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 the person who has submitted the CAC complaint is an appointed or elected negotiating representative?**
2. **If you answer to question 2 is NO, please explain fully below:**
3. **Do you accept the date of the ballot as given by the complainant?**
4. **If your answer to question 4 is NO, please give below the date of the ballot and explain fully:**
5. **Please give your response to the assertion described in answer to question 5 in the application form that the ballot did not comply with the requirements of Regulation 16(5):**

**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 *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 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

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

State whether you accept that the person bringing the complaint is an appointed or elected negotiating representative. If you do not accept this, please explain your position in answer to question 3.

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

State whether you accept the date of the ballot as given by the complainant. If you do not accept this, please explain your position in answer to question 5.

**Question 6 on the application form**

Please respond to the complainant’s assertion that the ballot did not comply with the requirements in Regulation 16(5).

* **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](mailto:enquiries@cac.gov.uk)

* **What happens next?**

The CAC will copy your form and any attachments to the person making the complaint.

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.

*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*: This Regulation describes the process for the appointment or election of negotiating representatives and for the conduct of the negotiations.

*Regulation 16*: This covers the characteristics of a negotiated agreement and the method by which it should be approved by the employees. Regulation 16(5) specifies the requirements where a ballot is held to seek the employees’ approval and reads as follows:

(a) the employer must make such arrangements as are reasonably practicable to ensure that the ballot is fair;

(b) all employees of the undertaking or, as the case may be, to whom the part of the agreement relates, on the day on which the votes may be cast in the ballot, or if the votes may be cast on more than one day, on the first day of those days, must be given an entitlement to vote in the ballot; and

(c) the ballot must be conducted so as to secure that -

(i) so far as is reasonably practicable, those voting do so in secret; and

(ii) the votes given in the ballot are accurately counted.

*Regulation 17*: A negotiating representative who believes that the arrangements for a ballot held under Regulation 16 did not satisfy one or more of the requirements set out in paragraph (5), may, within 21 days of the date of the ballot, present a complaint to the CAC. Where *the* CAC finds the complaint well-founded it shall make an order requiring the employer to hold the ballot again within such period as the order may specify.