

CENTRAL ARBITRATION COMMITTEE
TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992
SCHEDULE A1 - COLLECTIVE BARGAINING: RECOGNITION
DECLARATION THAT THE UNION IS NOT ENTITLED TO BE RECOGNISED

The Parties:

GMB

and

Washington Metal Works

Introduction

1. GMB (the Union) submitted an application to the CAC dated 20 January 2015 that it should be recognised for collective bargaining by Washington Metal Works (the Employer) for a bargaining unit comprising "Hourly paid Shop Floor production workers including apprentices but excluding any management/staff positions". The location of the bargaining unit was given as Bath Road, Felling Industrial Estate, Gateshead NE10 0LH. The CAC gave the parties notice of receipt of the application on 23 January 2015. The Employer submitted a response to the application on 28 January 2015.

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 Chris Chapman, Chairman of the Panel, and, as Members, Mr Mike Regan and Ms Virginia Branney. The case manager appointed to support the Panel was Adam Goldstein and then Nigel Cookson.

3. By a decision dated 23 March 2015 the Panel accepted the Union's application. The parties then entered the period in which they were invited to agree the appropriate bargaining unit. On 17 April 2015 the Employer informed the CAC that the parties had agreed that the bargaining unit would be 170 hourly paid workers and this did not include agency workers or management. On 24 April 2015 the Union confirmed, by way of an email to the Case Manager, that the agreed bargaining unit was the same as that proposed in its application.

4. On 28 April 2015 the Panel, in accordance with paragraph 23(2) of Schedule A1 to the 1992 Act (the Schedule) informed the parties that, as it was not satisfied that a majority of the workers constituting the agreed bargaining unit were members of the Union, it intended to arrange for a secret ballot to be held in which the workers in the bargaining unit would be asked whether they wanted the Union to conduct collective bargaining on their behalf. The Panel also advised the parties that, as specified in paragraph 24(5) of the Schedule, it would wait until the end of the notification period of ten working days before arranging a secret ballot. The parties were also invited to submit to the Panel their views on the form of ballot.

5. The notification period under paragraph 24(5) of the Schedule ended without the CAC being informed by the Union, or by both parties jointly, that they did not want the ballot to be held. The Panel, having considered the parties' views decided that a combination ballot should take place, that is a workplace ballot with a postal element for those workers known in advance to be absent from the workplace on the day of the ballot. This decision was made in accordance with paragraph 25(4) of the Schedule and the parties were informed accordingly.

The Ballot

6. The Panel subsequently directed that Popularis Ltd should be appointed as the Qualified Independent Person (QIP) to conduct the ballot.

7. In a letter dated 9 June 2015 the parties were informed that the QIP would be appointed on 12 June 2015. The parties were also informed that the balloting period would commence on 15 June 2015 and close on 10 July 2015. The parties were informed that the workplace ballot

would take place on 9 July 2015 and that postal ballot papers would be despatched on 29 June 2015 to be returned by no later than noon on 10 July 2015.

8. On 10 June 2015 the Employer asked that the date of the workplace ballot be changed. Following a series of email exchanges between the parties and the CAC, and with the consent of the Union, the Panel agreed that the workplace ballot would take place on 13 July 2015 rather than 9 July 2015 as previously notified. The Panel also revised the closing date of the ballot to 20:00 hours on 13 July 2015 and this was also the revised deadline for the return of postal ballot papers. On 16 June 2015 the Panel issued the revised timetable to the parties informing them that save for the revision to the date of the workplace ballot and the closing date for the return of postal ballot papers, all other aspects of the ballot including the parties' duties and the Employer's duty to provide details of new starters, leavers and those workers in the bargaining unit known in advance to be absent from work on the date of the workplace ballot, remained the same as set out in the Case Manager's letter of 9 June 2015.

9. In order to allow for the change in the date of the workplace ballot the Panel extended the 20 day balloting period by one day to 13 July 2015 and the parties were given notice of the extension under paragraph 25(3)(b) of the Schedule.

10. Under the revised timetable postal ballot papers were dispatched on 29 June 2015 to be returned to the QIP by no later than 20:00 hours on 13 July 2015 and the workplace ballot took place on 13 July 2015 with one session between 14:30 hours and 17:00 hours and an evening session between 19:00 hours and 20:00 hours.

11. The QIP reported to the CAC on 15 July 2015 that, of the 155 workers in the bargaining unit, 132 had voted in the ballot; there were 2 spoilt ballot papers. Sixty-two (62) workers (46.97% of those voting) had voted to support the proposal that the Union should be recognised by the Employer, and sixty-eight (68) workers (51.52% of those voting) had voted to reject the proposal. The proportion of workers constituting the bargaining unit who supported the proposal was 40%.

Declaration that the Union is not entitled to be recognised

12. In accordance with paragraph 29(2) of the Schedule the CAC informed both parties, on 15 July 2015, of the result of the ballot.

13. The ballot did not establish that a majority of workers who voted in the ballot supported the proposal that the Union be recognised by the Employer for the purposes of collective bargaining within the bargaining unit.

14. In accordance with paragraph 29(4) of the Schedule, the CAC declares that the Union is not recognised as entitled to conduct collective bargaining on behalf of the bargaining unit.

Panel

Mr Chris Chapman, Chairman of the Panel

Mr Mike Regan

Ms Virginia Branney

16 July 2015