

## SCHEDULE 1

Regulation 2(1)

### WORKFORCE AGREEMENTS

1. An agreement is a workforce agreement for the purposes of these Regulations if the following conditions are satisfied—

- (a) the agreement is in writing;
- (b) the agreement has effect for a specified period not exceeding five years;
- (c) the agreement applies either—
  - (i) to all of the relevant members of the workforce, or
  - (ii) to all of the relevant members of the workforce who belong to a particular group;
- (d) the agreement is signed—
  - (i) in the case of an agreement of the kind referred to in sub-paragraph (c)(i)—
    - (aa) by the representatives of the workforce, or
    - (bb) if the employer employed 20 or fewer individuals on the date on which the agreement was first made available for signature, the majority of the individuals employed by the employer; or
  - (ii) in the case of an agreement of the kind referred to in sub-paragraph (c)(ii)—
    - (aa) by the representatives of the group to which the agreement applies (excluding, in either case, any representative not a relevant member of the workforce on the date on which the agreement was first made available for signature), or
    - (bb) if the employer employed 20 or fewer individuals on the date on which the agreement was first made available for signature, the majority of the individuals employed by the employer; and
- (e) before the agreement was made available for signature, the employer provided all the employees to whom it was intended to apply on the date on which it came into effect with copies of the text of the agreement and such guidance as those employees might reasonably require in order to understand it in full.

2. “A particular group” is a group of the relevant members of a workforce who undertake a particular function, work at a particular workplace or belong to a particular department or unit within their employer’s business;

“employee” means an individual who has entered into or works under a contract of employment;

“relevant members of the workforce” are all of the employees employed by a particular employer, excluding any employee whose terms and conditions of employment are provided for, wholly or in part, in a collective agreement;

“representatives of the workforce” are employees duly elected to represent the relevant members of the workforce, “representatives of the group” are employees duly elected to represent the members of a particular group, and representatives are “duly elected” if the election at which they were elected satisfies the requirements of paragraph 3 of this Schedule.

3. The requirements concerning elections referred to in the definition of “representatives of the workforce” are that—

- (a) the number of representatives to be elected is determined by the employer;

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

- (b) the candidates for election as representatives of the workforce are relevant members of the workforce, and the candidates for election as representatives of a group are members of the group;
- (c) no employee who is eligible to be a candidate is unreasonably excluded from standing in the election;
- (d) all the relevant members of the workforce are entitled to vote for representatives of the workforce, and all the members of a particular group are entitled to vote for representatives of the group;
- (e) the employees entitled to vote may vote for as many candidates as there are representatives to be elected; and
- (f) the election is conducted so as to ensure that—
  - (i) so far as practicable, those voting do so in secret; and
  - (ii) the votes given at the election are fairly and accurately counted.