

- 10.5 Applications for Exemptions shall be in writing on the appropriate application form obtained from the council.
- 10.6 In scrutinising an application for exemption, the Exemption Body will consider the views expressed by the workforce, together with any other representations received in relation to that application.
- 10.7 In considering the application, the Exemptions Body shall take into consideration all relevant factors, which may include, but shall not be limited to, the following criteria:
- 10.7.1 The period for which the exemption is sought;
 - 10.7.2 The number of employees affected and how many of such employees are members of a registered trade union;
 - 10.7.3 Be accompanied by relevant supporting data and financial information;
 - 10.7.4 The employer must consult with the workforce, through a trade union representative or, where no trade union is involved, with the workforce itself, and must include the views expressed by the workforce in the application;
 - 10.7.5 Where the views of the workforce differ from that of the employer, the reasons for the views expressed must be submitted with the application;
 - 10.7.6 An application for exemption shall not be considered unless the employees or their representatives have been properly consulted and their views fully recorded in an accompanying document. Where an agreement between the employer and the workforce is reached, the signed written agreement must accompany the application;
 - 10.7.7 If the nature of the relief sought dictates, the application shall be accompanied by a plan reflecting the objectives and strategies to be adopted to rectify the situation giving rise to the application and indicating a time frame for the plan;
 - 10.7.8 The applicant's past record (if applicable) of compliance with the provisions of this agreement, its amendments and Exemptions Certificate;
 - 10.7.9 any precedent that might be set;
 - 10.7.10 it is fair to both the employer, its employees and other employees in the sector;
 - 10.7.11 it does not undermine this Agreement;
 - 10.7.12 it will make a material difference to the viability of a business;
 - 10.7.13 it will assist with unexpected economic hardship occurring during the currency of the Agreement and will save unnecessary job losses;
 - 10.7.14 the interest of the industry as regards:
 - 10.7.14.1 unfair competition;
 - 10.7.14.2 collective bargaining;
 - 10.7.14.3 potential for labour unrest;
 - 10.7.14.4 increased employment;
 - 10.7.15 the interest of employees' as regards:
 - 10.7.15.1 exploitation;
 - 10.7.15.2 job preservation;
 - 10.7.15.3 sound conditions of employment;
 - 10.7.15.4 possible financial benefits;