

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

Workplace Solutions - Engie (GDF Suez)

Introduction

1. Unite the Union (the Union) submitted an application to the CAC dated 25 May 2016 that it should be recognised for collective bargaining by Workplace Solutions - Engie (GDF Suez) (the Employer) for a bargaining unit comprising “All manual workers up to and including the grades of supervisors, and charge hands employed by Engie - Workplace Solutions within the EDF Nuclear power stations”. The locations of the bargaining unit were given as “All EDF Nuclear power stations in the UK, namely Hartlepool, Heysham 1, Heysham 2, Hinkley Point B, Hunterston B, Dungeness B, Sizewell B and Torness. The application was received by the CAC on 25 May 2016 and the CAC gave both parties notice of receipt of the application on 26 May 2016. The Employer submitted a response to the CAC dated 1 June 2016 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 Kenny Miller, Chairman of the Panel, and, as Members, Ms Virginia Branney and Mrs Maureen Chambers. The Case Manager appointed to support the Panel was Nigel Cookson.

3. By its written decision dated 22 July 2016 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. On 2 August 2016 the Employer emailed the CAC to confirm that it was happy with the bargaining unit of manual workers up to charge hands and supervisors that had been proposed by the Union.

4. The Employer's email was copied to the Union on 2 August 2016 and the Union was asked whether it claimed that a majority of workers constituting the bargaining unit were members of the Union. By an email dated 11 August 2016 the Union stated that it was not claiming majority membership within the agreed bargaining unit and would be happy to move to a ballot.

5. On 12 August 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 invited to submit to the Panel their views on the form of ballot, namely whether this should be a workplace or postal ballot or a combination of these two methods.

6. The notification period under paragraph 24(5) of the Schedule ended on 25 August 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 envisaged by paragraph 24(2).

7. The Union's stated that its preference was for the ballot to take the form of a workplace ballot whilst the Employer favoured a postal ballot. Having considered the parties' views on the matter the Panel decided that on grounds of practicality and cost, the ballot should take the form of a postal ballot and this decision was conveyed to the parties on 5 September 2016. The parties were then able to reach agreement as to access during the balloting period and the CAC was notified accordingly.

The Ballot

8. Electoral Reform Services was appointed as QIP to conduct the ballot on 16 September 2016 and the parties were notified by letter dated 14 September 2016. The postal ballot papers were dispatched on 3 October 2016 to be returned by no later than noon on 14 October 2016, the date the ballot closed.

9. The QIP reported to the CAC on 14 October 2016 that out of 718 workers eligible to vote, four hundred and eighty-four (484) ballot papers had been returned. No ballot papers were found to be spoiled. Four hundred and seventy-four (474) workers, that is 98% of those voting, had voted to support the proposal that the Union should be recognised for the purposes of collective bargaining with the Employer. Ten (10) workers, that is 2% of those voting, had voted to reject the proposal. The proportion of workers constituting the bargaining unit who supported the proposal was 66%.

10. The CAC informed the Employer and the Union on 17 October 2016 of the result of the ballot in accordance with paragraph 29(2) of the Schedule.

Declaration of Recognition

11. The ballot established that the majority of the workers voting and at least 40% of the workers constituting the bargaining unit supported the proposal that the Union should be recognised by the Employer for the purpose of conducting collective bargaining on behalf 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.

12. 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 manual workers up to and including the grades of supervisors, and charge hands employed by Engie - Workplace Solutions within the EDF Nuclear power stations”.

Panel

Professor Kenny Miller, Chairman of the Panel

Ms Virginia Branney

Mrs Maureen Chambers

18 October 2016