



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

**THIS FORM IS FOR AN EMPLOYEE OR EMPLOYEES' REPRESENTATIVE WHO WISHES TO  
COMPLAIN THAT AN EMPLOYER HAS FAILED TO PROVIDE DATA ON THE NUMBER OF  
EMPLOYEES EMPLOYED BY THE UNDERTAKING IN NORTHERN IRELAND OR THAT THE  
EMPLOYER HAS PROVIDED DATA WHICH IS FALSE OR INCOMPLETE**

***BEFORE COMPLETING THIS FORM, PLEASE READ THE NOTES AT APPENDIX 1***

**1. Person making the complaint:**

<b>Your Name:</b>		
<b>Are you:</b>	An employee? An employees' representative?	
<b>Address for correspondence:</b>		
<b>Telephone:</b>		
<b>Fax:</b>		
<b>E-Mail:</b>		

**2. Undertaking to whom 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>		

3. What was the date of your written request to the employer?

Please attach a copy of the letter to this form.

4. Did the employer respond?

YES/NO

*If the employer responded in writing, it would be helpful if you attached a copy of the letter to this form*

5. Do you wish to complain that the employer failed to provide the data you requested?

YES/NO

6. Do you wish to complain that the employer provided data but that it was false or incomplete?

YES/NO

7. If the answer to question 6 is YES, please give details of why you consider the data to be false or incomplete

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 to whom you sent the request for data                       |
| <b>3 and 4</b> | Give the date on which you wrote to the employer and state whether the employer responded                         |
| <b>5</b>       | State whether you wish to complain that the employer did not provide the data you requested                       |
| <b>6 and 7</b> | Complete these boxes if the employer provided data but you wish to complain that the data was false or incomplete |

- 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. 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 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 3:* The Regulations came into effect on 6 April 2005 and apply to undertakings in Northern Ireland with at least 150 employees. From 6 April 2007, the Regulations will cover undertakings with 100 employees and, from 6 April 2008, those with 50 employees.

*Regulation 4:* The number of employees is determined by calculating the average number of employees employed in the previous 12 months. If the undertaking has been in existence for less than 12 months, the number is calculated on the number of months the undertaking has been in existence. An employee who works for 75 hours a month or less can be counted as half a full-time employee.

*Regulation 5:* An employee or employees' representative may request data from the employer for the purposes of calculating the number of people employed by the undertaking in Northern Ireland. **The request must be in writing and dated.** The employer must provide data to enable the employee or representative to calculate the number of employees in the undertaking and the number of employees required to meet the threshold described in Regulation 7 below.

*Regulation 6:* An employee or employees' representative may make a complaint to the Court that the employer has **failed to provide the data** or that the **data provided is false or incomplete in a material particular**. If the Court upholds the complaint it can order the employer to disclose specified data within a prescribed timescale. A complaint to the Court cannot be made earlier than one month after the data was requested.

*Regulation 7:* An employer must initiate negotiations to establish information and consultation arrangements if a request is made by 10% of the employees in an undertaking. The 10% figure is subject to a minimum of 15 employees and a maximum of 2500.