

22 May 2017

CENTRAL ARBITRATION COMMITTEE
TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992
SCHEDULE A1 - COLLECTIVE BARGAINING: RECOGNITION
DECLARATION THAT THE UNION IS ENTITLED TO BE RECOGNISED

The Parties:

PROSPECT

and

Babcock Mission Critical Services Offshore Limited

Introduction

1. Prospect (the Union) submitted an application to the CAC dated 9 September 2016 that it should be recognised for collective bargaining by Babcock Mission Critical Services Offshore Limited (the Employer) for a bargaining unit comprising “Those holding either a B1 or B2 licence, or both (as recognised by the European Aviation Safety Agency and the Civil Aviation Authority) and employed by Babcock Mission Critical Services Offshore Limited at all of its operational locations fulfilling the role of licensed aircraft engineers.”. The Union stated for location “All locations at which members within the Bargaining Unit work on behalf of the employer”. The CAC gave both parties notice of receipt of the application on 9 September 2016. The Employer submitted a response to the CAC dated 22 September 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 consisting of Professor Kenneth Miller, Chairman of the Panel, and as Members, Ms

Virginia Branney and Mrs Maureen Shaw. The Case Manager appointed to support the Panel was Miss Sharmin Khan.

3. By its written decision dated 21 November 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.

4. On 31 January 2017, on behalf of the parties, Acas provided to the CAC a copy of a signed agreement from the parties dated 27 January 2017 in which it was stated that the agreed bargaining unit was:

“Those holding either a B1 or B2 licence, or both (as recognised by the European Aviation Safety Agency and the Civil Aviation Authority) and employed by Babcock Mission Critical Services Offshore Limited at all of its operational locations fulfilling the role of licensed aircraft engineers. For clarity this excludes 3 Chief Engineers; 1 Base Maintenance Manager and 1 Line Manager”

The agreement also stated that the above corresponded to the proposed bargaining unit submitted to the CAC by the Union.

5. In a letter to the Union dated 31 January 2017 the CAC asked the Union to confirm whether the Union was claiming majority membership within that unit and that it should therefore be granted recognition without a ballot. The Union responded by e-mail to the CAC on 3 February 2017 and stated that it was not claiming majority membership in the bargaining unit.

6. On 8 February 2017 the parties were duly given 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 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) by the end of the notification period.

7. On the same date the parties were also invited to submit to the Panel their views on the form of ballot, namely whether it should be a workplace or postal ballot or a combination of the two.

8. In submissions to the Panel dated 13 and 16 February 2017, both parties stated their case for a postal ballot. As there was consensus between the parties and taking into account the considerations specified in paragraphs 25(5) and (6) of the Schedule, the Panel decided that a postal ballot should take place. The Panel's decision was provided by letter to the parties dated 21 February 2017. The parties were then able to reach agreement as to access during the balloting period and the CAC was notified accordingly.

The Ballot

9. Popularis was appointed as QIP on 7 April 2017 to conduct the ballot and the parties were notified by letter. The postal ballot papers were dispatched on 26 April 2017 to be returned by no later than noon on 10 May 2017, the date the ballot closed.

10. The QIP reported to the CAC on 10 May 2017 that out of 78 workers eligible to vote, 57 ballot papers had been returned. No ballot papers were found to be spoilt. 57 workers, 73% of those voting, had voted to support the proposal that the Union should be recognised for the purposes of collective bargaining with the Employer.

11. The CAC informed the Employer and the Union on 12 May 2017 of the result of the ballot in accordance with paragraph 29(2) of the Schedule.

Declaration of Recognition

12. 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.

13. The CAC declares that the Union is recognised by the Employer as entitled to conduct collective bargaining on behalf of the bargaining unit comprising:

“Those holding either a B1 or B2 licence, or both (as recognised by the European Aviation Safety Agency and the Civil Aviation Authority) and employed by Babcock Mission Critical Services Offshore Limited at all of its operational locations fulfilling the role of licensed aircraft engineers. For clarity this excludes 3 Chief Engineers; 1 Base Maintenance Manager and 1 Line Manager.”

Panel

Professor Kenneth Miller - Chairman of the Panel

Ms Virginia Branney

Mrs Maureen Shaw

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