

Case Ref No: IC-48/2012

**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**

**DECISION ON WHETHER TO ACCEPT THE APPLICATION**

**The Parties:**

Unite the Union

And

Qualitrol Instruments

**Background**

Unite the Union submitted an application to the Court on 2<sup>nd</sup> April 2012 for recognition at Qualitrol Instruments, 15 Wildflower Way, Belfast, BT12 6TA. The bargaining unit description was “AKM Assembly Line” and the location was given as “*Production Operatives*”. The Court gave both parties notice of the receipt on 3<sup>rd</sup> April 2012 and the Employer submitted a response on 12<sup>th</sup> April 2012.

In accordance with Article 92A of the Industrial Relations (Northern Ireland) Order 1992, the Chairman of the Court established a Panel to deal with the case. The Panel consisted of Mr Barry Fitzpatrick, Ms Patricia O’Callaghan and Mr Robin Bell. The Case Manager appointed to support the Court was Mr Paul Cassidy.

The Panel met on 23<sup>rd</sup> April 2012 to determine, within the acceptance period set out in paragraph 15(6) of Schedule 1A to the Trade Union and Labour Relations (Northern Ireland) Order 1995:

- the validity of the request under the terms of paragraphs 5 – 9 of that Schedule;
- whether the application to the Court was made in accordance with paragraphs 11 and 12;
- the application’s admissibility within the terms of paragraphs 33 – 42.

## Decision

The Court considered the application by the Union in this case and noted that the Union's description of the proposed bargaining unit in its application to the Court did not accurately reflect the description given in the letter of request to the Employer.

Paragraph 2(3) of Schedule 1A states, "References to the proposed bargaining unit are to the bargaining unit proposed in the request for recognition". Paragraph 8(b) states that a request is not valid unless it, "*identifies the union or unions and the bargaining unit*".

The Panel concluded that it could not apply the validity and admissibility tests in the Schedule in light of the differences between the description of the proposed bargaining unit in the letter of request and the description in the application form.

The Panel therefore concluded that the application could not be accepted for these reasons and therefore that it can proceed no further.

*Barry Fitzpatrick*

Mr Barry Fitzpatrick  
Ms Patricia O'Callaghan  
Mr Robin Bell

Decision Date: 23<sup>rd</sup> April 2012  
Date Issued to Parties: 26<sup>th</sup> April 2012