

## How to hold consultation

The purpose of collective consultation is to find ways to:

- avoid or reduce redundancies
- reduce the impact of redundancy on affected employees

Consultation should include:

- open and honest conversations about the redundancy process
- considering other options with employees and their representatives

You should discuss:

- your proposed changes
- any proposals from employees or their representatives
- ways to avoid or reduce the redundancies
- how to reduce the effect of the redundancies
- how employees are selected for redundancy

Employees will often have good ideas that may help to avoid redundancies. You do not have to agree to their proposals. But you must seriously consider any proposals for avoiding or reducing redundancies. If you do not do this, employees could claim the redundancy process has been unfair.

It's important to document all discussions and the reasons for your decisions.

[Find out more about individual consultation](#)

## Consult trade union or employee representatives

When collective consultation is needed, by law you must consult any recognised trade union. If there's no trade union, you must consult employee representatives.

Employee representatives are existing employees who can speak on behalf of the employees they represent.

### Electing employee representatives

To get employee representatives in place, you need to set up an election process.

There may already be an agreement that gives existing employee representatives the right to represent staff in redundancy situations. For example, an [information and consultation agreement](#).

Employee representatives can be elected specifically for the consultation, but you may need to provide training for the role.

So that the election process is fair, you must make sure:

- employees who stand for election are affected by the redundancy when the election takes place
- affected employees are not stopped from standing for election
- affected employees are given the right to vote for employee representatives
- affected employees have enough votes – they must be able to vote for as many candidates as will represent their group of employees
- votes can be made secretly and counted accurately
- there are enough employee representatives elected to represent the interests of all affected employees

You should also consider how long employee representatives will be elected for. They must have enough time to complete consultation.

You should make sure there are enough representatives. This is so there's still representation if someone cannot attend a meeting, for example they're off sick.

If nobody is willing to be elected, you should consult with the affected employees directly. This should be a last resort.

## Consulting representatives

You must provide trade union or employee representatives with the following in writing:

- why you need to make redundancies
- how many redundancies you're considering
- roles at risk of redundancy (in a 'selection pool')
- your current ideas for how to select employees for redundancy
- your planned timeframes
- how you'll calculate redundancy pay
- if you're using agency workers, how many, where they're working and the type of work they're doing

You should provide as much information as possible before beginning consultation. If you cannot provide everything, you must provide enough to allow consultation to start. You must provide the rest in enough time to have meaningful consultation.

Consultation includes:

- arranging regular meetings
- being as open as possible
- listening to views
- genuinely considering proposals from both sides
- considering how employees will be selected for redundancy
- getting support for affected employees
- discussing what should be included in redundancy packages

Representatives should:

- tell employees about the proposals and share information
- ask employees for their views, suggestions and questions
- talk to other representatives and work out a collective staff response
- meet with management and give feedback on the staff response
- engage in open discussions to solve problems and reach agreements
- tell employees the outcome of consultations

## The rights of trade union and employee representatives

By law, trade union and employee representatives have the right to:

- reasonable paid time off for trade union duties
- reasonable time off for training
- reasonable access to employees and workplace facilities

You must not dismiss someone or treat them unfairly because they're a trade union or employee representative.

Find out more in the [Acas Code of Practice on time off for trade union duties and activities](#).