

Case Ref No: IC-18/2003

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

DECISION ON WHETHER TO ACCEPT THE APPLICATION

The Parties:

ATGWU

And

Polypipe (Ulster) Limited

Introduction

1. The ATGWU (the Union) submitted an application to the Industrial Court (the Court) dated 10 January 2003 that it should be recognised for collective bargaining by Polypipe (Ulster) Limited (the Company). The Court gave both parties notice of the receipt of the application on 13 January 2003. The Company submitted a response to the Court on 20 January 2003, 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 Mr Richard Steele, Chairman, and, as Members, Mr Peter Williamson and Mrs Elizabeth Rutherford. The Case Manager appointed to support the Court, was Ms Anne-Marie O'Kane.

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, paragraph 5 – 8; is made in accordance with paragraphs 11 or 12; and is admissible within the terms of paragraph 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 35 union members within the proposed bargaining unit of approximately 100. Evidence was also submitted in the form of 36 completed application forms from other individuals within the bargaining unit. These individuals have agreed that their applications can be processed if recognition is granted.

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.

Richard Steele

Mr Richard Steele
Mr Peter Williamson
Mrs Elizabeth Rutherford

Decision Date: 27 January 2003
Date Issued to Parties: 10 February 2003