

**Case Ref No: IC-50/2012**

**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:**

Unite the Union

And

Quinn Glass (Drivers)

**DECISION**

1. Unite the Union submitted an application to the Industrial Court (the Court), received on 8<sup>th</sup> November 2012, for recognition at Quinn Glass (Drivers), Derrylin, Co Fermanagh, N Ireland, BT92 9AU. The bargaining unit description was,

*“Quinn Glass Lorry Drivers attached to Quinn Group however working as delivery drivers Quinn Glass plant. No of which is 32. Not including temporary or casual including Quinn Group drivers brought in from the Group to cover holidays and casual absence”*,

and the location was given as *“Lorry drivers based in Quinn Glass Derrylin Site”*.

The Court gave both parties notice of the application on 9<sup>th</sup> November 2012 and the Employer submitted a response on 20<sup>th</sup> November 2012.

2. In accordance with Article 92(A) of the Industrial Relations (Northern Ireland) Order 1992, the Industrial Court Acting Chairman established a Panel of the Court to deal with the case. The Court consisted of Mr Barry Fitzpatrick, Chairman, and, as Members, Mr Robin Bell and Mr Neal Willis. The Case Manager appointed to support the Court was Mr Paul Cassidy.

3. By letter dated 5<sup>th</sup> December 2012 the parties were asked to participate in a confidential membership check, the results of which were circulated to the parties. The membership check showed the level of union membership within the proposed bargaining unit to be 63.89%, whilst the total level of support for the union was 69.44%. Therefore, by decision dated 20<sup>th</sup> December 2012, the Union’s application was accepted by the Court.

4. Following an exchange of e-mails between the parties regarding an appropriate bargaining unit, the Panel was satisfied that the employer and the union had reached agreement on an appropriate bargaining unit and that this bargaining unit was consistent with the description used in the union's originating letter and application form.

5. Paragraph 22(2) of Schedule 1A of the Trade Union and Labour Relations (Northern Ireland) Order 1995 (as amended) requires the Court to issue a declaration that the union is recognised as entitled to conduct collective bargaining on behalf of a group of workers constituting the bargaining unit if it is satisfied that a majority of the workers constituting the bargaining unit are members of the applicant union, unless any of the three qualifying conditions set out in Paragraph 22(4) apply. If any of these conditions apply, the Court must give notice to the parties that it intends to arrange for a secret ballot to be held.

6. The Panel considered the outcome of the membership check and was satisfied that a majority of workers in the bargaining unit were members of the union; that none of the qualifying conditions in Paragraph 22(4) of the schedule applied, and that a secret ballot was not required.

7. By letter dated 6<sup>th</sup> February 2013 the Panel declared that, subject to the provision of credible evidence to the contrary from the employer by 11<sup>th</sup> February 2013, it would grant recognition to the union. No response was received from the employer.

8. Taking into account all of the above matters the Court is satisfied that a majority of the workers constituting the bargaining unit are members of the union and so the Court **declares** that Unite the Union is recognised as entitled to conduct collective bargaining on behalf of the Workers described as

*“Quinn Glass Lorry Drivers attached to Quinn Group however working as delivery drivers Quinn Glass plant. No of which is 32. Not including temporary or casual including Quinn Group drivers brought in from the Group to cover holidays and casual absence”.*

The location of these workers is, *“Lorry drivers based in Quinn Glass Derrylin Site”.*

*Barry Fitzpatrick*

Mr Barry Fitzpatrick  
Mr Neal Willis  
Mr Robin Bell

23<sup>rd</sup> April 2013