
STATUTORY INSTRUMENTS

2004 No. 3426

**The Information and Consultation
of Employees Regulations 2004**

PART III

NEGOTIATED AGREEMENTS

Employee request to negotiate an agreement in respect of information and consultation

7.—(1) On receipt of a valid employee request, the employer shall, subject to paragraphs (8) and (9), initiate negotiations by taking the steps set out in regulation 14(1).

(2) Subject to paragraph (3), an employee request is not a valid employee request unless it consists of—

- (a) a single request made by at least [^{F1}2%] of the employees in the undertaking; or
- (b) a number of separate requests made on the same or different days by employees which when taken together mean that at least [^{F1}2%] of the employees in that undertaking have made requests, provided that the requests are made within a period of six months.

(3) Where the figure of [^{F2}2%] in paragraph (2) would result in less than 15 or more than 2,500 employees being required in order for a valid employee request to be made, that paragraph shall have effect as if, for the figure of [^{F2}2%], there were substituted the figure of 15, or as the case may be, 2,500.

(4) An employee request is not a valid employee request unless the single request referred to in paragraph (2)(a) or each separate request referred to in paragraph (2)(b)—

- (a) is in writing;
- (b) is sent to—
 - (i) the registered office, head office or principal place of business of the employer; or
 - (ii) the CAC; and
- (c) specifies the names of the employees making it and the date on which it is sent.

(5) Where a request is sent to the CAC under paragraph (4)(b)(ii), the CAC shall—

- (a) notify the employer that the request has been made as soon as reasonably practicable;
- (b) request from the employer such information as it needs to verify the number and names of the employees who have made the request; and
- (c) inform the employer and the employees who have made the request how many employees have made the request on the basis of the information provided by the employees and the employer.

(6) Where the CAC requests information from the employer under paragraph (5)(b), the employer shall provide the information requested as soon as reasonably practicable.

(7) The date on which an employee request is made is—

- (a) where the request consists of a single request satisfying paragraph (2)(a) or of separate requests made on the same day satisfying paragraph (2)(b), the date on which the request is or requests are sent to the employer by the employees or the date on which the CAC informs the employer and the employees in accordance with paragraph (5)(c) of how many employees have made the request; and
 - (b) where the request consists of separate requests made on different days, the date on which—
 - (i) the request which results in paragraph (2)(b) being satisfied is sent to the employer by the employees; or
 - (ii) the CAC informs the employer and the employees in accordance with paragraph (5)(c) of how many employees have made the request where that request results in paragraph (2)(b) being satisfied.
- (8) If the employer decides to hold a ballot under regulation 8 or 9, the employer shall not be required to initiate negotiations unless and until the outcome of the ballot is that in regulation 8(5)(b).
- (9) If an application is made to the CAC under regulation 13, the employer shall not be required to initiate negotiations unless and until if the CAC declares that there was a valid employee request or that the employer’s notification was valid.

Textual Amendments

- F1** Word in reg. 7(2) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **16(3)**
- F2** Word in reg. 7(3) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **16(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Information and Consultation of Employees Regulations 2004, Section 7.