



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART IV

INDUSTRIAL RELATIONS

CHAPTER II

PROCEDURE FOR HANDLING REDUNDANCIES

Duty of employer to consult trade union representatives

188 Duty of employer to consult trade union representatives

- (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 the union about the dismissal in accordance with this section.
- (2) The consultation must begin at the earliest opportunity, and in any event—
 - (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;
 - (b) where the employer is proposing to dismiss as redundant at least 10 but less than 100 employees at one establishment within a period of 30 days or less, at least 30 days before the first of those dismissals takes effect.
- (3) In determining how many employees an employer is proposing to dismiss as redundant no account shall be taken of employees in respect of whose proposed dismissals consultation has already begun.
- (4) For the purposes of the consultation the employer shall disclose in writing to the trade union representatives—

Status: This is the original version (as it was originally enacted).

- (a) the reasons for his proposals,
 - (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.
- (5) That information shall be delivered to the trade union representatives, 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.
- (6) In the course of the consultation 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.
- (7) If in any case there are special circumstances which render it not reasonably practicable for the employer to comply with a requirement of subsection (2), (4) or (6), the employer shall take all such steps towards compliance with that requirement as are reasonably practicable in those circumstances.
- (8) This section does not confer any rights on a trade union or an employee except as provided by sections 189 to 192 below.