

**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:**

GMB

and

Engie Services Ltd trading as Workplace Solutions

**Introduction**

1. GMB (the Union) submitted an application dated 1 April 2016 to the CAC that it should be recognised for collective bargaining purposes by Engie Services Ltd trading as Workplace Solutions (the Employer) for a bargaining unit comprising of "Industrial Supervisors, Industrial Charge Hands, Industrial Cleaners, Waste Management Operatives, Waste Management Administrators, Joiners, Bricklayers, Painters, Plumbers Multi skilled Craftperson's, DOC Cleaners, DOC Supervisors, Security Officers permanently employed by Workplace Solutions, West Burton Power Station, Retford Nottinghamshire DN22 9BL and Workplace Solutions, Cottam Power Station, Cottam, Retford, Nottinghamshire, DN22 0NP". The CAC gave both parties notice of receipt of the application on 12 April 2016. The Employer submitted a response to the CAC on 18 April which was duly 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 Her Honour Judge Stacey, Chair of the Panel, and, as Members, Mr David Crowe and Ms Lesley Mercer. The Case Manager appointed to support the Panel was Nigel Cookson.

3. By a decision dated 5 May 2016 the Panel accepted the Union's application. As the Employer, in its response to the application, stated that it agreed the bargaining unit, the Panel had to decide whether a majority of the workers in the bargaining unit were members of the Union. If the Panel was not satisfied that the majority of the workers in the bargaining unit were members of the Union, then they must arrange for the holding of a ballot.

4. On 11 May 2016 the Union confirmed that it did not have majority membership within the bargaining unit and so the Panel gave notice in accordance with paragraph 23(2) of Schedule A1 to the Act (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), 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 25 May 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 both proposed that the ballot take the form of a postal ballot. On 25 May 2016 the Panel notified the parties, in accordance with paragraph 25(4) of the Schedule, 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. Popularis was appointed as QIP on 3 June 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 20 June 2016 to be returned to the QIP by no later than noon on 1 July 2016.

8. The QIP reported to the CAC on 1 July 2016 that out of ninety-nine (99) workers eligible to vote, fifty-seven (57) ballot papers had been returned: there being no spoilt ballot papers. Fifty-four (54) workers (94.74% of those voting) had voted to support the proposal that the Union should be recognised by the Employer and three (3) workers (5.26% of those

voting) had voted to reject the proposal. The proportion of workers constituting the bargaining unit who supported the proposal was 54.54%.

**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 4 July 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

Mr David Crowe

Ms Lesley Mercer.

7 July 2016