

CENTRAL ARBITRATION COMMITTEE
TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992
SCHEDULE A1 - COLLECTIVE BARGAINING: RECOGNITION
DECLARATION OF RECOGNITION

The Parties:

Unite the Union
and
Senior Aerospace BWT Poynton

Introduction

1. Unite the Union (the Union) submitted an application to the CAC that it should be recognised for collective bargaining by Senior Aerospace BWT Poynton (the Employer) in respect of a bargaining unit comprising “production operatives across all areas of BWT Poynton site”. The application was received by the CAC on 11 April 2017. The CAC gave both parties notice of receipt of the application on 11 April 2017. The Employer submitted a response to the CAC dated 25 April 2017 which was copied to the Union.

2. In accordance with section 263 of the Trade Union and Labour Relations (Consolidation) Act 1992 (the Act), the CAC Chairman established a Panel to deal with the case. The Panel consisted of Professor Kenny Miller, Chairman of the Panel, and, as Members, Mr Bill Lockie and Mr Gerry Veart. The Case Manager appointed to support the Panel was Linda Lehan.

3. By a decision dated 18 May 2017 the Panel accepted the Union’s application. The parties then entered a period of negotiation in an attempt to reach agreement on the appropriate bargaining unit.

4. In a letter addressed to the Union dated 12 June 2017 the Employer confirmed that it agreed to the bargaining unit as put forward by Unite the Union in their application for recognition to the CAC dated 11 April 2017. Following this the Union in a letter to the CAC dated 16 June 2017 stated that it was not claiming that a majority of the employees were members.

5. On 19 June 2017, the Panel, satisfied that a majority of the workers constituting the bargaining unit were not members of the Union, gave notice in accordance with paragraph 23(2) that a secret ballot would be held. The Panel also advised the parties that it would wait until the end of the notification period of ten working days, as specified in paragraph 24(5), before arranging a secret ballot. The parties were also asked for their views on the form the ballot should take.

6. Both parties submitted to the Panel their preferred form of ballot and the Employer in an email dated 22 June 2017 requested a workplace ballot and the Union in an email dated 22 June 2017 requested a postal ballot. The Union in a further email dated 28 June 2017 agreed that, provided parties could reach agreement on access, they were prepared to withdraw their request for a postal ballot and support the workplace ballot as requested by the Employer.

7. In an email dated 13 July 2017 the Union confirmed that access had been agreed and that they agreed to a workplace ballot with arrangements outside of that period for people who were off sick or on holiday during that time. The Panel informed the parties by letter dated 17 July 2017 that, in accordance with paragraph 25(4) of the Schedule, the ballot should be a combination ballot.

The Ballot

8. Electoral Reform Services was appointed as QIP on 9 August 2017 to conduct the ballot and the parties were notified accordingly. Due to workers being on extended leave during August and September it was agreed by the Panel that postal ballot papers be sent out to eligible workers on 22 August 2017 to be returned by noon 15 September 2017. Both parties asked that any worker off sick on the day of the ballot (5 September 2017) also be sent a ballot paper which the Panel in this instance agreed to. The workplace ballot took place between 09:30 hrs and 20:00 hrs on 5 September 2017.

9. The QIP reported to the CAC on 15 September 2017 that out of 286 workers eligible to vote, two hundred and seventy two (272) ballot papers had been returned. One hundred and fifty four (154) workers (56.6% of those voting) supported the proposal that the Union be recognised for the purposes of collective bargaining with the Employer and one hundred and eighteen (118) workers (43.4% of those voting) had voted to reject the proposal. The number of votes supporting the proposal as a percentage of the bargaining unit was 53.8%.

10. The CAC informed the Employer and the Union on 18 September 2017 of the result of the ballot in accordance with paragraph 29(2) of the Schedule.

Declaration of Recognition

11. The ballot establishes that a majority of the workers voting and at least 40% of the workers constituting the bargaining unit support the proposal that the Union should be recognised by the Employer for the purpose of conducting collective bargaining in respect of the bargaining unit. This satisfies the conditions under which the CAC must issue a declaration in favour of recognition in accordance with paragraph 29(3) of the Schedule.

12. The CAC declares that the Union is recognised by the Employer as entitled to conduct collective bargaining on behalf of the bargaining unit comprising “production operatives across all areas of BWT Poynton site”.

Panel

Professor Kenny Miller, Chairman of the Panel

Mr Bill Lockie

Mr Gerry Veart

19 September 2017