

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

The Parties:

Unite the Union

and

Coveris Flexibles UK Ltd
(formerly Paragon Labels Ltd)

Introduction

1. Unite the Union (the Union) submitted an application to the CAC dated 10 September 2013 that it should be recognised for collective bargaining by Paragon Labels Ltd¹ (the Employer) for a bargaining unit which was clarified as comprising "all hourly paid undertaking the following tasks: non food printers, Make Ready Inks; Plain & Simple; Engineering; Digital; Tagging Machine; Printers Edale; Pre Press; Rewinders; Paper; Warehouse & Despatch, at Paragon Labels, Tenens Way, Boston". The CAC gave both parties notice of receipt of the application on 12 September 2013. The Employer submitted a response to the CAC dated 18 September 2013 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 Chris Chapman, Chairman of the Panel, and, as Members,

¹ In a letter dated 28 February 2014 the Employer informed the CAC that it had changed its name to Coveris Flexibles UK Ltd.

Mr Paul Gates OBE and Mr Peter Martin. The Case Manager appointed to support the Panel was Nigel Cookson.

3. By a decision dated 14 October 2013 the Panel accepted the Union's application. The parties then entered a period of negotiation in an attempt to reach agreement on the appropriate bargaining unit. No such agreement was reached in the relevant period and so the Panel had to determine the appropriate bargaining unit in this matter. A hearing was held in Derby on 22 November 2013 and in a decision promulgated 10 January 2014 the Panel determined that the appropriate bargaining unit was one comprising all hourly paid workers at the Employer's sites in Enterprise Way, Benner Road and Holland Place (all Spalding), Lealand Way and Tenens Way (both Boston), Norfolk, Cramlington, and Hereford. This bargaining unit differed from that originally proposed by the Union which had been restricted to certain specified hourly paid workers at the Tenens Way site in Boston, Lincs.

4. As the determined bargaining unit differed from that proposed by the Union the Panel was required by paragraph 20 of Schedule A1 to the Act (the Schedule) to determine whether the Union's application was invalid within the terms of paragraphs 43 to 50. By a decision dated 10 February 2014 the Panel determined that the application was not invalid for the purposes of paragraph 20 and that the CAC would therefore proceed with the application.

5. In the letter accompanying the aforesaid decision, the Panel, satisfied that a majority of the workers constituting the new bargaining unit were not members of the Union, gave notice in accordance with paragraph 23(2) of the Schedule 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) of the Schedule, before arranging a secret ballot. The parties were also asked for their views on the form the ballot should take.

6. As the parties disagreed as to the form that the ballot should take the Panel, in a decision dated 27 February 2014, 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.

7. The CAC was not informed by the Union or both parties jointly prior to the end of the notification period under paragraph 24(5) of the Schedule that they did not want the ballot to be held, as envisaged by paragraph 24(2).

The Ballot

8. Popularis was appointed as QIP on 2 May 2014 to conduct the ballot and the parties were notified accordingly. The postal ballot papers were despatched on 19 May 2014 to be returned by no later than noon on 3 June 2014, the day that the ballot closed.

9. The QIP reported to the CAC on 3 June 2014 that out of 594 workers eligible to vote, 420 ballot papers had been returned. Two ballot papers were found to be spoilt. Three hundred and four (304) workers, that is 72.38% of those voting, had voted to support the proposal that the Union be recognised for the purposes of collective bargaining with the Employer. One hundred and fourteen (114), that is 27.14% of those voting, voted to reject the proposal. The number of votes supporting the proposal as a percentage of the bargaining unit was 51.18%.

10. The CAC informed the Employer and the Union on 4 June 2014 of the result of the ballot in accordance with paragraph 29(2) of the Schedule.

Declaration of Recognition

11. 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.

12. 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 hourly paid workers at the Employer's sites in Enterprise Way, Benner Road and Holland Place (all Spalding), Lealand Way and Tenens Way (both Boston), Norfolk, Cramlington, and Hereford.

Panel

Mr Chris Chapman, Chairman of the Panel

Mr Paul Gates OBE

Mr Peter Martin.

6 June 2014