

Electing Employee Representatives

The requirements for the election of employee representatives in collective redundancy and certain transfers of undertaking situations are as follows:

1. The employer must make such arrangements as reasonably practicable to ensure that the election is fair.
2. The employer determines the number of representatives to be elected so that there are sufficient representatives to represent the interests of all the affected employees. In doing this, the employer needs to take into account the number and type of affected employees.
3. The employer can decide whether the elected representatives are to represent all the affected employees or whether different representatives are required to represent different classes of affected employees.
4. Before the election the employer should state the term of office for the employee representatives and the term must be of sufficient length to enable information to be given and due consultation to be completed.
5. The candidates for election as employee representatives should be employees who are affected by the potential redundancies as at the date of the election.
6. All affected employees as at the date of the election are entitled to vote for the employee representatives and no affected employee should be unreasonably excluded from standing for election.
7. With regards to the election itself, as far as is reasonably practicable those voting should do so in secret and it must be ensured that the votes given at the election are accurately counted, however no specific guidance is given as to how the counts should be supervised.
8. If after the employer has invited affected employees to elect representatives they fail to do so within a reasonable time then the employer should give the required information to each employee individually.
9. Where representatives have been elected, the employer should allow the representatives access to the affected employees and should provide the representatives with such accommodation (for example an empty meeting room) and other facilities as may be appropriate in order for them to carry out their duties.

This checklist is provided for your general information only and does not seek to set out the employment legislation in this area in detail. If you have any queries or wish to discuss specific circumstances, please do not hesitate to contact one of our employment team who will be happy to assist.

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