

2 June 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:

GMB
and
GE Alstom

Introduction

1. GMB (the Union) submitted an application to the CAC that it should be recognised for collective bargaining by GE Alstom (the Employer) in respect of a bargaining unit comprising “All Coal Operative Employees. All Category of Employees as per petition in Coal Ops Dept.” The location of the bargaining unit was stated as “GE Alstom, West Burton Power Station, Retford, Nottinghamshire”. The application was received by the CAC on 17 November 2016. The CAC gave both parties notice of receipt of the application on 18 November 2016. The Employer submitted a response to the CAC dated 24 November 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, Chairman of the Panel, and, as Members, Mr Michael Leahy OBE and Mrs Jackie Patel. For the purposes of this declaration, Mr David Bower was appointed in place of Mrs Jackie Patel. The Case Manager appointed to support the Panel was Miss Sharmin Khan.

3. On 9 December 2016 the Employer informed the CAC that it was not clear on the proposed bargaining unit following an e-mail from the Union to the CAC dated 5 December 2016 in which the Union suggested that the proposed bargaining unit was ‘Coal Ops and FGD plant’ employees. The Employer explained that this would be 58 employees rather than the approximate 80 employees stated in the Union’s application. On the 19 December 2016 the Union confirmed for the CAC that its proposed bargaining unit was “Coal Ops employees and FGD plant employees” and that it accepted the figure of 58 as quoted in the Employer’s letter to the CAC dated 9 December 2016.

4. By its written decision dated 20 February 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.

5. On 27 February 2017, in accordance with its duty under paragraph 18A of the Schedule, the Employer supplied to the Union and the CAC the specified information in respect of the proposed bargaining unit. The information supplied by the Employer showed that there were 34 workers in the Coal Ops category and 23 in the FGD Plant Category and that all workers in the proposed bargaining unit were based at West Burton. The Employer’s information also showed a breakdown of the job functions included in each of the two categories and the number of workers employed within each job function. The Employer also informed that one worker had left the Company, therefore the total number of workers in the proposed bargaining unit was now 57.

6. By its letter dated 6 March 2017 the Employer informed the CAC that it accepted the Union’s proposed bargaining unit as the appropriate bargaining unit.

7. In a later e-mail exchange between the parties on 10 and 11 April 2017 (with the CAC copied in), the parties confirmed with each other that the agreed bargaining unit - Coal Ops employees and FGD Plant employees did not include any employees within Coal Maintenance and DSEAR and included the following job functions:

Coal Ops: Leading Hand, Materials Handling Operator, Materials Handling Supervisor, Operations Leading Hand, Plant Cleaner, Stock ground Supervisor, Plant Cleaning Charge hand. **FGD Plant:** *FGD Maintenance* – FGD EC & I Supervisor, FGD EC & I Technician, FGD Mech. Charge hand, FGD Mechanical Fitter, FGD Mechanical Supervisor, FGD Permit

Engineer, Plant Cleaner. *FGD Ops* – FGD Materials Handling Operator, FGD Operations Supervisor.

8. As the Union did not claim majority membership within the agreed bargaining unit and that it should therefore be granted recognition without a ballot, on 13 March 2017, the parties were duly given notice in accordance with paragraph 23(2) by the CAC 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

9. In its letter to the parties dated 13 March 2017, the parties were 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.

10. In submissions to the Panel dated 17 March 2017, both parties stated their case, the Union for a postal ballot and the Employer for a workplace ballot. Taking into account the parties' views and 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 24 April 2017.

11. The parties were then able to reach agreement as to access during the balloting period and the CAC was notified accordingly.

The Ballot

12. The Electoral Reform Services (ERS) was appointed as QIP on 28 April 2017 to conduct the ballot and the parties were notified by letter 27 April 2017. The postal ballot papers were dispatched on 16 May 2017 to be returned by no later than noon on 30 May 2017, the date the ballot closed.

13. The QIP reported to the CAC on 30 May 2017 that out of 57 workers eligible to vote, 50 ballot papers had been returned. No ballot papers were found to be spoilt. 43 workers, 86%

of those voting, had voted to support the proposal that the Union should be recognised for the purposes of collective bargaining with the Employer.

14. The CAC informed the Employer and the Union on 1 June 2017 of the result of the ballot in accordance with paragraph 29(2) of the Schedule.

Declaration of Recognition

15. 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.

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

Coal Ops employees and FGD Plant employees based at West Burton, including the following job functions:

Coal Ops: Leading Hand, Materials Handling Operator, Materials Handling Supervisor, Operations Leading Hand, Plant Cleaner, Stock ground Supervisor, Plant Cleaning Charge hand. **FGD Plant:** *FGD Maintenance* – FGD EC & I Supervisor, FGD EC & I Technician, FGD Mech. Charge hand, FGD Mechanical Fitter, FGD Mechanical Supervisor, FGD Permit Engineer, Plant Cleaner. *FGD Ops* – FGD Materials Handling Operator, FGD Operations Supervisor.

Panel

Professor Lynette Harris – Chairman of the Panel

Mr David Bower

Mr Michael Leahy OBE

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