

Application under Part 1 of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992

EXPLANATORY NOTES (WITH NUMBERING CORRESPONDING TO THE QUESTIONS) ARE INCLUDED ON PAGES 5, 6 AND 7 OF THIS FORM

Application to the Central Arbitration Committee to determine whether the proposed bargaining unit is appropriate and whether the union(s) has (have) the support of the majority of workers in the bargaining unit.

1. Union(s) making the application:

Name of Union(s):

Name of contact:

Address for correspondence:

Telephone and Mobile:

E-Mail:

Head Office address, if different:

2. Employer to whom application is made:

Name:

Name of contact:

Address:

Telephone and Mobile:

Email:

3. Does the union have a current certificate of independence?
(If yes, it would be helpful if you could attach a copy of this) **Yes** **No**

4. Has the union made a previous application under Schedule A1 for statutory recognition for workers in this bargaining unit, or a similar unit?
If so, please give details of the outcome of that application and the date

5. If this is a joint application, please provide any available evidence that the unions concerned will cooperate with each other and enter single table bargaining arrangements.

6. Date of request to employer and brief summary of employer's response (Please ensure you include a copy of the written request to the employer with your application as well as any response)

7. Following receipt of your request for recognition, did the employer propose that Advisory, Conciliation and Arbitration Service (ACAS) be requested to assist?	Yes	No
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If yes, did you agree?	Yes	No
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Please give details of ACAS contact, if any:

8. Total number of workers employed by the employer:

9. Number of workers in bargaining unit:

10. Does the employer agree on the number of workers in the proposed bargaining unit?

Yes	No
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11. Please state the number of union members in the proposed bargaining unit, and provide evidence to support this figure *(but see the note on confidential information on page 7)*:

12. Please provide evidence that the majority of the workers in the bargaining unit are likely to support recognition for collective bargaining *(but see the note on confidential information on page 7)*:

13. Location(s) of bargaining unit:

14. Description of bargaining unit *(this description must normally be identical to that specified in the formal request letter to the employer but see attached note)*:

15. Reasons for selecting the proposed bargaining unit:

16. Has the bargaining unit been agreed with the employer? Yes No

17. Is there any existing recognition agreement which you are aware of, which covers any workers in the bargaining unit? If so, please give brief details.

18. Date application and supporting documents were copied to employer:

19. Do you consent to your contact details being forwarded to Acas so that an officer may assist the parties in this matter?

Yes No

GET IT RIGHT

Before submitting your application have you...

- answered all of the relevant questions?
- ensured the description of the bargaining unit matches the one in your request (unless you and the employer agreed a different unit)?
- copied the application and any supporting documents to the employer?
- enclosed a copy of your request to the employer for recognition as well as any reply you received?

Signature:

(This can be an electronic signature)

Position of signatory as an authorised representative of the trade union:**Date:**

Explanatory notes

Please note that the application form and all supporting documents must be copied to the employer.

Unions should provide supporting evidence on all matters likely to be contested. If there is evidence you regard as confidential, for example the names of trade union members, do not attach it to this form and do not send it to the CAC at this stage unless you are willing to copy it to the employer. There is further information on this on page 6.

Question 1 on the application form

If the application is made by more than one union then all unions making the application should be listed.

Question 2 on the application form

This should be the name and address of employer, and the person in the employer's organisation to whom the request was sent.

Question 3 on the application form

The CAC cannot accept an application from a union unless the union has a certificate of independence issued by the Certification Officer.

Question 4 on the application form

A union cannot re-apply to the CAC for three years after the CAC has accepted an application for recognition from that union for the same or substantially the same bargaining unit.

Question 5 on the application form

If two or more unions are applying together for recognition, all unions making the application need to show that they will co-operate together in a manner likely to secure and maintain stable and effective collective bargaining arrangements. They also need to show that, if the employer wishes, they will enter into single table bargaining arrangements on behalf of the workers in the bargaining unit.

Question 6 on the application form

Before a union can make an application to the CAC, it must make a formal request for statutory recognition in writing to the employer. Please ensure you include a copy of the request and any response you receive from the employer along with this form.

Question 7 on the application form

If the employer has proposed that the parties seek assistance from Acas and the union has either rejected the proposal or failed to respond within 10 working days, the union cannot apply to the CAC.

Question 8 on the application form

Please give an estimate of the number of workers employed by the employer; it is appreciated that you may not be aware of the exact number. The estimate should include all the workers employed, including those in the bargaining unit.

Question 9 on the application form

The number should include all workers in the bargaining unit employed by the employer, whether permanent or temporary. Part-time workers should be counted as whole numbers.

Question 10 on the application form

This is self-explanatory.

Question 11 on the application form

The CAC cannot accept an application unless at least 10% of the workers in the bargaining unit belong to the union(s).

Question 12 on the application form

The CAC cannot accept an application unless a majority of the workers in the bargaining unit is likely to favour recognition of the union. Evidence that a majority favour recognition can be in any form available. This could include surveys of the workforce, or of a representative sample of the workforce, or of evidence of growth in union membership as a result of the recognition campaign.

Question 13 on the application form

The workplace or workplaces in which the bargaining unit is located should be identified. Where the bargaining unit covers all the employer's workplaces or all of one group of workers in those workplaces, then the application can state this fact, together with the number of workplaces, without listing them all.

Question 14 on the application form

In making an application to the CAC, the description of the bargaining unit should be given in identical terms to those used in the formal request to the employer. This may not be the case where the application is being made in respect of a modified bargaining unit that has been agreed with the employer during negotiations following the formal request: in such cases please state the agreed description and answer YES to question 16.

If negotiations between the parties (following the union's initial formal request) do not result in an agreed bargaining unit but lead the union to modify its proposed bargaining unit, then the union, if it wishes this modified bargaining unit to be the subject of the application will be required to make a fresh formal request to the employer specifying that modified description in the request.

The description of the bargaining unit should be sufficiently comprehensive to enable it to be readily identified so that it is clear which workers are included in the bargaining unit and which are not. The application should describe the bargaining unit either in terms of department (i.e. which departments are included) or the workers involved (i.e. by trade, function or position in the company) or the location (ie which workplace or workplaces), whichever is most appropriate. Where the bargaining unit is complex, care should be taken to avoid the risk of double-counting or uncertainty as to whether particular workers are included or not.

Question 15 on the application form

If the bargaining unit has been agreed with the employer, there is no need to complete this section. If the bargaining unit has not been agreed, the CAC (assuming the application is accepted) has a duty to try to help the parties reach agreement on the appropriate bargaining unit. If agreement cannot be reached at that stage, the CAC has to decide the bargaining unit. The factors the CAC has to take into account are set out in the Guide for the Parties.

Question 16 on the application form

This is self-explanatory

Question 17 on the application form

If there is an existing recognition agreement covering any workers in the bargaining unit, the CAC cannot accept an application. There are two exceptions to this rule (which are set out in the Guidance for the Parties). The CAC cannot accept an application unless the application form, together with any supporting documents is copied to the employer.

Question 18 on the application form

The union must send the employer a copy of the application form and any supporting documents. Failure to do so may result in the application being ruled inadmissible.

Question 19 on the application form

The CAC will not forward your contact details to Acas without your consent. Please let us know here whether or not you are happy for us to do so.

The signatory should indicate whether they represent the union's head office or a local office.

Confidential Information

If an employer challenges a union's level of membership and/or whether the majority of workers in the bargaining unit are likely to favour recognition of the union, the parties may wish to provide supporting evidence. If that evidence includes items which the parties regard as confidential, for example individuals' names and addresses or whether they are union members, the CAC may offer to undertake a statistical check in which the evidence would be provided only to a CAC Case Manager and would not be exchanged between the parties.

That would only take place after an agreement had been reached between the Case Manager and both parties. If such an agreement cannot be reached the CAC can require the parties to provide the information. In the absence of an agreement, or a requirement issued by the CAC, the parties will have to make their own decision as to whether to submit such evidence, which would then need to be copied to the other party.

You should not, therefore, in the first instance provide such confidential information or documents unless you are prepared for them to be copied to the employer.

There is further information on this in the CAC's Guide for the Parties and, if you would like to discuss this issue in more detail, please telephone the CAC.

Further guidance

The [CAC website](#) contains a detailed guide to the legislation and the full text of published CAC decisions.

Please submit the completed form to the CAC at enquiries@cac.gov.uk