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. **Do you accept that you are, or were, under an obligation to conduct negotiations to reach agreement on information and consultation arrangements? Please answer yes or no.**
2. **If the answer to question 2 is YES, please give the dates on which negotiations took place and state the outcome of those negotiations:**
3. **If the answer to question 2 is NO, please explain why:**
4. **Do you accept that the Standard information and Consultation Provisions apply to your undertaking? Please answer yes or no.**
5. **If the answer to question 5 is YES, please explain below whether you have taken steps, or intend to take steps, to elect Information and Consultation Representatives:**
6. **If the answer to question 5 is NO, please explain why:**

**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**

Explain whether you consider you were under an obligation to conduct negotiations and provide the further information as appropriate.

**Question 5, 6 and 7 on the application form**

Explain whether you consider the Standard Provisions apply to your undertaking and provide the further information as appropriate.

* **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 14:* Once an employer is under a duty to initiate negotiations, it must arrange for the election or appointment of negotiating representatives. Negotiations should last for a period not exceeding six months commencing at the end of a period of three months beginning with the date on which a valid employee request was made or a valid employer notification issued. There are various circumstances which do not count towards the three month period. The employer and the negotiating representatives may agree to extend the six month negotiating period.

 *Regulation 18:* If an employer is under a duty to initiate negotiations but does not do so, the standard information and consultation provisions apply six months from the date of the employee request (or employer notification) or from the date information and consultation representatives are appointed, whichever is the earlier. If negotiations take place but no agreement is reached, the standard provisions apply six months from the end of the negotiating period described in Regulation 14 or from the date information and consultation representatives are appointed, whichever is the earlier.

*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.