



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

EMPLOYEE RESPONSE FORM

Industrial Court Case Number:

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

1. Person to whom the application applies:

Your name:		
Are you:	An employee? An employees' representative?	
Address for correspondence:		
Telephone:		
Fax:		
E-Mail:		

The employer has alleged that the request for information and consultation arrangements is invalid under Regulation 3, Regulations 7(2) - (4) or Regulation 12. The employer has ticked on the application form, in answer to question 3, the Regulations it considers to be relevant and has given the reasons for its application in answer to question 4 on the application form. Please give your response below to each of the grounds raised by the employer.

2. Your response to any grounds raised by the Employer under Regulation 3:

3. Your response to any grounds raised by the Employer under Regulations 7(2) - (4):

4. Your response to any grounds raised by the Employer under Regulation 12:

Signature:

Date:

Appendix 1

Notes for guidance

RESPONDING TO AN APPLICATION OR COMPLAINT TO THE INDUSTRIAL COURT

- **Make sure you understand the application or complaint the employer has made:**

The Information and Consultation Regulations provide for the Industrial Court (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 has been sent to you with this form.

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 Industrial Court Case Manager whose contact details are in the covering letter.

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

- **Completing the form:**

Question(s)

- 1** Please give your contact details as this will help us to ensure there is no delay in contacting you.
- 2, 3 and 4** Please give your response to the allegation(s) made by the employer.

- **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)

▪ **What happens next?**

The Court will copy your form and any attachments to the employer.

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 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 website

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 *Guidance 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, whose registered office, head office or principal place of business is in Northern Ireland. 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 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. The employee request must be in writing, be sent to the employer or the Court, 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 12: An employee request is not valid if it is made within three years of the date of a negotiated agreement or before the date of termination, within three years of the date on which the standard provisions started to apply or where there was a pre-existing agreement, within three years of a request which led to the non-endorsement of the request in a ballot

Regulation 13: An employer may make an application to the Court that an employee request is not valid because it did not satisfy the *requirements* of Regulation 7(2) to 7(4), was prevented from being valid by Regulation 12 or that the undertaking was not one to which the Regulations applied (under Regulation 3). The Court can only consider an application if it is made within a one month period beginning with the date of the employee request.