# Application under Part III Paragraph 75 of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992

## Application from union to the Central Arbitration Committee to determine if the original bargaining unit has ceased to exist, and if not, whether it remains appropriate.

To be completed by the union to counter a notice from an employer which states the bargaining unit has ceased to exist.This form is not to be completed if the union accepts that the bargaining unit has ceased to exist.

**1. Union making the application:**

**Name:**

**Name of contact:**

**Address for correspondence:**

**Head Office address, if different:**

**Telephone:**

**E-mail:**

**2. Employer who has issued a notice to the union that the bargaining unit has ceased to exist:**

**Name:**

**Name of contact:**

**Address:**

**Telephone:**

**E-mail:**

**3. Do you accept that recognition of the union for the bargaining unit described in the employer’s notice was achieved by way of a declaration by the CAC and that a method of collective bargaining for that unit is in place? YES/NO**

**4. If the answer to question 3. is NO, please give further details:**

**5. Do you accept the employer’s description of (a) the bargaining unit for which the union is recognised and (b) the bargaining arrangements? (a) YES/NO (b) YES/NO**

**6. If the answer to (a) or (b) in question 5. is NO, please give further details:**

**8. Do you consider that the original bargaining unit is still appropriate? YES/NO**

**If you answered YES to this question, please go to question 15. If NO, continue with question 9.**

**9. Do you consider that the original bargaining unit is no longer appropriate for one or more of the following reasons? Please give a brief explanation in each case.**

**a) There has been a change in the organisation or structure of the business carried on by the employer;**

**b) There has been a change in the activities pursued by the employer in the course of the business carried on by him;**

**c) There has been a substantial change in the number of workers employed in the original unit.**

**9. Date on which this notice is given to the union:**

**10. Date on which bargaining arrangements will cease:**

**11. Location of the new bargaining unit(s) you propose:**

**12. Why do you think the proposed bargaining unit(s) would be more appropriate?:**

**13. How many workers are in the proposed new bargaining unit(s)?**

**14. Number of union members in the proposed bargaining unit(s)?**

**15. When was this application and supporting documents copied to the employer?**

**Name:**

**Signature:**

**Position of signatory in union:**

**Date:**

**The completed application and attachments can be emailed to the CAC at** [**enquiries@cac.gov.uk**](mailto:enquiries@cac.gov.uk)**. There is no requirement to send a hard copy.**

## Explanatory notes

This application form should be completed by the union(s) where:

* an employer has given notice to the union, copied to the CAC, that it believes the original bargaining unit has ceased to exist and it wishes bargaining arrangements to cease to have effect, and;
* the CAC has given notice that the employer's notice is valid; and
* the union disputes that the unit has ceased to exist (whether or not it still regards original bargaining unit as remaining appropriate).

If the union accepts that the bargaining unit no longer exists, this form should not be completed and bargaining arrangements will cease on the date stated in the employer=s notice.

In order for the employer’s notice to be valid it must:

* identify the bargaining unit and the bargaining arrangements,
* state the date on which the notice is given,
* state that the unit has ceased to exist,
* state that bargaining arrangements are to cease, and set a date for when arrangements end. The date must be at least 35 working days from the day after the day the notice is given.

The employer must have given the notice to the union and copied it to the CAC.

If the CAC decides that the notice is valid the union has 10 working days to respond, by completing this form. The 10 days start the day after the date when the CAC=s confirmation of validity is given. If this form is not completed, and returned to the CAC within the 10 day period, then bargaining arrangements cease from the date in the employer=s notice.

Please note that the application form and all supporting documents must be copied to the employer.

1. If more than one union is recognised for the bargaining unit, then all the unions should be listed.

2. This should be the name and address of employer, and the person in the employer=s organisation to whom you copied this application.

3. & 4. State whether you accept that recognition was achieved by way of a CAC declaration and that a method of collective bargaining is in place.

5. & 6. State whether you accept the employer’s description of the bargaining unit and the bargaining arrangements.

7. Please give your reasons why you believe the bargaining unit still exists, and include any evidence you have to support these.

8. Applications may be admissible whether or not you believe the bargaining unit is still appropriate.

9. The reason why you consider the original bargaining unit to be no longer appropriate must be due to one or more of the following:-

(a) a change in the organisation or structure of the business carried on by the employer;

(b) a change in the activities pursued by the employer in the course of business carried on by him;

(c) a substantial change in the number of workers employed in the original unit.

10. The description should be sufficiently comprehensive to enable the bargaining unit to be readily identified so that it is clear which workers are included in the bargaining unit and which are not. The application should describe the bargaining unit either in terms of department (ie which departments are included) or the workers involved (ie by trade, function or position in the company) or the location (ie which workplace or workplaces), whichever is most appropriate. Where the bargaining unit is complex, care should be taken to avoid the risk of double-counting or uncertainty as to whether particular workers are included or not. Additional information may be provided on separate A4 sheets if required.

11. The workplace or workplaces in which the bargaining unit is located should be identified. Where the bargaining unit covers all of the employer=s workplaces or all of one group of workers in those workplaces, then the application can state this fact, together with the number of workplaces, without listing them all.

12. Please give your reasons for believing the proposed new unit is appropriate. If the CAC accepts this application it will decide whether the unit still exists, and if so whether or not it is still appropriate. If the CAC decides the unit does still exist, but is no longer appropriate the next step is for the parties to try to agree a bargaining unit. If the parties cannot agree then the CAC will decide what the bargaining unit will be.

13. The number should include all workers in the bargaining unit employed by the employer, whether permanent or temporary. Part-time workers should be counted as whole numbers.

14. Self explanatory

15. Self explanatory

If there is more than one union making the application, then signatures are required from representatives of all unions.

## Further guidance

The [CAC website](http://www.cac.gov.uk) contains a detailed guide to the legislation and the full text of published CAC decisions.