STATUTORY INSTRUMENTS

2004 No. 3426

TERMS AND CONDITIONS OF EMPLOYMENT

The Information and Consultation of Employees Regulations 2004

Made - - - - 21st December 2004
Coming into force 6th April 2005

THE INFORMATION AND CONSULTATION OF EMPLOYEES REGULATIONS 2004

PART 1

GENERAL

- 1. Citation, commencement and extent
- 2. Interpretation
- 3. Application
- 3A Agency Workers

PART II

EMPLOYEE NUMBERS AND ENTITLEMENT TO DATA

- 4. Calculation of number of employees
- 5. Entitlement to data
- 6. Complaint of failure to provide data

PART III

NEGOTIATED AGREEMENTS

- 7. Employee request to negotiate an agreement in respect of information and consultation
- 8. Pre-existing agreements: ballot for endorsement of employee request
- 8A Pre-existing agreements: agency workers
- 9. Pre-existing agreements covering groups of undertakings
- 10. Complaint about ballot for endorsement of employee request
- 11. Employer notification of decision to initiate negotiations
- 12. Restrictions on employee request and employer notification

- 13. Dispute about employee request, employer notification or whether obligation in regulation 7(1) applies
- 14. Negotiations to reach an agreement
- 15. Complaints about election or appointment of negotiating representatives
- 16. Negotiated agreements
- 17. Complaints about ballot for employee approval of negotiated agreement
- 17A Negotiated agreements and listed changes to pension schemes

PART IV

STANDARD INFORMATION AND CONSULTATION PROVISIONS

- 18. Application of standard information and consultation provisions
- 19. Election of information and consultation representatives
- 20. Standard information and consultation provisions

PART V

DUTY OF CO-OPERATION

21. Co-operation

PART VI

COMPLIANCE AND ENFORCEMENT

- 22. Disputes about operation of a negotiated agreement or the standard information and consultation provisions
- 23. Penalties
- 24. Exclusivity of remedy

PART VII

CONFIDENTIAL INFORMATION

- 25. Breach of statutory duty
- 26. Withholding of information by the employer

PART VIII

PROTECTIONS FOR INFORMATION AND CONSULTATION REPRESENTATIVES, ETC.

- 27. Right to time off for information and consultation representatives, etc.
- 28. Right to remuneration for time off under regulation 27
- 29. Right to time off: complaint to tribunals
- 29A Extension of time limit to facilitate conciliation before institution of proceedings
- 30. Unfair dismissal
- 31. Subsidiary provisions relating to unfair dismissal
- 32. Detriment
- 33. Detriment: enforcement and subsidiary provisions
- 34. Conciliation

PART IX

MISCELLANEOUS

- 35. CAC proceedings
- 36. Appeal Tribunal: location of certain proceedings under these Regulations

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Changes to legislation: There are currently no known outstanding effects for the The Information and Consultation of Employees Regulations 2004. (See end of Document for details)

- 37. Appeal Tribunal: appeals from employment tribunals
- 38. **ACAS**
- 39. Restrictions on contracting out: general
- 40. Restrictions on contracting out: Part VIII
- 41. Amendments to the Employment Appeal Tribunal Rules 1993
- 42. Crown employment
- 43. Exception for merchant navy Signature

SCHEDULE 1 — APPLICATION OF REGULATIONS

Number of employees Date Regulations apply At least 150...

SCHEDULE 2 — REQUIREMENTS FOR BALLOTS HELD UNDER **REGULATION 19**

- Ballot arrangements
- Ballots held under regulation 19 must comply with the requirements... 1.
- 2. The requirements referred to in paragraph 1 are that—
- 3. Any employee or an employees' representative who believes that the...
- 4. Where the CAC finds the complaint well-founded it shall make...
- 5. An order under paragraph 4 shall specify the modifications to...
- A person is an independent ballot supervisor for the purposes... 6.
- For the purposes of paragraph 3 the arrangements for the... 7.
 - *Conduct of the ballot*
- 8. The employer must—(a) ensure that a ballot supervisor appointed...
- 9. A ballot supervisor's appointment shall require that he-
- 10. As soon as reasonably practicable after the date of the...
- A ballot supervisor shall publish a report ("an ineffective ballot... 11.
- 12. Where a ballot supervisor publishes an ineffective ballot report the...
- 13. A ballot supervisor must publish an ineffective ballot report in...
- 14. Where a ballot supervisor publishes an ineffective ballot report, the...
- 15. All costs relating to the holding of the ballot, including...

Explanatory Note

Changes to legislation:
There are currently no known outstanding effects for the The Information and Consultation of Employees Regulations 2004.