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 MAKE A COMPLAINT THAT AN EMPLOYER HAS NOT ARRANGED A BALLOT, FOR THE ENDORSEMENT OF AN EMPLOYEES’ REQUEST, TO BE HELD AS SOON AS IS REASONABLY PRACTICABLE AFTER INFORMING THE EMPLOYEES IT INTENDS TO DO SO - PROVIDED THE BALLOT TAKES PLACE NO EARLIER THAN 21 DAYS FROM THE DATE THE EMPLOYEES WERE INFORMED

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 employee request to the employer to establish information and consultation arrangements?**
2. **What was the date of the employer’s notification to employees that it intended to hold a ballot to seek endorsement of the employee request?**
3. **Do you wish to complain that the employer has not arranged for the ballot to be held as soon as is reasonably practicable after the notification date given in 4 above? Please answer yes or no.**
4. **If your answer to question 5 is YES, please provide below further details and any supporting evidence:**
5. **If your answer to question 5 is NO, do you wish to complain that the ballot is due to take place earlier than 21 days from the date given in 4 above? Please answer yes or no.**
6. **If your answer to question 7 is YES, please state the date of the ballot and provide any relevant information:**

**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 web site 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 of the employee request to establish information and consultation arrangements.

**Question 4 on the application form**

Give the date that the employer informed the employees in writing that it intended to hold a ballot.

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

State whether you believe that the employer has not arranged the ballot ‘as soon as reasonably practicable’ after informing the employees it intended to hold a ballot.

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

Alternatively, state whether you consider that the employer has arranged to hold the ballot earlier than 21 days after informing the employees it intended to hold a ballot.

* **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. 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. Under Regulation 8(8) an employer who has not arranged for the ballot to be held as soon as is reasonably practicable after informing the employees it intends to do so or arranges the ballot before the 21 day period has expired, may be required by the CAC to hold the ballot within a specified period.