

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:

Amicus/AEEU

and

Ballyrobert Cars Ltd

Introduction

1. Amicus/AEEU (the Union) submitted an application to the Industrial Court (IC) dated 3 May 2002 that it should be recognised for collective bargaining by Ballyrobert Cars Ltd (the Company). The IC gave both parties notice of the receipt of the application on 7 May 2002. The Company submitted a response to the IC on 17 May 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 Professor Barry Fitzpatrick, Chairman, and, as Members, Ms Avril Hall-Callaghan and Mr Irvine McKay. The Case Manager appointed to support the Court was Ms Anne-Marie O’Kane.

Issues

3. The Court is required by the 1995 Order to decide whether the Union’s application to the IC is valid within the terms of: Article 3 and Schedule 1A, 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 Union’s letter of request to the employer dated 4 April 2002 and its application for recognition were in respect of Ballyrobert Cars Ltd, 402 Belfast

Road, Bangor and the bargaining unit was described as ‘All hourly paid employees who work as mechanics, painters, body repair operatives and PDI operatives at Bangor site and in the Mallusk site, all mechanics and the staff employees who work in the reception department. (The staff employees who work in the reception department are salaried).’

5. In the response to the application in the completed questionnaire the Company stated that ‘Ballyrobert Cars Ltd and Ballyrobert Service Station Ltd are two separate legal entities’. The Chairman asked the Case Manager to clarify the legal status of the company/companies as to whether they are single employers or associated employers. The Company was asked to provide details of the Articles of Association of both companies together with clarification of the relationship between them. The Union was also asked for their views on this matter and any relevant information.

Considerations

6. The Court considered the information provided by the Company along with the Memorandum and Articles of Association for Ballyrobert Service Station Ltd and decided that the application could not be accepted.
7. The Union had submitted an application in relation to one employer while in fact the proposed bargaining unit covered two employers, neither of which was Ballyrobert Cars Ltd, a Company that was not itself a legal entity.

Decision

8. The Court’s decision is that the application is not admissible and therefore is not accepted.

Barry Fitzpatrick

Professor Barry Fitzpatrick
Ms Avril Hall-Callaghan
Mr Irvine McKay

Date of Decision: 29 May 2002
Date Issued to Parties: 24 June 2002

