

Case Ref: IC41-2009

THE INDUSTRIAL COURT

**THE TRADE UNION AND LABOUR RELATIONS (NORTHERN IRELAND)
ORDER 1995 (AS INSERTED BY ARTICLE 3 OF THE EMPLOYMENT
RELATIONS (NORTHERN IRELAND) ORDER 1999**

**SCHEDULE 1A – COLLECTIVE BARGAINING – RECOGNITION
DECLARATION THAT THE UNION IS ENTITLED TO BE RECOGNISED**

Union of Shop, Distributive and Allied Workers

And

North West Bookmakers Ltd

(trading as ‘Ladbrokes’)

Introduction

1. The Union of Distributive and Allied Workers (‘USDAW’) (the Union) submitted an application to the Industrial Court (the Court) dated 7th May 2009 for recognition at North West Bookmakers Ltd, which trades as ‘Ladbrokes’. The bargaining unit description was *‘All staff employed by Ladbrokes in their betting shops in Northern Ireland, up to and including the job role/grade of shop manager’*.

2. In accordance with Article 92(A) of the Industrial Relations (Northern Ireland) Order 1992, the Industrial Court Chairman established a Panel of the Court to deal with the case. The Court Panel consisted of Mr Barry Fitzpatrick, Deputy Chairman, and, as Members, Mr George McGrath and Mr Peter Williamson. The Case Manager appointed to support the Court was Ms Maria Cummins.

The application was duly copied to the Employer on 8th May 2009, which returned its questionnaire on 15th May 2009.

3. By a decision dated 8th June 2009 the Panel accepted the Union’s application.

4. The Parties entered a period of negotiation to agree the appropriate bargaining unit. Consensus was reached by the Parties that the appropriate bargaining unit description was *'All staff employed by Ladbrokes in their betting shops in Northern Ireland, up to and including the job role/grade of shop manager and staff employed on a similar grade and level in Tele-betting, Trading, Administration, Machine Co-ordination and Operational Support at the Regional Offices in Belfast'*.
5. In a letter dated 6th July 2009 the parties were informed by the Court of the Panel's decision to accept the application on the revised bargaining unit as agreed by both USDAW and North West Bookmakers.
6. To assist the Panel in making a decision the Parties were asked to participate in a confidential membership check, the result of which were circulated to the Parties. The membership check showed Union membership within the bargaining unit at 37.74%. The Parties were subsequently informed that a secret ballot would be conducted and invited submissions on the form of ballot and whether an extension to the balloting period was required. The court also advised the Parties that it would wait until the end of the notification period of ten working days, as specified in paragraph 24(2) and (5) of Schedule 1A of the Employment Relations (Northern Ireland) Order 1999, before arranging a secret ballot.
7. Having considered the submissions from the Parties and paragraph 25 (6) of the Schedule, the Panel decided that a postal ballot would be the most appropriate form of ballot.
8. The Parties addressed the issue of access arrangements for the union during the ballot period. Agreement was reached at a conciliation meeting held under the auspices of the Labour Relations Agency in accordance with paragraph 21 of the Code of Practice. A copy of the access agreement was deposited with the Industrial Court.
9. The Panel directed that a Qualified Independent Person (QIP) should be appointed to conduct a ballot of all workers in the bargaining unit on the question of whether they wished the Union to conduct collective bargaining on their behalf.

Ballot

10. The Panel directed that the Electoral Reform Services be appointed as the Qualified Independent Person (QIP) to conduct the ballot. The QIP was appointed on 6th August 2009 and the Parties were notified accordingly. The ballot was to be a postal ballot conducted in English. The postal ballot papers were dispatched on 24th August 2009 and the closing date for their return was 5.30pm on 7th September 2009.

11. The QIP reported to the Industrial Court on 7th September 2009 that due to industrial action at Royal Mail in London, disruption had been caused to both collection and delivery of mail, resulting in a backlog of mail. In these circumstances the Chairman of the Panel agreed to an extension of the ballot period until Monday 14th September 2009. The Parties were subsequently notified of the extension.

12. The QIP reported to Industrial Court on 14th September 2009, that out of 479 workers in the bargaining unit, 225 workers (46.9%) had returned ballot papers and there were no invalid (blank or spoiled) papers. 223 workers (that is 99.1% of those voting) had voted to support the proposal that the Union be recognised for the purpose of collective bargaining with the company. 2 workers (that is 0.9% of those voting) had voted to reject the proposal. The number of votes supporting the proposal as a percentage of the bargaining unit was 46.6%.

Declaration of Recognition:

13. The Industrial Court informed both Parties on 16th September 2009 of the result of the ballot in accordance with Paragraph 29 (2) of schedule 1A to the Trade Union and Labour Relations Order.

14. The ballot establishes that the majority of the workers voting, and at least 40% of the workers constituting the bargaining unit, support the proposal that the Union be recognised for the purpose of conducting collective bargaining in respect of the determined bargaining unit. This satisfies the conditions under which the Industrial Court must issue a declaration in favour of recognition in accordance with Paragraph 29(3) of Schedule 1A to the Order.

15. The Industrial Court declares that the Union be recognised by the Company as entitled to conduct collective bargaining on behalf of 'All staff employed by Ladbrokes in their betting shops in Northern Ireland, up to and including the job role/grade of shop manager and staff employed on a similar grade and level in Tele-betting, Trading, Administration, Machine Co-ordination and Operational Support at the Regional Offices in Belfast'.

Barry Fitzpatrick

Mr Barry Fitzpatrick

Mr George McGrath

Mr Peter Williamson

Date of Decision: 16 September 2009

Date issued to Parties 24 September 2009