

Case Ref No: IC-16/2002

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 1 A – COLLECTIVE BARGAINING: RECOGNITION

DECISION ON WHETHER TO ACCEPT THE APPLICATION

The Parties:

Amicus/AEEU

and

Ballyrobert Ltd

Introduction

1. Amicus/AEEU (the Union) submitted an application to the Industrial Court (the Court) dated 4 September 2002 that it should be recognised for collective bargaining by Ballyrobert Ltd (the Company). The Court gave both parties notice of the receipt of the application on 6 September 2002. The company submitted a response to the Court on 20 September 2002, which was copied to the Union.
2. In accordance with Article 92 (A) of the Industrial Relations (Northern Ireland) Order 1992, the IC Chairman established a Panel of the Court to deal with the case. The Court consisted of Prof Barry Fitzpatrick, Chairman, and, as Members, Ms Avril Hall-Callaghan and Mr Irvine McKay. The Case Manager appointed to support the Court, was Mrs Bernie McGeough.

Issues

3. The Court is required by the Trade Union and Labour Relations (Northern Ireland) Order 1995 to decide whether the Union's application to the IC is valid within the terms of: Schedule 1A, Article 3, paragraphs 5 – 8; is made in accordance with paragraphs 11 or 12; and is admissible within the terms of paragraphs 33 to 42 of Schedule 1A to the Order, and is therefore to be accepted.

4. The Court has considered all the documentation relating to the tests and is satisfied that the Union's application meets all the statutory criteria.

Considerations

5. The Union provided evidence that they had 9 union members within the proposed bargaining unit of 10. However the Company dispute this figure.

Decision

6. For the reasons given above, the Industrial Court is satisfied that:
 - a) members of the union constitute at least 10% of the workers constituting the proposed bargaining unit;
 - b) a majority of 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; and
 - c) having considered the submissions made by the parties, the application meets the remaining statutory admissibility and validity criteria.

The Industrial Court's decision is therefore that the application is accepted.

Barry Fitzpatrick

Prof Barry Fitzpatrick
Ms Avril Hall-Callaghan
Mr Irvine McKay

Decision Date: 20 September 2002
Date Issued to Parties: 27 September 2002