

Lists of Trade Unions and Employers' Associations

Any trade union or employers' association may apply to have its name included in the public lists maintained by the Certification Officer. This chapter sets out the background to that process. It also gives the numbers on the lists at 31 March 2012 and the changes that have occurred during the previous twelve months. The lists are set out in full in Appendix 1 (trade unions) and Appendix 2 (employers' associations).

Entry in the lists and its significance

- 1.1 The Certification Officer maintains a list of trade unions and a list of employers' associations in accordance with the provisions of sections 2-4 and sections 123-125 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("The 1992 Act").
- 1.2 Listing is voluntary and any organisation of workers or of employers may apply to be listed. A fee is payable on application (see appendix 10 for the statutory fee). The name of the organisation shall be entered in the relevant list if the Certification Officer is satisfied that it falls within the appropriate definition in the 1992 Act (see paragraphs 1.20 and 1.21). The Act does not impose any test of size or effectiveness but entry in the list is not automatic. The Certification Officer will test whether the organisation satisfies the statutory definition. There are simplified provisions for the listing of a trade union or unincorporated employer's association formed by the amalgamation of two or more trade unions or unincorporated employers' association which were already on the list (see paragraph 1.6).
- 1.3 Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list may appeal on a point of law to the Employment Appeal Tribunal (EAT).
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under section 6 of the 1992 Act. There are a number of other advantages of being listed for trade unions and unincorporated employers' associations. It is one of the requirements for obtaining tax relief in respect of expenditure on provident benefits (section 981 Corporation Tax Act 2010). There are certain procedural advantages in connection with the devolution of property following a change of trustees (section 13 of the 1992 Act). The fact of being on the relevant list is evidence (in Scotland, sufficient evidence) that the organisation is a trade union or employers' association. The name of a trade union or employers' association is protected by the provision that an organisation shall not be entered in the relevant list if its name so nearly resembles the name of an organisation already on that list as to be likely to deceive the public.

- 1.5 The current lists are available for inspection free of charge at the Certification Office, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ. The lists for organisations having their head office in Scotland are also available for inspection at the office of the Assistant Certification Officer for Scotland, Melrose House, 69a George Street, Edinburgh EH2 2JG. They also appear on the website of the Certification Officer, www.certoffice.org.

Unions and employers' associations formed by amalgamation

- 1.6 Upon the amalgamation of two or more unions or unincorporated employer's association listed in accordance with Chapter VII Part I of the 1992 Act, the amalgamated union or unincorporated employers' association shall automatically be listed by the Certification Officer when the instrument of amalgamation takes effect. The newly amalgamated union or unincorporated employers' association shall, however, be removed from the list if it does not send certain prescribed information to the Certification Officer within six weeks of the date the instrument of amalgamation takes effect or such longer period as the Certification Officer may specify. The information to be sent to the Certification Officer is a copy of the rules of the new union or unincorporated employers' association, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 10).

Trade unions and employers' associations not on the lists (scheduled bodies)

- 1.7 As entry on the lists is voluntary, it is difficult to know precisely how many trade unions and employers' associations exist but have not applied to be listed. At the end of this reporting period, the Certification Officer was aware of 16 trade unions and 42 employers' associations which met the statutory definitions but which had not sought to be listed. The Certification Officer maintains schedules to the relevant lists, which contain the names of those organisations which satisfy the statutory definition of a trade union or employers' association but which have not applied to be listed. There may be other organisations which meet the statutory definitions of a trade union or employers' association of which the Office is unaware. The fact that an organisation is not on the relevant list does not exempt it from its statutory responsibilities, including the requirement to make an annual return. The returns from the scheduled bodies are available for inspection in the same way as are those of listed organisations. Those trade unions and employers' associations known to the Office but which have not applied to be included in the relevant lists are set out in the schedules to Appendices 1 and 2 respectively.

Entry on the lists and schedules

- 1.8 The Certification Officer will determine if an organisation meets the definition of a trade union or employers' association and should therefore appear on the appropriate list or schedule. In this reporting year the Certification Officer refused the application of one body which sought to be listed as a trade union. The Certification Officer found that the body, Advocate, was not a trade union. Although, the Certification Officer took the view that Advocate was an organisation by virtue of its rules and its nascent Executive Board and that it consisted wholly or mainly of workers of one or more descriptions, the Certification Officer did not find that its principal purposes included the regulation of relations between workers of those descriptions and employers or employers associations.

Removal from the lists and schedules

- 1.9 If at any time it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union or an employers' association its name may be removed from the list. The organisation concerned will be given an opportunity to make representations as to why its name should not be removed. There is a right of appeal to the EAT on a point of law against removal of a name from a list. The Certification Officer must also remove the name of an organisation from the list if he is satisfied that it no longer exists or if the organisation requests that he should do so.
- 1.10 The table below gives the names of the 13 trade unions and 6 employers' associations removed from the lists and schedules during the period 1 April 2011 to 31 March 2012. An asterisk denotes those which ceased to exist as a result of mergers. The others were dissolved or deemed no longer to meet the statutory definition of a trade union or employers' association.

Trade Unions

England and Wales – Listed

Aspect*

Association of Management and Professional Staffs

Association of Professional Music Therapists in Great Britain

Dental Practitioners Association

Harrods Staff Union

LEGION

National Union of Mineworkers (Midlands Area)

National Union of Mineworkers (North Stafford Federation Midland Area)

One Union for Regional Staff (O.U.R.S)*

Public Trade Union

England and Wales – Scheduled

NFU Staff Association

Scotland – Listed

Prison Staff Association

Scottish Carpet Workers Union

Scotland – Scheduled

None

Employers' Associations

England and Wales – Listed

Construction Confederation

Local Government East Midlands

South Western Provincial Employers Organisation

England and Wales – Scheduled

British Narrow Fabrics Association
Confederation of British Wool Textiles Limited
National Bed Federation Ltd

Scotland – Listed

None

Scotland – Scheduled

None

Additions to the lists and schedules

- 1.11 The table below gives the names of the six trade unions and two employers' association added to the lists and schedules during the period 1 April 2011 to 31 March 2012.

Trade Unions

England and Wales – Listed

Employees United
National Security Workers Union UK (NSWU)
The Social Workers Union (SWU)

England and Wales – Scheduled

Bluechip Staff Association
Employees Representatives

Scotland – Listed

Scottish Primary Teachers Association

Scotland – Scheduled

None

Employers' Associations

England and Wales – Listed

None

England and Wales – Scheduled

East Midlands Councils
South West Councils

Scotland – Listed

None

Scotland – Scheduled

None

Transfers from the schedules to the lists

- 1.12 One employers' association transferred from the schedule of unlisted associations to the list of employers' associations. No trade unions were similarly transferred.

England and Wales

North Western Local Authorities Employers Organisation

The lists and schedules at 31 March 2012

- 1.13 As required by sections 2 and 123 of the 1992 Act, this report includes the names of those trade union and employers' associations on the lists as at 31 March 2012. They are reproduced as Appendices 1 and 2. The lists comprised 154 trade unions and 60 employers' associations.

Changes during the year are summarised in the table below:

	<i>On lists at 31 March 2011</i>	<i>Changes between 1 April 2011 and 31 March 2012</i>		<i>On lists at 31 March 2012</i>
		<i>Additions</i>	<i>Removals</i>	
Trade Unions	162	4	12	154
Employers' Associations	62	1	3	60

- 1.14 As at 31 March 2012 there were 16 trade unions on the schedule of unlisted unions and 42 employers' associations on the schedule of unlisted associations. The total number of listed and scheduled trade unions and employers' associations is, therefore, as follows:

	<i>Listed</i>	<i>Scheduled</i>	<i>Totals</i>
Trade Unions	154 (162)	16 (15)	170 (177)
Employers' Associations	60 (62)	42 (44)	102 (106)

The figures in brackets are the equivalent figures in the previous reporting year.

Special register bodies

- 1.15 Under the Industrial Relations Act 1971, a special register was established for the registration of organisations which were either companies or incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members. These were mainly professional bodies.

- 1.16 Section 10(3) of the 1992 Act provides that trade unions cannot have corporate status. However, section 117 provides for an exception to preserve the position of those bodies which were already on the special register.
- 1.17 Special register bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary. However, the voting members of the executive committee of special register bodies must be elected in accordance with the statutory provisions.
- 1.18 The following 13 special register bodies remain on the list of trade unions:

Association of Clinical Biochemistry
 British Association of Occupational Therapists Limited
 British Dental Association
 British Dietetic Association
 British Medical Association
 Chartered Society of Physiotherapy
 Educational Institute of Scotland
 Headmasters and Headmistresses Conference
 Royal College of Midwives
 Royal College of Nursing of the United Kingdom
 Society of Authors Limited
 Society of Chiropractors and Podiatrists
 Society of Radiographers

Changes of name of listed trade unions and employers’ associations

- 1.19 Sections 107 and 134 of the 1992 Act provide that a change of name of a listed trade union or employers’ association must be approved by the Certification Officer before it can take effect. During the reporting period approval was given to the changes of name of two trade unions and two employers’ associations, the details of which are given in the table below:

<i>Trade Unions</i>		<i>Effective Date</i>
<i>From</i>	Industrial Workers of the World (IWW) – British Isles	
<i>To</i>	Industrial Workers of the World	22 July 2011
<i>From</i>	Lloyds Trade Union	
<i>To</i>	Affinity	28 November 2011
 <i>Employers’ Associations</i>		
<i>From</i>	Glasgow and West of Scotland Plumbing Employers Association	
<i>To</i>	SNIPeF Glasgow & West of Scotland	6 September 2011
<i>From</i>	Heating and Ventilating Contractors Association	
<i>To</i>	Building & Engineering Services Association	7 March 2012

Definition of a trade union

1.20 Section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 provides as follows:

“In this Act, a “trade union” means an organisation (whether temporary or permanent) –

(a) which consists wholly or mainly of workers of one or more descriptions and whose principal purposes include the regulation of relations between workers of that description or those descriptions and employers or employers’ associations; or

(b) which consists wholly or mainly of –

(i) constituent or affiliated organisations which fulfil the conditions in paragraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions), or

(ii) representatives of such constituent or affiliated organisations,

and whose principal purposes include the regulation of relations between workers and employers or between workers and employers’ associations, or the regulation of relations between its constituent or affiliated organisations.”

Definition of an employers’ association

1.21 Section 122 of the Trade Union and Labour Relations (Consolidation) Act 1992 provides as follows:

“(1) In this Act, an “employers’ association” means an organisation (whether temporary or permanent) –

(a) which consists wholly or mainly of employers or individual owners of undertakings of one or more descriptions and whose principal purposes include the regulation of relations between employers of that description or those descriptions and workers or trade unions; or

(b) which consists wholly or mainly of –

(i) constituent or affiliated organisations which fulfil the conditions in paragraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions), or

(ii) representatives of such constituent or affiliated organisations,

and whose principal purposes include the regulation of relations between

employers and workers or between employers and trade unions, or the regulation of relations between its constituent or affiliated organisations.

(2) References in this Act to employers' associations include combinations of employers and employers' associations."