

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

Amalgamated Engineering and Electrical Union

and

EM Solutions

Introduction

1. The Amalgamated Engineering and Electrical Union (the Union) submitted an application to the Industrial Court (IC) dated 7 September 2001, that it should be recognised for collective bargaining by EM Solutions (the Company) in respect of all hourly paid staff, across all departments. The Bargaining Unit had been agreed between the parties. The application was accepted on 24 September 2001.
2. Paragraph 22(2) of the Schedule requires the IC 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 Para 22(4) apply. If any of these conditions apply, the IC must give notice to the parties that it intends to arrange for a secret ballot to be held.
3. The Parties were invited to make submissions on the three qualifying conditions as set out in Para 22(4). In response to this request neither the Union nor the Company made any substantive submission.
4. In order to clarify the level of Union support within the Bargaining Unit, the Case Manager compared lists which were supplied by the Union and the Company. The Union's list provided names of Members who worked in the Bargaining Unit and the Company's list provided names of Workers in the Bargaining Unit. As a result of this check, the Case Manager determined that 54% of the Workers in the Bargaining Unit were members of the Union.

5. The Parties were advised of this figure and both Parties stated that they were satisfied that the level of Union Membership within the Bargaining Unit exceeded 50%.
6. Following the correspondence from the Parties and taking into account the check completed by the Case Manager and the subsequent report of these findings submitted to the Court and to the Parties, the Court is satisfied that a majority of the Workers constituting the Bargaining Unit are Members of the Union and that none of the conditions set out in Para 22(4) of the Schedule apply. Consequently, the Court **declares** that the Amalgamated Engineering and Electrical Union is recognised as entitled to conduct collective bargaining on behalf of the Workers described as all hourly paid staff , across all departments within EM Solutions, 19a Ballinderry Road, Lisburn, Co Antrim, BT28 2SA.

Richard Steele

Mr Richard Steele
Mr George McGrath
Mr Joe Bowers

26 October 2001