

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
SGS United Kingdom Ltd

Introduction

1. Unite the Union (the Union) submitted an application to the CAC that it should be recognised for collective bargaining by SGS United Kingdom Ltd (the Employer) in respect of a bargaining unit comprising “All employees working as part of the Jetty Operation, including Supervisors, at Stanlow Oil Refinery, Ellesmere Port”. The application was received by the CAC on 19 June 2015. The CAC gave both parties notice of receipt of the application on 19 June 2015. The Employer submitted a response to the CAC dated 25 June 2015 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 Professor Lynette Harris, chairing the Panel, and, as Members, Mr George Getlevog and Ms Virginia Branney. The Case Manager appointed to support the Panel was Linda Lehan.

3. By a decision dated 15 July 2015 the Panel accepted the Union’s application. Following this decision the Parties agreed that the bargaining unit be the same as that proposed by the Union but that the wording of the bargaining unit be described as “All employees working as

part of the Jetty Operation, including Supervisors, at the Stanlow Oil Refinery and the Tranmere Terminal”.

4. 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 a letter dated 18 September 2015 the Union confirmed that it did not have majority membership.

5. On 18 September 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.

6. Both parties were in agreement on the type of ballot to be conducted and in a letter dated 25 September 2015, in accordance with paragraph 25(4) of the Schedule, the Panel conveyed to the Parties that the ballot should be a postal ballot. The parties were able to reach agreement as to access during the balloting period and the CAC was notified accordingly.

The Ballot

7. Involvement and Participation Association was appointed as QIP on 7 October 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 23 October 2015 to be returned to the QIP by no later than noon on 5 November 2015.

8. The QIP reported to the CAC on 5 November that out of 52 workers eligible to vote, twenty nine (29) ballot papers had been returned. Twenty Nine (29) workers, that is 55.8% of those voting, had voted to support the proposal that the Union be recognised for the purposes of collective bargaining with the Employer. The number of votes supporting the proposal as a percentage of the bargaining unit was 55.8%.

9. The CAC informed the Employer and the Union on 5 November 2015 of the result of the ballot in accordance with paragraph 29(2) of the Schedule.

Declaration of Recognition

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 comprising “All employees working as part of the Jetty Operation, including Supervisors, at the Stanlow Oil Refinery and the Tranmere Terminal”.

Panel

Professor Lynette Harris, Chairman of the Panel

Mr George Getlevog

Ms Virginia Branney

11 November 2015