

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

The Parties:

University and College Union (UCU)

and

CU Services Ltd

Introduction

1. The University and College Union (the Union) submitted an application to the CAC dated 27 June 2016 that it should be recognised for collective bargaining by CU Services Ltd (the Employer) for a bargaining unit comprising “all staff involved in the preparation, development and delivery of Pre and In- Sessional English programmes within CU Services Ltd. This would include tutors, course leaders and associate directors”. The location of the proposed bargaining unit was given as Priory Street, Coventry CV1 5FB. The application was received by the CAC on 27 June 2016 and the CAC gave both parties notice of receipt of the application that day. The Employer submitted a response to the CAC dated 1 July 2016 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 Gillian Morris, the Panel Chair, and, as Members, Mr Simon Faiers and Mr Gerry Veart. The Case Manager appointed to support the Panel was Nigel Cookson and, for the purpose of this decision, Linda Lehan.

3. By a decision dated 18 July 2016 the Panel accepted the Union's application. Although the parties had not agreed the bargaining unit prior to the Union's application, in its response to the application the Employer agreed that the bargaining unit should be the same as that proposed by the Union.

4. On 18 July 2016 the Panel, not being satisfied that a majority of the workers constituting the bargaining unit were members of the Union, gave notice in accordance with paragraph 23(2) of the Schedule to the Act (the Schedule) that it intended to arrange for the holding of a secret ballot in which the workers constituting the bargaining unit would be asked whether they wanted the Union to conduct collective bargaining on their behalf. The parties were advised that the Panel would wait until the end of the notification period of ten working days, as specified in paragraph 24, before arranging for the holding of the ballot. The parties were asked for their views on the form the ballot should take.

5. The notification period elapsed without the Union, or the Union and the Employer jointly, informing the CAC that they did not want the CAC to arrange for the holding of the ballot.

6. In an email from the Union dated 18 July 2016, and an email from the Employer dated 25 July 2016, each party stated that their preference was for a postal ballot. The Panel decided that a postal ballot should take place and this decision was communicated to the parties by a letter from the Case Manager dated 1 August 2016.

The Ballot

7. On 2 August 2016 Electoral Reform Services was appointed as the Qualified Independent Person (QIP) to conduct the postal ballot and the parties were notified accordingly. The postal ballot papers were dispatched on 17 August 2016 to be returned to the QIP by no later than noon on 31 August 2016.

8. The QIP reported to the CAC on 31 August 2016 that out of 70 workers eligible to vote, fifty one (51) ballot papers had been returned. No ballot papers were found to be blank or spoilt. Fifty one (51) workers, that is 100% of those voting, had voted to support the proposal that the Union be recognised for the purposes of collective bargaining with the

Employer. The number of votes supporting the proposal as a percentage of the bargaining unit was 72.9%.

9. The CAC informed the Employer and the Union on 1 September 2016 of the result of the ballot in accordance with paragraph 29(2) of the Schedule.

Declaration of Recognition

10. 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 on behalf 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.

11. The CAC accordingly declares that the Union is recognised by the Employer as entitled to conduct collective bargaining on behalf of the bargaining unit comprising “all staff involved in the preparation, development and delivery of Pre and In- Sessional English programmes within CU Services Ltd. This would include tutors, course leaders and associate directors”.

Panel

Professor Gillian Morris, Chairman of the Panel

Mr Simon Faiers

Mr Gerry Veart

2 September 2016