



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

**EMPLOYER RESPONSE FORM**

**Industrial Court Case Number:**

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

**1. Details of the undertaking:**

<b>Name of undertaking:</b>	
<b>Your name:</b>	
<b>Your position:</b>	
<b>Address for correspondence:</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>	

**2. Do you accept that there is a negotiated agreement in place in the undertaking?**

<b>YES/NO</b>
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*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.*

3. If the answer to question 2 is NO, please explain why:

4. If the answer to question 2 is YES please provide date of agreement.

5. Do you accept that the standard Information and Consultation Provisions apply to your undertaking?

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. If the answer to question 5 is NO, please explain why:

7. If the answer to question 5 is YES please provide date they apply from:

8. If either a negotiated agreement is in place or the standard provisions apply, please give your response to the allegation that you failed to comply with the agreement or the provisions (as appropriate):

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 employee has made

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 and response 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 Case Manager whose contact details are in the covering letter.

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.

- 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. Please also provide details of the number and location of employees in your undertaking.   |
| 2, 3 and 4 | State whether you accept that there is a negotiated agreement (within the meaning of the Regulations) in place in the undertaking. If your answer is 'yes' please supply date. If your answer is 'no', please explain why and move to question 4. |
| 5, 6 and 7 | State whether you accept that the standard provisions apply to your undertaking. If you answer is 'no', please explain why. If 'yes' please give date they apply from.  |
| 8          | If you accept that there is a negotiated agreement in place or that the standard provisions apply, please give your response to the allegation that you failed to comply with the agreement or with one or more of the standard provisions.       |

- 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 employee. If you have any supporting information which you regard as confidential, **do not** send it to the Court at this stage.

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 of 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*.