

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:

RMT

and

Profile Security Services Ltd

Introduction

1. RMT (the Union) submitted an application to the CAC dated 30 August 2017 and received by the CAC on 1 September 2017 that it should be recognised for collective bargaining by Profile Security Services Limited (the Employer) for a bargaining unit comprising “Security Officers employed by Profile Security Services Ltd, which include mobile supervisors, box officers and gate officers” and the location for which was “Harwich International Port”. The CAC gave both parties notice of receipt of the application on 1 September 2017. The Employer submitted a response dated 8 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 Chairman established a Panel to deal with the case. The Panel consisted of Professor Linda Dickens MBE as chair of the Panel but for the purposes of this declaration Mr Barry Clarke, and, as Members, Miss Mary Canavan and Mr Keith Sonnet. The Case Manager appointed to support the Panel was Miss Sharmin Khan.

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 attended a hearing to assist the Panel with its duty to determine the appropriate bargaining unit. Written submissions were provided to the Panel and exchanged between the parties in advance of the hearing which was held on 15 January 2018. After due consideration of the parties' written submissions and as amplified at the hearing, the Panel decided that the appropriate bargaining unit was that proposed by the Union in its application which was stated as:

"Security Officers employed by Profile Security Services Ltd, which include mobile supervisors, box officers and gate officers" and the specific categories of worker that were covered by the Union's proposed bargaining unit, as declared by the Employer, namely: "Duty Managers, Mobile Supervisors and Security Officers".

4. On 22 February 2018, the Panel, not being satisfied that a majority of the workers constituting the bargaining unit were union members, gave the parties notice in accordance with paragraph 23(2) of the Schedule that a secret ballot would be held in which the workers in the bargaining unit would be asked whether they wanted the Union to conduct collective bargaining on their behalf. The Panel also advised the parties that, in accordance with paragraph 24(5) of the Schedule, it would wait until the end of the notification period of ten working days before arranging a secret ballot. The parties were also invited to submit their views on the form of ballot to the Panel.

5. The notification period under paragraph 24(5) of the Schedule lapsed without the CAC being informed by the Union, or by both parties jointly, that they did not want the ballot to be held. On the 5 March 2018, as there was consensus between the parties, the Panel decided that a postal ballot should take place in accordance with paragraph 25(4) of the Schedule and the parties were informed accordingly.

The Ballot

6. The Electoral Reform Service (ERS) was appointed as QIP on 29 March 2018 to conduct the ballot and the parties were notified accordingly. The Employer provided a list of the names and addresses of workers in the bargaining unit to the CAC which was passed to

the QIP. The postal ballot papers were dispatched on 17 April 2018 to be returned to the QIP by no later than noon on 30 April 2018.

7. The QIP reported to the CAC on 30 April 2018 that out of 40 workers eligible to vote, 28 ballot papers had been returned. All 28 workers, that is 100% of those voting, had voted to support the proposal that the Union be recognised for the purposes of collective bargaining with the Employer. The number of votes supporting the proposal as a percentage of the bargaining unit was 70%.

8. The CAC informed both parties of the result of the ballot in accordance with paragraph 29(2) of the Schedule on 1 May 2018.

Declaration of Recognition

9. The ballot establishes that all 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.

10. The CAC declares that the Union is recognised by the Employer as entitled to conduct collective bargaining on behalf of the bargaining unit comprising Security Officers employed by Profile Security Services Ltd, which include mobile supervisors, box officers and gate officers and the specific categories of worker that are covered by the bargaining unit as proposed by the Union, as declared by the Employer, are Duty Managers, Mobile Supervisors and Security Officers.

Panel

Mr Barry Clarke – Chairman of the Panel

Miss Mary Canavan

Mr Keith Sonnet

11 May 2018