

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

The Parties:

RMT
and
STM Security Group (UK) Ltd

Introduction

1. RMT (the Union) submitted an application to the CAC dated 8 May 2017 that it should be recognised for collective bargaining by STM Security Group (UK) Limited (the Employer) in respect of a bargaining unit comprising “Multi-functional Customer Service Assistants and Station Champions employed on the MTR Crossrail (previously TfL Rail) contract”. The application was received by the CAC on 10 May 2017. The CAC gave both parties notice of receipt of the application on 10 May 2017. The Employer submitted a response to the CAC dated 17 May 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 Mr James Tayler, Chairman of the Panel, and, as Members, Ms Bronwyn McKenna and Mr Len Aspell. The Case Manager appointed to support the Panel was Kate Norgate but for the purpose of this decision was Linda Lehan.

3. By a decision dated 16 June 2017 the Panel accepted the Union’s application. Following this decision the Parties agreed that the bargaining unit be the same as that

proposed by the Union but that the wording of the bargaining unit be described as “All customer facing staff (roles listed include but not limited to Customer Service Assistance, Multi-functional, Multi-functional / Station Champions, Station Champions and Safe Guarding)”.

4. The Panel instructed the Case Manager to ascertain whether the Union claimed that it had a majority of the workers in the bargaining unit as its members and should therefore be granted recognition without a ballot and, if it did so claim, to seek submissions from the Employer on whether or not a ballot should be held. In a letter dated 25 July 2017 the Union confirmed that it did not have majority membership.

5. On 27 July 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 were in agreement on the type of ballot to be conducted and in a letter dated 9 August 2017, in accordance with paragraph 25(4) of the Schedule, the Panel conveyed to the Parties that the ballot should be a postal ballot. The parties were able to reach agreement as to access during the balloting period and the CAC was notified accordingly.

The Ballot

7. Popularis was appointed as QIP on 27 September 2017 to conduct the ballot and the parties were notified accordingly. The Employer provided a list of the names and addresses of workers in the bargaining unit to the CAC which was passed to the QIP. The postal ballot papers were dispatched on 12 October 2017 to be returned to the QIP by no later than noon on 25 October 2017.

8. The QIP reported to the CAC on 25 October 2017 that out of 162 workers eligible to vote, Eighty Four (84) ballot papers had been returned. Eighty Three (83) workers, that is 98.8 % 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 51%.

9. The CAC informed the Employer and the Union on 27 October 2017 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 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.

11. The CAC declares that the Union is recognised by the Employer as entitled to conduct collective bargaining on behalf of the bargaining unit comprising “All customer facing staff (roles listed include but not limited to Customer Service Assistance, Multi-functional, Multi-functional / Station Champions, Station Champions and Safe Guarding)”

Panel

Mr James Tayler, Chairman of the Panel

Ms Bronwyn McKenna

Mr Len Aspell

27 October 2017