

If you cannot negotiate an agreement

By law, if there is no negotiated information and consultation agreement within 6 months of representatives being chosen, the employer must:

- set up a group, known as an 'information and consultation committee' – they must do this before the 6 months have passed
- consult with employee representatives on matters relating to their employment prospects and any decisions affecting how the business is organised, including redundancies

Setting up an information and consultation committee

The committee must have:

- at least one employee representative for every 50 employees, for example if there are 51 employees there must be 2 employee representatives
- no more than 25 employee representatives

Representatives must be chosen through an employee ballot (vote). All employees are allowed to vote.

The employer must appoint someone to supervise how the ballot is carried out and make sure it's done fairly.

The employer is allowed to use separate ballots for different parts of the business.

Consulting on employment prospects and decisions

The employer must inform the employee representatives of 'recent and probable activities and its economic situation'. For example, any changes the business plans to make and its financial performance.

The employer must also inform and consult with employees on:

- employment prospects, such as potential job losses and how the business uses agency workers
- decisions that might lead to changes in work organisation or in employment contracts, including [TUPE transfers](#) and [collective redundancies](#)

The employer must inform and consult with their employees in a way that:

- is 'appropriate in terms of timing, method and content', for example sharing information with employee representatives early enough so they can fully consider the matter and respond to it
- ensures employee representatives work with the appropriate level of management who are able to speak for the business or organisation and take actions forward
- provides reasoned responses to any questions or views from employee representatives
- tries to reach agreement on decisions within their powers, on matters relating to a potential TUPE transfer or collective redundancies

Agency workers

The employer must inform the employee representatives of how many agency workers both:

- work temporarily for the business or organisation
- are under the employer's supervision and direction

They must also inform employees of:

- the parts of the business or organisation the agency workers are employed in
- the types of work the agency workers do

Complaints

Employees can [complain to the Central Arbitration Committee on GOV.UK](#) if they think their employer has not handled any part of the negotiations properly.

Employees can also complain to the Central Arbitration Committee using the relevant form on GOV.UK if they believe:

- [their employer has not complied with the terms of an agreement](#)
- [their employer has made an unreasonable request to keep information confidential](#)
- [that disclosing particular information would harm the business](#)