

## Electing employee representatives

### The rules when electing employing representatives are:

- 1) The employer shall make such arrangements as are reasonably practical to ensure that the election is fair.
- 2) The employer shall determine the number of representatives to be elected so that there are sufficient representatives to represent the interests of all the affected employees, having regard to the number and classes (groups) of those employees.
- 3) The employer shall determine whether the affected employees should be represented either by representatives of all the affected employees or by representatives of particular classes (groups) of those employees.
- 4) Before the election the employer shall determine the term of office as employee representatives so that it is of sufficient length to enable relevant information to be given and consultations to be completed.
- 5) The candidates for election as employee representatives are affected employees on the date of the election.
- 6) No affected employee is unreasonably excluded from standing for election.
- 7) All affected employees on the date of the election are entitled to vote for employee representatives.
- 8) The employees entitled to vote may vote for as many candidates as there are representatives to be elected to represent them; or, if there are to be representatives for particular classes (groups) of employees, for as many candidates as there are representatives to be elected to represent their particular class (group) of employee.
- 9) The election is conducted so as to secure that:
  - a. so far as is reasonably practicable, those voting do so in secret, and
  - b. the votes given at the election are accurately counted

Where an employee representative is elected in accordance with these rules but subsequently ceases to act as such and, in consequence, certain employees are no longer represented, another election should be held satisfying the rules set out at (1), (5), (6) and (9) above.

### The rights of employee representatives

Employee representatives must:

- Be given reasonable time off with pay to perform their duties and receive training
- Be allowed reasonable access to constituent employees and use of organisation facilities
- Not be subjected to dismissal or detriment because of their status.

## **The responsibilities of employee representatives in redundancy consultations**

The primary role of employee representatives is to take an active part in the collective consultation meetings with the organisation by:

- Exploring ways in which redundancies can be avoided or reduced
- Discussing the proposed method of selecting the employees who may be dismissed
- Discussing what support and assistance is provided to affected employees and what the elements of the redundancy package should be.

To undertake this role, employee representatives need to:

- Understand management's proposals
- Understand the main legal requirements (not expected to be an expert)
- Report back to employees on the proposals and share information
- Seek employees questions, views and suggestions
- Discuss with other representatives and coordinate the collective staff response
- Meet with management and report back the staff response
- Engage in an open dialogue aimed at problem-solving and reaching agreement
- Report back to employees on the outcomes of consultations.

## **Helpful behaviours and attitudes for the role of employee representatives**

To undertake this role, an employee representative should:

- Be known to their constituents and encourage their involvement
- Be clear how they will communicate and engage with constituents (meetings, email, intranet, surgeries)
- Agree time off and the use of facilities (rooms, email, intranet, noticeboards)
- Prepare for, attend and participate in the consultation meetings
- Listen to, question and clarify management proposal
- Convey questions and concerns and make suggestions and proposals
- Report majority views but also reflect minority opinions
- Respect opinions of others even if they disagree with them
- Be mindful of the way in which views are communicated
- Seek to agree acceptable solutions to problems facing employees and the organisation.

For more information on consulting with staff, go to [www.acas.org.uk/employeecommunication](http://www.acas.org.uk/employeecommunication).