



# Employment Protection Act 1975

## 1975 CHAPTER 71

### PART IV

#### PROCEDURE FOR HANDLING REDUNDANCIES

#### **99 Duty of employer to consult trade union representatives on redundancy**

- (1) An employer proposing to dismiss as redundant an employee of a description in respect of which an independent trade union is recognised by him shall consult representatives of that trade union about the dismissal in accordance with the following provisions of this section.
- (2) In this section and sections 100 and 101 below, "trade union representative" in relation to a trade union means an official or other person authorised to carry on collective bargaining with the employer in question by that trade union.
- (3) The consultation required by this section shall begin at the earliest opportunity, and shall in any event begin—
  - (a) where the employer is proposing to dismiss as redundant 100 or more employees at one establishment within a period of 90 days or less, at least 90 days before the first of those dismissals takes effect; or
  - (b) where the employer is proposing to dismiss as redundant 10 or more employees at one establishment within a period of 30 days or less, at least 60 days before the first of those dismissals takes effect.
- (4) In determining for the purpose of subsection (3) above whether an employer is proposing to dismiss as redundant 100 or more, or, as the case may be, 10 or more, employees within the periods mentioned in that subsection, no account shall be taken of employees whom he proposes to dismiss as redundant in respect of whose proposed dismissals consultation has already begun.
- (5) For the purposes of the consultation required by this section the employer shall disclose in writing to trade union representatives—
  - (a) the reasons for his proposals;

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*Status: This is the original version (as it was originally enacted).*

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- (b) the numbers and descriptions of employees whom it is proposed to dismiss as redundant;
  - (c) the total number of employees of any such description employed by the employer at the establishment in question;
  - (d) the proposed method of selecting the employees who may be dismissed ; and
  - (e) the proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect.
- (6) The information which is to be given to trade union representatives under this section shall be delivered to them, or sent by post to an address notified by them to the employer, or sent by post to the union at the address of its head or main office.
- (7) In the course of the consultation required by this section the employer shall—
- (a) consider any representations made by the trade union representatives; and
  - (b) reply to those representations and, if he rejects any of those representations, state his reasons.
- (8) If in any case there are special circumstances which render it not reasonably practicable for the employer to comply with any of the requirements of subsections (3), (5) or (7) above, the employer shall take all such steps towards compliance with that requirement as are reasonably practicable in those circumstances.
- (9) This section shall not be construed as conferring any rights on a trade union or an employee except as provided by sections 101 to 103 below.