

**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

TS Tech UK Ltd

**Introduction**

1. Unite the Union (the Union) submitted an application to the CAC dated 8 July 2015 that it should be recognised for collective bargaining by TS Tech UK Ltd (the Employer) for a bargaining unit comprising “all General Associates, Technical Leader and Leader for the following areas – Health & Safety, Engineering, IT, Procurement, Maintenance & Facilities, MS-F1, MS-W1, Production Management, QC Day, Transport & Shipping, all Assembly and Weld areas for both Production and QC across both F1 and W1 facilities”. The Employer submitted a response to the CAC on 17 July 2015 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 Professor Kenny Miller, as chair of the Panel, and, as Members, Ms Bronwyn McKenna and Mr Michael Shepherd. The Case Manager appointed to support the Panel was Linda Lehan.

3. By a decision dated 3 August 2015 the Panel accepted the Union’s application. Following this decision, as the Parties agreed the bargaining unit, the Panel instructed the

Case Manager to ascertain whether the Union claimed that it had a majority of the workers in the bargaining unit as its members and should therefore be granted recognition without a ballot and, if it did so claim, to seek submissions from the Employer on whether or not a ballot should be held. In an email dated 5 August 2015 the Union confirmed that it did not have majority membership.

4. On 5 August 2015, the Panel, satisfied that a majority of the workers constituting the 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. Both parties were in agreement on the type of ballot to be conducted and in a letter dated 12 August 2015, in accordance with paragraph 25(4) of the Schedule, the Panel conveyed to the Parties that the ballot should be a combination ballot, that is a workplace ballot with a postal element for those workers known in advance to be absent from the workplace on the day that the workplace ballot is conducted. The parties were able to reach agreement as to access during the balloting period and the CAC was notified accordingly.

### **The Ballot**

6. Popularis was appointed as QIP on 17 September 2015 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 2 October 2015 to be returned to the QIP by no later than noon on 15 October 2015. The workplace ballot took place on the 15 October 2015 between 09:00 hours and 10:00 hours at W1 TECH and then from 11:00 to 17:00 hours at F1 TSTECH.

7. The QIP reported to the CAC on 16 October 2015 that out of 371 workers eligible to vote, three hundred and forty two (342) ballot papers had been returned. One ballot paper was found to be spoilt. One hundred and eighty four (184) workers, that is 53.50% 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 fifty seven (157), that is 45.90%

of those voting, voted to reject the proposal. The number of votes supporting the proposal as a percentage of the bargaining unit was 49.59%.

8. The CAC informed the Employer and the Union on 19 October 2015 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 “all General Associates, Technical Leader and Leader for the following areas – Health & Safety, Engineering, IT, Procurement, Maintenance & Facilities, MS-F1, MS-W1, Production Management, QC Day, Transport & Shipping, all Assembly and Weld areas for both Production and QC across both F1 and W1 facilities”.

### **Panel**

Professor Kenny Miller, Chairman of the Panel

Ms Bronwyn McKenna

Mr Michael Shepherd

**28 October 2015**