



## Application or Complaint under the Information and Consultation of Employees Regulations (Northern Ireland) 2005

**THIS FORM IS FOR AN INFORMATION AND CONSULTATION REPRESENTATIVE, AN EMPLOYEE  
OR EMPLOYEES' REPRESENTATIVE WHO WISHES TO COMPLAIN TO THE INDUSTRIAL COURT  
THAT AN EMPLOYER HAS FAILED TO COMPLY WITH THE TERMS OF A NEGOTIATED  
AGREEMENT OR ONE OR MORE OF THE STANDARD INFORMATION AND CONSULTATION  
PROVISIONS  
BEFORE COMPLETING THIS FORM, PLEASE READ THE NOTES AT APPENDIX 1**

### 1. Person making the complaint:

|                                    |   |
|------------------------------------|---|
| <b>Your Name:</b>                  |   |
| <b>Are you:</b>                    | <input type="checkbox"/> An information and consultation representative?<br><input type="checkbox"/> An employee?<br><input type="checkbox"/> An employees' representative? |
| <b>Address for correspondence:</b> |   |
| <b>Telephone:</b>                  |   |
| <b>Fax:</b>                        |   |
| <b>E-Mail:</b>                     |   |

### 2. Undertaking to which the complaint applies:

|  |  |
|--|--|
| <b>Name of undertaking:</b>                              |  |
| <b>Name of contact:</b>                                  |  |
| <b>Address:</b>  |  |
| <b>Telephone:</b>  |  |
| <b>Fax:</b>  |  |
| <b>E-Mail:</b>   |  |
| <b>Total number of Employees in undertaking?</b>         |  |
| <b>Where are these employees located?</b>                |  |
| <b>How many employees are covered by your agreement?</b> |  |

3. Do you consider that there is a negotiated agreement in place which conforms to the definition in the Regulations?

YES/NO

*Note: A negotiated agreement is an agreement reached through negotiations, as provided for in Regulation 14, between the employer and the negotiating representatives following an employee request or an employer notification. The agreement must comply with the requirements of Regulation 16 – these are summarised in paragraph 18 of the Industrial Court guidance.*

4. What is the date of the agreement?

5. If there is no negotiated agreement in place, do you consider that the standard information and consultation provisions apply?

YES/NO

*Note: The standard provisions come into effect where the employees make a request or the employer issues a notification and either no negotiations take place or negotiations do take place but do not result in an agreement.*

6. Give the date on which you believe the standard provisions applied:

7. Please explain below why you consider the employer has failed to comply with the terms of the negotiated agreement or one or more of the standard information and consultation provisions:

8. What was the date of the employer's failure to comply with the terms of the negotiated agreement or one or more of the standard information and consultation provisions:

Signature:

Date:

## Appendix 1

### *Notes for guidance*

#### **MAKING AN APPLICATION OR COMPLAINT TO THE INDUSTRIAL COURT**

- Check whether the Industrial Court (the Court) can deal with your problem

The Information and Consultation Regulations provide for the Court 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 the Court's *Guidance for Employers and Employees* which is available from the Court at the contact points given at the foot of this page or from the Court's website ([www.industrialcourt.gov.uk](http://www.industrialcourt.gov.uk)).

There is a separate application form for each application or complaint. Please make sure you have the right one.

The Department for Employment and Learning (DEL) has also published guidance which is available on the DEL website ([www.delni.gov.uk](http://www.delni.gov.uk)) and the Regulations can also be downloaded from that site.

- 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, the Court or DEL guidance.

- Completing the form:

#### **Question(s)**

- |                |  |
|----------------|--|
| <b>1 and 2</b> | Give your own contact details and those of the person who is dealing with the matter on behalf of the employer.  |
| <b>3 and 4</b> | State whether you consider that there is a negotiated agreement in place and the date of that agreement (see Appendix 2 for further information on what a negotiated agreement is). It would be helpful if you could attach a copy of the agreement. |
| <b>5 and 6</b> | Alternatively, state whether you consider that the standard provisions apply and the date on which they applied (see Appendix 2 for an explanation of the circumstances in which the standard provisions apply).                                     |
| <b>7 and 8</b> | Give the details of why you consider the employer has failed to comply with the terms of the negotiated agreement or one or more of the standard information and consultation provisions, and the date on which the employer failed to comply.       |

- Please sign and date the form and send it to:

The Industrial Court  
Room 203  
39-49 Adelaide Street  
Belfast  
BT2 8FD

028 9025 7599  
028 9025 7555 (Fax)

[enquiries@industrialcourt.gov.uk](mailto:enquiries@industrialcourt.gov.uk)

- What happens next?

The Court 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 Court at this stage.

The Court will ask the employer or representative to complete a response form and this will be copied to you. An Industrial Court 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 Court Panel.

The Court's *Guidance for Employers and Employees* contains a detailed description of the way the Court handles applications and complaints.

The Industrial Court's website

**[www.industrialcourt.gov.uk](http://www.industrialcourt.gov.uk)**

contains a detailed guide to the legislation and the full text of published Court decisions

## Appendix 2

### Summary of the Regulations relevant to this complaint

(Please see the Court's *Guide for Employers and Employees* for an explanation of the types of complaints and applications that can be submitted to the Court)

*Regulation 22:* Where (a) a negotiated agreement has been agreed or (b) the Standard Information and Consultation provisions apply, a complaint may be presented to the Industrial Court that an employer has failed to comply with the terms of the negotiated agreement or one or more the Standard Information and Consultation Provisions. A complaint must be brought within a period of three months commencing with the date of the alleged failure. If the Industrial Court finds the complaint well founded, it will make a declaration to that effect and may make an order requiring the employer to take the steps necessary to comply with the agreement or the standard provisions. If the Industrial Court makes such a declaration, an applicant may make an application to the High Court for a penalty notice.

A negotiated agreement is an agreement reached through negotiations, as provided for in Regulation 14, between the employer and the negotiating representatives following an employee request or an employer notification. The agreement must comply with the requirements of Regulation 16 – these are summarised in paragraph 18 of the Industrial Court's *Guide for Employers and Employees*. The standard information and consultation provisions are reproduced on page 27 of the Court's *Guide for Employers and Employees*.