

**CENTRAL ARBITRATION COMMITTEE**

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

**SCHEDULE A1 - COLLECTIVE BARGAINING: RECOGNITION**

**DECISION ON WHETHER TO ACCEPT THE APPLICATION**

**The Parties:**

Unite the Union

and

Salts Healthcare Limited

**Introduction**

1. Unite the Union (the Union) submitted an application to the CAC dated 20 April 2018 that it should be recognised for collective bargaining by Salts Healthcare Limited (the Employer) for a bargaining unit comprising “Shop floor workers”. The location of the bargaining unit was “Salts Healthcare Limited, Richard Street, Aston, Birmingham, B7 4AA.” The CAC gave both parties notice of receipt of the application on 20 April 2018. The Employer submitted a response dated 27 April 2018 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 Mr James Tayler as chair of the Panel, and, as Members, Mr Rod Hastie and Mr Matt Smith OBE. The Case Manager appointed to support the Panel was Miss Sharmin Khan.

3. The CAC Panel extended the acceptance period in this case. The initial period expired on 4 May 2018. The acceptance period was extended on several occasions in order to enable the CAC to carry out a membership and support check, for the parties to comment on that check, to provide time for the Panel to consider all the evidence before arriving at a decision and for the Panel to finalise its written decision. The final extension ends the acceptance period on 18 July 2018.

## **Issues**

4. The Panel is required by paragraph 15 of Schedule A1 to the Act (the Schedule) to decide whether the Union's application to the CAC is valid within the terms of paragraphs 5 to 9; is made in accordance with paragraphs 11 or 12; is admissible within the terms of paragraphs 33 to 42 of the Schedule; and therefore should be accepted.

### **Summary of the Union's application**

5. The Union stated it had a certificate of independence and enclosed a copy. The Union confirmed that it had not made a previous application under the Schedule for statutory recognition for workers in the bargaining unit and/or a similar unit. The Union enclosed a copy of the correspondence between the parties over the period 15 February 2018 to 6 April 2018 which included the Union's formal written request for recognition to the Employer dated 19 March 2018 and the Employer's e-mail to the Union dated 6 April in which it formally declined voluntary recognition. The Union stated that the Employer requested Acas assistance but disengaged following a meeting on 5 April 2018. The Union confirmed that the date on which the application and the supporting documents were copied to the Employer was 20 April 2018.

6. The Union stated approximately 600 workers were employed by the Employer and that there were 158 workers in the proposed bargaining unit of which 105 were members of the Union. When asked to provide evidence that a majority of the workers in the bargaining unit were likely to support recognition for collective bargaining, the Union stated that it had a petition demonstrating that 83% of the workers in the proposed bargaining unit were in favour of recognition of the Union.

7. The Union stated that the Employer had not agreed the bargaining unit. Its reasons for selecting the proposed bargaining unit were because the workers all worked on production, worked shift patterns, were hourly paid and had their own bonus system distinct from other groups in the business. They were managed under the same disciplinary and grievance procedures and had no management responsibilities (including grievance and disciplinary matters). The Union understood that the Employer referred to this group as shop floor workers.

8. Finally, the Union stated that it was not aware of any existing recognition agreement that covered any worker in the proposed bargaining unit.

### **Summary of the Employer's response to the application**

9. The Employer completed and returned to the CAC the "Employer's Response Questionnaire form" dated 27 April 2018 with a copy of the relevant correspondence between the parties over the period 15 February 2018 to 6 April 2018. The Employer confirmed that it had received the Union's formal letter of request on 21 March 2018 and a copy of the Union's application to the CAC on 23 April 2018.

10. The Employer stated that it did not agree with the Union's bargaining unit, providing reasons along with its proposal for an alternative bargaining unit. As the appropriate bargaining unit is addressed at a later stage of the statutory application process the details are not set out here. The Employer confirmed it did not request the assistance of Acas following receipt of the Union's request for recognition.

11. The Employer stated that it employed 779 employees of which 190 were temporary workers many of whom had been with the Employer over 3 years. It did not agree with the Union's figure of 158 for the number of workers in the proposed bargaining unit. The Employer stated that the Union's figure did not match any clear or distinct group of production workers. The Employer stated there were 411 workers based on the factory floor who formed a part of the ostomy production process.

12. The Employer did not accept the Union's estimate of membership in the proposed bargaining unit on the basis of internal research it stated had been conducted

on the appetite of employees for recognition of the Union in order to adequately respond to the Union's application to the CAC. A voluntary questionnaire was circulated on 25 April 2018 across 285 of the 411 employees within the ostomy production process as it did not have time to survey every shift. Only 66 of the 285 replies confirmed that they were members of the Union, 4 did not respond to this question and the remainder confirmed they were not members of the Union.

13. The voluntary questionnaire also asked employees if they were in support of the Union being recognised by the Employer for the purposes of collective bargaining. Of the 285 responses 53 stated that they would support recognition, 153 stated they would not support recognition and 78 stated that they did not know. The Employer stated that even if the "don't knows" were to subsequently support recognition, the figures would suggest that the majority of employees in the proposed bargaining unit would not be in support of recognition of the Union. The Employer stated that it had sufficient measures in place to ensure all employees were adequately and fairly represented across the business which negated the need for recognition of the Union.

14. The Employer stated that it was not aware of any previous application covering any worker in the proposed bargaining unit or a similar unit and that there was no existing agreement for recognition in force covering workers in the proposed bargaining unit.

### **Summary of the Union's comments on the Employer's response**

15. In its letter to the CAC dated 11 May 2018 the Union clarified the workers covered by its proposed bargaining unit. "Shop floor workers" was a term it understood was used by the Employer. The proposed bargaining unit covered workers who were directly employed by Salts Healthcare Limited that were hourly paid, production workers, who worked shift systems including job roles: Standard Ops, Universal Ops, Senior Technical Operator, Senior Standard Ops and Production Team Leaders. The figure of 158 was its best estimate from information provided by Union members. The Union was unclear if the Employer's figure of 411 included group leaders and agency workers. These types of worker were not included in the proposed bargaining unit. Any

workers who were employed by Extra Personnel and other agencies were excluded from the proposed bargaining unit. The workers included in the proposed bargaining unit had no management responsibilities (including dealing with grievance and disciplinary matters). Quality control workers, design teams and engineers were excluded from the proposed bargaining unit.

16. In response to the Employer's contention that a majority of workers in the proposed bargaining unit would not be likely to support recognition of the Union, the Union stated that its own petition showed that 83% were in favour. The Union expressed concerns about the Employer's questionnaire. It did not make clear to employees that they did not need to state whether they were a Union member or not. Although it had attempted to contact members to inform them of their rights many employees had already completed the form. The Union offered to, on a confidential basis, supply the CAC with a number of statements from members which caused the Union to feel the workforce had been misled.

### **Membership and Support Check**

17. To assist the determination of two of the admissibility criteria specified in the Schedule, namely, whether 10% of the workers in the proposed bargaining unit are members of the union (paragraph 36(1)(a)) and whether a majority of the workers in the proposed bargaining unit would be likely to favour recognition of the union as entitled to conduct collective bargaining on behalf of the bargaining unit (paragraph 36(1)(b)), the Panel proposed an independent check of the level of union membership within the proposed bargaining unit and the level of support from workers within the proposed bargaining unit who had signed the Union's petition and the number and relevant percentages of workers who had completed the Employer's questionnaire.

18. It was agreed with the parties that the Employer would supply to the Case Manager a list of the names, dates of birth (where possible) and job titles of workers within the proposed bargaining unit as outlined in the Union's letter to the CAC dated 11 May 2018 namely: "Shop floor workers who are hourly paid, production workers, who work shift systems including Standard Ops, Universal Ops, Senior Technical

Operator, Senior Standard Ops and Production Team Leader. Excluding temporary agency workers and any management grades with disciplinary and grievance procedures. The location of the bargaining unit is Salts Healthcare Ltd, Richard Street, Aston, Birmingham, B7 4AA” and a copy of its employee questionnaire (petition) and that the Union would supply to the Case Manager a list of its paid up members within that unit giving names, addresses and dates of birth (where possible) and a copy of its petition. It was explicitly agreed with both parties that, to preserve confidentiality, the respective lists and petitions would not be copied to the other party. These arrangements were confirmed in a letter dated 21 May 2018 from the Case Manager to both parties. The Employer submitted its information to the CAC on 16 May 2018 and the Union submitted its information on 22 May 2018.

19. The Case Manager’s report of the results of the membership and support check dated 4 June 2018 was circulated to the Panel and to the parties for comments on 5 June 2018. The parties submitted their comments to the CAC on 7 June 2018. In light of a query raised by the Union regarding figures that did not appear on the report, the Case Manager re-issued the report dated 21 June 2018 which provided the parties and the Panel with a more comprehensive breakdown of the results of the checks undertaken. The Panel was satisfied that the checks were conducted properly and impartially and in accordance with the agreement reached with the parties.

#### **Summary of the results established by the Case Manager’s membership and support checks**

20. The membership check established that there were 145 workers in the proposed bargaining unit of which 80 were members of the Union; a membership level of 55.2%.

21. The statement on the Union’s petition was:

“We the undersigned employees of Salts Healthcare call for Unite the Union to be the Union of our choice and the Union that Employees would like to secure recognition for collective bargaining in our workplace.

My, nizej podpisani, pracownicy Salts Healthcare oswiadczymy: Związki zawodowe Unite the Union sa związkami naszego wyboru Oraz związkami, ktore

chcemy, aby mia³e podpisana umowa z Naszym pracodawca zapewniajaca nam prawo do dzia³an I Negocjacji grupowych w miejscu pracy. 1/3/18”

Signatories were also asked to print their name, sign and provide their clock number.

22. The results of the comparison of the Union’s petition with the number of workers in the proposed bargaining unit established that a total of 97 workers in the proposed bargaining unit had indicated that they wanted the Union to be recognised of which 70 were Union members and 27 were non- Union members.

23. Each page of the Employer’s petition was headed with the words:

“We are asking our shop floor staff to complete this questionnaire in order that we can gauge membership levels of Unite the Union (Unite) amongst our shop floor staff and whether our shop floor staff support Unite being recognized by Salts for the purpose of collective bargaining in respect of negotiations concerning pay, hours and holidays.

This is so that we can respond to Unite’s application that the Central Arbitration Committee make an order that Salts formally recognize Unite for these purposes.

We can assure you that no detrimental action will be taken by Salts against any employee in response to the information that they provide below; each member of staff has a right to be (or not be) a member of a trade union and to form their own view regarding whether they support (or do not support) formal recognition. Salts fully support this freedom of choice and expects its staff to do the same.

If however you have any questions or concerns regarding the questionnaire please speak with Lee Tretheway – Head of Operations.”

Beneath the statement on each page was a table of questions for the respondent to answer with a √ to indicate Yes, No or don’t know. The questions were:

- Are you a member of Unite the Union?
- Are you in support of Unite the Union being recognized by salts for the purpose of collective bargaining?
- Are you supplied to Salts through an agency?

Respondents were also asked to provide their employee number, job title, signature and date. The earliest date appearing on the petition was 24 April 2018 and the most recent date appearing on the petition was 26 April 2018.

24. The results of the comparison of the Employer's petition with the number of workers in the proposed bargaining unit and with the Union's petition established that 86 of the workers in the proposed bargaining unit had responded to the Employer's petition. Of the 86 respondents 33 had indicated support for recognition of the Union.

25. 30 of the respondents to the Employer's petition, who were in the proposed bargaining unit indicated they did not support recognition. Of these 30 who indicated that they did not support recognition, 8 had also signed the Union's petition in support of Union recognition and were Union members, 9 had also signed the Union's petition in support of recognition of the Union and were non-Union members and 13 had not signed the Union's petition and were non-Union members.

26. 22 of the respondents to the Employer's petition who were in the proposed bargaining unit indicated they did not know whether they supported recognition. Of the 22, 9 also signed the Union's petition in support of recognition of the Union and were Union members, 7 also signed the Union's petition in support of recognition of the Union and were non-Union members, 3 did not sign the Union's petition and were non-Union members and 3 did not sign the Union's petition and were Union members.

27. 1 of the respondents to the Employer's petition who was in the proposed bargaining unit, had not signed the Union's petition, was not a Union member indicated he or she did not know whether he or she supported recognition of the Union and also indicated he or she was not in support of recognition.

28. Of the 13 e-mails provided by the Union for the check on a confidential basis, 10 were from workers within the proposed bargaining unit (6.9% of the proposed bargaining unit). Of the 10, 1 had signed the Union's petition, 1 had responded to the Employer's petition and indicated support for recognition of the Union and 8 had signed both petitions. Of the 8, 7 had indicated support for recognition of the Union when responding to the Employer's petition and 1 had indicated they did not know whether they were in support of recognition when responding to the Employer's petition.

29. The Case Manager's report provided the following list of extracts from the e-mails to demonstrate the main thrust of the e-mails as setting out the e-mails in full

could lead to the identification of the workers concerned even with their names redacted:

- We were told by our group leaders to sign a list about who belongs to Unite the union or not.
- A group leader organised a meeting where a list was waiting to sign.
- Group leaders did not mention it was voluntary to sign.
- I felt uncomfortable because belonging to a union should be strictly private and my leaders shouldn't even ask about it.
- Everyone was asked to give name, clock number and if supported unite, I feel this wasn't right, but everybody been scared to do it and I was scared not to do it.
- Group leader wrote down my clock number and insisted I answer the question, this made me very uncomfortable.
- They said it was for the union and other committee to know.
- I didn't know how it works and I had no idea what to do but I've been told I need to sign it.
- We have signed off the letter like they told us to, we are now afraid that we will have consequences.
- What will the company do with the knowledge about union members?
- English is not my native language and not everything on that form was clear to me.
- I was told they need me to sign it straight away.

30. The re-issued report of the results of the membership and support check was circulated to the Panel for consideration and to the parties for their additional comments on 21 June 2018. The Employer added to its original submission by a letter to the CAC dated 26 June 2018. The Union informed the CAC it had nothing further to add to its original submission following receipt of the re-issued membership and support check report.

## **Summary of the Employer's submissions on the results of the membership and support checks.**

31. In its letters to the CAC dated 7 June and 26 June the Employer contended that the Union had not satisfied the test in paragraph 361(b) of the Schedule. The Employer challenged the Union's claims about the way in which it had conducted its petition and also provided its response to the issues raised in the extracts of the emails from individuals.

32. The Employer contended that the individuals it polled were a fair, representative and clear majority sample of staff within the proposed bargaining unit. The Employer said that the petition was conducted fairly. There was no reason to question the accuracy of its results which had demonstrated that support for recognition was a considerable distance from the majority that the Union needed to demonstrate were likely to support recognition. Group Leaders asked employees to complete the questionnaire in order to gauge membership levels and support for recognition. No member of staff had been forced to do so. The petition expressly stated that staff had a right to be or not to be a member of a trade union and to form their own view on whether they supported formal recognition. The Company fully supported this freedom of choice and expected its staff to do the same. Group leaders had conducted the meeting with individual lines so that the same information was passed on to each team. The following statement was read out:

“We are asking our shop floor staff to complete this questionnaire in order that we can gauge membership levels of Unite the Union (Unite) amongst our shop floor staff and whether our shop floor staff support Unite being recognized by Salts for the purpose of collective bargaining in respect of negotiations concerning pay, hours and holidays. This is so we can respond to Unite’s application that the Central Arbitration Committee make an order that Salts formally recognize Salts for these purposes. We can assure you that no detrimental action will be taken by Salts against any employee in response to the information that they provide below; each member of staff has a right to be (or not to be) a member of a trade union and to form their own view regarding whether they support (or do not support) formal recognition. Salts fully support this freedom of choice and expects its staff to do the same. If however you have any questions or concerns regarding the questionnaire please speak with ...Head of Operations”

33. The Employer explained the purpose of the poll was to allow the

Employer to respond to the CAC's Employer's Response Questionnaire in a meaningful manner. Clock numbers and signatures were asked for to identify duplicate entries. Individuals were asked to sign straight away so that the CAC's deadline for the Employer's Response Questionnaire could be met. No one had asked for a translation and it understood that its employees spoke and understood English. The Union's allegation that workers were afraid of the consequences of disclosing their membership of the Union had no basis. There had been no suggestion that anyone had been subject to any detriment or threatened with any detriment as a result of the information that they had provided. There was no credible evidence of this. Everyone had the opportunity to voice concerns. The Employer trusted that the Panel would treat the comments made by the Union in this context. No worker had suggested that they had provided incorrect information. There was no basis on which to question the data compiled by its poll. The petition demonstrated that considerably fewer than 50% of staff supported recognition. The CAC's check had established that 38.37% of the workers in the proposed bargaining unit who had completed its petition supported recognition of the Union not a majority.

34. The Employer had concerns about the validity of the information provided by the Union. The Employer had been advised by a number of staff that they did not know what they were being asked to sign in respect of petitions prepared by Union representatives and were simply approached with papers and told to "sign this" without an explanation of the content. The Employer presumed this compromised the data that was submitted to the CAC by the Union. The Employer also had concerns about how the Union had conducted itself during the process. The Union had used tactics such as referring to staff being threatened with redundancies at other organisations which was not relevant to these circumstances and untruths such as staff being paid national minimum wage which was not the case for all staff in the proposed bargaining unit. The Employer provided the Panel with a copy of the Union literature it referred to. The Employer was also concerned that advantage was being taken by the Union of staff who did not speak good English.

35. The Employer did not believe that membership of the Union in itself should be considered indicative of support for recognition of the Union since there was a clear statement to the contrary in the poll and in support of this point the Employer

provided the Panel with a statement from 3 employees within the proposed bargaining unit who confirmed that despite their membership of the Union they objected to recognition within the workplace.

### **Summary of the Union's comments on the results of the membership and support checks**

36. In its letter to the CAC dated 7 June 2018, the Union contended that the checks established that it had met the tests set out in paragraph 36(1)(b) of the Schedule. The individual e-mails that was provided to the CAC for the check's showed that the Employer's petition was not a true reflection of the views of the respondents and there was a fear factor when signing the Employer's petition. The workers were informed they could ask questions but the person that workers were referred to, was the Head of Operations who was one of the most senior members of staff. The Union believed this added weight, pressure and authority to the perceived importance of the Employer's petition. The Union believed that the e-mails were just a snapshot of the number of employees in the proposed bargaining unit who felt the obligation to complete the Employer's petition. The fact that employees signed both the Union's petition and the Employer's petition indicated that employees felt they were in a difficult position. The fact that Union members and non-Union members told the Employer that they did not support recognition of the Union was an indication that they felt too afraid to tell the Employer of their support for the Union.

37. On the other hand the Union's petition was circulated by Union supporters and showed that 66.9% of the proposed bargaining unit were in support of recognition of which 48.3% were union members and 18.6% were non-Union members. This showed a clear level of support for recognition which should be considered in light of the fact that the petition was conducted by non-Union officials. It was conducted by active proponents of the Union who were restricted in their activities, and were not given the free access to conduct the petition like the Employer.

38. Finally the Union's petition was conducted in both Polish and English in order to make it clear and understandable to the majority of the workforce and the

Union had since been communicating regularly in English, Polish, Russian and Romanian in order to engage as many as the workforce as possible and to help them understand the importance of the Union. In its view the fact that the Employer's petition was conducted in English and was pushed by team leaders, under the direction of senior management, compounded its view that the work force did not understand what they were signing and felt obliged to sign.

39. The Union felt it did not need to make any further submissions following receipt of the re-issued membership and support check report. Its view that the Union had met the tests set out in paragraph 36(1) of the Schedule as demonstrated by the report was still the case.

### **Considerations**

40. In determining whether to accept the application the Panel must decide whether the admissibility and validity provisions referred to in paragraph 4 above are satisfied. The Panel has considered carefully the submissions of both parties and all the evidence in reaching its decision.

41. The Panel is satisfied that the Union made a valid request to the Employer within the terms specified in paragraphs 5 to 9 of the Schedule and that its application was made in accordance with paragraph 11. The Panel is also satisfied that the application is not rendered inadmissible by any of the provisions in paragraphs 33 to 35 and paragraphs 37 to 42 of the Schedule.

42. The remaining issues for the Panel to decide are whether the admissibility criteria contained in paragraph 36(1)(a) and paragraph 36(1)(b) are met.

### **Paragraph 36(1)(a)**

43. In accordance with paragraph 36(1)(a) of the Schedule the Panel must determine whether or not members of the Union constitute at least 10% of the workers in the Union's proposed bargaining unit. The check of Union membership in the proposed bargaining unit as conducted by the Case Manager as reported on 21 June 2018

established that Union membership stood at 55.2%. The Panel is therefore satisfied that this test is met.

### **Paragraph 36(1)(b)**

44. Under paragraph 36(1)(b) of the Schedule an application is not admissible unless the Panel decides that a majority of the workers constituting the proposed bargaining unit would be likely to favour recognition of the union as entitled to conduct collective bargaining on behalf of the bargaining unit.

45. At this stage we are not determining whether there is currently a majority who support recognition but whether if a ballot is called it is likely that the majority would support recognition. The experience of the Panel is that there is usually an increase in support during the lead up to a ballot as the possibility of recognition is appreciated. This is commonly referred to as the “band wagon effect”. It is also our experience that employees may be reluctant to express support for recognition when completing a petition produced by an employer being concerned, wrongly or rightly, how an expression of support may be regarded by an employer that is against recognition. That being said, we accept that some employees may feel under pressure to sign a petition produced by the Union. We note the concerns raised by the Employer and Union about the petitions organised by the other. While it is seems likely that a relatively small number of employees have been confused or felt under pressure to sign the petitions (as is demonstrated by employees who signed to state both that they were for and against recognition) the explanations given to workers of the purpose of both petitions were reasonably clear and we consider that the answers provide proper evidence for us to analyse whether the majority would be likely to support recognition. This is not a matter of arid statistical analysis but of applying our industrial experience. We have to take a step back and take an overview of the evidence, including the figures.

46. The starting point is that the proportion of Union members in the proposed bargaining unit is 55.2%. This strongly supports the contention that 50% of the workers would be likely to support recognition as union members generally support recognition. The email attached to the Employer’s supplementary submission only suggests that 3 Union members do not support recognition. Even if one deducts all of the 8 workers

who are Union members and signed both the Union's petition in favour of recognition and the Employer's petition against recognition this would still suggest Union membership supporting recognition is 49.7%. As there are bound to be non-members who support recognition this supports the contention that more than 50% of the employees in the bargaining unit are likely to support recognition.

47. Further, the proportion of workers in the proposed bargaining unit who have signed the Union's petition is 66.9%. This strongly supports the argument that there is likely to be majority support for recognition. Even if one deducts all of the 17 workers who signed both the Union's petition in favour of recognition and the Employer's petition against recognition, this still would give a figure for those supporting recognition of 47.6%. Taking into account the bandwagon effect this supports the likelihood of there being support of more than 50% for recognition by the time of any ballot.

48. We have considered the Employer's petition with some care. 284 workers answered the petition. However, there are only 145 workers in the proposed bargaining unit. Only 86 of the workers who signed the Employer's petition are in the proposed bargaining unit (i.e. 59.31% of workers in the bargaining unit have signed the Employer's petition). The Schedule requires the Panel to consider only the workers within the Union's proposed bargaining unit. We consider that it is best to analyse the Employer's petition by considering the numbers of employees who have stated they are for or against recognition, or don't know, as a proportion of employees who are in the bargaining unit and have signed the Employer's petition. Otherwise the proportions appear artificially low as they include in the divisor those who are in the bargaining unit but have not signed the Employer's petition. The figures show 33 favoured recognition (38.37% of those who signed the Employer's petition and are in the bargaining unit) 30 were against (34.89%) 22 answered don't know (25.58%) and 1 said both don't know and no (1.16%). This still shows that more of those answering the Employer's petition favoured recognition than did not. However, as the percentage favouring recognition was 38.37% this provides some evidence against the likelihood of 50% of those in the bargaining unitavouring recognition. We do not consider that this evidence is sufficient to counter the evidence of Union membership and from the Union's petition. Only 59.31% of the employees in the bargaining unit signed the

Employer's petition. It is likely that those who do not support recognition are more likely to sign the Employer's petition than those who support recognition. There are 22 employees who answered "don't know" to the Employer's petition. Of them 16 have signed the Union's petition. We think it is likely that they may well have been reticent about stating they support recognition when answering the Employer's petition but probably do support recognition. If they are added to those who answered "yes" this gives a percentage of 57.0% ( $33 + 17/86$ ) support for recognition of those who have signed the Employer's petition and are in the bargaining unit.

49. Overall, we consider the evidence supporting it being likely that more than 50% will support recognition is considerably greater than that against and hold, on balance of probabilities, that the requirement under paragraph 36(1)(b) of the schedule is met.

### **Decision**

50. The Panel is satisfied that the application is valid within the terms of paragraphs 5 to 9, is made in accordance with paragraph 11 and is admissible within the terms of paragraphs 33 to 42 of the Schedule. We consider the requirements of paragraph 36 are met. The application is accepted by the CAC.

### **Panel**

Mr James Tayler - Panel Chair

Mr Rod Hastie

Mr Matt Smith OBE

11 July 2018