

CENTRAL ARBITRATION COMMITTEE
TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992
SCHEDULE A1 - COLLECTIVE BARGAINING: RECOGNITION
DECLARATION THAT THE UNION IS NOT ENTITLED TO BE RECOGNISED

The Parties:

UNISON

and

Woodbridge Practice

Introduction

1. Unison (the Union) submitted an application to the CAC on 5 June 2015 that it should be recognised for collective bargaining by Woodbridge Practice (the Employer) for a bargaining unit comprising "Nursing staff – Nurse Practitioners, Nurses and Healthcare Assistants, Practice Team – Practice Management, Reception Staff, Secretaries, Admin, and Healthcare Team – Health Visitors" employed at the Thornaby Health Centre, Trenchard Avenue, Thornaby, Stockton on Tees and at Myton Road, Ingleby Barwick, Stockton on Tees. The CAC gave both parties notice of receipt of the application on 11 June 2015. The Employer submitted a response to the CAC dated 15 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 Linda Dickens MBE, Chairman of the Panel, and, as Members, Mr Michael Leahy OBE and Mr Mike Regan. The Case Manager appointed to support the Panel was Nigel Cookson.

3. By its written decision dated 6 July 2015 the Panel accepted the Union's application. In its response to the Union's application dated 15 June 2015, the Employer stated that it agreed the composition of the bargaining unit proposed by the Union and the Panel moved immediately to the question of whether to hold a secret ballot pursuant to paragraphs 22 and 23 of the Schedule.

4. The first question to be determined by the Panel was whether it was satisfied that a majority of workers constituting the bargaining unit were members of the Union. According to the Case Manager's report dated 26 June 2015, the number of Union members in the agreed bargaining unit was 19, a membership level of 44.19% and the Union did not seek to argue that the level of membership had increase subsequent to the check having been conducted. On 6 July 2015 the Panel therefore concluded that it was not satisfied that a majority of the workers constituting the agreed bargaining unit were members of the Union. Accordingly the Panel gave notice pursuant to paragraph 23(2), that it intended to arrange for the holding of a secret ballot and the parties were asked for their views on the form the ballot should take. 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) and 24(6), before arranging a secret ballot.

5. The notification period under paragraph 24(5) and 24(6) of the Schedule ended on 17 July 2015. 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. On 20 July 2015 the Panel decided that the ballot should take the form of a postal ballot and the parties were notified accordingly. The parties were then able to reach agreement as to access during the balloting period.

The Ballot

7. The Involvement and Participation Association was appointed as the Qualified Independent Person (QIP) to conduct the ballot on 14 August 2015 and the parties were notified in a letter dated 31 July 2015. The parties were also informed that the postal ballot papers would

be dispatched on 1 September 2015 to be returned by no later than noon on 14 September 2015, the date the ballot closed.

8. The QIP reported to the CAC on 15 September 2015 that, of the 43 workers in the bargaining unit, 27 had voted in the ballot and no ballot papers were spoilt. Eleven (11) workers (40.74% of those voting) had voted to support the proposal that the Union should be recognised by the Employer, and sixteen (16) workers (59.26% of those voting) had voted to reject the proposal. The proportion of workers constituting the bargaining unit who supported the proposal was 25.6%.

9. The QIP noted one returned paper included a note sent to staff by the Employer. There was an implication in the note that voting was mandatory (use of the phrase "must vote"). The Panel is of the view that the note has not materially affected the result of the ballot.

Declaration that the Union is not entitled to be recognised

10. The ballot did not establish that a majority of workers who voted in the ballot supported the proposal that the Union be recognised by the Employer for the purposes of collective bargaining within the bargaining unit.

11. In accordance with paragraph 29(4) of the Schedule, the CAC declares that the Union is not recognised by the Employer as entitled to conduct collective bargaining on behalf of the bargaining unit.

Panel

Professor Linda Dickens MBE, CAC Deputy Chairman

Mr Michael Leahy OBE

Mr Mike Regan.

17 September 2015