

**CENTRAL ARBITRATION COMMITTEE**  
**TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992**  
**SCHEDULE A1 - COLLECTIVE BARGAINING: RECOGNITION**  
**DECLARATION OF RECOGNITION WITHOUT A BALLOT**

**The Parties:**

United Voices of the World

and

City Central Cleaning & Support Services Limited

**Introduction**

1. United Voices of the World (UVW) (the Union) submitted an application to the CAC that it should be recognised for collective bargaining by City Central Cleaning & Support Services Limited (the Employer) for a bargaining unit comprising “The cleaners employed by CCCSSL on the contract at LHH (Lee Hecht Harrison), 55 Gracechurch Street EC3V OEE”. The application was received by the CAC on 11 January 2018. The CAC gave both parties notice of receipt of the application on 1 March 2016. The Employer submitted a response to the CAC dated 17 January 2018 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 Barry Clarke, Chairman of the Panel, and, as Members, Mr Roger Roberts and Ms Judy McKnight CBE. The Case Manager appointed to support the Panel was Linda Lehan.

3. By a decision dated 31 January 2018, 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. In an email dated 23 February 2018 the Employer confirmed that it agreed with the bargaining unit put forward by UVW in their application. Following this the Panel instructed the Case Manager to ascertain whether the Union claimed that it had a majority of the workers in the bargaining unit as its members and should therefore be granted recognition without a ballot and, if it did so claim, to seek submissions from the Employer on whether or not a ballot should be held.

## **Issues**

5. Paragraph 22 of Schedule A1 to the Act (the Schedule) provides that if the CAC is satisfied that a majority of the workers constituting the bargaining unit are members of the union, it must issue a declaration of recognition under paragraph 22(2) unless any of the three qualifying conditions specified in paragraph 22(4) applies. Paragraph 22(3) requires the CAC to hold a ballot even where it has found that a majority of workers constituting the bargaining unit are members of the union if any of these qualifying conditions is fulfilled. The three qualifying conditions are:

- (i) the CAC is satisfied that a ballot should be held in the interests of good industrial relations;**
- (ii) the CAC has evidence, which it considers to be credible, from a significant number of the union members within the bargaining unit that they do not want the union (or unions) to conduct collective bargaining on their behalf;**
- (iii) membership evidence is produced which leads the CAC to conclude that there are doubts whether a significant number of the union members within the bargaining unit want the union (or unions) to conduct collective bargaining on their behalf. Paragraph 22(5) states that "membership evidence" is (a) evidence about the circumstances in which union members became members, or (b) evidence about the length of time for which union members have been members, in a case where the CAC is satisfied that such evidence should be taken into account.**

## **The Union's claim to majority membership**

6. In a letter dated 23 February 2018 the Union was asked by the CAC if it claimed majority membership within the bargaining unit, and if so, whether it submitted that it should be recognised without a ballot. By an email dated 23 February 2018 the Union claimed that it had majority membership within the bargaining unit and in support of that fact drew the CAC's attention to paragraphs 19, 23 and 24 of the acceptance decision dated 31 January

2018. In conclusion the Union submitted that it should be granted recognition without a ballot.

7. On 26 February 2018 the Union's email was copied to the Employer and it was invited to make submissions on the Union's claim to majority membership and the three qualifying conditions specified in paragraph 22(4) of the Schedule.

### **The views of the Employer**

8. No comments were received from the Employer.

### **Considerations**

9. As set out in paragraph 5 above, the Act requires the Panel to consider whether it is satisfied that the majority of the workers constituting the bargaining unit are members of the Union. If the Panel is satisfied that the majority of the workers constituting the bargaining unit are members of the Union, it must then decide if any of the three conditions in paragraph 22(4) is fulfilled. If the Panel considers that any of them is fulfilled it must give notice to the parties that it intends to arrange for the holding of a secret ballot.

10. A membership check carried out by the Case Manager for the purposes of the Panel's decision on acceptance, the result of which was reported to the Panel and the parties on 24 January 2018, showed that 5 of the 6 workers in the bargaining unit were members of the Union, a membership level of 83.33%. In the absence of any evidence to the contrary, the Panel is satisfied that the majority of the workers in the bargaining unit are members of the Union.

### ***Paragraph 22(4) (a)***

11. The first condition is that the Panel is satisfied that a ballot should be held in the interests of good industrial relations. In this case neither party has submitted evidence that holding a secret ballot would be in the interests of good industrial relations. The Panel is therefore satisfied that this condition does not apply.

***Paragraph 22(4) (b)***

12. The second condition is that the CAC has evidence, which it considers to be credible, from a significant number of the union members within the bargaining unit that they do not want the union to conduct collective bargaining on their behalf. The Panel is satisfied that this condition does not apply as no evidence on this fact was produced to the Panel.

***Paragraph 22(4) (c)***

13. The third condition is that membership evidence is produced which leads the CAC to conclude that there are doubts whether a significant number of the union members within the bargaining unit want the union to conduct collective bargaining on their behalf. No such evidence has been produced, and therefore the Panel is satisfied that this condition does not apply.

**Declaration of recognition**

14. The Panel is satisfied in accordance with paragraph 22(1)(b) of the Schedule that the majority of the workers constituting the bargaining unit are members of the Union. The Panel is satisfied that none of the conditions in paragraph 22(4) of the Schedule are met. Pursuant to paragraph 22(2) of the Schedule, the CAC must issue a declaration that the Union is recognised as entitled to conduct collective bargaining on behalf of the workers constituting the bargaining unit. The CAC accordingly declares that the Union is recognised by the Employer as entitled to conduct collective bargaining on behalf of the bargaining unit comprising “The cleaners employed by CCCSSL on the contract at LHH (Lee Hecht Harrison), 55 Gracechurch Street EC3V OEE”.

**Panel**

Mr Barry Clarke, Chairman of the Panel

Mr Roger Roberts

Ms Judy McKnight CBE

02 March 2018