
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

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
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

Status: This is the original version (as it was originally made).

15. Complaints about election or appointment of negotiating representatives
16. Negotiated agreements
17. Complaints about ballot for employee approval of negotiated agreement

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
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
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

SCHEDULE 2 — REQUIREMENTS FOR BALLOTS HELD UNDER
REGULATION 19

Ballot arrangements

1. Ballots held under regulation 19 must comply with the requirements...
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...
6. A person is an independent ballot supervisor for the purposes...
7. For the purposes of paragraph 3 the arrangements for the...

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...
11. A ballot supervisor shall publish a report ("an ineffective ballot...
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