

Consulting

If your employer is proposing employment contract changes that affect you, they should fully consult with you and any relevant employee representatives.

Your employer must have already provided you with initial information about the proposed contract changes.

What consultation is

Consultation is when your employer talks and listens to you, other affected employees or workers, and any representatives, to:

- help you understand the reasons for the proposed changes
- ask for your feedback
- listen to any reasons you may have to object to the proposed changes
- respond to any questions or concerns
- consider any other proposals you may put forward
- consider if they should make any revisions to the proposed changes to address any points raised

Why consultation is important

Effective consultation can help everyone involved to:

- work together to find the best solution in the circumstances
- share relevant knowledge and insights, for example about employees' roles or customer needs
- build trust and keep good working relations during periods of uncertainty about change
- prevent potential disagreements, tensions or conflict
- make sure the process towards any change is fair and reasonable

There could be legal implications if your employer makes a contract change without holding genuine and meaningful consultation with employees and their representatives.

For example, if you feel your contract was changed without your agreement, you may be able to make a claim to an employment tribunal. The tribunal would consider how your employer consulted with you.

Find out more about your options if:

- [your employer introduces a change without your agreement](#)
- [your employer proposes to dismiss and rehire you](#)

Who your employer should consult

Who your employer should consult with depends on the circumstances. They might need to consult with you directly, with your representatives, or both.

Consulting with you directly

Unless there's a formal arrangement that allows representatives to negotiate contract changes on your behalf, your employer should always consult directly with you.

Consulting trade union representatives

If your employer has a recognised trade union, they may have a 'collective agreement' to consult with the union about certain contract changes.

If you're a trade union member, the union will usually ask for your views to inform negotiations with your employer.

Even if you're not a trade union member, trade union representatives might be able to negotiate and agree contract changes on your behalf.

For example, there may be a collective agreement that the trade union can negotiate annual changes to pay on behalf of all employees who are in a particular role or who work in a certain department.

Consulting information and consultation (ICE) representatives

If there are 50 or more employees in your organisation, you have the right to request a formal agreement to be informed and consulted. This is known as an ICE agreement (as it's part of the 'Information and Consultation of Employees' regulations).

If there's already an ICE agreement in your organisation that covers areas affected by your employer's proposed contract changes, your employer must consult with the elected representatives.

[Find out more about information and consultation \(ICE\) agreements](#)

Consulting employee forums

Your employer may already have an arrangement in your organisation to consult employee representatives on specific areas of terms and conditions.

For example, they might have a pay review forum that considers annual changes to employees' pay, or a forum that looks at health and safety at work.

Representatives in these forums should be chosen in an appropriate way and consulted on areas in which they have expertise.

[Find out more about employee forums](#)

Keeping everyone informed

Your employer should keep you updated while they're consulting with employee representatives. For example, you might not be a member of a trade union so your employer should not rely on you receiving updates from the union representatives.

If someone is not included in consultation

When consulting, your employer must include all employees and workers who might be affected. It could be unlawful discrimination if, for example, they exclude or accidentally overlook:

- anyone who is absent, for example people who are off sick or on adoption, maternity or paternity leave

- anyone who needs information communicated in a certain way, for example because of a disability or if English is not their first language

If you're concerned that you or someone else has not been included in consultation, you should raise this with your employer. Employee representatives might also be able to raise this on your behalf.

What should happen during consultation

Consultation must always be a genuine and meaningful two-way discussion about whether a change is needed and what kind of change is appropriate. Your employer must listen openly to any concerns or suggestions and genuinely consider them before they make a decision about the change.

In some situations, consultation might involve negotiations about proposed changes, especially in organisations with an established collective agreement. In negotiations, you or employee representatives discuss a change with your employer to try to reach an agreement.

If you or your representatives raise any questions, concerns or suggestions, your employer must:

- take them seriously
- try to understand everyone's needs and interests
- do everything they reasonably can to answer questions and address any concerns

Helpful and unhelpful behaviours during consultation

Negotiating contract changes can sometimes be complex, challenging and stressful. It's likely there'll be different views so it's important that everyone is open-minded.

Those involved should be prepared to reconsider their views and proposals, for example if:

- there's something they may have overlooked
- another proposal is put forward that might work better

Behaviours on both sides can sometimes increase or reduce the chances of reaching an agreement.

Helpful behaviours include:

- listening to each other effectively
- genuinely exploring each other's needs and interests
- being willing to consider things objectively
- being open to creative ways of finding workable solutions

It's important to avoid unhelpful behaviours like:

- being impatient
- using confrontational language or appearing aggressive
- making assumptions about others
- insisting on a fixed outcome and refusing to consider other suggestions
- adopting an attitude where someone must win and someone must lose

Training for employee representatives and managers

Acas can provide training to help employee representatives and managers take part in consultation and negotiations constructively. This can help:

- make discussions more effective
- increase the chances of reaching solutions that work well for everyone

If you think training might be useful in your organisation, you should discuss this with your employer. For more information, you can [contact the Acas helpline](#).

If it's difficult to reach agreement at first

If you or employee representatives simply reject your employer's proposed changes, it's likely to make discussions more difficult.

If you're finding it difficult to agree, you should discuss if there might be a suitable compromise. Everyone should:

- keep focused on trying to reach agreement for as long as reasonably possible
- consider if they can look at the problem from a different angle, including other people's perspectives
- consider what could happen if agreement cannot be reached
- encourage others to suggest alternatives they might consider more acceptable
- be patient and keep talking – finding agreed solutions can take time

[Find out more about what you can do if changes are difficult to agree](#)

If your employer intimidates or threatens you

Employers must never intimidate or threaten you or your representatives to try to force you to agree to a contract change.

Your employer may need to explain how you and the organisation might be affected if appropriate changes cannot be agreed. However, they must never present a potential outcome as a threat about what they will do if you do not accept their proposed change.

There may also be legal implications. For example, any contract change agreed 'under duress' will not be legally enforceable – this is when you've been forced to agree through intimidation or threats.

An employer must not cause you 'detriment' because of trade union membership or activities.

Detriment means you experience one or both of the following:

- being treated worse than before
- having your situation made worse

Examples of detriment could be:

- you experience [bullying](#)
- you experience [harassment](#)
- your employer turns down your training requests without good reason
- you are overlooked for promotions or development opportunities
- your employer reduces your hours without good reason