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

THIS FORM IS FOR AN EMPLOYEE OR EMPLOYEES’ REPRESENTATIVE WHO WISHES TO COMPLAIN TO THE CAC THAT THE ARRANGEMENTS FOR A BALLOT TO ELECT INFORMATION AND CONSULTATION REPRESENTATIVES ARE DEFECTIVE

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

1. **Person making the complaint:**

**Your Name:**

**Are you:** An employee? An employees’ representative?

**Address for correspondence:**

**Telephone:**

**E-Mail:**

1. **Undertaking to which the application applies:**

**Name of undertaking:**

**Name of contact:**

**Address:**

**Telephone:**

**E-Mail:**

1. **Please give the date on which you believe the Standard Information and Consultation Provisions are to apply or do apply:**
2. **Please give the date on which the employer published the final arrangements for the ballot:**
3. **Please explain why you consider the arrangements for the ballot to be defective. Refer, where appropriate, to the requirements listed in Appendix 2 to this form:**

**Signature:**

**Date:**

**Appendix 1**

## Explanatory notes

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

* **Check whether the CAC can deal with your problem**

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 *A Guide for Employers and Employees to the role of the Central Arbitration Committee* which is available from the CAC at the contact points given at the foot of this page or the CAC website (www.cac.gov.uk).

There is a separate application form for each application or complaint. Please make sure you have the right one.

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).

* **Check that you understand the Regulations relevant to your application or complaint**

Appendix 2 to this form contains a summary of the Regulations relevant to this application but it is not an authoritative statement of the law. You may wish to consult the Regulations themselves or the CAC or DBT guidance.

* **Completing the form:**

**Question 1 and 2 on the application form**

Give your own details and those of the person who is dealing with the matter on behalf of the employer.

**Question 3 on the application form**

Give the date on which you believe the Standard Information and Consultation Provisions are to apply or do apply.

**Question 4 on the application form**

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

**Question 5 on the application form**

Give your specific reasons why you consider the arrangements for the ballot are 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 employer or its representative. If you have any supporting information which you regard as confidential, do not send it to the CAC at this stage.

The CAC will ask the employer or representative to complete a response form and this will be copied to you. A CAC 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.

*A Guide for Employers and Employees to the role of the Central Arbitration Committee* 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 *A Guide for Employers and Employees to the role of the Central Arbitration Committee* 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)