

# Central Arbitration Committee

Annual Report 2012–2013





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INVESTOR IN PEOPLE

This report of the activities of the Central Arbitration Committee (CAC) for the period 1 April 2012 to 31 March 2013 was sent by the Chairman of the CAC to the Chair of Acas on 19 June 2013, and was submitted to the Secretary of State for Business, Innovation & Skills on 20 June 2013.

# Chairman's Review of the Year

**Sir Michael Burton**

Chairman



FOR THE SECOND YEAR IN A ROW I CAN REPORT AN INCREASE IN THE NUMBER OF APPLICATIONS, 64 IN 2012–13 COMPARED WITH 52 IN THE PREVIOUS YEAR. THE OVERWHELMING MAJORITY WERE APPLICATIONS FOR TRADE UNION RECOGNITION WITH, AS ALWAYS, A SMALL CONTRIBUTION FROM OUR OTHER JURISDICTIONS. THE CHARACTERISTICS OF THESE APPLICATIONS ARE RECORDED ELSEWHERE IN THIS REPORT BUT IT IS CLEAR THAT, AS TIME PASSES, THERE IS A GREATER VARIETY IN TERMS OF TYPE OF INDUSTRIAL SECTOR, EMPLOYER SIZE AND BARGAINING UNIT COMPOSITION.

The way in which the CAC handles applications for recognition has remained substantially unchanged since the legislation first appeared on the statute book in 2000, apart from the necessary changes brought about by the Employment Relations Act 2004. We have, nevertheless, made detailed amendments to our procedures and guidance to iron out idiosyncrasies, to reflect the Committee's thinking on the way the legislation should be interpreted and to facilitate the process for the employers and trade unions that come our way. I have no developments to report but we are vigilant in, for example, ensuring our guidance is clear and comprehensible.

## Agreements

One aspect of the process which is not obvious to the naked eye is the number of applications which result in a voluntary agreement.

The statistics we regularly publish, as on page 14 of this Report, do not explicitly record the level of agreements although there are two issues arising during the process which the parties customarily resolve themselves. The first is the appropriate bargaining unit, where the cumulative number of agreements significantly exceeds the number of CAC decisions. The other is the method of bargaining, where it is rare for the CAC to need to make a decision. Another issue which is often resolved by agreement, although not recorded publicly, is the resolution of access arrangements before a ballot.

Any voluntary agreements by which a union is recognised by an employer are, however, hidden from view behind our categorisation of 'withdrawn' applications. We cannot compel a party to tell us why they have decided to

withdraw an application and would certainly not want to make any public disclosure without their explicit consent, which I have not sought prior to writing this review. We have, nevertheless, carried out our own analysis of the total number of 'withdrawn' applications, 376 at 31 March 2013, and we believe that figure includes some 163 voluntary agreements. If that estimate is correct and is added to the number of applications in which recognition has been declared by the CAC, 249 at 31 March 2013, the number of applications which have resulted in recognition is 412, roughly half the number of applications submitted. One final point to add here is that the highest incidence of voluntary agreements comes at the phase in the process where the bargaining unit is to be agreed or decided and the lowest at the acceptance stage.

It is for others to reach a considered view as to whether this entitles conclusions to be drawn about the statutory process. My own perception is that it does show that the process is not simply the iron fist in the velvet glove, but that it can lead to mutually acceptable conclusions rather than to outcomes entirely dependent on the CAC making legally binding decisions. It should also be remembered that recognition in 134 cases resulted from a ballot in which the workers concerned have exercised a democratic choice; they can also choose not to support recognition, as has happened in 79 cases. It also reinforces the CAC's position as a hybrid body which facilitates agreement but adjudicates where necessary. It is interesting to note that, despite the significant changes in employment relations over the years, a body which can trace its roots back to 1919 is still functioning in its traditional way.

### **Withdrawals**

225 applications were withdrawn at the acceptance stage in the statutory process. That includes the relatively small number of

cases where voluntary agreement is reached at that stage, but also according to our calculations, 95 applications which were resubmitted at a later date. The decision whether to take that course is naturally entirely a matter for the Union concerned but it does seem sensible for Unions, which might be uncertain about the some aspects of its application, to withdraw it and resubmit it when it is satisfied it can meet the statutory tests applied at that stage in the process.

### **Judicial Reviews and Appeals**

For the first time for some years I can report that there have been challenges to CAC decisions, one appeal to the EAT and two applications for judicial review. The appeal was in respect of a decision under the Information and Consultation Regulations 2004 in *IC/41/(2011) Mr Demming & Coin Street Community Builders*. The decision related primarily to the interpretation of Regulation 14(3) and whether the Standard Information and Consultation Provisions applied. The CAC decision was not to find in Mr Demming's favour as it was bound by a precedent judgment from the EAT. The EAT dealt with Mr Demming's appeal by concluding that the appeal had no reasonable prospect of success, and I understand the appeal was not renewed.

The two applications for judicial review both related to decisions under the recognition legislation. Both are summarised in more detail later in this Report. In *TUR1/753/(2011) Skyshare & NetJets Management Ltd*, the CAC made a preliminary decision that there were no territorial restrictions relevant to whether the application should be accepted. That decision was subsequently upheld by the Administrative Court and an application to the Court of Appeal was later withdrawn. In *TUR1/823/(2012) The Pharmacists' Defence Association Union & Boots Management Services Ltd*, the CAC decision was that paragraph 35 of

Schedule A1, which stipulates that an existing collective agreement with another trade union may block the CAC from considering an application for recognition, did not render the application inadmissible. At the time of writing this review, permission has been given by the Administrative Court for the application to proceed to a full hearing, which is fixed for October. Meanwhile the application proceeds.

I have commented before that, since the inception of the statutory trade union recognition legislation in 2000, there has only been a handful of applications for judicial review and only three cases in which the CAC has been ordered to take a different course of action from that originally intended. Bearing in mind that the total number of decisions issued at all stages in the statutory process is now well into four figures, I regard the very low level of successful challenges as a considerable achievement. The decision in the *Coin Street Builders* case, described above, showed that the CAC could correctly identify and apply a precedent judgment and the *NetJets* case demonstrated that, in the absence of any specific legislative provision relating to geographical restrictions, the CAC could draw appropriate analogies from other spheres, in this case the Supreme Court's precedents in the

area of individual rights, and make the right decision on the evidence submitted by the parties. These two cases very much endorse the CAC's credibility as a judicial body and support the proposition that the occasional challenge can almost be viewed as authoritative feedback on the quality of decisions rather than as undermining a statutory process.

### **The Committee and Secretariat**

The appointments of three CAC Members came to an end on 31 March 2013. They were Ken Anthony and Ged Fisher, both Employer Members, and Roger Lyons, a Worker Member. Ken and Ged had been Members since 2000 and Roger since 2002 and I am most grateful to them for their commitment and support over those periods.

As always in this review, I must record my appreciation of the contribution made by the staff in the Secretariat who continue to support most professionally the Committee Members and myself through the minefield of our cases and act as the invaluable link between the Committee Members and the employers, trade unions and individuals who use our services.

### **Sir Michael Burton**

Chairman

# Membership of the Central Arbitration Committee at 31 March 2013

Membership of the Central Arbitration Committee at 31 March 2013

## **Chairman**

Sir Michael Burton

## **Deputy Chairmen**

<b>Christopher Chapman</b>	Arbitrator and Chairman of the Regulatory Committees of the ACCA
<b>Professor Paul Davies QC FBA</b>	Allen & Overy Professor of Corporate Law, University of Oxford
<b>Professor Linda Dickens MBE</b>	Emeritus Professor of Industrial Relations, University of Warwick Arbitrator & Mediator
<b>Professor Lynette Harris</b>	Professor of Human Resources Management, Nottingham Business School, Nottingham Trent University, Arbitrator & Mediator
<b>Professor Roy Lewis</b>	Barrister, Arbitrator & Mediator
<b>Professor Kenneth Miller</b>	Professor of Employment Law, University of Strathclyde
<b>Professor Gillian Morris</b>	Honorary Professor, University College London in the Faculty of Laws, Barrister, Arbitrator & Mediator
<b>Professor John Purcell</b>	Associate Fellow, Warwick University, Arbitrator & Mediator
<b>Mary Stacey</b>	Employment Judge

## **Members with experience as representatives of employers**

<b>Ken Anthony</b>	Formerly Head of Employment Relations, Remploy Ltd
<b>Len Aspell</b>	Formerly Group Head of Employee Relations, HSBC Group
<b>David Bower</b>	HR Consultant & Former Group Personnel Director, Rover Group Ltd
<b>Mike Cann</b>	Former National Negotiator, Employers' Organisation for Local Government
<b>Maureen Chambers</b>	HR Consultant

<b>David Crowe</b>	Human Resources Consultant
<b>Simon Faiers</b>	Former Head of Human Resources, Eastern Group plc
<b>Ged Fisher</b>	Former Group Personnel Director, Severn Trent plc
<b>George Getlevog</b>	MD, GHR, HR Consultancy Services Ltd
<b>Rod Hastie</b>	Human Resources & Copyright Consultant
<b>Robert Hill</b>	Former Executive Director of Personnel, Ford Motor Company
<b>Jean Johnson</b>	Former Director of Human Resources, The Law Society
<b>Bill Lockie</b>	Human Resource Advisor, Former Head of Employee Relations and Compensation, HJ Heinz Co Ltd
<b>Arthur Lodge</b>	Former Human Resources Director, Allied Bakeries Ltd
<b>Peter Martin</b>	Employment Relations Consultant
<b>Diana Palmer</b>	HR Consultant
<b>Jackie Patel</b>	Former Human Resources Director, Delta Crompton Cables
<b>Michael Regan</b>	Formerly Senior Vice President of Human Resources, AB Electrolux
<b>Roger Roberts</b>	Employment Relations Consultant, Former Employee Relations Director, Tesco Plc
<b>Maureen Shaw</b>	Former Director of Personnel Services, University of Aberdeen
<b>Michael Shepherd</b>	Human Resource Consultant, Former Sector HR Director, Rexam PLC, Employment Tribunal Member
<b>Bryan Taker</b>	Former Head of Law and Human Resources at Hilton International Plc
<b>Paul Wyatt</b>	Employee Relations Consultant, Former Head of Employee Relations, Reuters Ltd Chair of FalCare Trustee of Cornwall Film Festival

## **Members with experience as representatives of workers**

<b>Chris Ball</b>	Chief Executive, The Age and Employment Network, Former National Officer, Amicus
<b>Sandy Boyle</b>	Former Deputy General Secretary, UNIFI
<b>Virginia Branney</b>	Employment Relations Consultant & Mediator
<b>Dennis Cameron</b>	Former Assistant General Secretary, TSSA
<b>Gail Cartmail</b>	Assistant General Secretary, Unite the Union
<b>David Coats</b>	Research Fellow, The Smith Institute
<b>Paul Gates OBE</b>	Former Deputy General Secretary, Community
<b>Michael J Leahy OBE</b>	General Secretary, Community
<b>Roger Lyons</b>	Former Joint General Secretary, AMICUS
<b>Bronwyn McKenna</b>	Assistant General Secretary, UNISON
<b>Judy McKnight CBE</b>	Former General Secretary, Napo
<b>Lesley Mercer</b>	Director of Employment Relations & Union Services, CSP
<b>Simon Petch</b>	Former General Secretary, Connect
<b>Robert Purkiss MBE</b>	Employment Tribunal Member, Former Chair of European Monitoring Centre for Racism and Xenophobia, Former National Secretary, TGWU
<b>Dennis Scard</b>	Former General Secretary, Musicians' Union
<b>Keith Sonnet</b>	Former Deputy General Secretary, UNISON
<b>Paul Talbot</b>	Community
<b>Gerry Veart</b>	Former National Secretary, GMB
<b>Malcolm Wing</b>	Former UNISON National Secretary, (Negotiations & Services Groups)

# Chief Executive's Report

**Simon Gouldstone**

Chief Executive



## Performance

FOR THE SECOND YEAR RUNNING WE HAVE REPORTED A SIGNIFICANT INCREASE IN THE WORKLOAD, PARTICULARLY IN RESPECT OF APPLICATIONS FOR TRADE UNION RECOGNITION. THIS INCREASE HAS BEEN SUCCESSFULLY HANDLED WITHOUT NEEDING TO CONSIDER EXPANDING THE COMMITTEE MEMBERSHIP OR THE STAFFING OF THE SECRETARIAT.



Our users' survey continues to provide valuable feedback. For 2012–13, 95% of respondents, which includes both employers and trade unions, stated that their overall level of satisfaction with the way the CAC handled their case was satisfactory or better. This is a notable achievement in a process which can be confrontational. The results cover the performance of both panels considering applications and staff. For example, those who responded said that, in relation to the conduct of hearings, their level of satisfaction was satisfactory or better and rated similarly the way in which those hearings were arranged.

We measure the elapsed time for a recognition case, the period between the date an application is received and the date a declaration of recognition (or non-recognition as the case may be) is issued, and this remained unchanged at an average of 29 weeks. Behind this average figure, the length of time for a case which resulted in a declaration

of recognition without a ballot was 25 weeks and for a case involving a ballot it was 33 weeks. It is perhaps not surprising that the mechanics of arranging and conducting a ballot, together with the need for the parties to agree and participate in access arrangements, should be a longer process.

We made a conscious decision some years ago to ensure that members of staff were regularly available to answer telephone enquiries and that continues to be the case. In the past year, there were 312 enquiries relating to all our jurisdictions but primarily trade union recognition.

## Development activities

Knowledge-sharing continues to be a significant and continuing activity. We continue to maintain an internal database and an external website, and a secure area of the website for the use of our Deputy Chairmen and Members. The latter is particularly important where, as happened in

2012–13, the Committee did not hold an Annual General Meeting.

We mentioned last year that one-third of the respondents to our users' survey stated that they had not used the website. We are pleased to be able to report that that figure has fallen to 18% although it is still of some concern that parties to our cases, most of whom are occasional rather than regular users of the CAC, do not make use of the information and guidance available to them. We will continue to monitor the site's content and accessibility and perhaps make greater use of a revised feedback facility that has been added to the site.

The feedback we have received to date about the website, separately from comments made in the users' survey, has been overwhelmingly favourable with all respondents saying they found most or all of the information they were seeking and that all were at least satisfied with their visit to the site. There were, however, some issues raised about the design of the site and the search facility which we will address in the coming year.

## **Stakeholders**

We have continued to keep in touch with major stakeholders, such as BIS (the Department for Business Innovation and Skills) and some of the trade unions that most frequently submit applications. For the most part this is by way of informal contact as there have been no issues raised over the CAC's operational performance in the past year.

## **Public interest**

The CAC is committed to openness of information on its activities. The website provides a wide range of information and we update it regularly. We continue to publish all CAC decisions, within a short period after they have been issued to the parties concerned, and have made available, in electronic form, decisions of a more historic interest.

We maintain a library of decisions from the CAC and its predecessor bodies, dating back to the Industrial Court in 1919, which members of the public are welcome to consult by appointment.

The CAC remains ready to honour its responsibilities under the Freedom of Information Act and, in the past year, received two requests under that provision. One we answered ourselves and one, as it related to a resourcing issue, was answered by Acas.

## **Administration and accountability**

### **CAC Costs**

CAC expenditure increased slightly in 2012–13, for reasons that are explained in more detail in Appendix 2. Despite the increase in workload, costs that are within the CAC's direct control actually reduced.

### **Governance**

The CAC's secretariat and other resources are provided by Acas, and the CAC complies with Acas corporate governance requirements. The relationship with Acas is set out in a Memorandum of Understanding, which is refreshed periodically.

### **Equality**

The CAC has a responsibility to conduct its affairs fully in accordance with the principles of fair and equitable treatment for its members, staff and users. In providing services, we ensure that our policies and practices do not discriminate against any individual or group and, in particular, that we communicate information in a way that meets users' needs. In view of the fact that the CAC is resourced by Acas, the CAC is covered by the Acas Equality and Diversity Policy and aligns itself with Acas's published equality objectives. Those documents are available on the Acas website (acas.org.uk).

### **Simon Gouldstone**

Chief Executive

# The CAC's Caseload in 2012–13



## Trade Union Recognition

In the year ending 31 March 2013, the CAC received 54 applications under Part I of the Schedule<sup>1</sup>. This compares with 43 in the previous year and 28 two years ago. There were no applications under Parts II to VI of the Schedule.

Over the years we have attempted to paint a picture of the characteristics of the applications made to the CAC and to highlight any trends. The only conclusion that can be drawn from 2012–13 is that there is no established pattern in the nature of applications for recognition but that the indications are that the caseload is becoming more varied. Looking first at employer size, the proportion of applications involving employers of fewer than 200 workers was 24%; the comparative figure for 2011–12 was 45% and it was 46% in the year before that. The average size of a bargaining unit was 174 workers, compared respectively with 261 and 87. About 80% of the applications involved a bargaining unit of 100 workers or fewer compared with two-thirds in 2011–12. The only comment that can perhaps be made is that the CAC has dealt with a greater number of large employers in the past year, about half the applications involved organisations employing over 2,000 workers, but that the average size of a bargaining unit for which recognition was sought remained within the range the CAC has customarily expected, 100 to 200 workers. The manufacturing, transport and communication sectors have, in recent years, accounted for a majority of the applications and these sectors, taken together, represented 41% of the applications compared with 58% in 2011–12.

That is a notable reduction and indicates that applications relate to a wider range of sectors. In 2012–13 the workload included a substantial number of applications in companies operating residential care facilities. Applications were received from nine different trade unions compared with 10 in the previous year.

In 2012–13, 41 applications were subject to a decision as to whether they should be accepted, the first stage in the statutory process, and, of those, 37 were accepted and four not. The proportion of applications not accepted was noticeably lower than in the previous year and lower than the traditional average. In each of the four cases, the reason for non-acceptance was that there was insufficient evidence that a majority of workers in the bargaining unit would be likely to favour recognition of the union. Twelve applications were withdrawn at this stage, two for the reason that the parties had reached a voluntary recognition agreement. Four of the withdrawn applications were later resubmitted.

There were two noteworthy decisions issued by the CAC during the acceptance phase in the statutory process. In *TUR1/753/(2011) Skyshare & NetJets Management Ltd*, the Company submitted that the composition of the

<sup>1</sup> Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992, inserted by the Employment Relations Act 1999 and amended by the Employment Relations Act 2004



proposed bargaining unit was such that the Union could not proceed with an application for recognition under the existing legislation. By way of a brief summary, the proposed bargaining unit comprised pilots who flew assignments within Europe and beyond for clients who subscribed to the Company's services. The pilots did not operate from a regular 'base' although did nominate a 'gateway' from which their assignments began. The Panel's decision was that there were no territorial restrictions relevant to whether the application for recognition should be accepted. That decision was subject to an application for judicial review and the subsequent judgment of the Administrative Court was to uphold the CAC decision. In *TUR1/823/(2012) The Pharmacists' Defence Association Union & Boots Management Services Ltd*, the Company submitted that there was an existing collective agreement with another trade union in force which, in accordance with paragraph 35 of the Schedule, precluded the CAC from proceeding with the application for recognition. The Panel's decision was that as the existing agreement did not cover the statutory minima of pay, hours and holidays, and in the light of the decision of the European Court of Human Rights in *Demir and Baykara v Turkey [2009] IRLR 766*, the application for recognition was not rendered inadmissible under paragraph 35 of the Schedule. The decisions in these two cases are available on the CAC website.

The second stage in the process requires an agreement, or a decision from the CAC, as to an appropriate bargaining unit. In line with the pattern in recent years, in which agreements on an appropriate unit have exceeded the number of decisions, there were, in 2012–13, 11 agreements and nine decisions. At this stage, 21 applications were withdrawn, all because the parties reached a voluntary agreement on recognition. There were two subsequent decisions that applications were invalid in situations in which the agreed or determined bargaining unit differed from a union's proposed bargaining unit. In both cases, the panel concerned was not satisfied that there was sufficient evidence that a majority of the workers in the respective bargaining units were likely to support recognition of the union concerned for collective bargaining.

The next stage in the process is for the CAC to decide if recognition without a ballot should be declared or a ballot held. There were nine decisions, in 2012–13, to declare recognition without a ballot and two decisions that a ballot should be held where a trade union had in membership a majority of workers in the bargaining unit. Since the inception of the trade union recognition provisions in 2000, there have been 149 cases in which a union has claimed majority membership in the agreed or determined bargaining unit. The CAC has declared recognition without a ballot in 115 (77.2%) of those cases. Ten ballots were held,



eight resulting in recognition and two not. The number of ballots resulting in recognition was higher than the historical average of 63%. The average participation rate in a CAC-commissioned ballot is 76%. The CAC was not called upon to adjudicate on any complaints that a party had used an unfair practice during the balloting period. There is a final opportunity at this stage, and before the balloting provisions have been triggered, for the parties to reach a voluntary agreement and, in the past year, that happened on two occasions.

In one case, *TUR1/781/(2012) Unite the Union & Kellycare*, the CAC made the unusual decision to order a ballot to be re-run. The CAC's ability to make such a decision was endorsed by the Court of Appeal in *R (on the application of Ultraframe (UK) v CAC [2005] EWCA Civ 250* and the reason in this case was that the Panel decided that the first ballot had included workers who were not part of the bargaining unit. The outcome of the second ballot was to support recognition of the union.

The final stage in the process is for the parties to agree, or the CAC to determine, a method of bargaining. As always, the parties come to agreements in the overwhelming majority of cases; the figures for 2012–13 were 12 agreements and two decisions.

There were no new applications under Parts II to VI of the Schedule and no applications

under those jurisdictions carried forward from 2011–12.

### **Disclosure of Information**

The CAC received six new complaints and action continued on one complaint carried over from 2010–11. Four of these were concluded by being withdrawn and two remained outstanding. There were no formal decisions made in 2012–13.

### **The Information and Consultation of Employees Regulations 2004**

The CAC received three fresh complaints under these Regulations. All these cases were closed, two by way of CAC decisions and one was withdrawn. A further case that was carried forward from the previous year was closed by way of a CAC decision. The decisions are available on the CAC website but the issues addressed are summarised below:

#### ***IC/41/(2012) Mr N Demming & Coin Street Community Builders***

The complaint, under Regulation 19(4) was that the Employer had not arranged for the holding of a ballot to elect information and consultation representatives where the standard provisions were to apply. The complaint also contained a demand for extensive disclosure of information by the Employer to the applicant. The Panel's decision was that the standard provisions did not apply to the Employer as the negotiating process for the establishment of information



and consultation arrangements had been initiated within the timescale stipulated in Regulation 14. The Panel also saw no basis for holding the Employer in breach of the Regulations on the ground of refusal to disclose the requested information.

***IC/43/(2012) Mr Coombs and Mr Holder & GE Aviation Systems Limited***

The complaint, under Regulation 19(2) and Schedule 2, was that the Employer's arrangements for a ballot to elect information and consultation representatives were defective. In detail, the arrangements were defective because within the GE Aviation division in the UK there were three other companies that had not been included in the ballot; it was submitted that the 'undertaking' for the purposes of the Regulations should have covered all four companies. The Panel rejected the complaint because it concluded that the appropriate undertaking was GE Aviation Systems Limited only, not the four companies comprising the group. The Panel also rejected the Employer's argument that the applicant had lodged the complaint too late.

***IC/44/(2012) Mr J Hayward & Sita UK***

The complaint, under Regulation 10(1) was that the Employer was not entitled to hold a ballot to seek the endorsement of the employee request for the establishment of information and consultation arrangements. The applicant argued that the pre-existing agreement the

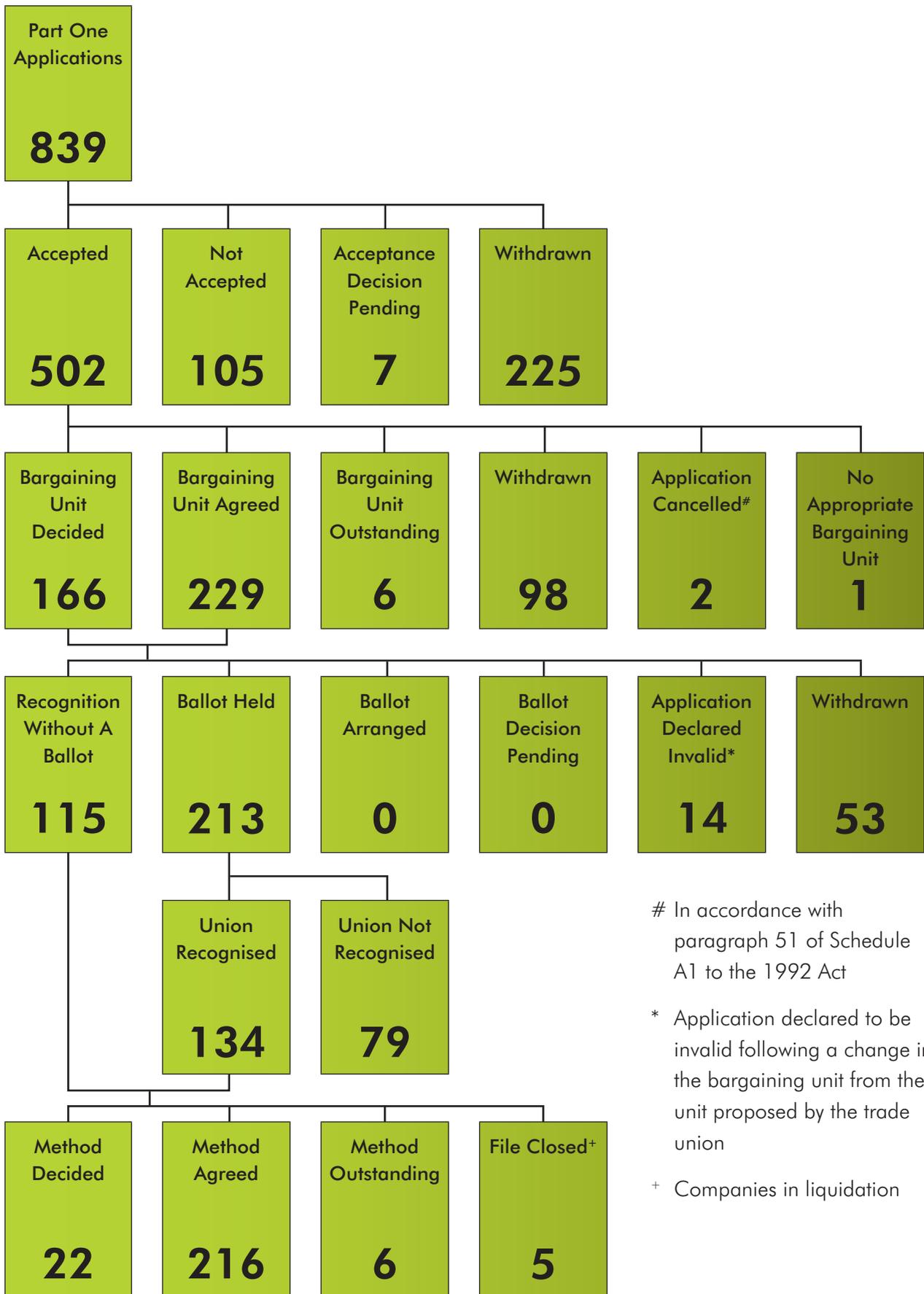
Employer had relied upon did not conform to the Regulations. The Panel upheld the complaint but for a different reason. That was that the Employer had not informed the employees of its intention to hold the ballot within one month of the date of the employee request, thereby breaching Regulation 8(3).

The CAC received one further request from employees under Regulation 7 for the establishment of information and consultation arrangements. Under this process, which has now been used 18 times since the 2004 Regulations came into effect, employees make the request to the CAC which, in turn, passes on to the employer concerned the number of employees making the request without revealing their names.

**Other jurisdictions**

There was one application to the CAC under the Transnational Information and Consultation of Employees Regulations 1999 which was ongoing at the end of the year. The one application under those Regulations which was carried forward from 2011–12 was withdrawn without the need for the CAC to take any formal action. There were no applications under the European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009, the European Cooperative Society (Involvement of Employees) Regulations 2006 or the Companies (Cross-Border Mergers) Regulations 2007.

# Progress Chart of Applications for Recognition



# In accordance with paragraph 51 of Schedule A1 to the 1992 Act

\* Application declared to be invalid following a change in the bargaining unit from the unit proposed by the trade union

+ Companies in liquidation

# The CAC's Aims

Our role is to promote fair and efficient arrangements in the workplace, by resolving collective disputes (in England, Scotland and Wales) either by voluntary agreement or, if necessary, through adjudication. The areas of dispute with which the CAC currently deals are:

- i. applications for the statutory recognition and derecognition of trade unions;
- ii. applications for the disclosure of information for collective bargaining;
- iii. applications and complaints under the Information and Consultation Regulations;
- iv. disputes over the establishment and operation of European Works Councils;
- v. complaints under the employee involvement provisions of regulations enacting legislation relating to European companies, cooperative societies and cross-border mergers.

The CAC and its predecessors have also provided voluntary arbitration in collective disputes. This role has not been used for some years.

## Our objectives are:

1. To achieve outcomes which are practicable, lawful, impartial, and where possible voluntary.
2. To give a courteous and helpful service to all who approach us.
3. To provide an efficient service, and to supply assistance and decisions as rapidly as is consistent with good standards of accuracy and thoroughness.
4. To provide good value for money to the taxpayer, through effective corporate governance and internal controls.

5. To develop a CAC secretariat with the skills, knowledge and experience to meet operational objectives, valuing diversity and maintaining future capability.

## Our performance measures and targets based on these objectives are:

- Proportion of applications for which notice of receipt is given and responses sought within one working day (target: 95%) – achieved 76%.

*The reason for the achievement being below target was the submission, over several days, of multiple applications for recognition in respect of a single employer. For the convenience of the parties concerned, notice of receipt was not given until all the applications had been received.*

- Proportion of users expressing satisfaction with administration and conduct of the case and/or the procedural guidance provided to them (target: 85%) – 86% of users rated level of satisfaction as good or very good.
- Proportion of written enquiries and complaints responded to within three working days (target: 90%) – 97% of enquiries and complaints were handled within this timescale.
- Proportion of Freedom of Information requests replied to within the statutory 20 working days – There were two requests in 2012–13, one answered by the CAC and one in which the CAC's position was reflected in an answer from Acas; both replies were within the statutory timescale.

## User Satisfaction

If you are asked for your views on any aspect of our service, we would appreciate your co-operation. But if you have comments, whether of satisfaction, complaint or suggestion, please do not wait to be asked. If you are dissatisfied with any aspect of our service, please let us know so that we can put things right. If you cannot resolve your problem with the person who dealt with you originally, please ask to speak to their manager or, if necessary, the Chief Executive who will investigate your complaint. If you wish to complain in writing, please write to:

Simon Gouldstone  
Chief Executive  
Central Arbitration Committee  
22nd Floor  
Euston Tower  
286 Euston Road  
LONDON  
NW1 3JJ

In the event of any complaint, we hope that you will let us try to put things right. But if necessary you can write to your MP, who can tell you how to have your complaint referred to the Parliamentary and Health Service Ombudsman.

# Appendix i

## Analysis of References to the Committee: 1 April 2012 to 31 March 2013

	Brought forward from 31 March 2012	Received between 1 April 2012 and 31 March 2013	References completed or withdrawn	References outstanding at 31 March 2013
<b>Trade Union and Labour Relations (Consolidation) Act 1992:</b>				
VOLUNTARY ARBITRATION s212	–	–	–	–
DISCLOSURE OF INFORMATION s183	1	6	4	3
TRADE UNION RECOGNITION	22	54	57	19
Schedule A1 – Part One	–	–	–	–
Schedule A1 – Part Two	–	–	–	–
Schedule A1 – Part Three	–	–	–	–
Schedule A1 – Part Four	–	–	–	–
Schedule A1 – Part Five	–	–	–	–
Schedule A1 – Part Six	–	–	–	–
<b>The Transnational Information and Consultation of Employees Regulations 1999:</b>	1	1	1	1
<b>The European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009:</b>	–	–	–	–
<b>The Information and Consultation of Employees Regulations 2004:</b>	1	3	4	–
<b>The European Cooperative Society (Involvement of Employees) Regulations 2006:</b>	–	–	–	–
<b>The Companies (Cross-Border Mergers) Regulations 2007:</b>	–	–	–	–
<b>Total:</b>	25	64	66	23

# Appendix ii

## CAC Resources and Finance: 1 April 2012 to 31 March 2013

<b>CAC Committee</b>		
Committee Members		52
Of which	Chairman and Deputy Chairmen	10
	Employer and Worker Members	42
<b>CAC Secretariat</b>		
Secretariat staff		9
Committee fees, salary costs and casework expenses		£529,234
<b>Other Expenditure</b>		
Accommodation and related costs		£110,000
Other costs		£12,243
<b>Total CAC expenditure from 1 April 2012 to 31 March 2013</b>		<b>£651,477</b>

### CAC Expenditure

The CAC's overall expenditure shows an increase over 2011–12, although this is primarily the result of the more accurate calculation of accommodation costs. If that item is excluded, the CAC's expenditure on its core activities has fallen despite the caseload having increased. The main reasons for that are a reduction in the number of staff, more careful management of hearing arrangements to limit the need to use external venues and changing the Committee's Annual General Meeting from an annual to biennial event.

Acas, which provides the CAC with its resources, also apportions to the CAC budget the costs of depreciation and shared services. That apportionment is not included in the above figures but will be included in the Acas Annual Report and Accounts for 2012–13.

# Appendix iii

## CAC Staff at 31 March 2013 and Contact Details

Chief Executive Simon Gouldstone

Operations Manager James Jacob

Case Managers Nigel Cookson  
Adam Goldstein  
Sharmin Khan  
Linda Lehan  
Kate Norgate

Finance Supervisor &  
Assistant Case Manager Mark Siriwardana

Case Support and Administration Laura Leumont

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