

Case Ref No: IC-18/2003

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 FORM OF BALLOT

The Parties:

ATGWU

And

Polypipe (Ulster) Limited

Introduction

1. The ATGWU (the Union) submitted an application to the Industrial Court (the Court) dated 10 January 2003 that it should be recognised for collective bargaining by Polypipe (Ulster) Limited (the Company). The Court gave both Parties notice of receipt of the application on 13 January 2003. The Company submitted a response to the Court on 20 January 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, Mr Peter Williamson and Mrs Elizabeth Rutherford. The Case Manager appointed to support the Court, was Ms Anne-Marie O'Kane.
3. By a decision dated 27 January 2003, the Panel accepted the Union's application. The Company, by letter dated 20 February 2003 notified the Court that the Union's proposed bargaining unit was accepted namely 'All hourly paid/weekly paid employees including process operatives, drivers/helpers, stores/despatch employed at the Company's manufacturing site Dromore Road, Lurgan. The bargaining unit does not include supervisory and administration staff and also excludes those who fulfil a senior management role'.

4. As the Union did not claim to have more than 50% membership within the Bargaining Unit, both Parties were given formal notice under paragraph 23(2) of the Schedule that the Panel intended to arrange a secret ballot in which the workers constituting the Bargaining Unit would be asked whether they want the Union to conduct collective bargaining on their behalf. The Panel also advised the Parties that it would wait until the end of the notification period of ten working days, as specified in paragraph 24(5), before arranging a secret ballot. The Parties were also asked for their views on the form which the ballot should take.

Submissions by the Parties

5. Both Parties notified the Court that their preference was for a postal ballot.

Decision

6. The Panel, having considered the factors specified in paragraph 25(5), decides that the ballot will be conducted by post.
7. The name of the Qualified Independent Person appointed to conduct the ballot will be notified to the Parties shortly as will the period within which the ballot is to be held.



Richard Steele
Peter Williamson
Elizabeth Rutherford

Date of Decision: 31 March 2003
Date Decision Issued to Parties: 2 April 2003