

**CENTRAL ARBITRATION COMMITTEE**  
**TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992**  
**SCHEDULE A1 - COLLECTIVE BARGAINING: RECOGNITION**  
**DECLARATION OF RECOGNITION**

**The Parties:**

BFAWU

and

Wealmoor Ltd

**Introduction**

1. BFAWU (the Union) submitted an application to the CAC dated 7 September 2017 that it should be recognised for collective bargaining by Wealmoor Ltd (the Employer) for a bargaining unit comprising “All hourly paid employees who are retained on non-seasonal full-time or part-time contracts. We do not seek recognition in respect of seasonal workers; workers on contracts of less than 6 months duration; line leaders; supervisors or managers”. The bargaining unit was stated to be at the company’s site at the Industrial Estate, Atherstone on Stour, Stratford-upon-Avon, Warwickshire CV37 8BJ. The application was received by the CAC on 11 September 2017 and the CAC gave both parties notice of receipt of the application on the same day. The Employer submitted a response to the CAC dated 14 September 2017 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 Chair established a Panel to deal with the case. The Panel consisted of Mr James Tayler, Chair of the Panel, and, as Members, Mr Rod Hastie

and Mr Paul Gates OBE. The Case Manager appointed to support the Panel was Linda Lehan.

3. By a decision dated 17 October 2017 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. As no agreement was reached, the parties were invited to supply the Panel with, and to exchange, written submissions relating to the question of the determination of the appropriate bargaining unit. A hearing was held in Birmingham on 3 January 2018. After due consideration of the parties' submissions, both written and oral, the Panel decided that the appropriate bargaining unit in this matter should comprise "all hourly paid employees who are retained on non-seasonal full-time or part-time contracts excluding seasonal workers; workers on contracts or less than 6 months duration; line and team leaders; supervisors or managers at the Industrial Estate, Atherstone on Stour, Stratford-upon-Avon, Warwickshire, CV37 8BJ".

4. As the determined bargaining unit differed from that proposed by the Union in its application, the Panel was required by paragraph 20 of the Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 (the Schedule) to determine whether the Union's application was valid or invalid within the terms of paragraphs 43 to 50 of the Schedule. By a decision dated 26 January 2018 the Panel determined that the application was valid for the purposes of paragraph 20 and that the CAC would therefore proceed with the application.

5. On 26 January 2018, 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.

6. The parties were asked for their views on the form the ballot should take. As the parties were not in agreement on the type of ballot to be conducted on 14 February 2018, in accordance with paragraph 25(4) of the Schedule, the Panel determined the type of ballot. The Panel decided that there should be a postal ballot. The parties were then able to reach agreement as to access during the balloting period and the CAC was notified accordingly.

## **The Ballot**

7. UK Engage was appointed as QIP on 27 February 2018 to conduct the ballot and the parties were notified accordingly. The postal ballot papers were dispatched on 15 March 2018 to be returned by no later than noon on 28 March 2018.

8. During the balloting period informal complaints were made by both parties and the Panel asked the parties to try and resolve issues between themselves and if either party wished to make a formal unfair practice complaint then they should do so in the correct way. No formal unfair practice complaint was made by either party.

9. The QIP reported to the CAC on 28 March 2018 that out of 368 workers eligible to vote, two hundred and fifty one (251) ballot papers had been returned. One (1) ballot paper was found to be spoilt. Two hundred and twenty one (221) workers, that is 88.4% of those valid votes, had voted to support the proposal that the Union be recognised for the purposes of collective bargaining with the Employer. Twenty nine (29), that is 11.6% of those valid votes, voted to reject the proposal. The number of votes supporting the proposal as a percentage of the bargaining unit was 60.05%.

10. The CAC informed the Employer and the Union on 3 April 2018 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 “all hourly paid employees

who are retained on non-seasonal full-time or part-time contracts excluding seasonal workers; workers on contracts of less than 6 months duration; line and team leaders; supervisors or managers at the Industrial Estate, Atherstone on Stour, Stratford-upon-Avon, Warwickshire, CV37 8BJ”.

**Panel**

Mr James Tayler, Chair of the Panel

Mr Rod Hastie

Mr Paul Gates OBE

**04 April 2018**