



## **INFORMATION AND CONSULTATION OF WORKERS**

- The EU Directive on the Information and Consultation of Workers has applied to organisation with 150 or more employees since 6 April 2005 and to those with 100 or more employees since 6 April 2007. This year, it will be extended to companies with more than 50 workers. Those with fewer staff will remain exempt.
- The Directive is commonly referred to as the Works Council Directive, but it imposes no specific requirement to establish a formal council. The directive talks instead about arrangements for informing and consulting workers. Indeed employers need take no action to comply unless prompted to do so by their employees.
- There is no automatic requirement to inform and consult workers. The Directive grants workers in large enough companies the right to be informed and consulted on a regular basis about issues in the business for which they work. An employer need only take action if workers choose to take up that right.
- In order to trigger the Directive, at least 10% of the workforce must make a formal written request for an information and consultation agreement to be negotiated. You must make arrangements for the appointment of negotiating representatives within three months of receiving this request and negotiations can last up to 6 months.
- The Directive emphasises that the agreement should be bespoke to the company. How and when you choose to inform and consult your workers is, largely, a matter for you to decide. As a minimum the agreement should be in writing, dated and signed by the employer and approved by the employees. It must cover all employees – within this you may have separate provisions for different divisions – and set out the circumstances in which you will inform and directly consult with employees.
- If you do not reach an agreement, default rules will apply. They require the election of employee representatives, and that you inform and consult employees about business activities, the economic situation, employment and decisions likely to lead to changes in your business organisation or contractual relationships.
- If you have an existing information and consultation agreement that is in writing, covers all your employees, and sets out how you inform and consult them, it may meet your obligations under the Regulations.

### **More Information**

[Read more about the I&C legislation on the Department for Business, Enterprise and Regulatory Reform website](#)

[Find the index of frequently asked questions and guidance on I&C regulations on the Acas website](#)

[For an overview of current law in this area, see the Business Link guide: Inform and consult your employees](#)

**KN**

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