
STATUTORY INSTRUMENTS

2009 No. 2401

EUROPEAN COMMUNITIES

The European Public Limited-Liability Company
(Employee Involvement) (Great Britain) Regulations 2009

Made - - - - 9th September 2009
Laid before Parliament -
- - - - 10th September 2009
Coming into force 1st October 2009

THE EUROPEAN PUBLIC LIMITED-LIABILITY
COMPANY (EMPLOYEE INVOLVEMENT)
(GREAT BRITAIN) REGULATIONS 2009

PART 1

INTRODUCTORY PROVISIONS

1. Citation, commencement and extent
2. EC Directive and EC Regulation
3. Interpretation
4. Application of these Regulations

PART 2

PARTICIPATING COMPANIES AND THE SPECIAL NEGOTIATING BODY

5. Duty on participating company to provide information
6. Complaint of failure to provide information
7. Function of the special negotiating body
8. Composition of the special negotiating body
9. Complaint about establishment of special negotiating body

PART 3

ELECTION OR APPOINTMENT OF UK MEMBERS
OF THE SPECIAL NEGOTIATING BODY

10. Ballot arrangements
11. Conduct of the ballot
12. Appointment of UK members by a consultative committee

Status: This is the original version (as it was originally made).

13. Representation of employees

PART 4

NEGOTIATION OF THE EMPLOYEE INVOLVEMENT AGREEMENT

14. Negotiations to reach an employee involvement agreement
15. The employee involvement agreement
16. Decisions of the special negotiating body
17. Decision not to open, or to terminate, negotiations
18. Complaint about decisions of special negotiating body

PART 5

STANDARD RULES ON EMPLOYEE INVOLVEMENT

19. Standard rules on employee involvement

PART 6

COMPLIANCE AND ENFORCEMENT

20. Disputes about the operation of an employee involvement agreement or the standard rules on employee involvement
21. Penalties
22. Misuse of procedures
23. Exclusivity of remedy

PART 7

CONFIDENTIAL INFORMATION

24. Breach of statutory duty
25. Withholding of information

PART 8

PROTECTION FOR MEMBERS OF SPECIAL NEGOTIATING BODY ETC.

26. Right to time off for members of special negotiating body etc.
27. Right to remuneration for time off under regulation 26
28. Right to time off: complaints to tribunals
29. Unfair dismissal
30. Subsidiary provisions relating to unfair dismissal
31. Detriment
32. Detriment: enforcement and subsidiary provisions
33. Conciliation

PART 9

MISCELLANEOUS

34. CAC proceedings
35. Appeal Tribunal: location of certain proceedings under these Regulations
36. Appeal Tribunal: appeals from employment tribunals
37. ACAS
38. Restrictions on contracting out: general
39. Restrictions on contracting out: Part 8

40. The Transnational Information and Consultation of Employees Regulations 1999
41. Existing employee involvement rights
Signature

SCHEDULE — STANDARD RULES ON EMPLOYEE INVOLVEMENT
PART 1 — COMPOSITION OF THE REPRESENTATIVE BODY

1. (1) The management of the SE must arrange for the...
2. Where its size so warrants, the representative body must elect...
3. The representative body must adopt rules of procedure.
4. The representative body must inform the competent organ of the...
5. (1) Four years after its establishment, the representative body must...

PART 2 — STANDARD RULES FOR INFORMATION AND
CONSULTATION

6. (1) The competence of the representative body is limited to—...
7. (1) The competent organ must, if the representative body so...
8. (1) In the circumstances set out in paragraph 6(2)(c), the...
9. Without prejudice to regulations 24 and 25, the members of...
10. The representative body and the select committee may each be...
11. (1) The costs of the representative body must be borne...

PART 3 — STANDARD RULES FOR PARTICIPATION

12. (1) In the case of an SE established by transformation,...
13. (1) In the case where— (a) an SE is established...
14. (1) The representative body must decide on the allocation of...

Explanatory Note