

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 OF RECOGNITION

The Parties:

Amicus

and

Atlas Communications NI Limited

Introduction:

1. AMICUS (the Union) submitted an application to the Industrial Court (the Court) dated 4 November 2004 to be recognised for the purposes of collective bargaining by Atlas Communications NI Limited (the Company) in respect of a bargaining unit comprising “All engineers and stores employees working in Atlas Communications (NI) Ltd excluding managers in both stores and engineering departments”. The Court gave both Parties notice of receipt of the application on 11 November 2004 and copied the application form to the Company. The Company submitted their response to the Court on 17 November 2004, and this 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 to deal with the case. The Panel consisted of Mr Richard Steele as Chairman and Mr Maurice Moroney and Mr Jim McCusker as Members. The Case Manager appointed to support the Court was Mrs Joanna Calixto, later re-assigned to Miss Brenda Slowey.
3. The Panel appointed to consider the application decided, on 22 November 2004, that the application was admissible. The appropriate bargaining unit was determined at a hearing on 26 January 2005. The Parties were notified of the decision on 1 February 2005.
4. Following a confidential membership check, issued to the Parties on 24 February 2005, the parties were informed that a secret ballot would be arranged and submissions were invited on the form of ballot and whether an extension to the balloting period was required. The Court was not notified under Paragraph 24(2) of Schedule 1A by the Union or by both Parties jointly that they did not wish for the Court to arrange for a ballot to be held. The Court, therefore, decided that a secret ballot should be conducted by postal

voting and that an extension to the 20 day period in which to conduct the ballot was not required. Both Parties were notified of this decision on 23 March 2005.

5. Due to the failure by both Parties to agree access arrangements for the forthcoming ballot, the Union requested the Court's assistance. The Court suggested that an informal meeting between both Parties, the Chairman and the Case Manager be held in order to afford the Parties an opportunity to try to reach agreement. This meeting was held on 14 April 2005 and although some issues were agreed between the parties at this meeting, a few were still outstanding, and the Court was asked by the Union to make a decision on: -
 - (a) the number of meetings to be held during the access period; and
 - (b) whether attendance at these meeting was compulsory.

The Court, having considered Paragraph 30 of the Code of Practice decided that both the Company and the Union were entitled to hold 2 meetings of 30 minutes each, in work time, during the access period, and attendance at both the Company meetings and the Union meetings was not compulsory for members of the bargaining unit. This decision was issued to the Parties on 16 May 2005.

7. The Panel directed that a Qualified Independent Person (QIP) would be appointed to conduct a ballot of all workers in the bargaining unit on the question of whether they wished the Union to conduct collective bargaining on their behalf.
8. Electoral Reform Services was appointed as the QIP on 17 May 2005 to conduct the ballot and the Parties were notified accordingly. The postal ballot papers were despatched and the closing date for their return was 5pm on Wednesday, 15 June 2005. The Court was informed by both Parties that some members of the bargaining unit had not received ballot papers and therefore decided to extend the closing date for the return of these papers to Friday, 17 June 2005, to allow the QIP to re-issue the required ballot papers. The Parties were informed of this extension by letter dated 13 June 2005.
9. The QIP reported to the Industrial Court on 17 June 2005 that out of 32 workers in the bargaining unit, 21 workers had voted (65.6% of the bargaining unit) and that there were no duplicate or blank/spoilt papers. 19 workers (90.5% of the valid vote) had voted to support the proposal that the Union be recognised by the Company for collective bargaining purposes. 2 workers (9.5% of the valid vote) had voted to reject the proposal. The number of votes supporting the proposal as a percentage of the bargaining unit was 59.4%.

Declaration of Recognition

10. In accordance with Paragraph 29(2) of the Schedule, the Industrial Court informed the Company and the Union of the result of the ballot on 20 June 2005.

11. The ballot establishes that a majority of the workers voting and at least 40% of the workers constituting the bargaining unit support the proposal that the union be recognised for the purpose of conducting collective bargaining in respect of the determined bargaining unit. This satisfies the conditions under which the Industrial Court must issue a declaration in favour of recognition in accordance with Paragraph 29(3) of Schedule 1A to the Order.

12. The Industrial Court declares that the Union is recognised by the Company as entitled to conduct collective bargaining on behalf of “All engineers and stores employees working in Atlas Communications (NI) Ltd excluding managers in both stores and engineering departments”.



Mr Richard Steele
Mr Maurice Moroney
Mr Jim McCusker

Date: 20 June 2005
Date issued to Parties: 22 June 2005