

Case Ref No: IC-25/2004

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

DETERMINATION OF THE BARGAINING UNIT

The Parties:

Amicus

And

Diageo Baileys Global Supplies

INTRODUCTION:

1. Amicus (the Union) submitted an application to the Industrial Court (the Court) dated 14 July 2004 that it should be recognised for collective bargaining purposes by Diageo Baileys Global Supplies (the Company) for 'All employees excluding HR Manager, Plant Director and all Supervisors and Charge Hands'. The Court gave both Parties notice of receipt of the application on 19 July 2004 and invited responses from the employer in regard to the application.
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 Cummins and Mr Mervyn Simpson. The Case Manager appointed to support the Court was Ms Anne-Marie O'Kane.
3. By a decision dated 31 August 2004, the Court accepted the Union's application. The Parties were unable to reach an agreement on the appropriate bargaining unit. The Panel invited both Parties to attend a Hearing and to provide the Panel with, and exchange, written submissions relating to the question of the determination of the appropriate bargaining unit. A Hearing was held on 11 October 2004 and the names of those who attended are appended to this decision.

ISSUES:

4. The Chairman outlined to the Parties the relevant legislation governing the proceedings and invited confirmation that there was consensus between the Parties that the appropriate bargaining unit proposed by the Union would be the appropriate bargaining unit, subject to one area of disagreement in respect of whether the Technical Administrator and the Confidential Administrator should be included in the bargaining unit.
5. Both Parties confirmed that this was the position and asked for a short adjournment to discuss the issues.
6. The Hearing re-commenced after the adjournment and the Parties informed the Court that agreement had been reached, with the Union conceding that the Confidential Administrator and the Technical Administrator by definition were included in their proposed bargaining unit.

CONSIDERATIONS:

7. The Order requires the Court to decide the appropriate bargaining unit and, in making that decision to take into account the need for the unit to be compatible with effective management and the matters listed in paragraph 19(4) of the Schedule, in so far as they do not conflict with that need. These are: the views of the employer and of the union; existing national and local bargaining arrangements; the desirability of avoiding small fragmented bargaining units within an undertaking; the characteristics of workers falling within the proposed bargaining unit and of any other employees of the employer whom the Court considers relevant; and the location of workers.
8. As the Parties have agreed both the bargaining unit and the workers who should be included in it, the Court therefore determines that the Union's proposed bargaining unit is an appropriate bargaining unit for the purposes of paragraph 19.

DECISION:

9. The Court's decision is that the appropriate Bargaining Unit is that proposed by the Union, that is, 'All employees excluding HR Manager, Plant Director and all Supervisors and Charge Hands'.

Barry Fitzpatrick

Professor Barry Fitzpatrick
Ms Fiona Cummins
Mr Mervyn Simpson

Date of Decision: 11 October 2004
Decision Issued to Parties: 12 October 2004