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 THAT AN EMPLOYER HAS NOT SATISFIED ONE OR MORE OF THE REQUIREMENTS IN REGULATION 8(4) FOR A BALLOT TO SEEK THE ENDORSEMENT OF THE EMPLOYEE REQUEST FOR THE ESTABLISHMENT OF INFORMATION AND CONSULTATION ARRANGEMENTS

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 whom the complaint applies:**

**Name of undertaking:**

**Name of contact:**

**Address:**

**Telephone:**

**E-Mail:**

1. **What was the date of the ballot?**
2. **Please describe the respect or respects in which you consider the employer has not satisfied the requirements of Regulation 8(4). These requirements are summarised in Appendix 2 and the CAC Guide.**

**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 contact 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 the ballot took place. A complaint to the CAC must be made within 21 days of the date of the ballot.

**Question 4 on the application form**

Give full details of the respect or respect in which you believe the ballot did not satisfy the requirements specified in the Regulations.

* **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 employer. 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 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 3*: The Regulations came into effect on 6 April 2005 and apply to undertakings in the United Kingdom with at least 150 employees. From 6 April 2007, the Regulations were extended to cover undertakings with 100 employees and, from 6 April 2008, those with 50 employees.

Regulation 7: An employer must initiate negotiations to establish information and consultation arrangements if a request is made by 2% of the employees in an undertaking. The 2% figure is subject to a minimum of 15 employees and a maximum of 2500. The employee request must be in writing, be sent *to* the employer or the CAC, specify the names of the employees making the request and state the date on which it was sent. If employees make separate requests, they must be made within a six month period.

*Regulation 8*: This Regulation applies where a valid request has been made by fewer than 40% of the employees in the undertaking and there is a pre-existing agreement which satisfies the following conditions: it is in writing; it covers all the employees in the undertaking; it has been approved by the employees; and, it sets out how the employer is to give information to employees and seek their views.

An employer may hold a ballot to seek the endorsement of the employees for the employee request. The employer must inform the employees within one month of the date of the request that it intends to hold a ballot and arrange for the ballot to take place as soon as is reasonably practicable but *not* before 21 days has passed since the employer informed the employees that a ballot was to take place. This Regulation also requires the employer to fulfil certain conditions in relation to the conduct of the ballot and the disclosure of the result. In summary, those conditions are that the ballot must be fair, all employees of the undertaking are entitled to vote, voting should be in secret and the votes should accurately counted.