

CENTRAL ARBITRATION COMMITTEE
TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992
SCHEDULE A1 - COLLECTIVE BARGAINING: RECOGNITION
DECLARATION OF RECOGNITION

The Parties:

United Road Transport Union
and
UTL Consumer Solutions

Introduction

1. United Road Transport Union (the Union) submitted an application to the CAC that it should be recognised for collective bargaining by UTL Consumer Solutions (the Employer) in respect of a bargaining unit comprising “all warehouse operatives/shunters based at UTL Chorley Consumer Solutions, Kimberley Clark RDC, Revolution Park, Buckshaw Avenue, Buckshaw Village, Chorley, Lancashire PR7 7DW”. The application was received by the CAC on 3 November 2015. The CAC gave both parties notice of receipt of the application on 4 November 2015. The Employer submitted a response to the CAC dated 19 November 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 Mr Chris Chapman, chairing the Panel, who was subsequently replaced by Professor Linda Dickens MBE, and, as Members, Mr Bill Lockie and Mr Keith Sonnett. The Case Manager appointed to support the Panel was Linda Lehan.

3. By its written decision dated 8 December 2015 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. No agreement was reached on the appropriate bargaining unit and a hearing to determine the issue was held in Birmingham on 21 March 2016. After due consideration of the parties' submissions, both written and oral, the Panel decided that the appropriate bargaining unit in this matter should consist of "all workers other than Managers at UTL Consumer Solutions, Buckshaw Village, Chorley, Lancashire PR7 7DW". This bargaining unit differed to that proposed by the Union by the inclusion of Shift Supervisors, Admin Staff and Stock Control Clerk.

4. As the determined bargaining unit differed from that proposed by the Union, the Panel was required by paragraph 20 of the Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 (the Schedule) to determine whether the Union's application is valid or invalid within the terms of paragraphs 43 to 50 of the Schedule. By a decision dated 26 April 2016 the Panel determined that the application was valid for the purposes of paragraph 20 and that the CAC would therefore proceed with the application.

5. On 26 April 2016, 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. In an email dated 5 May the Employer requested a postal ballot and the Union confirmed in an email dated 11 May 2016 that it had no preference as to how the ballot was conducted. In a letter dated 11 May 2016, 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 and the CAC was notified accordingly.

The Ballot

7. Popularis was appointed as QIP on 7 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 21 June 2016 to be returned to the QIP by no later than noon on

5 July 2016.

8. The QIP reported to the CAC on 5 July 2016 that out of 49 workers eligible to vote, thirty (30) ballot papers had been returned. Twenty Three (23) workers, that is 76.67% of those voting, had voted to support the proposal that the Union be recognised for the purposes of collective bargaining with the Employer. Seven (7), that is 23.33% of those voting, voted to reject the proposal. The number of votes supporting the proposal as a percentage of the bargaining unit was 46.93%.

9. The CAC informed the Employer and the Union on 6 July 2016 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 workers other than Managers at UTL Consumer Solutions, Buckshaw Village, Chorley, Lancashire PR7 7DW”.

Panel

Professor Linda Dickens MBE, Deputy Chairman of CAC

Mr Bill Lockie

Mr Keith Sonnett.

08 July 2016