

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

and

Diageo Baileys Global Supplies

Introduction:

1. Amicus (the Union) submitted an application to the Industrial Court (IC) dated 25 May 2004 that it should be recognised for collective bargaining by Diageo Baileys Global Supplies (the Company). The IC gave both parties notice of the receipt of the application on 27 May 2004. The Company submitted a response to the IC on 4 June 2004, 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 Fiona Marshall and Mr Mervyn Simpson. 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 the letter of request dated 23 March 2004 from the Union to the Company the proposed bargaining unit was described as ‘all employees’. However, in its application to the IC the Union described the proposed bargaining unit as ‘Logistics Dept, Process Operators, Plc, Craft Dept and

Quality Control. All employees in the above named Dept. Excluding Supervisors and staff who may be attached to named Departments’.

5. According to paragraph 2(3) of Schedule 1A, ‘references to the proposed bargaining unit are to the bargaining unit proposed in the request for recognition’. The Court considered the discrepancy between the Union’s letter of request to the employer for statutory recognition and the application form submitted to the IC. Given the discrepancy, the Court did not consider it appropriate to use the information provided in the application form to determine whether the proposed bargaining unit, as set out in the letter of request, satisfied the validity and admissibility tests in the Schedule. In these circumstances, the Court concluded that the application must be rejected.

Decision:

6. The Court’s decision is that, since it would not be appropriate for the tests specified under Paragraph 36 of the Schedule to be carried out, the application is not admissible and therefore is not accepted.

Barry Fitzpatrick

Professor Barry Fitzpatrick
Ms Fiona Marshall
Mr Mervyn Simpson

Date of Decision: 8 June 2004
Date Issued to Parties: 11 June 2004