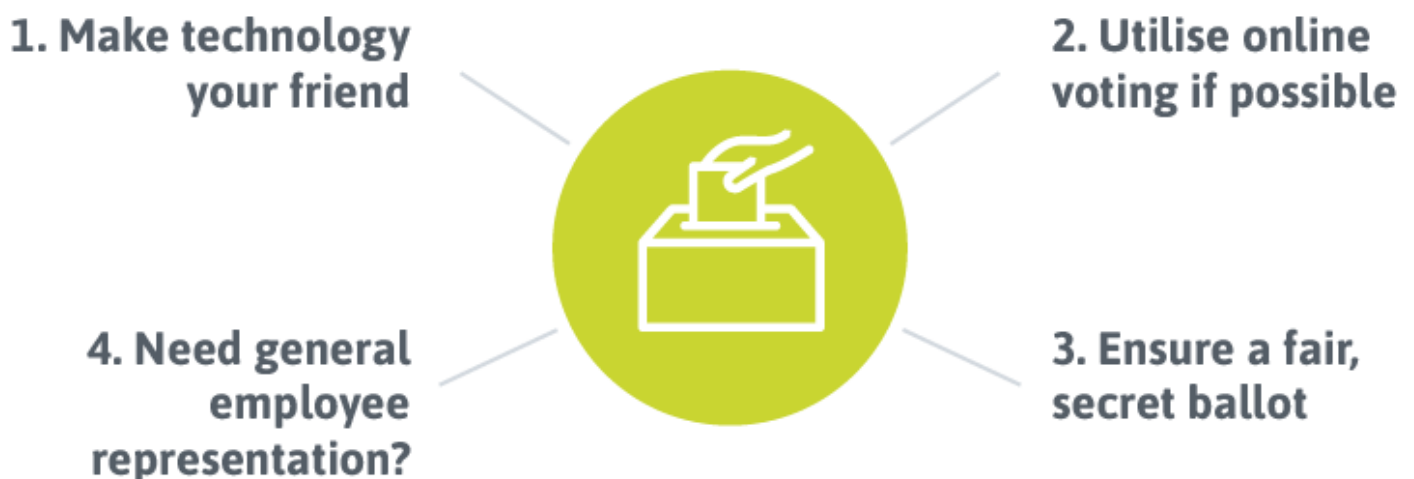




How do you run an election for reps for information and consultation purposes?

By **Paul Quain** - 18 June 2020

Below we outline the questions employers should consider when running an election for reps for information and consultation purposes.



Tell staff about proposals (for redundancies) and that company is proposing to carry out collective consultation through elected reps.

Prepare a notice of election to be circulated and publicised among staff at all affected locations.

Decide on purpose of election and invite nominations.

Explain role of employee representative and what information (personal data) about rep will need to be disclosed to staff.

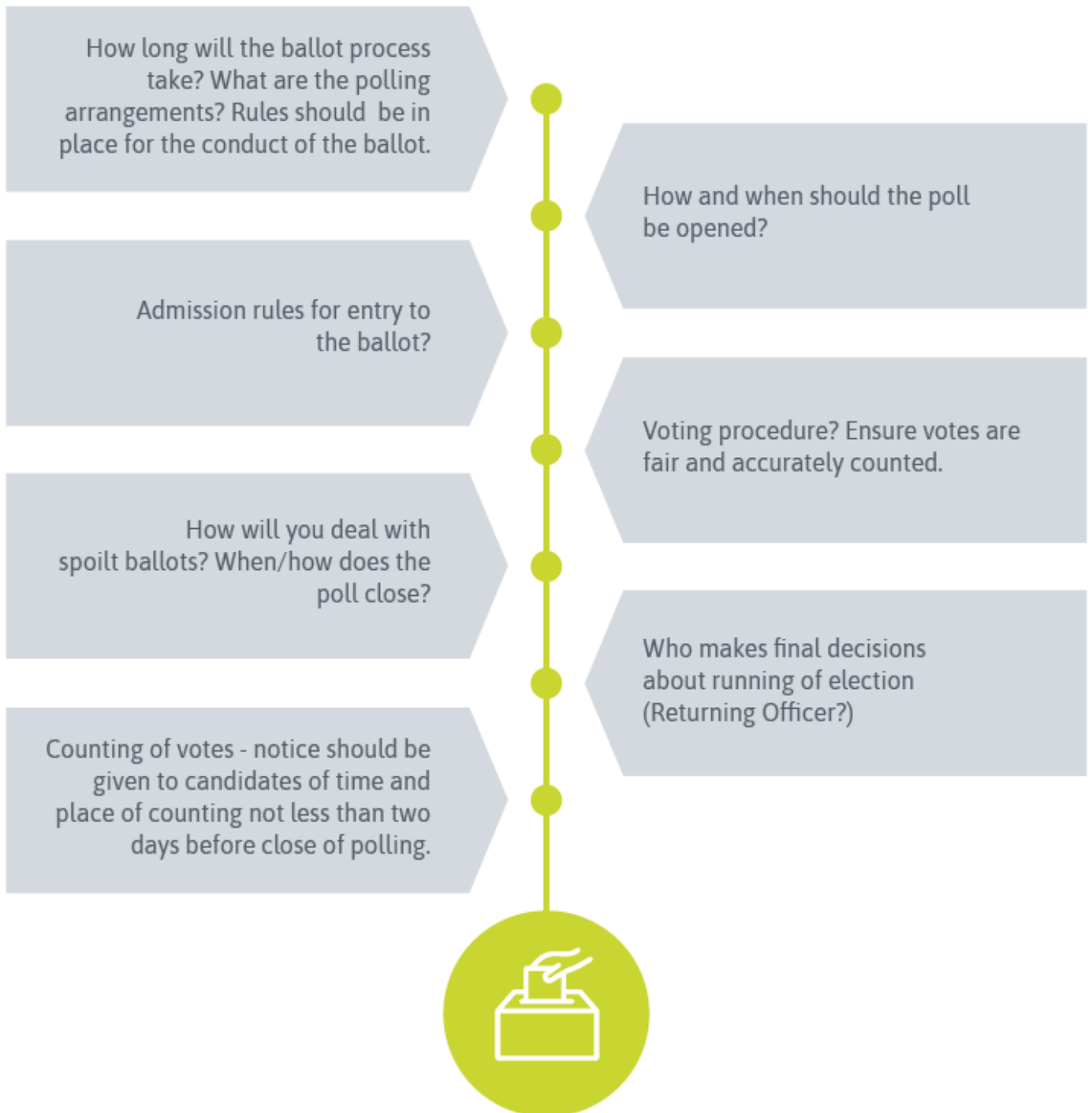
Employer must take reasonable steps to make sure the ballot is FAIR.



1. Keep election documents: Keep all documents connected with the poll for at least 4 months, in case you have to prove you followed a proper process in any claim.

2. Special protection: The law protects appropriate reps and those who participate in an election process so dismissing them (for a reason connected with their status or the election) is generally not a good idea!

3. Leave a clear paper trail: You have freedom to run the process the way you would like, but it must be fair and to show this you should keep clear records.





Things to consider

Preparing for election:

- Who will run the election, a third party? There is no requirement for a third party under TULRA or TUPE but need a ballot supervisor if under SICP.

Types of voting systems:

- FPTP or PR?
- Postal, in the workplace or online?

How to divide the workforce

- Geography
- Seniority
- Role
- Department

Nominations:

- How many signatures will a candidate require?
- Will there be a minimum level of support before allowing a candidate to stand?

List of votes:

- The employer (typically HR) will need to prepare a list of eligible votes with up-to-date addresses.

Timescale:

- Needs to be "in sufficient time" for the consultation.
- If under SICP ensure a minimum of 21 days from publication of ballot arrangements before the actual vote.

This guidance applies to elections for proposed collective redundancies (covered by the [Trade Union and Labour Relations Act 1992](#) ("TULRA")), transfers of undertakings (covered by the [Transfer of Undertakings \(Protection of Employment\) Regulations 2006](#) ("TUPE")) or a wide range of other issues covered by the [Information and Consultation of Employees Regulations 2004](#) ("ICE"). SICP means the Standard Information and Consultation Provisions which are triggered under ICE, if the employer and employees cannot agree terms within a defined period (usually 9 months).

Please note that electing representatives for European Works Councils, for the business of a European Company or for Health & Safety committees are not covered by the above guidance as they have their own particular idiosyncrasies, although please feel free to contact us if you would like assistance with these.

If you or your organisation would like more information about employees reps, please get in touch with your usual GQ|Littler contact or email info@gqlittler.com.