

Employee (Information and Consultation) Regulations, 2006

DI ER

12th October 2006

L.N. 10/2006

- Based on Directive 2002/14/EC
- 'general framework' for informing and consulting employees
- "minimum requirements"

Aim of the Directive

- to strengthen dialogue and promote mutual trust within undertakings.
- permits a good deal of flexibility for employers and employees to devise their own arrangements for information and consultation.

Partnership approach

- means of improving competitiveness and the development of a greater sense of partnership at the level of the enterprise.
- right to information and consultation without prejudice to the responsibility of management to make decisions

Agreements in force prior to 23rd March 2005 applicable if:

- Respects minimum requirements
- Applies to whole workforce
- How employer gives information and seeks views clearly set out
- Agreement has been applied effectively

Other I & C legislation

- Duty to inform and consult exists under other laws – rights therein safeguarded and unaffected
 - Collective redundancies
 - Transfer of business
 - European Works Council

Employee (Information & Consultation) Regulations, 2006

- Coming into force for undertakings employing:
 - 150+ : 13th January 2006
 - 100 -149: 23rd March 2007
 - 50+ : 23rd March 2008

Employees' rights to be:

- informed about the undertaking's activities & economic situation
- informed and consulted about employment prospects
- informed and consulted about decisions likely to lead to substantial changes in work organisation or contractual relations, including redundancies and transfers.

When, How & what info

- Information must be given at such time, in such fashion and with such content as are appropriate to enable employees' representatives to conduct an adequate study and, where necessary, prepare for consultation.

Consultation

- The exchange of views and establishment of dialogue between the employees' representatives and the employer

Consultation

- Timing, method and content are appropriate
- Carried out on the basis of information supplied by the employer and of the opinion expressed to employer
- Meet with relevant level of management to obtain reasoned response from employer
- “With a view to reaching agreement”

Employees' representatives

- Representatives of recognised unions
- If not all categories represented,
+ representatives of workers in any
unrepresented category [elected]
- If no recognised union,
representatives of workers are elected
/ appointed

Information and consultation representatives

- Same protection as afforded to employees' representatives
- In particular, right to attend meetings and to reasonable time off with pay during working hours to perform his functions

- 3 year term of office for elected / appointed representatives
- Responsibility for arrangements, proper conduct and cost related to fair ballot to be borne by employer
- Complaints on ballot to DI ER

- Meeting with representatives within 2 months of election or appointment
- Meetings to be held regularly, within 6 months of each precedeing meeting

Confidentiality

- Management may (a) withhold documentation if its disclosure would be prejudicial to the undertaking or (b) disclose it but may specifically require it to remain confidential
- Dispute re confidentiality or otherwise of document / information to be referred to Industrial Tribunal

Penalties

- Between LM 10 – 50 per employee for
 - failure to set up information and consultation procedure
 - Omit to comply with duty
- Between Lm500 – 5000 for other offences