

Case Ref No: IC-02/2001

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

DECLARATION THAT UNION IS NOT ENTITLED TO BE RECOGNISED

The Parties:

Bakers Food and Allied Workers Union

And

Howell House Bakery

Introduction

1. The Bakers Food and Allied Workers Union (the Union) submitted an application to the Industrial Court (the Court) dated 23 July 2001 that it should be recognised for collective bargaining purposes by Howell House Bakery (the Company) for ‘all production workers, all process workers and all packaging and dispatch workers’.
2. In accordance with Article 92(A) of the Industrial Relations (Northern Ireland) Order 1992, the Industrial Court Chairman established a panel to deal with the case. The Panel consisted of Professor Barry Fitzpatrick, Chairman, and, as members Mr Andy Snoddy and Mrs Elizabeth Rutherford. The Case Manager appointed to support the Court was Anne-Marie O’Kane.
3. By a decision dated 7 August 2001, the Panel decided that the Union’s application should be accepted by the Court. The appropriate Bargaining Unit was agreed between the Parties and the Court was notified of same on 4 September 2001.

4. At a hearing on 12 November 2001, the Parties were notified that the results of a membership check carried out by the Case Manager indicated that the Union had 50% membership within the Bargaining Unit. The Parties were consequently informed that a secret ballot would be conducted and following submissions from the parties the Court decided that the ballot should be a combination of workplace and postal voting. The panel directed that The Industrial Society should be appointed as the Qualified Independent Person (QIP) to conduct a ballot of workers in the Bargaining Unit on the question of whether they wanted the Union to conduct collective bargaining on their behalf.

The Ballot

5. The QIP was appointed on 7 December 2001 and the ballot conducted on 8 January 2002.
6. The QIP reported to the Court on 9 January 2002 that, of the 47 workers in the Bargaining Unit, 41 (87%) had voted in the ballot; there were no invalid ballot papers, 16 workers (39% of those voting) voted to support the proposal that the Union should be recognised by the Company and 25 (61% of those voting) voted to reject the proposal. The proportion of workers constituting the Bargaining Unit who supported the proposal was 34%.

Declaration

7. In accordance with paragraph 29(2) of Schedule 1A to the Order, the Court informed both Parties on 9 January 2002 of the result of the ballot.
8. The ballot did not establish that a majority of the workers voting supported the proposal that the Union should be recognised by the Company for the purposes of collective bargaining within the Bargaining Unit.
9. The Court accordingly declares, in accordance with paragraph 29(4) of Schedule 1A to the Order, that the Union is not entitled to be recognised by the Company as entitled to conduct collective bargaining on behalf of the bargaining unit.

Barry Fitzpatrick

Chairman: Professor Barry Fitzpatrick

Members: Mr Andy Snoddy
Mrs Elizabeth Rutherford

Date: 17 January 2002

