
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 47

The Information and Consultation of
Employees Regulations (Northern Ireland) 2005

PART III

NEGOTIATED AGREEMENTS

Pre-existing agreements covering groups of undertakings

9.—(1) This regulation applies where –

- (a) the requirements of regulation 8(1) are satisfied in relation to an undertaking;
- (b) the pre-existing agreement or one of the pre-existing agreements covers employees in one or more undertakings other than the undertaking mentioned in sub-paragraph (a);
- (c) the other undertaking or each of the other undertakings mentioned in sub-paragraph (b) is one in respect of which there is an agreement that satisfied, or are agreements that taken together satisfied, the requirements in sub-paragraphs (a) to (d) of regulation 8(1) on the date on which the valid employee request was made in respect of the undertaking mentioned in sub-paragraph (a); and
- (d) the valid employee request in relation to the undertaking mentioned in sub-paragraph (a) either –
 - (i) alone, or
 - (ii) aggregated with any requests made by employees in the undertakings mentioned in sub-paragraph (b) within the period of six months preceding the date of the valid employee request mentioned in regulation 8(1),

is made by fewer than 40% of the employees in the undertakings mentioned in paragraph (1)(a) and (b).

(2) Where this regulation applies the employers may hold a combined ballot for endorsement of the employee request in accordance with this regulation and in that event regulation 8 shall apply to the ballot with the modification that references to employees shall be treated as referring to the employees employed in all of the undertakings referred to in paragraph (1)(a) and (b).

(3) Notwithstanding paragraph (2), the undertaking mentioned in paragraph (1)(a) may choose to hold the ballot for endorsement of the employee request in accordance with regulation 8 rather than under this regulation.