

**Case Ref No: IC-19/2003**

**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

Limavady Building Suppliers

**Introduction**

1. The ATGWU (the Union) submitted an application to the Industrial Court (the Court) dated 13 January 2003 that it should be recognised for collective bargaining by Limavady Building Suppliers (the Company). The Court gave both parties notice of the receipt of the application on 14 January 2003. The Company submitted a response to the Court on 21 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 Joe Bowers and Mr Maurice Moroney. 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. The company did however claim that a copy of the application form was not sent to it by the Union upon submitting same to the Court. The Union state that the application form was indeed sent to the company on 13 January 2003. The Court considered the evidence before it and accepted that the Union did send a copy of the application form to the company.

### **Considerations**

5. In the union's application they stated that there are 18 workers in the bargaining unit – they have submitted a union membership list containing 17 names, membership ID's, method of payment and date of joining. One of the union members has left the company, subsequently reducing the bargaining unit and two members are in arrears. A petition signed by 16 members of the bargaining unit has also been received – **'We the undersigned workers who are employed by Limavady Building Suppliers at Limavady site ask that the ATGWU be recognised as being entitled to conduct collective bargaining on our behalf'**. The company doubts the union membership level and submitted correspondence to the Court stating that they had been approached by union members who would be notifying the Court of their withdrawal from the Union. The Court did not have the correspondence before it at the meeting. However the Panel Members were subsequently made aware of the content of this letter but did not consider that it materially affected the decision to accept the application.

### **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.

Handwritten signature of Richard Steele in black ink.

Mr Richard Steele  
Mr Joe Bowers  
Mr Maurice Moroney

Decision Date: 27 January 2003  
Date Issued to Parties: 13 February 2003