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. **What was the date of the employee request to establish information and consultation arrangements?**
2. **On what date did you inform your employees that you intended to hold a ballot?**
3. **Do you believe that you arranged for the ballot to be held ‘as soon as is reasonably practicable’ after the date given in 3 above? Please answer yes or no.**
4. **If your answer to question 4 is YES, please give your reasons below:**
5. **If the employee or representative has alleged that the ballot is to take place earlier than 21 days from the date in 3 above, do you accept this? Please answer yes or no.**
6. **If your answer to question 6 is NO, please give your reasons below:**

**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 on the application form**

Give the date of the employee request

**Question 3 on the application form**

Give the date on which you informed your employees that a ballot was to be held

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

State whether you believe that you arranged the ballot ‘as soon as reasonably practicable’ after informing your employees you intended to hold a ballot and, if so, provide any supporting evidence

**Question 6 and 7 on the application form**

Alternatively, if the employee or representative has alleged that you arranged to hold the ballot earlier than 21 days after informing your employees you intended to hold a ballot, please state whether or not you accept the allegation and, if not, provide any supporting evidence

* **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 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 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.