

D/37-38/26-27

**The Certification Officer's Decision under Section 108A of the Trade Union
and Labour Relations (Consolidation) Act 1992**

(1) Mr Sebastian Dabrowski

(2) Mr Jason Whitehouse

Applicants

and

Communication Workers Union

Respondent

Date of Decision

8 October 2026

Decision

1. Upon application by Messrs Dabrowski and Whitehouse (“the Applicants”) under section 108A of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”), for a declaration that the Communication Workers Union (“the Respondent”) had breached its rules, I make the following declarations:

1.1. That complaint 1 was dismissed for want of jurisdiction; but was in any event, withdrawn at the Case Management Meeting by both Applicants;

1.2. That complaint 2 is upheld in favour of Mr Dabrowski as the Respondent breached rule 4.1.5 of the Respondent union’ National Rulebook as his nomination, submitted on 19 January 2026, was rejected based on an internal deadline arising from the Parcels sections Meeting of 12 January 2026, of which he had been given no notice. The effect of the internal decision was that nominations submitted within, or nomination forms presented for signature within, the nationally published nomination window (5–26 January 2026 as specified in LTB 004/26) were refused signature if submitted after the meeting;

And,

1.3. I dismiss Mr Whitehouse’s complaint in complaint 2 as out of jurisdiction, as I do not have a general supervisory jurisdiction under s.108A of the 1992 Act; as reaffirmed in Irving v GMB [2008] IRLR 202.

Enforcement

2. Further, I do not consider it appropriate to make an enforcement order as the Respondent union has taken remedial action by the issuance of a best practice guidance, as endorsed by its NEC on 24 June 2026, and its re-running of the election.

3. For these reasons, the application is upheld, in part, in favour of Mr Dabrowski only, on the basis of a technical breach.
4. Accordingly, it is inappropriate in all circumstances to issue any enforcement order, as the matter was resolved.

S T Hardy
STEPHEN HARDY
The Certification Officer