

**DECISION OF THE CERTIFICATION OFFICER ON AN APPLICATION
UNDER SECTION 31(1) OF THE TRADE UNION AND LABOUR RELATIONS
(CONSOLIDATION) ACT 1992**

Ms R Hayles

v

Union of Shop, Distributive and Allied Workers

Date of Decision

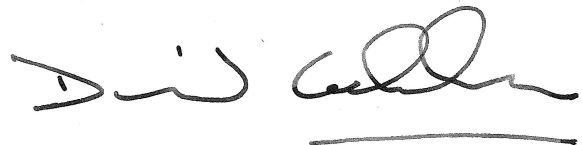
12 December 2014

DECISION

Upon an application by Ms Ruth Hayles ("the claimant") under section 31(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act").

On 12 December 2014 I struck out this complaint on the grounds of the claimant's excessive delay in proceeding with it, pursuant to section 256ZA of the 1992 Act.

The grounds upon which this complaint was struck out are contained in the letter from the Certification Office to the claimant dated 12 December 2014, which appears as an appendix to this record of the decision.

A handwritten signature in black ink, appearing to read 'David Cockburn', with a horizontal line underneath.

**David Cockburn
The Certification Officer**



Ms Ruth Hayles
24 Allandale Road
Enfield
EN3 6SA

BY RECORDED DELIVERY

Your ref:
Our ref: CO/382T/7/14-15
Date: 12 December 2014

Dear Ms Hayles

Trade Union and Labour Relations (Consolidation) Act 1992
Application to make a complaint to the Certification Officer against the Union of
Shop, Distributive and Allied Workers (USDAW)

I refer to my letter dated 27 November 2014 about your application to the Certification Officer to make a complaint against USDAW.

In my letter I informed you that the Certification Officer was considering using the powers available to him under section 256ZA of the 1992 Act to strike out the whole of your complaints on the grounds of excessive delay in proceeding with them. As required by section 256ZA(4) the Certification Officer invited you to provide your written comments on why the complaints should not be struck out. I also stated that if you did not wish to continue with your application you could withdraw it and that your withdrawal of your application would negate the need for the Certification Officer to issue a decision striking it out. You were required to respond by 9 December. I have not received a reply to my above letter.

The chronology of your application is as follows. You submitted an application to make a complaint against USDAW by email on 8 May 2014. In your application you alleged breaches of the rules of the union and a breach of section 30 of the 1992 Act. In my letter to you of 13 May I set out what appeared to be the terms of your complaint of the alleged breach of section 30 of the 1992 Act and asked you to confirm my suggested wording of that complaint. I also asked you to provide additional information in relation to your alleged breaches of rule. You replied by letter dated 20 May agreeing the terms of your section 30 complaint and providing more details of the breaches of union rule you alleged. However, you did not provide sufficient information or clarity on these allegations to enable clear, valid, complaints to be identified. Accordingly I wrote to you again by a letter dated 3 June asking you to provide more information about the alleged breaches of rule. I received no reply to that letter. I wrote to you again on 1 July. In that letter I stated that whilst the agreed section 30 complaint could go forward it was preferable that your other complaints were identified first and your application treated as a whole. I received no response to that letter. I then wrote to you again by letter of 2 September asking you state whether you intended to pursue your allegations that USDAW breached its rules and whether you intended to pursue your complaint as

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worded that USDAW breached section 30 of the 1992 Act. I invited you to withdraw the complaint if you did not wish to pursue it. I also informed you that the Certification Officer would consider using his powers under section 256ZA if you did not respond to that letter by 16 September. I did not receive a reply to that letter. I then sent you the "show cause" letter dated 24 November to which you have not replied.

In these circumstances, the Certification Officer has exercised his discretion under section 256ZA of the Trade Union and Labour Relations (Consolidation) Act 1992 to strike out the whole of your complaints on the grounds of your excessive delay in proceeding with them.

There is a right of appeal from a decision of the Certification Officer to the Employment Appeal Tribunal (EAT) on a question of law. Any such appeal must be lodged within 42 days of the date the written record of the Certification Officer's decision is sent to the parties. The EAT's address is: 2nd Floor, Fleetbank House, 2-6 Salisbury Square, London EC4 BJX (telephone: 020 7273 1041/1044). Further information about the EAT can be found on its website: www.justice.gov.uk/tribunals/employment-appeals.

A copy of this letter, together with the correspondence between you and this office, will be sent to the Union.

Yours sincerely,

A handwritten signature in black ink that reads "David Taylor".

David Taylor
Operations Manager
Direct: 020 7210 3734
Email: david.taylor@certoffice.org

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