

**From the Office of the Minister**  
Gordon Lyons MLA



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**Our Ref:** CORR-1262-2021

20 October 2021

Dear Carolyn,

### **Fire & Re-hire Practices**

Thank you for your letter dated 2<sup>nd</sup> July to my predecessor Mr Paul Frew, in relation to Fire & Re-Hire Practices, and my apologies for the delay in replying to your correspondence.

As Minister with responsibility for employment, I will continue the work of my predecessors in protecting those immediately affected by the pandemic. I am pleased to say that my predecessors took a number of steps to protect workers' rights in respect of ensuring that statutory family-related payments and various statutory entitlements connected with redundancy or the termination of employment were based on normal pay rather than furlough pay.

The Department also introduced legislation to allow workers, who were unable to take holiday leave as a result of the Covid-19 outbreak, to carry over their annual leave into the next two leave years.

In his time in office, Minister Frew also introduced legislation which extended vital Health and Safety protections to all workers that previously only applied to employees.

Good progress has also been made towards the introduction of Parental Bereavement Leave and Pay in NI, an important new employment right for those parents in work who suffer the loss of a child.

As we look to recover from the damage inflicted on our economy by the pandemic, my priority is to ensure that workers have jobs to which they can return. My Department's economic recovery action plan will help protect jobs. In my opinion, that is the most fundamental of all employment rights.

Nonetheless, I want to make it absolutely clear that, in my view, the practice of giving notice and offering a new contract known as 'fire and rehire' should not be used as a negotiation tactic. Using fire and rehire as a tactic to put undue pressure on workers

to accept new and often worse terms and conditions or face losing their jobs is unacceptable.

I must warn employers that dismissal and rehire should only be used where there is an existential risk to the business. Even in those circumstances, employers must follow a statutory minimum dismissal procedure, and may have to follow a collective redundancy consultation process if a group of employees is involved.

That being said, I am conscious that any potential measures to address the worst excesses of fire and rehire, including legislation, must be carefully considered to ensure there are no unintended consequences particularly where those measures could lead to more redundancies

My officials will continue to liaise with their counterparts in the Department for Business, Enterprise and Industrial Strategy on this matter.

It is important to remember that any employees who believe they have been unfairly dismissed from the original contract may be able to complain to an Industrial Tribunal providing they have at least one year's continuous service with their employer. Employees may also be able to claim redundancy if they have at least two years' service.

Anyone who finds themselves in this position may wish to consider contacting the Labour Relations Agency - Workplace Information Service on 03300 555 300 for confidential and impartial information.

In addition, the Law Centre NI provides free, independent, specialist legal advice (subject to capacity) on employment rights. The Law Centre can be contacted on their advice line on 028 9024 4401 or by email: [employmentadvice@lawcentreni.org](mailto:employmentadvice@lawcentreni.org).

Further information may be found at <https://www.nidirect.gov.uk/articles/changes-employment-conditions>

Yours sincerely,



**GORDON LYONS MLA**  
**Minister for the Economy**