

CENTRAL ARBITRATION COMMITTEE
TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992
SCHEDULE A1 - COLLECTIVE BARGAINING: DERECOGNITION
DECLARATION THAT BARGAINING ARRANGEMENTS SHALL CEASE TO
HAVE EFFECT

The Parties:

Union Bank UK plc

and

Unite the Union

Introduction

1. Union Bank UK plc (the Employer) submitted an application to the CAC dated 7 February 2018 that a secret ballot should be held to determine whether the bargaining arrangements between the Employer and Unite the Union (the Union) in respect of “all London based staff below the rank of assistant manager excluding agency workers” (the bargaining unit) should be ended. The CAC gave both parties notice of receipt of the application on 8 February 2018. The Union submitted a response to the application to the CAC dated 12 February 2018 which was copied to the Employer.

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 Gillian Morris, Panel Chair, and, as Members, Mr David Coats and Mr Simon Faiers. The Case Manager appointed to support the Panel was Linda Lehan.

3. By a decision dated 9 March 2018, the Panel accepted the Employer’s application. Following this decision the Panel advised the parties that it intended to arrange for a secret

ballot to be held in accordance with paragraph 117 of Schedule A1 to the Act (the Schedule) and the parties were asked for their views on the form the ballot should take.

4. In a letter to the Case Manager dated 13 March 2018 the Employer requested a postal ballot. In an email to the Case Manager dated 15 March 2018 the Union stated that it would prefer the CAC to organise a postal ballot once it had had an opportunity to hold a meeting with the bargaining group. Having considered the criteria in paragraph 117(6) and 117 (7) of the Schedule the Panel decided that a postal ballot should take place and this was confirmed in a letter to the parties dated 16 March 2018. The parties were able to agree access arrangements and the CAC was notified accordingly.

The Ballot

5. On 26 March 2018 Kanto Elect was appointed as the Qualified Independent Person (QIP) to conduct the postal ballot and the parties were notified accordingly. The postal ballot papers were dispatched on 12 April 2018 to be returned to the QIP by no later than noon on 25 April 2018.

6. On 25 April 2018 the QIP reported to the CAC that, of the 24 workers eligible to vote, seventeen (17) ballot papers had been returned. Eleven (11) workers, that is 64.71% of those voting, had voted to support the proposal that the Union should be derecognised for the purposes of collective bargaining on their behalf with the Employer. Six (6), that is 35.29% of those voting, voted to reject the proposal. The number of votes supporting the proposal as a percentage of the bargaining unit was 45.83%.

7. The CAC informed the Employer and the Union on 27 April 2018 of the result of the ballot in accordance with paragraph 121(2) of the Schedule.

Declaration that bargaining arrangements should cease to have effect

8. The ballot establishes that a majority of the workers voting, and at least 40 per cent of the workers constituting the bargaining unit, support the proposal that the bargaining arrangements should be ended. This satisfies the conditions under which the CAC must issue

a declaration that bargaining arrangements are to cease to have effect in accordance with paragraph 121(3) of the Schedule.

9. The CAC accordingly declares that the bargaining arrangements between the Union and the Employer for “all London based staff below the rank of assistant manager excluding agency workers” shall cease to have effect on 1 May 2018.

Panel

Professor Gillian Morris, Chair of the Panel

Mr David Coats

Mr Simon Faiers

30 April 2018