

## 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

Sanmina SCI (UK) Ltd

#### Introduction:

1. Amicus (the Union) submitted an application to the Industrial Court (the Court) dated 22 December 2005 that it should be recognised for collective bargaining by Sanmina SCI (UK) Ltd (the Company). The Court received the application on 5 January 2006, and acknowledged receipt of the application to both parties on the same day. The Company submitted a response to the Court on 13 January 2006, which was copied to the Union.
2. In accordance with Article 92(A) of the Industrial Relations (Northern Ireland) Order 1992, the Industrial Court Chairman established a Panel of the Court to deal with the case. The Court consisted of Professor Barry Fitzpatrick, Chairman, and, as Members, Mr George McGrath and Mrs Avril Hall-Callaghan. The Case Manager appointed to support the Court was Ms Brenda Slowey. The Panel met on Monday 16 January 2006 to determine whether to accept this application.

#### Issues:

3. The Court is required by the 1995 Order to decide whether the Union's application to the Court 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 18 August 2005 from the Union to the Company the proposed bargaining unit was described as 'all salaried employees working in Sanmina SCI covering the following areas or departments: Commercial, Manufacturing, Purchasing, Customer Focus,

Planers, Inspection, I.T. Maintenance, Facilities, Finishing and all Shop Floor Supervision. Grades covered from management down'. In the Union's application however, the proposed bargaining unit was described as 'All salaried employees working in Sanmina SCI covering the following areas or Departments: Commercial, Manufacturing, Purchasing, Customer Focus, Planers, Inspection, I.T Maintenance, Facilities, Finishing and all shop floor supervision grades covered from management down'.

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 Court and found the two descriptions to be irreconcilable. 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. However, the Panel noted that even if the application had been accepted, it would have needed to seek further clarification from the Union, as the categories of workers described in their proposed bargaining unit could not be reconciled with the list of categories of workers provided by the Employer with its response of 13 January 2006.

**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  
Mr George McGrath  
Mrs Avril Hall-Callaghan

Date of Decision: 16 January 2006  
Date Issued to Parties: 24 January 2006