

Employee communications and consultation



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Introduction

Employee communications and consultation are the lifeblood of any business. Whatever the size, or type of organisation people need to talk to each other; they need to exchange views and ideas, issue and receive instructions, discuss problems and consider developments. This booklet aims to assist employers, employees and their representatives to develop effective arrangements for communications and consultation. It describes:

- why communications and consultation are important
- who should take responsibility for communicating and consulting
- what kinds of information are required and when consultation should take place
- the main methods of employee communications and consultation
- the need for regular review of procedures and adequate training.

However, it is first important to define exactly what is meant by the terms communications and consultation.

What is meant by employee communications and consultation?

Employee communications means the provision and exchange of information and instructions which enable an organisation to function efficiently and employees to be properly informed about developments. It covers:

- the information to be provided
- the channels along which it passes
- the way it is communicated.

Consultation is the process by which management and employees or their representatives jointly examine and discuss issues of mutual concern. It involves seeking acceptable solutions to problems through a genuine exchange of views and information. Consultation does not remove the right of managers to manage – they must still make the final decision – but it does impose an obligation that the views of employees will be sought and considered before decisions are taken. Indeed, in certain circumstances consultation with independent recognised trade unions is a legal requirement.

The dividing line between consultation and communications is not clear cut and the terms are often used interchangeably. However, there is a fundamental difference. Communications is concerned with the interchange of information and ideas within an organisation. Consultation goes beyond this and involves managers actively seeking and then taking account of the views of employees before making a decision.

It is not only the relationship between communication and consultation that causes confusion; the link between consultation and collective bargaining is also frequently misunderstood and must be clarified.

Collective bargaining is the process by which employers and recognised trade unions seek to reach agreement through negotiation on issues such as pay and terms and conditions of employment. It is quite different from consultation where the responsibility for decision-making remains with management. With collective bargaining both employer and trade union take responsibility for fulfilling the bargain.

Given this scope for confusion it is particularly important that organisations which recognise trade unions ensure that any consultation or communications procedures they introduce are compatible with, and complementary to, existing collective bargaining processes.

or where new practices or procedures are being introduced

- *improve employees' performance and commitment* – employees will perform better if they are given regular, accurate information about their jobs such as updated technical instructions, targets, deadlines and feedback. Their commitment is also likely to be enhanced if they know what the organisation is trying to achieve and how they, as individuals, can influence decisions
- *help develop greater trust* – discussing issues of common interest and allowing employees an opportunity of expressing their views can engender improved management/employee relations
- *increase job satisfaction* – employees are more likely to be motivated if they have a good understanding of their job and how it fits into the organisation as a whole and are actively encouraged to express their views and ideas
- *improve employee engagement* – employees are more likely to go that 'extra mile' if they feel valued and involved in decision-making. Line managers are particularly important in triggering what is called 'positive discretionary behaviour'. Discretionary behaviour is based on the choice

employees make about how well they will do their jobs and positive behaviour might include doing an extra piece of work or helping out colleagues. Employers want engaged employees because they tend to deliver improved business performance.

- *encourage a more flexible working environment* – employers can help to promote a good 'work-life balance' within the organisation by talking to all their staff about developing flexible working policies and practices.

Communications and consultation are not, and should not, be an end in themselves. Nevertheless, used properly they have a key role to play both in ensuring the business success of organisations and in involving and empowering employees.

Trade unions

Union officials also have communications responsibilities as well as information needs. In addition to communicating with their members one of their main tasks is to ensure that their members' views and opinions are conveyed effectively to management. To enable members to play a full part in union affairs, shop stewards and other officials should be allowed adequate time off and facilities for maintaining good communications with their members as well as with management. Management should recognise these responsibilities with the provision of appropriate facilities. The Acas Code of Practice No 3 *Time off for trade union duties and activities* sets out guidance on good practice in carrying out the statutory duties for such time off.

Management and union communications about joint

discussions should convey the same message wherever possible, if misunderstandings and distrust are to be minimised. This may be achieved by a jointly agreed communication.

Union officials need information to bargain effectively. Recognised trade unions have certain legal rights to information for collective bargaining purposes. The Acas Code of Practice No 2 *Disclosure of information to trade unions for collective bargaining purposes* contains advice on good practice. Negotiations are more likely to be constructive and realistic if they take account of such information. There may also be a need for special presentations of such information to recognised representatives and, where appropriate, to full-time union officials.

When providing employees with information on disciplinary rules and procedures, employers are advised to consult the *Acas Code of Practice on Disciplinary and grievance procedures*. The Code urges employers to make every effort to ensure that employees know and understand the disciplinary rules that apply and are aware of the likely consequences of breaking those rules. Such explanations and full coverage of the subject should be included in the induction programme of new employees³.

Employers are also required by law to give employees *itemised pay statements* whenever payments are made. The statements should cover such detail as gross amount of pay, amounts of any fixed deductions and the net amount of pay. The detailed requirements are set out in the Department for Business, Innovation and Skills explanatory booklet URN 06/538 *Itemised pay statements*, obtainable free of charge at www.bis.gov.uk/publications.

Information about the job

Employees need a wide range of job-related and operational information about:

- the workplace
- work objectives and performance

- operating and technical instructions
- health and safety
- who is who, where they are and what they do.

Work objectives and performance targets are key items of information and need to be communicated clearly if misunderstandings are to be prevented.

Employees require *general information*, not covered elsewhere, about their workplace, especially when just starting. On joining, and also when subsequent changes take place, they need to be told about arrangements relating to:

- working conditions
- supervision and management
- administrative procedures
- training and development
- equal opportunities
- social and welfare facilities.

It is particularly important that employees are informed of any arrangements for *trade union representation* and the relevant negotiating and consultative machinery. Such information should be provided to new employees as

Employee information notes

- inform employees about the activities and performance of their organisation. Good reports are written and presented so as to be readily understood by employees at all levels, with emphasis on their contribution and achievement. In large organisations it is often desirable to produce reports for operating divisions or local units and this enhances their impact. The use of clear illustrations is helpful in such reports provided they do not distort the information.

House journals and newsletters

- enable factual information about an organisation to be presented on a regular basis. These usually contain a large element of social or personal news. In large organisations their production is often highly-professional but even small organisations can reap benefits from well-produced attractive newsletters.

Departmental bulletins

- give information on a sectional, departmental or wider basis about specific items of general interest.

Notices

- placed on well-situated noticeboards bring to the attention of a wide audience matters of general importance as well as items of specific interest. Care needs to be taken over location, over rights to use noticeboards

and in keeping them up-to-date. Diagrammatic notices and signs can also be useful for communicating with employees, particularly those with limited reading ability.

Individual letters to all employees

- can be used to give information about matters of major importance accurately and simultaneously.

Other methods

Other methods of communication include the following:

Intranets

- information on internal computer networks can be maintained in a structured way and be easily accessible by employees.

Information points

- a method which enables employees to listen to prerecorded and regularly changed bulletins about matters of interest on an internal telephone system; this is normally appropriate only in large establishments.

Audiovisual aids

- video, film or tape/slide presentations are particularly useful for explaining technical developments or financial performance. It is important to provide opportunity for feedback.

Normally only large firms can consider producing films or video tapes, but even very small firms can make their own slide presentations without professional help.

Email

- which is very useful for communicating with employees in scattered or isolated locations.

Special needs

Special attention should be given to ensuring information is understood by employees within a multi-racial workforce or by those who cannot read easily. It is equally important not to ignore isolated groups, for

example: those on nights shifts, maintenance or sales employees working away from base, employees working largely from home and those in remote locations, or staff who work on a part-time basis. In larger organisations it is also easy to ignore individual employees such as switchboard operators, receptionists and messengers who may work in isolation.

Monitoring

Communication systems should not be taken for granted, nor should it be assumed that because information is 'sent' it is also 'received'.

Consultation

Timing and content

Consultation involves taking account of as well as listening to the views of employees and must therefore take place before decisions are made. Making a pretence of consulting on issues that have already been decided is unproductive and engenders suspicion and mistrust about the process amongst staff. It will be helpful to decide upon the degree of consultation first and to inform people what the decision making process will be.

Consultation does not mean that employees' views always have to be acted on since there may be good practical or financial reasons for not doing so. However, whenever employees' views are rejected the reasons for doing so should be carefully explained. Equally, where the views and ideas of employees help to improve a decision due credit and recognition should be given.

Consultation requires a free exchange of ideas and views affecting the interests of employees and the organisation. As such, almost any subject is appropriate for discussion. However, both management and unions may wish to place some limits on the range

of subjects open to consultation, for example: because of trade confidences or because they are considered more appropriate for a negotiating forum. To avoid misunderstandings and the possibility of employment relations difficulties it is advisable for management and recognised unions to agree on the issues that will be the subject of consultation.

A comprehensive list of subjects appropriate for consultation is impossible to give as this will depend on the circumstances of each organisation and how these circumstances change over time. However, whatever subjects are chosen, they need to be relevant, clearly defined and geared to the needs of the organisation and its employees.

Whatever issues are agreed upon as being appropriate for discussion, it is important that they are relevant to the group of employees that will be discussing them. For instance in a larger organisation, it may be inappropriate for a local, section level, consultative committee to discuss purchasing policies or marketing plans as the managers involved may not have the authority to make unilateral changes to organisational procedures.

If consultation is to be effective it is essential to avoid discussing trivialities. This is not to say that minor issues should be ignored; indeed what is minor to one person may be a major problem for another. Nevertheless, minor issues and pet grievances should not be allowed to dominate the consultation agenda.

The legal aspects of consultation

European Union Directive for informing and consulting employees

The European Union Directive for informing and consulting employees gives employees the right to be:

- informed about the business' economic situation
- informed and consulted about employment prospects, and
- informed and consulted about decisions likely to lead to substantial changes in work organisation or contractual relations, including redundancies and transfers.

Employers and employees can agree procedures which are different from those set out in the directive, and may meet their obligations by means of existing agreements on information and consultation.

The Regulations apply to businesses with 50 or more employees.

Health and safety

The law requires that employers must consult with employees on health and safety at work matters⁹. Where an employee recognises a trade union which has appointed, or is about to appoint, safety representatives under the Safety Representatives and Safety Committees Regulations 1977, then the employer must consult those safety representatives on matters affecting the group or groups of employees they represent.

Any employees not in groups covered by trade union safety representatives must be consulted by their employer, under the Health and Safety (Consultation with Employees) Regulations 1996. The employer can choose to consult directly with employees or through elected representatives. If the employer decides to consult employees through elected representatives, then employees will have to elect one or more people to represent them. Where there are existing consultation arrangements which satisfy the law there is no requirement to change them.

Redundancies

The Trade Union and Labour Relations (Consolidation) Act 1992, as amended by the Collective

Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995¹⁰, requires employers to consult about redundancies in circumstances where it is proposed to dismiss 20 or more employees at one establishment over a period of 90 days or less. Under the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999, consultation has to be with a trade union where one is recognised, or with other elected representatives of the affected employees where no trade union is recognised. (Employers continue to have a duty to act fairly and reasonably in handling redundancies and informing and consulting affected employees individually, regardless of the number of dismissals)¹¹. The consultation must take place with a view to reaching agreement with the appropriate representatives and must include discussion about ways of avoiding the redundancies, reducing the numbers to be dismissed and mitigating the consequences of any redundancies. Consultation should be completed before any redundancy notices are issued.

Business transfers

The Transfer of Undertakings (Protection of Employment) Regulations 1981, as amended by

the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1995 and 1999¹², require employers to consult representatives of an independent trade union where one is recognised or other elected representatives of the affected employees where there is no recognised trade union, where there is to be a transfer of a business to which the regulations apply. The consultation must be undertaken by the employer with a view to reaching agreement with appropriate representatives.

Works Councils

Companies with at least 1,000 employees in European Union member states and with at least 150 employees in two or more member states must have a European Works Council (EWC) or an equivalent procedure. The purpose of the EWC is to provide 'transnational information and consultation' for their entire workforce. Companies must set up a 'special negotiating body' under the provisions of the Directive.

Occupational pensions

The Social Security Pensions Act 1975 requires employers to consult with independent recognised trade unions on certain matters in relation to the contracting out of the state scheme of an occupational pension scheme.

In addition to having a statutory duty to consult in certain circumstances, organisations employing more than 250 people (calculated according to the legislation) are required by the Companies Act 1985 (as amended by the Companies Act 1989) to include a statement in their Director's report describing the action taken in the previous financial year to introduce, maintain or develop arrangements in the following areas:

Information/communication

- providing employees systematically with information on matters of concern to them as employees.

Consultation

- consulting employees or their representatives on a regular basis so that the views of employees can be taken into account in making decisions which are likely to affect their interests.

Financial participation

- encouraging the involvement of employees in the company's performance through an employee share scheme or some other means.

Economic awareness

- achieving a common awareness on the part of all employees of the financial and economic factors affecting the performance of the company.

The Occupational and Personal Pension Schemes Regulations 2006 mean employers are obliged by law to inform and consult employee representatives about certain planned changes to pensions. For further information visit the Department for Work and Pensions website at www.dwp.gov.uk.

Methods of consultation

Consultation methods will, of necessity, vary from organisation to organisation and there is no single arrangement that will suit all working environments. It is therefore important for organisations to choose carefully the sort of consultation procedure(s) that will best suit their own structure and business culture. Factors that will influence this choice include:

- size and structure
- degree of centralisation or decentralisation
- employment relations climate
- management style
- the issues to be discussed
- whether trade unions are recognised and if so their structure.

Many organisations are increasingly adopting consultation as an

integral part of their day-to-day management processes and, as a result, are consulting directly with employees as well as indirectly through employee representatives. Direct consultation can take a variety of forms ranging from informal discussions with individual members of staff to more formalised group meetings or seminars.

Indirect consultation through employee representatives is best carried out in a formally constituted forum such as a joint consultative committee or joint working party.

Joint consultative committees

Joint consultative committees (JCC), or works councils as they are sometimes known, have long been used as a method of employee consultation. The committees are made up of managers and employee representatives who come together on a regular basis to discuss issues of mutual concern.

When setting up a JCC a constitution should be agreed with employee representatives, including where appropriate recognised trade unions, which lays down the rules and procedures that will govern the committee's operation. Agreeing a constitution at the beginning can help overcome subsequent problems and misunderstandings.

A checklist of issues to be covered in a JCC constitution is contained in appendix 1.

There are a number of issues that need to be considered and agreed between the parties when establishing a JCC; these include:

- size and composition of the committee
- organisation of committee meetings
- subjects to be discussed
- facilities for committee members
- arrangements for reporting back.

Size and composition

The number of members a JCC should have will vary depending on the size of organisation and the constituency to be covered. However, as a general rule the size of the committee should be kept as small as possible consistent with ensuring that all significant employee groups are represented. Extra members can always be co-opted to deal with specific matters or problems. As JCCs are not involved in decision taking it is not necessary to have equal numbers of managers and employee representatives; indeed, it is often helpful if there are more employees than managers as this makes the point that the committee is not employer dominated.

It is usual for management representatives on JCCs to be nominated as this helps reinforce the point that they are on the committee as part of the management team. In order to demonstrate commitment to consultation it is essential that a senior manager with authority and standing in the organisation is a member of the JCC and is present at all meetings. Other management representatives should be drawn from a variety of functions and grades within the organisation.

While continuity of membership among management representatives is an advantage it can be helpful for managers to be replaced periodically in order to allow their colleagues a chance to gain experience of participating in a consultation committee.

Employee representatives on the committee should be elected by the employees they will represent. Where an organisation has an established trade union structure it is sensible to invite one or more of the senior shop stewards to sit on the committee. They have already been elected by their fellow employees and ignoring their status could undermine the existing framework for joint union/management regulation.

This is not to suggest that only shop stewards ought to attend JCC

meetings. Employee representatives may be elected on a constituency basis irrespective of their trade union role or membership. The mixing of union and non-union representatives on the same consultative committee will clearly be a matter of concern to recognised trade unions and, to help allay any fears they might have, it is advisable for managers to discuss the arrangement with union representatives before it is introduced. An assurance that the consultative process will not detract from the powers or decisions of the recognised negotiating body may go some way to allaying union fears. However, the solution will depend very much on the relationship between management and trade union representatives and their respective commitment to the consultation process.

Meetings and their organisation

Meetings of the consultative committee should be held regularly – once a month is usually sufficient for most organisations. In addition to regular meetings it is also helpful to provide for ad hoc meetings to be held as and when a particular need arises.

Every meeting should have as its focus a well-prepared agenda and all members of the committee should be given the opportunity of contributing items to the agenda before it is circulated. The agenda should be sent out at least five

working days in advance of the meeting so that representatives have an opportunity of consulting with their constituents prior to the committee meeting.

As with all meetings, the JCC needs to be well chaired if it is to run efficiently. The person selected to take the chair should ensure that all parties have an opportunity to express their opinion and that discussion is not allowed to wander from the subject under consideration. The chairperson should also allocate tasks to particular people to ensure that the views of the committee are taken into account by the decision makers.

A poor chairperson will not only lead to disorganised meetings but may, in some instances, bring the whole concept of joint consultation into disrepute. Getting the right person to chair the meeting is therefore crucial. In some organisations the chair is taken by a senior manager who has experience of chairing meetings. While this arrangement can help to emphasise the organisation's commitment to the concept of consultation, some may see it as giving management too much control over the JCC. A number of JCCs therefore rotate the position of chairperson since this is seen as a more open procedure to adopt.

In addition to a chairperson it is also helpful to appoint someone to act as

secretary to the committee. The secretary's duties will include:

- gathering items and papers for the agenda
- circulating meeting notices and agendas
- taking and circulating meeting minutes
- dealing with any correspondence concerning the committee
- taking action on matters as instructed by the committee.

Whether the secretary is drawn from management or employees is a matter for discussion when setting up the committee. If agreement cannot be reached, rotating the role of secretary or having joint secretaries are possible alternative options.

One of the secretary's most important roles is keeping minutes of the committee's proceedings. Minutes should:

- be an accurate record of the main points raised and decisions reached
- indicate who is responsible for taking action on particular topics
- be distributed as soon as possible to all committee members and senior managers; copies should

also be brought to the attention of all staff either by issuing them individually or putting a copy on a noticeboard

- be used by the chairperson to monitor progress on any action points decided by the committee.

Subjects to be discussed

To avoid misunderstandings it is important to agree at the outset which subjects are appropriate for consideration in the JCC and which are best dealt with in a negotiating or other appropriate forum (for example: a safety committee). The following list contains some of the issues most commonly discussed in consultation committees:

- working conditions
- new ways of working
- output and quality
- training
- health and safety
- new equipment
- staffing levels
- welfare.

Facilities for committee members

It is important that employee representatives know exactly how much time they will be allowed away

from their normal work to undertake their duties as a committee member and what facilities they are entitled to use. Employee representatives should also be reassured that they will not lose pay as a result of attending committee meetings or of carrying out other activities associated with committee meetings. Without adequate, paid time away from normal duties there is a danger that representatives will only be able to put forward a personal view rather than the view of their constituents, thus undermining the effectiveness of the consultation process.

Reporting back

If joint consultation is to be meaningful, it is essential that the deliberations of the committee are reported back to employees as soon as possible. Any delay in reporting back is not only likely to lead to frustration but will also allow scope for rumours to develop in the place of hard information.

Reporting what happened at committee meetings is usually the responsibility of employee representatives but management should also help to ensure that the outcome of consultation meetings is spread quickly and accurately among employees. Methods that might be used for reporting back include:

- briefing groups

- news-sheets
- noticeboards
- circulation of committee minutes.

– there is a prospect of any proposals being acceptable in the negotiating forum

- allows the parties to concentrate on a specific issue

Joint Working Parties

Joint Working Parties (JWPs) are similar in make-up to joint consultative committees but they are usually set up to consider and suggest ways of resolving specific issues affecting the organisation, for instance a high rate of employee turnover or problems with the pay system. The emphasis in JWPs is on managers and employee representatives working together to understand issues and overcome common problems in a non-confrontational way.

Once recommendations have been made by the JWP, it is normally disbanded and further work is left to other consultative bodies such as JCCs and to the organisation's usual negotiating forum.

The advantages of the JWP approach to consultation are that the format:

- promotes a process of joint problem-solving in a non-negotiating forum which can help ensure that:
 - eventual solutions are acceptable to those concerned

- establishes the commitment of the parties through the process of joint involvement.

The size of the JWP depends on the organisation concerned and the subject to be discussed. As with JCCs, it is important to keep the working party as small as possible to ensure that each member can become fully involved in the discussions. Between four and eight members is the normal size for a JWP.

If the recommendations of the JWP are to carry any weight, it is important that its members are drawn from a representative cross section of the groups directly concerned with the issues under discussion. It is also important that the membership reflects the race and gender composition of the organisation's employees.

When running a JWP it is important to ensure that a reasonable momentum is maintained. Meetings should be held frequently. The exact frequency will depend on the availability of members but weekly or fortnightly meetings can greatly facilitate progress.

In certain circumstances the effectiveness of a JWP can be enhanced by the presence of an independent, third party, facilitator. By virtue of having no direct interest in the problem under discussion an

independent facilitator can often help the parties work together more productively and may also be able to offer fresh ideas on how to tackle problems.

Maintaining effective *communication and consultation arrangements*

Employee communication and consultation policies and procedures need regular monitoring and review. In particular monitoring should take place to ensure that:

- communicators and those participating in consultation committees know their roles
- employees are regularly consulted on matters of interest to them
- appropriate information is made available and reaches everybody
- the information is accepted and understood
- communications and consultation brings desired benefits, particularly in the form of better employment relations
- practice matches policy.

The results of any monitoring exercise should be discussed with

employee representatives and, where appropriate, recognised trade unions. Where the monitoring process exposes weaknesses, it is essential that remedial action is taken.

Regular monitoring and review also enable an organisation to assess the cost effectiveness of its communications and consultation policy. The ideal in terms of time, method or content has to be balanced against what is practicable and economic. The direct costs of communicating have to be balanced against the less easily measured costs of not doing so.

Monitoring is largely dependent on feedback from employees through both formal and informal channels. But the effectiveness of communications and consultation can also be assessed by the following:

- extent of employee cooperation
- quality of decision-making by managers
- level of involvement by senior management
- absence and employee turnover levels¹³
- employment relations climate.

A full review of communications and consultation policy and practice

should take place periodically according to the size of the organisation. A communications audit is often a suitable way of carrying it out and can be done 'in house' by specially trained employees and managers working together; a joint working party can be a particularly effective way of carrying out such an audit. Although communications audits are generally more appropriate for larger organisations, even small concerns should make some regular assessment of their practice.

The need for training

Good communications and consultation are essential for efficient operation in any organisation. However, their impact is often diminished by a lack of skill or knowledge on the part of the participants. It is important, therefore, to provide both managers and employees with training in the skills and techniques required for communication and consultation.

Training can help employees better understand the information they are given and can encourage them to play a fuller part in the way the organisation conducts its affairs. Training courses in particular can be a useful way of giving employees factual information about their employment because they necessarily include a substantial element of explanation and provide opportunities for questions to be answered.

Managers have an important role to play in communicating and consulting and good training can enable them to:

- become more aware of the importance of good

communication and consultation practice

- understand their roles and responsibilities as communicators
- support those who are less outspoken and improve their ability to communicate.

Training is particularly important for supervisors who have important communications responsibilities but often limited experience. Communication and consultation skills should have a place in any development programme for them as well as for other managers.

Trade unions should also ensure that they provide adequate training for their representatives to enable them to take a full part in employee communications and consultation.

Wherever possible training should be participative and trainees should be encouraged to exchange views, take part in discussions and share ideas and experiences. Such participation not only makes for more effective training but also helps to foster the idea of employee

involvement which is an underlying principle of consultation and communication.

It is good practice to evaluate periodically the effectiveness of any training undertaken.

Conclusion

All organisations can benefit from good employee communications and consultation. Certain information, for example: concerning operational matters and employment rights, is essential, but in many successful organisations the principles of good management ensure that systematic communication and consultation take place on a much wider range of subjects. These organisations benefit from better decision-making, greater employee understanding and commitment and improved employment relations.

Good communication and consultation can be achieved by any organisation if the following basic requirements are met:

- a lead is given by top management
- all managers, including supervisors, are involved
- union representatives are involved
- awareness of employees' needs and wants is established
- communication is two-way and employees' views are genuinely considered before decisions are taken
- communication and consultation is both systematic and regular.

Any organisation can review the effectiveness of its communications and consultation policies and practices and can itself take action to improve its system. It may also benefit from calling in a third party to:

- assess its current communication and consultation arrangements
- discuss the organisation's needs
- work with the organisation to identify improvements.

Appendix 1

Joint consultative committee constitution – checklist

When drafting the constitution of a joint consultative committee the following elements should be covered:

- ✓ The title and objectives of the committee.
- ✓ Its terms of reference – the matters it can and cannot discuss and its powers.
- ✓ Its composition:
 - (i) employee representatives (number, constituents)
 - (ii) management representatives
 - (iii) co-option and ex-officio provisions
 - (iv) named deputies for representatives
 - (v) method for obtaining members, appointment, election, etc.
- ✓ Election procedure:
 - (i) who organises
 - (ii) when held
 - (iii) qualifications of candidates and voters
 - (iv) nominations
 - (v) voting arrangements.
- ✓ The period of office of members and arrangements for their retirement.
- ✓ Electing/nominating officers of committee, that is: chairperson, secretary.

- ✓ Meeting arrangements:
 - (i) frequency, advance notice
 - (ii) when and where held
 - (iii) procedure for placing items on agenda
 - (iv) arrangement for minutes
 - (v) quorum
 - (vi) duration of meetings.
- ✓ Facilities for committee members:
 - (i) time off for liaising with constituents
 - (ii) payment while attending meetings.
- ✓ Reporting arrangements:
 - (i) publication of minutes
 - (ii) methods of reporting back
 - (iii) responsibilities of members.
- ✓ Method of altering constitution.

Notes

1. Department for Business, Innovation and Skills (formerly the BERR) booklets on employment legislation are available at www.bis.gov.uk/er
2. The written statement can refer employees to some other document for detailed information regarding: (i) particulars of sick pay terms (ii) particulars of pension entitlements (iii) terms relating to notice of termination of the contract (that is: relevant statutory provisions or a collective agreement).
3. See Acas Advisory Booklet *Recruitment and induction* and Acas Guide *Discipline and grievances at work*.
4. See Acas Advisory Booklet *Recruitment and induction*.
5. See p20. Also see Health and Safety Executive leaflet *Consulting Employees on Health and Safety* IND (G) 232L available from HSE books, PO Box 1999, Sudbury, Suffolk CO10 2WA, tel: 01787 881165.
6. Detailed information on the release of price sensitive information can be found in the Stock Exchange's Listing Rules.
7. See Acas Advisory Handbook *The A to Z of work*.
8. A recognised trade union is a union recognised by an employer, or two or more associated employers, to any extent for the purpose of bargaining.
9. See Health and Safety Executive leaflet *Consulting Employees on Health and Safety* IND (G) 232L, available from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA, tel: 01787 881165.
10. See Department for Business, Enterprise and Regulatory Reform (now the Department for Business, Innovation and Skills) leaflets URN 06/1965Y *Redundancy Consultation and Notification* at www.bis.gov.uk/publications.

11. See Acas Advisory Booklet *Redundancy handling* for further information on consulting in redundancy situations.
12. See Department for Business, Innovation and Skills leaflet PL699 *Employment Rights on the Transfer of an Undertaking*.
13. See Acas Advisory Booklet *Managing attendance and employee turnover*.

Suggested further reading

Acas

Information and consultation
London, Acas, 2003 (Rights at work)

Adair, John

Effective communication: the most important management tool of all
London, Pan, 1997

Beaumont, P B and Hunter, L C

Information and consultation at work: from compliance to performance
London, CIPD, 2003
(Research report)

Dix, Gill and Oxenbridge, Sarah

Information and consultation at work: from challenges to good practice
London, Acas, 2003
(Research paper 03/03)

Hogg, Clare

Creating a staff handbook
London, CIPD, 1999

Incomes Data Services

Company councils
London, IDS, 2002
(IDS Study 730)

Incomes Data Services

Internal communications
London, IDS, 2003
(IDS Study 741)

James, Judi

People talk: the skills of positive communication and customer care
London, Spiro Press, 1997

McGeough, Phil

Team briefing: a practical handbook
London, Spiro Press, 1995

Moores, Roger

Joint consultation: making it work
London, Spiro Press, 1995
(Employment matters)

Turner, Paul

Organisational communication: the role of the HR professional
London, CIPD, 2003

Work Foundation

Internal communication
London, Work Foundation, 2002
(Managing Best Practice 100)

Acas Publications

Book time with your Employment Specialist

Whether you need to know how to write a contract of employment, how much holiday you are entitled to or about the latest employment legislation, our range of booklets and leaflets give practical information and advice for both employers and employees on employment matters.

You can choose from our handbooks offering comprehensive guidance to the modern workplace or our *Getting it Right* pocket guides, providing vital checklists to help small firms run their business.

View and order online at www.acas.org.uk
or call Acas Publications on **08702 42 90 90**.

Other Acas material that might be of interest includes:

Advisory booklet – *Recruitment and Induction*

Advisory booklet – *Redundancy Handling*

Advisory handbook – *The A to Z of Work*

Rights at work leaflet – *Information and consultation*

Getting it right guide – *Communicating with your employees*

Acas Training

Our training is carried out by experienced Acas staff who work with businesses every day. They will show you the value to your business of following good practice in employment matters and how to avoid the common pitfalls. We also run special training sessions on new legislation.

Look at the Acas website for up-to-date information about all our training or if you want to book a place online – www.acas.org.uk/training.

Training sessions are specially designed for smaller companies and our current programme includes:

- Managing discipline and grievances at work
- Managing absence at work
- Dealing with bullying and harassment at work
- Employing people: an overview
- The written statement and contracts of employment
- New employment legislation.

We also have online learning packages to help you – just go to www.acas.org.uk and click on e-learning.

Information in this booklet has been revised up to the date of the last reprint – see date below. For more up-to-date information check the Acas website at www.acas.org.uk.

Legal information is provided for guidance only and should not be regarded as an authoritative statement of the law, which can only be made by reference to the particular circumstances which apply. It may, therefore, be wise to seek legal advice.

Acas aims to improve organisations and working life through better employment relations. We provide up-to-date information, independent advice, high quality training and we work with employers and employees to solve problems and improve performance.

We are an independent, publicly-funded organisation and many of our services are free.

August 2009

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08456 06 16 00

for Minicom users

08456 00 34 44

for questions on managing equality in the workplace



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08457 38 37 36

Acas Customer Services Team for details
of training and services in your area