Central Arbitration Committee: Application or Complaint under the Information and Consultation of Employees Regulations 2004

EMPLOYER RESPONSE FORM

CAC Case Number:

BEFORE COMPLETING THIS FORM, PLEASE READ THE EXPLANATORY NOTES AT APPENDIX 1

1. **Details of the undertaking:**

**Name of undertaking:**

**Your name:**

**Your position:**

**Address for correspondence:**

**Telephone:**

**E-Mail:**

1. **Did you receive a written request for data from one or more employees? Please answer yes or no.**
2. **What was the date of that request?**
3. **Did you provide the employee(s) with any data? Please answer yes or no.**
4. **If you did not provide the data requested by the employee(s), please explain why:**
5. **If the complaint made by the employee(s) is that the data you provided is false or incomplete, please give your response:**

**Signature:**

**Date:**

**Appendix 1**

## Explanatory notes

**RESPONDING TO AN APPLICATION OR COMPLAINT TO THE CAC**

* **Make sure you understand the application or complaint the employee has made**

The Information and Consultation Regulations provide for the CAC to consider applications or complaints from employers, employees and their representatives at several stages in the process of establishing or operating information and consultation arrangements. The full list of applications or complaints is in the *CAC Guide for Employers and Employees* which has been sent to you with this form.

There is a separate application form for each application or complaint and the relevant Regulations are summarised at the back of the form. If you need any further information, please contact the CAC Case Manager whose contact details are in the covering letter.

The Department for Business and Trade (DBT) has also published guidance which is available on the DBT website (www.gov.uk/dbt) and the Regulations can also be downloaded from the website of the Office of Public Sector Information (opsi.gov.uk).

* **Completing the form:**

**Question 1 on the application form**

Please give your contact details as this will help us to ensure there is no delay in contacting you.

**Question 2, 3 and 4 on the application form**

Please state whether you received a written request from the employee(s), the date of that request and whether you provided any data.

**Question 5 on the application form**

If you received a request but did not provide any data, please explain why.

**Question 6 on the application form**

The employee may have complained that the data you provided is false or incomplete. If so, please give your response to the employee’s contention.

* **Please sign and date the form and send it to:**

Central Arbitration Committee

PO Box 80600

London

E15 9JX

Telephone: 0330 109 3610

Email: enquiries@cac.gov.uk

* **What happens next?**

The CAC will copy your form and any attachments to the employee.

The Case Manager will then be in touch with you to explain the next steps in the procedure. This may include attending a formal hearing with a CAC Panel.

The *CAC Guide for Employers and Employees* contains a detailed description of the way the CAC handles applications and complaints.

## Further guidance

The [CAC website](http://www.cac.gov.uk) contains a detailed guide to the legislation and the full text of published CAC decisions.

**Appendix 2**

**Summary of the Regulations relevant to this complaint**

(Please see the CAC *Guide for Employers and Employees* for an explanation of the types of complaints and applications that can be submitted to the CAC)

*Regulation 3*: The Regulations came into effect on 6 April 2005 and apply to undertakings in the United Kingdom with at least 150 employees. From 6 April 2007, the Regulations were extended to cover undertakings with 100 employees and, from 6 April 2008, those with 50 employees.

*Regulation 4*: The number of employees is determined by calculating the average number of employees employed in the previous 12 months. If the undertaking has been in existence for less than 12 months, the number is calculated on the number of months the undertaking has been in existence. An employee who works for 75 hours a month or less can be counted as half a full-time employee.

*Regulation 5*: An employee or employees’ representative may request data from the employer for the purposes of calculating the number of people employed by the undertaking in the UK. **The request must be in writing and dated**. The employer must provide data to enable the employee or representative to calculate the number of employees in the undertaking and the number of employees required to meet the threshold described in Regulation 7 below.

*Regulation 6*: An employee or employees’ representative may make a complaint to the CAC that the employer has **failed to provide the data** or that the **data provided is false or incomplete in a material particular**. If the CAC upholds the complaint it can order the employer to disclose specified data within a prescribed timescale. A complaint to the CAC cannot be made earlier than one month after the data was requested.

Regulation 7: An employer must initiate negotiations to establish information and consultation arrangements if a request is made by 2% of the employees in an undertaking. The 2% figure is subject to a minimum of 15 employees and a maximum of 2500.