

SCHEDULE 6

Duty to consider working beyond retirement

Right to be accompanied

9.—(1) This paragraph applies where—

- (a) a meeting is held under paragraph 7 or 8, and
- (b) the employee reasonably requests to be accompanied at the meeting.

(2) Where this paragraph applies the employer must permit the employee to be accompanied at the meeting by one companion who—

- (a) is chosen by the employee;
- (b) is a worker employed by the same employer as the employee;
- (c) is to be permitted to address the meeting (but not to answer questions on behalf of the employee); and
- (d) is to be permitted to confer with the employee during the meeting.

(3) If—

- (a) an employee has a right under this paragraph to be accompanied at a meeting,
- (b) his chosen companion will not be available at the time proposed for the meeting by the employer, and
- (c) the employee proposes an alternative time which satisfies sub-paragraph (4),

the employer must postpone the meeting to the time proposed by the employee.

(4) An alternative time must—

- (a) be convenient for employer, employee and companion, and
- (b) fall before the end of the period of seven days beginning with the first day after the day proposed by the employer.

(5) An employer shall permit a worker to take time off during working hours for the purpose of accompanying an employee in accordance with a request under sub-paragraph (1)(b).

(6) Sections 168(3) and (4), 169 and 171 to 173 of the Trade Union and Labour Relations (Consolidation) Act 1992(1) (time off for carrying out trade union duties) shall apply in relation to sub-paragraph (5) above as they apply in relation to section 168(1) of that Act.

(1) 1992 c. 52; sections 171 and 173 have been amended by section 1(2)(a) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8). There are other amendments to these provisions which are not relevant for the purposes of these Regulations.