

## **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**

The Amalgamated Transport & General Workers Union (ATGWU)

and

Montracon Ltd

#### Introduction

1. The Amalgamated Transport and General Workers Union (the Union) submitted an application to the Industrial Court (IC) dated 5 November 2001, that it should be recognised for collective bargaining purposes by Montracon Ltd (the Company). The application was accepted on 21 November 2001.
2. Following a hearing held on 4 January 2002, the Court determined that the appropriate Bargaining Unit was that proposed by the Union ‘all hourly paid graded production employees involved with the manufacturing of trailers at the Mallusk site, including supervisors and foremen’. The Parties were notified of this decision on 21 January 2002.
3. 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.
4. 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. The Court however gave consideration to the Company’s and the Union’s submission made at the hearing to determine the Bargaining Unit. In the Company’s submission Mr Bloch, representing the Company, submitted that the Amalgamated Engineering and Electrical Union (AEEU) was recognised by the Company and that if the

ATGWU were to be afforded recognition this would create a multi-union agreement which was not desirable and would not promote good industrial relations. The Court, having made its determination on the Bargaining Unit, focussed on the specific issues relevant to the Bargaining Unit.

5. 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 61.9% of the Workers in the Bargaining Unit were members of the Union. In addition the Union submitted a petition of non-union members containing 13 names, which were also on the list provided by the Company of workers in the Bargaining Unit.
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, the Court at its meeting held on 4 February 2002 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 Transport and General Workers Union is recognised as entitled to conduct collective bargaining on behalf of the Workers described as all hourly paid graded production employees involved with the manufacturing of trailers at the Mallusk site, including supervisors and foremen at Montracon Ltd, 50 Mallusk Road, Newtownabbey, Northern Ireland.



Court Chair:	Mr Richard Steele
Members:	Mr George McGrath Mr Bob Gourley
Date of Decision:	4 February 2002
Date Issued to Parties:	5 February 2002