

If an agreement already exists

There might already be an existing agreement about keeping employees informed and consulted on workplace matters. If this is the case, they might not need a new information and consultation agreement.

For the existing agreement to be valid, it must:

- be in writing
- cover all employees
- set out how and when the employer will inform and consult employees or their representatives
- have been agreed by employees or their representatives

If the employer believes there's already a valid agreement, they could ask for an employee ballot (vote) to decide whether a new agreement is still needed.

If more than 40% of employees request a new agreement

If more than 40% of employees make a request for a new information and consultation agreement, the employer must start [negotiating an agreement](#).

If a ballot is needed

If a ballot is needed, the employer must:

- tell their employees in writing (by letter or email), no more than one month after they get a request, that they're going to hold a ballot
- hold the ballot no sooner than 21 days after they tell their employees about it

There might already be agreements in place across different parts of the business. If one part of the business requests a new agreement, the employer might decide to get all their employees to vote on this.

Employers must allow all employees to vote in the ballot.

The voting must be done in private.

If more than half of employees vote for a new agreement

The employer and their employees must start negotiating a new agreement if more than 50% of employees vote for this.

Requesting a new agreement

If the employees are satisfied with the existing agreement, then they cannot make another request for 3 years from the date the request was made.

If employees have a complaint

Employees can complain to the Central Arbitration Committee if they do not believe there's already a valid agreement.

[Get the form to complain about a pre-existing agreement on GOV.UK](#)

Employees can also complain to the Central Arbitration Committee if:

- the employer has not told them that they are holding a ballot within one month of getting their request – use the form for a complaint under regulation 8(7)
- they think the employer is taking too long to hold a ballot after they have said they would and 21 days have passed – use the form for a complaint under regulation 8(8)
- they believe the ballot was not fair – make the complaint within 21 days of the ballot using the form for a complaint under regulation 10(2)

[Find the relevant complaint form on GOV.UK](#)