

## 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:

Unison

And

Maybin Property Support Services (NI) Ltd

#### Introduction

1. Unison (the Union) submitted an application to the Industrial Court (IC) dated 14 March 2003 that it should be recognised for collective bargaining by Maybin Property Support Services (NI) Ltd (the Company). The IC gave both parties notice of the receipt of the application on 14 March 2003. The Company submitted a response to the IC on 24 March 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, Ms Avril Hall-Callaghan and Ms Caroline Whiteside. 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. In response to the Union’s application, the Company submitted that an existing recognition agreement was in force with the GMB Union, which covered workers in the proposed bargaining unit. The Company was asked to provide a copy of the recognition agreement between itself

and GMB and Minutes of Meetings or documents which would show that the agreement was in operation.

5. The Court met on 31 March 2003 to consider the evidence before it. The Panel decided that an extension to the acceptance period until 11 April 2003 was required in order to seek further clarification in relation to GMB membership within the proposed bargaining unit. The Case Manager was instructed by the Panel to gather information which would verify whether there were any GMB members within the proposed bargaining unit.
6. The Panel considered carefully all the correspondence and information submitted by the Parties. The voluntary recognition agreement was dated 25 October 2002 and confirmed that GMB was entitled to negotiate with the Company on a range of matters including pay, hours and holidays for its entire business, which includes the proposed bargaining unit.

### **Decision**

7. The Panel is therefore satisfied that, in accordance with paragraph 35(1) of Schedule 1A to the 1995 Order, there is already in force a collective agreement under which a union is recognised as entitled to conduct collective bargaining on behalf of workers within the relevant bargaining unit.
8. The Panel's decision is, therefore, that the application is not accepted by the Industrial Court.

*Richard Steele*

Mr Richard Steele  
Ms Avril Hall-Callaghan  
Ms Caroline Whiteside

Date of Decision: 9 April 2003  
Date Issued to Parties: 1 May 2003