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. **Please give the date on which you published the final arrangements for the ballot to elect Information and Consultation Representatives:**
2. **In answer to question 5 on the complaint form, the employee or employees’ representative has given their reasons for asserting that the arrangements for the ballot are defective. Please give below your response to the assertions and attach to this form any relevant documentation. There is a summary in Appendix 2 to this form of the balloting requirements specified in the Regulations.**

**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 on the application form**

Give the date on which the final arrangements for the ballot were published.

**Question 3 on the application form**

Give your response to the points raised in the complaint form and explain why you consider the ballot arrangements to not be defective.

* **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 19*: If the Standard Information and Consultation Provisions are to apply, the employer shall, before the Provisions start to apply, arrange for a ballot to elect information and consultation representatives. Under Regulation 19(2), Schedule 2 to the Regulations applies in relation to the arrangements for and conduct of any such ballot. Under paragraph 3 of Schedule 2, an employee or employees’ representative may complain to the CAC that the arrangements for the ballot are defective. A complaint must be submitted within 21 days beginning with the date on which the employer published the final arrangements for the ballot.

*Schedule 2:* Paragraph 1 states that ballots must comply with the requirements specified in paragraph 2. A summary of the provisions in paragraph 2 are as follows:

a) A ballot must be a single ballot unless the employer decides that if separate ballots in each constituency were held the representatives to be elected would better reflect the interests of all employees.

b) The obligation to hold a ballot ceases where the number of candidates is equal to or less than the relevant number of information and consultation representatives.

c) All employees on the day the ballot is held are entitled to vote or, if the ballot is held over more than one day, all those who are employees on the first of those days are entitled to vote.

d) Anyone who is an employee of the undertaking on the latest date on which a person may become a candidate, is entitled to stand in the election.

e) The employer must appoint an independent ballot supervisor.

f) The employer should consult employees or their representatives before publishing the final arrangements for the ballot.

g) The arrangements for the ballot must be brought to the attention of the employees and their representatives.

(Please note that the above is a brief summary of the requirements specified in Schedule 2 to the Regulations and that you may wish the consult the Regulations themselves before submitting a complaint to the CAC)