

Case Number IC-03/2001

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

DETERMINATION OF THE BARGAINING UNIT

The Parties:

Graphical, Paper and Media Union

And

Belfast Telegraph Newspapers Ltd.

Introduction

1. The GPMU (the Union) submitted an application to the Industrial Court (IC) dated 23 July 2001 that it should be recognised for collective bargaining purposes by Belfast Telegraph Newspapers Ltd. (the Company) for all departments except editorial, electricians, electronic engineers, fitters, mechanic/garage/body repair, managers, directors and casual workers. The IC gave both parties notice of receipt of the application on 24 July 2001 and invited responses from the employer in regard to the application.
2. In accordance with Article 92(A) of the Industrial Relations (Northern Ireland) Order 1992, the IC Chairman established a Panel of the Court to deal with the case. The Court consisted of Mr Richard Steele, Chairman, and, as Members, Mr Maurice Moroney and Ms Avril Hall-Callaghan. The Case Manager appointed to support the Court was Mrs Pat Stringer.
3. By a decision dated 7 August 2001, the Court accepted the Union's application. Despite the involvement of the LRA, no agreement on the bargaining unit was reached. As a result, both parties were invited to provide the Court with written submissions relating to the question of the determination of the appropriate bargaining unit. The parties received each other's submission. A hearing was held on 11 October 2001 and the names of those who attended are appended to this decision.

BACKGROUND

4. Belfast Telegraph Newspapers Ltd. is engaged in the printing and publishing of newspapers. Its titles include the national evening daily newspaper of Northern Ireland (Belfast Telegraph Newspaper) but it also prints other weekly newspapers (Sunday Life and Community Telegraph) together with an extensive business in printing as a sub contracting printer the Ireland editions of some of the UK daily newspapers. It currently employs 580 workers in Belfast and Londonderry.
5. The GPMU was formed in October 1991 after amalgamation between NGA and SOGAT. They have over 200,000 members in the general printing, newspaper, packaging and communication industries.

SUMMARY OF THE UNION CASE

6. The Union's proposed bargaining unit consists of all departments except editorial, electricians, electronic engineers, fitters, mechanic/garage/body repair, managers, directors and casual workers. The excluded departments are described as
 - i) **Editorial:** Consisting of Journalists, Photographers, Sub-editors, Copyholders /Takers etc.
 - ii) **Maintenance:** Consisting of Engineers, Electricians, Fitters, Mechanics, Garage/Body/Repair etc.
 - iii) **Management:** Managers and Directors.
 - iv) **Casual Workers**

The Union also advised the Court on the day of the Hearing that it accepted the list of Departments drawn up by the Company during LRA discussions as a comprehensive description of all the Departments which would be included in the Union's proposed single bargaining unit. They also advised the Court and the Company that staff in the Londonderry office also fitted into the departments described in the list.

7. The Union stated that its proposed bargaining unit reflects their range of membership and represents the areas where the GPMU or its predecessor unions have traditionally been recognised in the newspaper industry and Belfast Telegraph prior to the company de-recognising GPMU.
8. The Union contended that their proposed bargaining unit would avoid small fragmented units and that all workers in their proposed bargaining unit are involved in the production of newspapers by selling, advertising, printing, administration etc. All are located at either 124-144 Royal Avenue, Belfast or 37 Glendermott Road Londonderry. The Union also contended that there is a clear distinction between the workers in the proposed bargaining unit and those excluded from it, as they are not involved in management, engineering or journalism.

SUMMARY OF THE COMPANY CASE

9. In its submission to the Court, the Company stated that it has been engaged in the printing and publishing of newspapers for over 100 years. It has not effectively recognised any independent union for approximately 10 years and it has had a practice, since that time of encouraging the use and acceptance by employees of individual and personal Terms and Conditions of Employment.
10. The Company, in proposing two bargaining units to the Court, contended that, the organisation of its business splits naturally into two separate divisions comprising those employees who are involved in the production of newspapers and those employees who are involved in the production of income arising from the sale and distribution of newspapers and their contents.
11. The Company also submitted a list of Departments drawn up during the LRA deliberations, which they stated includes all departments making up their proposed two bargaining units. This is the same list referred to in paragraph 7 above.

CONSIDERATIONS

12. The Order requires the Court to decide the appropriate bargaining unit and, in making that decision to take into account the need for the unit to be compatible with effective management and the matters listed in para.19 (4) of the Schedule, in so far as they do not conflict with that need. These are: the views of the employer and of the union; existing national and local bargaining arrangements; the desirability of avoiding small fragmented bargaining units within an undertaking; the characteristics of workers falling within the proposed bargaining unit and of any other employees of the employer whom the Court considers relevant; and the location of workers. The Court's decision has been taken after full and detailed consideration of the parties' views as expressed in their written submissions and amplified at the hearing and in the light of the evidence placed before it and the Court's own industrial relations experience.
13. The Court accepted the Union's evidence that its proposed bargaining unit is identifiable when described as all departments except
 - i) **Editorial:** Consisting of Journalists, Photographers, Sub-editors, Copyholders /Takers etc.
 - ii) **Maintenance:** Consisting of Engineers, Electricians, Fitters, Mechanics, Garage/Body/Repair etc.
 - iii) **Management:** Managers and Directors.
 - iv) **Casual Workers**

In addition the Court accepted the list of Departments which the Union stated described all those to be included in their proposed bargaining unit and which had been agreed as correct by the Company during LRA deliberations.

14. The Court considered both Parties contention that they agreed with the list drawn up to describe the departments to be included in a single bargaining unit as proposed by the Union or two bargaining units as proposed by the Company.

15. The Court accepted the Union contention that their proposed bargaining unit would be compatible with effective management as the Company had not produced an argument either at submission stage or during the Hearing to explain why one bargaining unit would not be compatible with effective management.

16. While the Company's counter proposal for a bargaining unit would also be compatible with effective management, this does not mean that the Union's proposal is not. The Court has the view that while there may be differences in the characteristics of the workers in the two bargaining units proposed by the Company, these differences are not sufficiently significant to persuade the Court that two bargaining units are required to be compatible with effective management. The Court accepted the Union's contention that there are also differences in the characteristics of the workers within each department.

On the balance of the evidence the Court concluded that the appropriate bargaining unit is the one proposed by the Union. It is, in the Court's considered view, compatible with the need for effective management

DECISION

The Court decision is that the appropriate bargaining unit is that proposed by the Union, that is, all departments except editorial, electricians, electronic engineers, fitters, mechanic/garage/body repair, managers, directors and casual workers located at 124-144 Royal Avenue and 37 Glendermott Road, Londonderry. The following Departments refer.

Press Day Shift	Newspaper Sales
Press Mid Shift	Marketing
Press Night Shift	Internet
Day Plates	Security
Night Plates	Switchboard
Stores	Van Sales
Inserting	Cir Admin
Ad Make-up	Advertising
Ad Services	Accounts
Process	Promotions
Systems	Reader Hols
General Services	Billing
Messengers	
Art Studio	
Ad Control	

Richard Stobo

Court Chair Mr Richard Steele

Members Mr Maurice Moroney

Ms Avril Hall-Callaghan

Date: 11 October 2001

Appendix (list of those attending)

Representing the Union

Mr E Kirkpatrick (Industrial Officer)

Mr D Edmont (Assistant Branch Secretary)

Ms J McWilliams (Organiser)

Representing the Employer

Mr R H MacLaughlin (Personnel Manager)

Mr R Lyttle (Circulation and Distribution Director)

Mr T Foster (Operations Director)

Mr Peter Martin (Solicitor, Arthur Cox)