

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

The Parties:

GMB

and

Doff Portland Limited

Introduction

1. The GMB (the Union) submitted an application to the CAC on 4 June 2014 that it should be recognised for collective bargaining by Doff Portland Ltd (the Employer) for a bargaining unit comprising "workers in the following departments and/or with the following job titles: Production Operatives, Mill Operative, Warehouse Operatives, Team Trainers, Cleaners, Formulators, Quality Control and Maintenance" permanently employed at the Employer's site in Aerial Way, Hucknall, Nottinghamshire. The CAC gave both parties notice of receipt of the application on 4 June 2014. The Employer submitted a response to the CAC dated 5 June 2014 which was copied to the Union. In its response the Employer stated that it agreed the bargaining unit as proposed by 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 Chris Chapman, Chairman of the Panel, and, as Members, Ms Judy McKnight CBE and Mr Mike Regan. The Case Manager appointed to support the Panel was Nigel Cookson.

3. By its written decision dated 20 June 2014 the Panel accepted the Union's application. In the letter accompanying the decision the Panel, not being satisfied that a majority of the workers constituting the agreed bargaining unit were members of the Union, gave notice in accordance with paragraph 23(2) of Schedule A1 to the Act (the Schedule) that a secret ballot would be held in which the workers in the bargaining unit will be asked whether they wanted the Union to conduct collective bargaining on their behalf. 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) of the Schedule, before arranging a secret ballot. The parties were also asked for their views on the form the ballot should take.

4. The notification period under paragraph 24(5) of the Schedule ended on 4 July 2014. The CAC was not notified by the Union or by both parties jointly that they did not want the ballot to be held, as envisaged by paragraph 24(2).

5. Both parties informed the CAC that their preference was for a postal ballot. On 18 July 2014 the Panel determined that the ballot would be a postal ballot and the parties were duly notified in accordance with paragraph 25(4) of the Schedule. The parties were then able to reach agreement as to access during the balloting period and the CAC was notified accordingly.

The Ballot

6. The Electoral Reform Society was appointed as QIP on 4 August 2014 to conduct the ballot and the parties were notified accordingly. The postal ballot papers were despatched on 19 August 2014 to be returned by no later than noon on 2 September 2014, the day that the ballot closed.

7. The QIP reported to the CAC on 2 September 2014 that out of 40 workers eligible to vote, 30 ballot papers had been returned. No ballot papers were found to be spoilt. Thirty (30) 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. No (0) workers, that is 0% of those voting, voted to reject the proposal. The number of votes supporting the proposal as a percentage of the bargaining unit was 75%.

8. The CAC informed the Employer and the Union on 3 September 2014 of the result of the ballot in accordance with paragraph 29(2) of the Schedule.

Declaration of Recognition

9. 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.

10. The CAC declares that the Union is recognised by the Employer as entitled to conduct collective bargaining on behalf of the bargaining unit comprising workers in the following departments and/or with the following job titles: Production Operatives, Mill Operative, Warehouse Operatives, Team Trainers, Cleaners, Formulators, Quality Control and Maintenance permanently employed at the Employer's site in Aerial Way, Hucknall, Nottinghamshire.

Panel

Mr Chris Chapman, Chairman of the Panel

Ms Judy McKnight CBE

Mr Mike Regan

4 September 2014