



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:

Name of undertaking:		
	Your name:	
	Your position:	
	Address for correspondence:	
Telephone:		
Fax:		
E-Mail:		

2. Did you receive a written request for data from one or more employees?

YES/NO

3. What was the date of that request?

4. Did you provide the employee(s) with any data?

YES/NO

5. If you did not provide the data requested by the employee(s), please explain why:

6. If the complaint made by the employee(s) is that the data you provided is false or incomplete, please give your response:

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 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 (DEL) 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 state whether you received a written request from the employee(s), the date of that request and whether you provided any data. |
| 5 | If you received a request but did not provide any data, please explain why. |
| 6 | The employee may have complained that the data you provided is false or incomplete. If so, please give your response to the employee's contention. |

- 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

▪ What happens next?

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

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. 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.