

University of Copenhagen guidelines on compulsory redundancy dismissals due to institutional exigencies



1. Background and purpose

The purpose of these guidelines is to establish a clear framework for dealing with instances of compulsory redundancy dismissals due to institutional exigencies. Such exigencies are taken to mean budgetary cut-backs, cessation of funding, and organisational changes etc. The guidelines are also intended to ensure that in such situations staff also experience the University as a supportive workplace that takes the individual circumstances of each employee into account.

The University has an obligation to prioritise best practices in financial planning and control in the interests of both the day-to-day running of the Institution and long-term strategic planning. However, situations may arise in which it is necessary to carry out economic cutbacks. In achieving such cutbacks, University Management, assisted by the General Collaboration Committee (HSU), will act professionally in relation to the staff of the affected institutional unit, and, among other things, will provide rapid and relevant information in order to minimise concern among staff.

The University is required to effect organisational adjustments on an ongoing basis in order to achieve its overall objective, and to strike the necessary balance between performances and resources. Organisational changes will often implicate employees, and must therefore to the greatest possible extent be implemented on the basis of a transparent procedure and timetable.

The guidelines are applicable to the holders of any contract of employment with the University, regardless of the type of position, how it is financed and the duties it entails. However, special rules apply to employees with the status of public servants and to employee representatives etc; see Sections 10 and 11.

2. Legal basis

Instances of compulsory redundancy dismissals due to institutional exigencies are subject to a number of external rules, including the general principles of Danish law and Danish employment law specifically, together with the Public Administration Act and the general principles of Danish administrative law.

The Public Administration Act, for example, stipulates that a formal hearing must be conducted before a decision may be made in a given instance, and that the employer has a duty to furnish reasons for its decisions. In addition, there are a number of principles of administrative law, which are expected to be observed in cases of compulsory redundancy¹.

¹

- o there must be no unmerited direct or indirect discrimination (*Principle of Non-Discrimination*)
- o in discretionary decision making, no rules must be established to preclude the power to make decisions on a case-by-case basis rather than on the basis of customary practice (*Abuse of Discretion*)
- o no irrelevant considerations or subjective criteria may be applied (*Misuse of Powers*)

3. Delegation

The Rector is responsible for day-to-day management of the University; see the Universities Act. All other University Management tasks are performed by order of the Rector. The overview in Appendix 1 illustrates how managerial powers may be delegated.

4. Involvement of Collaboration Committees in the event of proposed redundancy dismissals

Once the area's budget or decisions concerning any organisational changes have been finalised, and the risk of redundancy dismissals becomes apparent, the Chair of the Collaboration Committee shall duly advise the Committee to that effect. The information shall be provided before any decision is made concerning actual redundancy dismissals. The information will be supported by the budgetary basis and any other documents to account for the need for redundancy measures, together with an account of any mitigation measures; see Section 5, that might be considered. General criteria for selecting which employees/employee groups are to be made redundant must undergo deliberation by the Collaboration Committee.

In the case of isolated redundancies resulting from the cessation of funding or a job function for example, the Chair of the Collaboration Committee informs the Vice-Chair of the matter. The Vice-Chair may require that any matters of principle entailed by the proposed redundancies be deliberated by the Collaboration Committee.

5. Mitigation measures

Grundprincipper for personalepolitik 2008 – 2012 ([The Basic Principles of Staff Policy 2008 – 2012](#)) attaches importance to continuous professional development, whereby employees are given the opportunity to extend and update their qualifications. Naturally, this serves several ends, one of which being that employees increase their eligibility for redeployment to other duties/units in the event of economic cutbacks and restructuring processes.

If it is necessary to declare continuing positions redundant, prior to doing so, the immediate superior will investigate the following options in advance:

- redeployment within the University
- continuing education
- leave without pay
- transition from full-time to part-time employment
- phased retirement
- voluntary redundancy

6. Selection of employees to be proposed for redundancy dismissal

In selecting which employees are to be proposed for redundancy dismissal, the immediate superior will consider how the unit's overall volume of duties can best be performed within the reduced funding allocation. This might for example be achieved by deprioritising activities

-
- The employee shall be consulted, kept informed and advised as to his legal status, and the procedure must not be prolonged unnecessarily. Decisions should be notified directly through official channels (*Code of good practice in public administration*)
 - the burden for ensuring that all the requisite information for resolving the matter at issue rests, as a rule, on the authority concerned (*Inquisitorial Principle*)
-

and/or by reorganising duties/staffing to cover duties. The assessment will consider employee performance to date, and other factors relating to employee aptitude.

7. Notification of employees

Once Management has decided which members of staff are to be proposed for redundancy dismissal, it is then required to:

- notify the employee representative; see Section 8
- contact the employees affected (in person or by phone), briefly inform them of the situation and summon them to attend individual interviews. At the same time, the employees affected will be urged to retain the assistance of an employee representative/union or other adviser to sit in on the meeting
- issue a written notice of compulsory redundancy dismissal during the meeting with relevant information such as financial matters and the outcome of the Collaboration Committee's deliberations. The notice shall state clearly that the redundancy is due to institutional exigencies
- formally propose the redundancy dismissal to the human resources section
- summon all staff in the unit to attend a staff meeting at which they will then be informed of the situation.

8. The role of the employee representative/union

In instances of compulsory redundancy dismissal due to institutional exigencies, the employee's immediate superior will urge the employee as early on as possible to retain the assistance of an employee representative/union. The immediate superior also has a special obligation to notify the employee representative of the impending redundancy dismissal. In practice this means that the employee representative is informed of the impending redundancy dismissal before the employee is. The employee is also permitted to retain the assistance of others.

9. Supportive measures for employees proposed for redundancy dismissal/issued with a redundancy dismissal notice

The University aims to make every effort to assist employees who are proposed for redundancy dismissal/issued with a redundancy notice. The following assistance may therefore be offered:

- Crisis counselling from an external psychologist (raadgivning@prescriba.com)
- Assistance in writing a CV for use in seeking employment
- Distribution of the employee's CV to other units within the University
- Financial assistance for relevant continuing education
- Financial assistance for outplacement

10. Compulsory redundancy dismissals of public servants

Chapter 5 of the [Public Servants Act](#) (in Danish) lays down special rules regarding compulsory redundancy dismissals. Decisions concerning compulsory redundancy dismissals are made by the Ministry of Science, Technology and Innovation upon the recommendation of the Rector. Contact the human resources section for advice on specific instances.

11. Compulsory redundancy dismissals of employee representatives

The agreement on employee representatives prescribes special procedures and terms of notice in any process to make formally elected employee representatives redundant. This protection applies to the combined representative of a number of different employee representatives (senior employee representative); deputy senior employee representatives, members of the Collaboration Committee (employee representatives); deputy members of the Collaboration Committee (employee representatives); health and safety representatives and employee representatives who serve on the University Board. Contact the personnel section for advice on specific instances.

12. Validity and termination

These guidelines shall come into effect upon their adoption by the Central Collaboration Committee.

They may be revoked in accordance with the rules set out in the Collaboration Committee Circular, according to which each of the parties has the right to revoke adopted guidelines at three months' notice. Prior to any revocation, the Collaboration Committee must endeavour to amend the existing guidelines in a manner that is satisfactory to the parties represented on the Committee.

Considered and adopted at the Central Collaboration Committee meeting on 22 October 2008 and effective as of 1 January 2009.



Ralf Hemmingsen
Rector and Chairman of the
General Collaboration Committee

and



Poul Erik Krogshave
Deputy Chairman of the
General Collaboration Committee