former guidelines adopted September 30 2015.

Processed and passed by the General Collaboration Committee on 24 August 2018

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⁴[Link to the Civil Servants Act:](#)