



# Employment Relations Act 2004

## 2004 CHAPTER 24

### PART 3

#### RIGHTS OF TRADE UNION MEMBERS, WORKERS AND EMPLOYEES

##### *Other rights of workers and employees*

#### **42 Information and consultation: Great Britain**

- (1) The Secretary of State may make regulations for the purpose of conferring on employees of an employer to whom the regulations apply, or on representatives of those employees, rights—
  - (a) to be informed by the employer about prescribed matters;
  - (b) to be consulted by the employer about prescribed matters.
- (2) Regulations made under subsection (1) must make provision as to the employers to whom the regulations apply which may include provision—
  - (a) applying the regulations by reference to factors including the number of employees in the United Kingdom in the employer's undertaking;
  - (b) as to the method by which the number of employees in an employer's undertaking is to be calculated; and
  - (c) applying the regulations to different descriptions of employer with effect from different dates.
- (3) Regulations made under subsection (1) may make provision—
  - (a) as to the circumstances in which the rights mentioned in subsection (1) arise and the extent of those rights;
  - (b) for and about the initiation and conduct of negotiations between employers to whom the regulations apply and their employees for the purposes of reaching an agreement satisfying prescribed conditions about the provision of information to the employees, and consultation of them (whether that provision or consultation is to be direct or through representatives);

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*Changes to legislation: There are currently no known outstanding effects for the  
Employment Relations Act 2004, Section 42. (See end of Document for details)*

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- (c) about the representatives the employees may have for the purposes of the regulations and the method by which those representatives are to be selected;
  - (d) as to the resolution of disputes and the enforcement of obligations imposed by the regulations or by an agreement of the kind mentioned in paragraph (b).
- (4) Regulations made under subsection (1) may—
- (a) confer jurisdiction (including exclusive jurisdiction) on employment tribunals and on the Employment Appeal Tribunal;
  - (b) confer functions on the Central Arbitration Committee;
  - (c) require or authorise the holding of ballots;
  - (d) amend, apply with or without modifications, or make provision similar to any provision of the Employment Rights Act 1996 (c. 18) (including, in particular, Parts 5, 10 and 13), the Employment Tribunals Act 1996 (c. 17) or the 1992 Act;
  - (e) include supplemental, incidental, consequential and transitional provision, including provision amending any enactment;
  - (f) make different provision for different cases or circumstances.
- <sup>F1</sup>(5) .....
- (6) Nothing in subsections [<sup>F2</sup>(2) to (4)] prejudices the generality of this section.
- (7) Regulations under this section shall be made by statutory instrument.
- (8) No such regulations may be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.
- (9) In this section “prescribed” means prescribed by regulations under this section.

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**Textual Amendments**

- F1** S. 42(5) omitted (31.12.2020) by virtue of [The Employment Rights \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/535\)](#), reg. 1(1), [Sch. 1 para. 6\(a\)](#) (with Sch. 1 para. 22); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 42(6) substituted (31.12.2020) by [The Employment Rights \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/535\)](#), reg. 1(1), [Sch. 1 para. 6\(b\)](#) (with Sch. 1 para. 22); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Relations Act 2004, Section 42.