

CENTRAL ARBITRATION COMMITTEE
TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992
SCHEDULE A1 - COLLECTIVE BARGAINING: RECOGNITION
DECLARATION OF RECOGNITION WITHOUT A BALLOT

The Parties:

Unite the Union

and

Serco Defence UK & Europe

Introduction

1. Unite the Union (the Union) submitted an application to the CAC on 29 September 2015 that it should be recognised for collective bargaining by Serco Defence UK & Europe (the Employer) for a bargaining unit comprising the "Shift Supervisors, Shift Senior Technicians, Shift Technicians, Shift Operators, Senior Systems Engineer, Mission IT Support, Mission Antenna Trainer/Co-ordinator, Communications Supervisor, Mechanical Technician, Handyman, Post Design System Librarian, Chief of Maintenance, TCS Administrator, Operations Administrator and Maintenance Support Administrator" based at the Employer's site at MOD, Serco Skynet 5, TCS Oakhanger, Bordon, Hants. The CAC gave both parties notice of receipt of the application on 1 October 2015. The Employer submitted a response to the CAC dated 7 October 2015 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, Chairman of the Panel, and, as Members, Ms Bronwyn McKenna and Mr Bryan Taker. The Case Manager appointed to support the Panel was Nigel Cookson.

3. By a decision dated 14 October 2015 the Panel accepted the Union's application. As the Employer had, in its response dated 7 October 2015, confirmed that the parties had agreed the bargaining prior to the Union's application being submitted to the CAC, the Panel instructed the Case Manager to ascertain whether the Union claimed that it had a majority of the workers in the bargaining unit as its members and, if so, to seek the parties' views with regard to whether or not a ballot should be held.

Issues for the Panel

4. Paragraph 22(2) of Schedule A1 to the Act (the Schedule) requires the CAC to issue a declaration that a union is recognised as entitled to conduct collective bargaining on behalf of a group of workers constituting the agreed bargaining unit if it is satisfied that a majority of the workers constituting the bargaining unit are members of the applicant union, unless any of the three qualifying conditions set out in Paragraph 22(4) are fulfilled. If any of these conditions are met, or the CAC is not satisfied that a majority of workers in the bargaining unit are members of the applicant union, the CAC must give notice to the parties that it intends to arrange for a secret ballot to be held. The qualifying conditions in paragraph 22(4) are as follows:

- a) the CAC is satisfied there should be a ballot in the interests of good industrial relations;**
- b) that the CAC has evidence, which it considers to be credible, from a significant number of the union members within the bargaining unit that they do not want the union (or unions) to conduct collective bargaining on their behalf;**
- c) membership evidence is produced which leads the CAC to conclude that there are doubts whether a significant number of union members within the bargaining unit want the union to conduct collective bargaining on their behalf.**

The Union's claim to majority membership

5. In a letter to the Case Manager dated 16 October 2015 the Union gave formal notification that it had a majority of membership within the bargaining unit and therefore submitted that it should be granted recognition without a ballot.

6. The Union's letter was copied to the Employer and the Employer was invited to comment on the Union's claim to majority membership and the qualifying conditions as set out above.

The Employer's comments on the Union's claim to majority membership and the qualifying conditions

7. In a letter dated 22 October 2015 the Employer said that it was satisfied to accept that the Union had a majority of membership within the bargaining unit and it was in agreement that it should be granted recognition without a ballot.

Considerations

8. The Schedule requires the Panel to consider whether it is satisfied that the majority of the workers in the bargaining unit are members of the Union and if the Panel is satisfied that the majority of the workers in the bargaining unit are members of the Union, it must declare the Union recognised by the Employer, unless it decides that any of the three conditions in paragraph 22(4) are fulfilled. If the Panel considers any of the conditions are fulfilled it must give notice to the parties that it intends to arrange for the holding of a secret ballot.

9. The level of union membership in the bargaining unit has never been challenged by the Employer. Indeed, the Union had been so open as to include its membership list as part of the supporting documentation along with its application with the intention that it was copied to the Employer. In its response the Employer confirmed that the agreed bargaining unit comprised 50 workers at that moment in time and went on to say that it did not disagree with the figure given by the Union as to the number of its members in the agreed bargaining unit, which the Union had given as 36. Using the figures put forward by the parties, Union membership in the agreed bargaining unit stands at 72%. The Panel accepts that the majority of workers in the bargaining unit are members of the Union.

10. The Panel must now consider whether any of the three qualifying conditions stated in paragraph 22(4), and described in paragraph 4 above, applies in this case.

Paragraph 22(4)(a)

11. The first condition is that the Panel is satisfied that a ballot should be held in the interests of good industrial relations. The Panel has not received any evidence that a ballot should be held in the interests of good industrial relations and is not satisfied that this condition is fulfilled. The Panel is therefore satisfied that this condition does not apply.

Paragraph 22(4)(b)

12. The second condition is that the CAC has evidence, which it considers to be credible, from a significant number of the union members within the bargaining unit that they do not want the union to conduct collective bargaining on their behalf. No such evidence has been received and the Panel is therefore satisfied that this condition does not apply.

Paragraph 22(4)(c)

13. The third condition is that membership evidence is produced which leads the CAC to conclude that there are doubts whether a significant number of the union members within the bargaining unit want the union to conduct collective bargaining on their behalf. No such evidence has been produced and the Panel is therefore satisfied that this condition does not apply.

Decision

14. The Panel is therefore satisfied in accordance with paragraph 22(1)(b) of the Schedule that the majority of the workers constituting the bargaining unit are members of the Union. The Panel is satisfied that none of the conditions in paragraph 22(4) of the Schedule is fulfilled. Pursuant to paragraph 22(2) of the Schedule the CAC must issue a declaration that the Union is recognised as entitled to conduct collective bargaining on behalf of the workers constituting the bargaining unit. 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 "Shift

Supervisors, Shift Senior Technicians, Shift Technicians, Shift Operators, Senior Systems Engineer, Mission IT Support, Mission Antenna Trainer/Co-ordinator, Communications Supervisor, Mechanical Technician, Handyman, Post Design System Librarian, Chief of Maintenance, TCS Administrator, Operations Administrator and Maintenance Support Administrator" based at the Employer's site at MOD, Serco Skynet 5, TCS Oakhanger, Bordon, Hants.

Panel

Professor Linda Dickens MBE, Deputy Chairman of the CAC

Ms Bronwyn McKenna

Mr Bryan Taker

26 October 2015