

EMPLOYEES REPRESENTATIVES

Employee representatives may be a Trade Union representative or may be a spokesman under a more unofficial arrangement. In some situations, there are legal obligations to consult staff about developments in which case the consultation may be with the representatives or Trade Union. Representatives are normally elected by the employees they represent.

There is a statutory entitlement to have a Trade Union official or fellow worker accompany an employee at a disciplinary and grievance hearing.

An employee representatives and recognised union official must be consulted in relation to certain planned redundancies, transfer of business ownership, pensions, Health and safety matters and working time agreements. Employers are obliged to respond and explain if and why employees proposals have been rejected.

Consultation about Specified Matters

Employers must inform and consult representatives of employees who may be affected by collective redundancies. A collective redundancy is where 200 or more employees are to be made redundant within a 90 day period.

Where there are plans to sell a business undertaking, information must be provided long enough before the transfer to give adequate time for consultation. The consultation must be undertaken with a view to seeking agreements on arrangements regardless of the number of employees. Where there is no Trade Union for collective bargaining, the employees must be informed through other arrangements.

In some circumstances, representatives may have to be elected to handle the issues. Employees must be give a genuine opportunity to elect the representative. They may be consulted directly if no representatives are elected. Employee representatives acting in

a consultation about redundancies and transfers, have rights and protections against unfair dismissals or adverse treatment on account of their activities. They are entitled to paid time off and access to employees and appropriate facilities.

Employees must consult with employees in matters relating to certain Health and Safety at work matters. If the Trade Union is recognised, its appointed safety representatives must be informed and consulted regarding health and safety matters.

Occupational pension schemes must generally allow members to participate in selecting trustees. Certain schemes must have at least 2 trustees nominated by members. Up to 50% of trustees must be elected or appointed by members.

General Regulations

The Information and Consultation of Employee's Regulation have broadened the circumstances in which businesses have to inform and consult employees. They apply to all organisations with at least 50 employees.

Employees of organisations or more that 50 or more employees who make a valid request have a right to negotiate on an information and consultation agreement with their employers. This agreement should set out how the employer will consult with employees and representatives on matters such as workforce changes and business performance. The regulations give a lot of flexibility as to how information and consultation is to take place. It may be via formal structure such as a work council, or committee or staff council.

European "Work Councils" are particular type of council that apply to large companies with sites in more than one European Union country. Business with at least 1000 employees in the EU and 150 in 2 member states must at the request of 100 employees or more establish an EWC. An EWC is a permanent consultative body and negotiate information and consultation procedures.

This Guide is intended as an overview and broad outline of the matters covered in it. Its purpose is to inform and raise awareness. We are happy to offer specific legal advice on particular circumstances.

This Guide should not be relied on as a substitute for comprehensive legal advice with reference to the particular circumstances.

While we have taken due care in the preparation of this publication, we do not accept legal liability as a result of any reliance placed on anything in this Guide. The reader should rely only on specific legal or taxation advice.

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