

IMSP060BK: Collective Consultation Policy

Version 1.3 (04/2025)

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Document History			
Version number	Edited by	Date reviewed	Summary of changes
1.0		March 2019	Version 1
1.1	HR	January 2023	Updated format
1.2	HR	April 2023	Cyclical review
1.3	HR	April 2025	Cyclical review

1. PURPOSE

The purpose of this policy and procedure is to enable Mears Group PLC to meet its obligations and to set out a process when collective consultation may be applicable and how this process will be followed. The intention is to put in place measures to support employees affected by collective consultation processes and which rely on the commitment and active involvement of all parties.

The main aims of this policy and procedure are:

- To enable employees in a collective consultation process to be supported throughout the process;
- To ensure that employees are treated with dignity during the consultation process;
- To ensure a fair and consistent approach to collective consultation; and
- To embrace consultation to mitigate the effects of the proposed actions.

Mears Group PLC is committed to ensuring that it follows its legislative obligations when carrying out collective consultation with regards to both collective redundancy situations and also transfers of employment as part of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (known as "TUPE").

The origin of the collective redundancy legislation was the requirement to consult laid out in the EU's Collective Redundancy Directive 1975. This has been amended and the provisions were brought into UK law through amendments to the Trade Union and Labour Relations (Consolidation) Act 1992 (known as "TULRCA"). The relevant section for the purpose of this policy is section 188. Collective consultation for the purposes of transferring employment of employees between two (or more) service or contract providers is laid out in the Transfer of Undertakings (Protection of Employment) Regulations 2006 (amended 2014).

2. SCOPE

This policy covers all employees who are employed by Mears Group PLC and all of its subsidiary companies. Hereafter any reference to Mears Group includes Mears Group PLC and all of its subsidiary companies. This policy does not include any potential employees that join the business as a consequence of a transfer under TUPE.

3. DEFINITIONS

Line Manager - refers to the direct Line Manager on Workday for the employee, or alternatively if they are not available, then the manager's manager.

HR – primarily refers to the HR Business Partner team who will be responsible for providing advice and guidance to managers on policy and process.

Employee – is an individual who is directly employed by Mears Group and or any of its subsidiaries. It does not include self-employed, agency or contractors for the Group.

4. RESPONSIBILITIES

Line Managers are responsible for ensuring that they:

- Read and understand contents of policy and procedure.
- Participate in consultation in line with policy.
- Treat any consultation confidentially and sensitively.
- Maintain regular contact with relevant parties in line with policy.

Employees are responsible for:

- Cooperating fully with the process avoiding unnecessary delays.
- Maintaining confidentiality throughout the consultation process if it relates to another employee where advised.

HR are responsible for:

- Providing advice and guidance on the application of the policy and related policies, to employees and managers.
- Ensuring Workday records are accurately processed and maintained.

5. COLLECTIVE REDUNDANCY - CONSULTATION

A collective redundancy situation arises where an employer is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less. The employer has a duty to consult with the appropriate representatives of the employees who may be affected by the proposed dismissals or may be affected by measures taken in connection with those dismissals.

The duty to consult under TULRCA is linked to any proposal to dismiss, rather than an actual dismissal. The proposal stage is earlier than an actual decision to make redundancies. Under TULRCA dismissals cannot take place until there has been a minimum period of time for consultation.

Mears Group's intention is that they will:

- properly consult with the appropriate representatives (following the rules governing elections), and trade unions where appropriate;
- endeavour to operate a clear and transparent consultation exercise which will include setting out what is proposed as the foundation for the consultation process;
- consult in sufficient time, providing adequate information to all concerned;
- enter discussions with an open mind and with a view to engage in meaningful discussions with everyone involved; and
- endeavour to achieve agreement with the appropriate representatives on ways and means of avoiding or reducing the number of dismissals and mitigating the consequences of the redundancies.

In achieving this Mears Group consultation may include consideration of alternative actions to mitigate the affect or where possible avoid a redundancy situation. This includes re-deployment, reducing overtime or offering employees more flexible hours, such as job share.

6. COLLECTIVE REDUNDANCY - DISCLOSURES

TULRCA identifies the first stage in the collective consultation process as providing certain information in writing to the appropriate representatives, this includes:

- the reasons for the proposed dismissals;
- the numbers and descriptions of employees whom it is proposed to dismiss as redundant;
- the total number of employees of that description employed at that establishment;
- the proposed method of selection criteria for the employees who may be dismissed;
- the proposed method of carrying out the dismissals, with due regard to agreed procedure, including the period over which dismissal is to take effect; and
- the proposed method for calculating the amount of any redundancy payments to be made, if is other than statutory redundancy pay.

7. COLLECTIVE CONSULTATION - TUPE

In the event of a proposed business transfer and/or service provision change under TUPE, which may result in the transfer of employees from Mears Group to another provider, Mears Group will inform and consult with all employees affected by the proposed transfer.

The employees that may be affected by the proposed transfer will be determined by Mears Group at the relevant time.

8. COLLECTIVE CONSULTATION TUPE - DISCLOSURES

TUPE identifies what Mears Group needs to disclose in writing to the appropriate representatives in the event of a proposed TUPE transfer of employees:

- the fact that the transfer is going to take place, approximately when and why;
- any social, legal or economic implications for the affected employees, for example a change in location or risk of redundancies;
- any measures that either Mears Group or the new employer expect to take in respect of any affected employees, if no such measures will be taken Mears Group will confirm this; and
- the number of agency workers employed, the departments they are working in and the type of work they are doing if agency workers are used.

9. IDENTIFICATION OF EXISTING REPRESENTATIVES

'Appropriate representatives' is a generic term that can be used for both redundancy and TUPE consultations. These individuals may already be in place within the affected branch/department. These are:

- trade union representatives where an independent trade union is recognised (regardless of whether the affected employees are members or not); **or**
- employee representatives who have been directly elected by the relevant affected employees of a proposal especially for the consultation on that proposal. The election of employee representatives must satisfy the provisions in the legislation; **or**
- employee representatives who have not been appointed or elected specifically for the purpose of the proposed consultation (e.g. members of a works councils or employees consultative committee) but who have been elected to have authority to receive information or be consulted with.

Where a trade union is recognised, Mears Group will consult with representatives of that trade union in respect of any employees in the bargaining unit who are affected by the proposals. It does not matter whether the employees are themselves members of the trade union, only that they fall within the bargaining unit for which the union is recognised. Mears Group will still consult with other appropriate representatives in respect of any employees that are outside of the bargaining unit.

10. SELECTION OF EMPLOYEE REPRESENTATIVES

Where an appropriate representative needs to be appointed the law sets out a clear a process of selecting employee representatives from the group of affected employees. Mears Group will endeavour to ensure that the election process is fair.

Mears Group will typically ask for the affected employees to nominate one of their colleagues, from the same affected group, to act as employee representative for the duration of the consultation process only. There may need to be more than one representative depending on the categories of employees affected by the consultation; Mears Group will determine how many are needed together with the appropriate work streams representatives need to be aligned to.

This nomination process will take place during or shortly after the group consultation meeting takes place. All nominations must be proposed by a nominee and thereafter seconded. In the event that more nominations are received than the required number of representatives identified, the Company will call a ballot to elect representatives. In which case the following principles should be considered:

- The number of representatives should be proportionate to the number of affected employees;
- The category of representative should reflect the make-up of the workforce with at least one representative from each of the employee category e.g. office employees and mobile workers;
- The candidates for election as employee representatives should be a member of the group of affected employees on the date of the election;
- Any specific requirements for election e.g. experience should be clearly communicated;
- No affected employee should be unreasonably excluded from standing for election;
- All affected employees on the date of the election should be entitled to vote;
- The employees entitled to vote should be able to vote for as many candidates as there are representatives to be elected to represent their particular group of employees; and
- Where an employee representative ceases to act and as a result some employees have no representation, another election should be held.

It is possible to elect employee representatives for the dual purpose of collective consultation in respect of redundancy and TUPE. Whatever the purpose, this must be clear to all parties at the time, as too the duration for which it is intended for the employee representative to serve.

If the employer has issued an invitation, in good time, asking affected employees to elect representatives and an appropriate representative is not elected Mears Group still has a duty to provide necessary information to each and every affected employee.

11. THE ROLE OF EMPLOYEE REPRESENTATIVES

The role of employee representatives during a collective consultation process is to represent the views and opinions of the affected employees which they represent. They should provide the group with the necessary information throughout the process and act as an intermediary between Mears Group and all of the affected employees.

They are required to represent the interests of all the affected employees, not just their own interests, and should take reasonable steps to ensure that the views of all of the affected employees are taken into account as part of the consultation process.

employee representatives must be given direct access to the affected employees (by way of email, telephone, face-to-face meetings, or otherwise) and afforded such facilities as may be appropriate for that purpose such as meeting rooms. The employee representative will also be paid to have reasonable time off to perform their duties in the capacity as an employee representative.

12. OTHER RELATED POLICIES & PROCEDURES

- Redundancy Policy
- TUPE Policy
- Pay and Bonus Policy

13. APPENDICES

There are no appendices in this policy