Fire and rehire – reps' checklist

Here's what you can do to use the new protections and make sure your members don't fall victim to unfair fire and rehire tactics.

1. Spot early signs of fire and rehire

- ☐ Watch for your employer proposing big cuts to pay, hours, shifts, holidays or benefits and hinting that jobs are at risk if staff do not agree.
- ☐ Ask HR or managers to confirm in writing what changes they are considering and why.

2. Insist your employer shares information and consults

- ☐ Remind your employer that fire and rehire must be a last resort under the statutory Code of Practice on Dismissal and Re-engagement.
- ☐ Ask your employer to share a clear business case and to consult the union properly before telling any worker they may be dismissed and rehired.

3. Challenge whether fire and rehire is really justified

- ☐ Ask your employer what alternatives they've explored – these might include voluntary changes, recruitment freezes, temporary measures, or redeployment.
- ☐ If your employer claims serious financial difficulty, ask for evidence that jobs and the business are genuinely at risk and that there is no other way to make the changes.

4. Support members facing pressure to agree

- ☐ Explain to members that many dismissals used to impose worse terms (like pay, hours, shift patterns and holidays) will be automatically unfair.
- ☐ Encourage members not to sign new contracts or agree to worse terms without getting advice from the advice.

5. Keep a record of what your employer does

- ☐ Keep copies of all letters, emails, proposals and consultation notes from your employer.
- ☐ Note whether your employer follows the steps in the Code – sharing information, consulting, exploring alternatives, revisiting proposals – or presents a "take it or leave it" offer.

6. Use the new legal protections in disputes and negotiations

- ☐ If your employer does fire and rehire on worse terms, talk to your union officers and seek legal advice quickly about potential automatic unfair dismissal claims.
- ☐ Remind your employer that tribunals can increase compensation by up to 25% if they fail to follow the Code of Practice.
- ☐ Use the stronger legal protections to encourage your employer to negotiate fair changes and avoid fire and rehire altogether.

7. Share what happens and stay up to date

- ☐ Share any fire and rehire cases or threats in your workplace with other reps and your union officers so advice and campaigns can be updated.
- ☐ Keep an eye on new guidance and tribunal decisions on fire and rehire and share key lessons with other reps.