

---

STATUTORY INSTRUMENTS

---

**1995 No. 2587**

**The Collective Redundancies and Transfer of Undertakings  
(Protection of Employment) (Amendment) Regulations 1995**

*Collective Redundancies*

**Duty to consult representatives**

3.—(1) Section 188 of the 1992 Act shall be amended as follows.

(2) For subsections (1) and (2) substitute—

“(1) Where an employer is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less, the employer shall consult about the dismissals all the persons who are appropriate representatives of any of the employees who may be so dismissed.

(1A) The consultation shall begin in good time and in any event—

- (a) where the employer is proposing to dismiss 100 or more employees as mentioned in subsection (1), at least 90 days, and
- (b) otherwise, at least 30 days,

before the first of the dismissals takes effect.

(1B) For the purposes of this section the appropriate representatives of any employees are—

- (a) employee representatives elected by them, or
- (b) if the employees are of a description in respect of which an independent trade union is recognised by the employer, representatives of the trade union,

or (in the case of employees who both elect employee representatives and are of such a description) either employee representatives elected by them or representatives of the trade union, as the employer chooses.

(2) The consultation shall include consultation about ways of—

- (a) avoiding the dismissals,
- (b) reducing the numbers of employees to be dismissed, and
- (c) mitigating the consequences of the dismissals,

and shall be undertaken by the employer with a view to reaching agreement with the appropriate representatives.”

(3) In subsection (4), for “trade union” substitute “appropriate”.

(4) In subsection (5)—

- (a) for “delivered to the trade union representatives” substitute “given to each of the appropriate representatives by being delivered to them”; and
- (b) after “employer, or” insert “(in the case of representatives of a trade union)”.

(5) After that subsection insert—

“(5A) The employer shall allow the appropriate representatives access to the employees whom it is proposed to dismiss as redundant and shall afford to those representatives such accommodation and other facilities as may be appropriate.”

(6) Omit subsection (6).

(7) In subsection (7), in the first sentence, for “(2), (4) or (6)” substitute “(1A), (2) or (4)”.

(8) After that subsection insert—

“(7A) Where—

- (a) the employer has invited any of the employees who may be dismissed to elect employee representatives, and
- (b) the invitation was issued long enough before the time when the consultation is required by subsection (1A)(a) or (b) to begin to allow them to elect representatives by that time,

the employer shall be treated as complying with the requirements of this section in relation to those employees if he complies with those requirements as soon as is reasonably practicable after the election of the representatives.”

(9) In subsection (8), after “a trade union” insert “, a representative”.

(10) In the sidenote to section 188, and in the heading immediately preceding it, omit “trade union”.

(11) In consequence of the amendments made by this regulation, in section 34 of the Trade Union Reform and Employment Rights Act 1993(1), omit subsection (2)(b).