

**CENTRAL ARBITRATION COMMITTEE**

**TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992**

**SCHEDULE A1 - COLLECTIVE BARGAINING: RECOGNITION**

**DECLARATION OF RECOGNITION**

**The Parties:**

**RMT**  
**and**  
**Pullman Rail Limited**

**Introduction**

1. RMT (the Union) submitted an application to the CAC dated 29 January 2014 that it should be recognised for collective bargaining by Pullman Rail Limited (the Employer) for a bargaining unit comprising “Unskilled, Apprentices, Semi-Skilled, Skilled, Inspection/Technical Support Staff but excluding Managers and Admin Staff”. The location of the bargaining unit was given as Pullman Rail Limited, Train Maintenance Depot, Leckwith Road, Cardiff, CF11 8HP.

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, Chairman of the Panel, and, as Members, Mr Dennis Scard and Mr Michael Shepherd. Mr Scard was subsequently replaced by Mr Malcolm Wing. The Case Manager appointed to support the Panel was Adam Goldstein.

3. By a decision dated 24 February 2014 the Panel accepted the Union's application and by a further decision, dated 14 April 2014, the Panel determined that the Union's proposed bargaining unit was an appropriate bargaining unit.

4. On 29 April 2014 the Panel, not being satisfied that a majority of the workers constituting the bargaining unit were members of the Union, gave notice under paragraph 23(2) of the Schedule to the Act (the Schedule) that it intended to arrange for the holding of a secret ballot in which the workers constituting the bargaining unit would be asked whether they wanted the Union to conduct collective bargaining on their behalf. The parties were advised that the Panel would wait until the end of the notification period of ten working days, as specified in paragraph 24, before arranging for the holding of the ballot. The parties were asked for their views on the form the ballot should take.

5. The notification period elapsed without the Union, or the Union and the Employer jointly, informing the CAC that they did not want the CAC to arrange for the holding of the ballot.

6. In a letter from the Employer and an e-mail from the Union, both dated 6 May 2014, each party stated that their preference was for a postal ballot. The Panel decided that a postal ballot should take place and this decision was communicated to the parties by a letter from the Case Manager dated 8 May 2014.

### **The Ballot**

7. On 30 May 2014 Popularis 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 17 June 2014 to be returned by no later than 2pm on 3 July 2014.

8. The CAC opened an e-mail from the QIP reporting on the ballot on 7 July 2014. The report attached to the e-mail stated that, of the 170 workers eligible to vote, 144 ballot papers had been returned. No ballot papers were found to be blank or spoilt. One hundred and twenty nine (129), that is 89.58% of those voting, had voted to support the proposal that the Union be recognised for the purposes of collective bargaining with the Employer. Fifteen

(15) workers, or 10.42% of those voting, voted to reject the proposal. The number of votes supporting the proposal as a percentage of the bargaining unit was 75.88%.

9. The CAC informed the Employer and the Union on 7 July 2014 of the result of the ballot in accordance with paragraph 29(2) of the Schedule.

### **Declaration of Recognition**

10. 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 on behalf 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.

11. The CAC accordingly declares that the Union is recognised by the Employer as entitled to conduct collective bargaining on behalf of the bargaining unit comprising Unskilled, Apprentices, Semi-Skilled, Skilled, Inspection/Technical Support Staff but excluding Managers and Admin Staff.

### **Panel**

Professor Gillian Morris, Chairman of the Panel

Mr Michael Shepherd

Mr Malcolm Wing

9 July 2014