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 AN EMPLOYER HAS NOT ARRANGED FOR THE HOLDING OF A BALLOT TO ELECT INFORMATION AND CONSULTATION REPRESENTATIVES

BEFORE COMPLETING THIS FORM, PLEASE READ THE 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. **What was the date of the employees’ request to the employer for information and consultation arrangements or the date on which the employer informed the employees that it wished to initiate negotiations under the Regulations?**
2. **Did the employer arrange for the election or appointment of negotiating representatives and initiate negotiations to reach agreement on information and consultation arrangements? Please answer yes or no.**
3. **If the answer to question 4 is Yes, on which date the negotiations begin:**
4. **If negotiations did take place, on which date did they end:**
5. **Please give the date on which you believe the Standard Information and Consultation Provisions are to apply or do apply:**
6. **Please explain below why you consider the Standard information and Consultation Provisions apply to the undertaking:**

**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 of the employees’ request.

**Question 4, 5 and 6 on the application form**

If the answer to question 4 is No, there is no need to answer questions 5 and 6.

**Question 7 and 8 on the application form**

Give the date on which you believe the Standard Information and Consultation Provisions are to apply or do apply and explain in question 8 why you believe they apply.

* **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 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.