

CENTRAL ARBITRATION COMMITTEE
TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992
SCHEDULE A1 - COLLECTIVE BARGAINING: RECOGNITION
DECLARATION THAT THE UNION IS ENTITLED TO BE RECOGNISED

The Parties:

Unite the Union

and

Besana UK Ltd

Introduction

1. Unite the Union (the Union) submitted an application to the CAC dated 20 January 2016 that it should be recognised for collective bargaining by Besana UK Ltd (the Employer) for a bargaining unit comprising "Warehouse operatives" at the Employer's site in Bluestem Road, Ransomes Europark, Ipswich. The CAC gave the parties notice of receipt of the application on 21 January 2016. The Employer submitted a response to the application on 25 January 2016.

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 Her Honour Judge Stacey, Chairman of the Panel, and, as Members, Mrs Jackie Patel and Mr Keith Sonnet. The case manager appointed to support the Panel was Nigel Cookson.

3. By a decision dated 12 February 2016 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. In a letter dated 18 February 2016 the Employer confirmed that

the appropriate bargaining unit at Besana UK Limited was "The Warehouse". On 22 February 2016, in an email to the Case Manager, the Employer confirmed that it was content to use the Union's term "Warehouse operatives" to describe the bargaining unit. Both the Union and the Employer were referring to the same group of workers and it was only the nomenclature that differed.

4. On 22 February 2016, the Panel, satisfied that a majority of the workers constituting the agreed 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.

5. The notification period under paragraph 24(5) of the Schedule ended on 7 March 2016. The CAC was not notified by the Union or by both parties jointly that they did not want the ballot to be held, as per paragraph 24(2).

6. The parties put forward two different types of ballot for the Panel to consider. The Union asked that the ballot take the form of a postal ballot, whereas the Employer submitted that the ballot should be a workplace ballot. In a decision dated 8 March 2016 the Panel notified the parties, in accordance with paragraph 25(4) of the Schedule, that having considered the papers and submissions received, it had reached the conclusion that the ballot should be a postal ballot. The parties were then able to reach agreement as to access during the balloting period and the CAC was notified accordingly.

The Ballot

7. Electoral Reform Services was appointed as QIP on 8 April 2016 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 25 April 2016 to be returned to the QIP by no later than noon on 9 May 2016.

8. The QIP reported to the CAC on 9 May 2016 that out of seventeen (17) workers

eligible to vote, sixteen (16) ballot papers had been returned: there being no spoilt ballot papers. Thirteen (13) workers (81.2% of those voting) had voted to support the proposal that the Union should be recognised by the Employer and three (3) workers (18.8% of those voting) had voted to reject the proposal. The proportion of workers constituting the bargaining unit who supported the proposal was 76.5%.

Declaration that the Union is entitled to be recognised

9. In accordance with paragraph 29(2) of the Schedule the CAC informed both parties on 9 May 2016 of the result of the ballot.

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 as set out in paragraph 1 above.

Panel

Her Honour Judge Stacey, Chairman of the Panel

Mrs Jackie Patel

Mr Keith Sonnet.

13 May 2016