

Case Number: IC-04/2001
22 August 2001

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:

Amalgamated Engineering & Electrical Union

and

Reed Aviation Limited

Introduction

1. The Amalgamated Engineering & Electrical Union (the Union) submitted an application to the Industrial Court (IC) dated 8 August 2001 that it should be recognised for collective bargaining by Reed Aviation Limited (the Company). The IC gave both parties notice of the receipt of the application on 8 August 2001. The company submitted a response to the IC on 16 August 2001 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, Mr Irvine McKay and Mr Jim McCusker. The Case Manager appointed to support the Court was Greg Magee.

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. The Company did not challenge any of the points made in the Union's application.

Conclusions

4. The Court accepted the written evidence submitted by the Union in the form of membership checks carried out by the Labour Relations Agency in July 2001. The Court was therefore of the view that, on the evidence presented at this stage of the application, the criterion in relation to likely majority support for recognition had been satisfied.

Decision

7. 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
Irvine McKay
Jim McCusker

22 August 2001