

## 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

Graphical Paper and Media Union

and

Belfast Telegraph Newspapers Ltd.

#### Introduction

1. The Graphical Paper and Media Union (the Union) submitted an application to the Industrial Court (the Court) dated 23rd July 2001, that it should be recognised for collective bargaining purposes by Belfast Telegraph Newspapers Ltd. (the Company). The application was accepted by the Court on 7<sup>th</sup> August 2001.
2. Following a hearing held on 11<sup>th</sup> October 2001, the Court determined that the appropriate bargaining unit was: all departments except editorial, electricians, electronic engineer, fitters, mechanic/garage/body repair, managers, directors and casual workers located at 124-144 Royal Avenue and 37 Glendermott Road, Londonderry. Staff employed in the following Departments constitute the Bargaining Unit.

|                   |                 |
|-------------------|-----------------|
| 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        | Ad Control      |
| Art Studio        |                 |

3. Both Parties were invited to make submissions on the three qualifying conditions to be considered by the Court during the next stage of the application.
4. Paragraph 22(2) of the Schedule requires the Court to issue a declaration that the union is recognised as entitled to conduct collective bargaining on behalf of the 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) are fulfilled. If any of these conditions is met, or the Court is not satisfied that a majority of workers in the bargaining unit are members of the applicant union, the Court must give notice to the Parties that it intends to arrange for a secret ballot to be held.
5. The Union submitted that a majority of the workers within the Bargaining Unit were members of the union and none of the qualifying conditions set out in para.22(4) had been fulfilled. The Company submitted that it had concerns about whom the Court should count as a bonafide union member as it contended that the union membership list would have changed since it was “first compiled”. It further submitted that a ballot should be held.
6. The Court requested that the Case Manager carry out a membership check and to provide evidence relating to the currency of this membership and the Union rules relating to payment of membership subscriptions.
7. Both Parties were advised that, as a matter of policy, the Case Manager would not inform the Company of the names of union members but would provide a summary report to both Parties of the findings of the membership check.
8. The Case Manager received from the Company a list of those workers that it deemed should be included in the Bargaining Unit. Home addresses of these workers were supplied (to be used as a unique identifier). The Case Manager also received from the Union a list of union members, and evidence indicating that they were currently paying subscriptions, their membership entry dates and home addresses. Both sets of information were compared by the Case Manager and cross-checked by another Case Manager working to the Court. The Union also submitted that part of its rule- book explaining membership procedures and a petition from the workers whom the Union stated were in the Bargaining Unit. This petition asked that the GPMU be recognised by the Belfast Telegraph Newspapers Ltd. as being entitled to conduct collective bargaining on their behalf. Names on this petition were also compared with the Company list and **62.5%** of these names were common to the Company list.
9. An initial membership check was carried out on 17<sup>th</sup> November 2001 and 33 names on the Union list did not appear on the Company list. The Case Manager requested the Union to provide the Court with further evidence to explain this discrepancy and at the same time requested the Company to provide a full list of all workers employed in the relevant Departments along with their job titles, in order that the Court could ascertain who should be included in the membership check.

10. The Union supplied further information as to the job titles of the 33 names missing from the Company list deemed by the Union to work within the Bargaining Unit . The Company stated that it was satisfied that the Court had been provided with a full list of those who should be included in the Bargaining Unit and consequently did not consider it necessary to supply further evidence.
11. The Case Manager contacted the Union and the Company on 26<sup>th</sup> November in order to give the Parties an opportunity to clarify the remaining outstanding points in respect of the membership check. The Union stated that of the 33 names in question, it agreed that all those with supervisor, manager or equivalent in their job title should be excluded from the membership check. This left 17 whom the Union believed were in the Bargaining Unit. The Company stated that it had not excluded anyone from the list of workers originally supplied to the Court through the Case Manager, other than those whom the Union had excluded when proposing the Bargaining Unit. In calculating the number in the Bargaining Unit, the additional 17 people on the Trade Union list were not included. This was because there was no way to validate their inclusion with the Company.

## **CONSIDERATIONS**

12. As stated in paragraph 4 above, the Order requires the Court to consider whether it is satisfied that a majority of the workers constituting the bargaining unit are members of the union. If the Court is satisfied that the majority of the bargaining unit are union members, it must then decide if any of the three conditions in paragraph 22(4) is fulfilled. If the Court considers that any of these is fulfilled it must give notice to the Parties that it intends to arrange for the holding of a secret ballot. In making its decisions on these matters in the application before it, the Court has fully considered the parties' views as expressed in the submissions and has drawn on the Court's own industrial relations experience.
13. The membership check undertaken by the Case Manager indicated that the level of union membership was over 50% of the Bargaining Unit (51.2%), and the Company had not produced any substantive evidence to dispute this figure. Therefore the Court, based on this report, was satisfied that the majority of the workers in the Bargaining Unit were union members.
14. The Court also considered evidence supplied by the Union in the form of a petition asking for Union recognition and signed by 62.5% of those employees whom the Company had identified as working within the Bargaining Unit.
15. The Court has given thorough consideration to each of the qualifying conditions in paragraph 22(4).

**Condition 22(4) (c).** The Court considered the Company's concerns about the changing nature of union membership lists and to this end had specifically asked the

Case Manager to gather such detail from the Union while undertaking the membership check to address these concerns. The Case Manager undertook this to the satisfaction of the Court. The Court therefore, not having received any substantive evidence from the Company to cast doubt on the level of support for Union recognition for collective bargaining on behalf of its members within the Bargaining Unit, does not consider this condition to be satisfied.

**Condition 22. (4) (b).** The Court does not consider that there is any evidence relating to this condition.

**Condition 22. (4) (a).** The Court considered the Company's submission that a ballot should be held in the interests of good industrial relations. The Court, drawing on its own industrial relations experience, took the view that a ballot might be divisive in this case and in the circumstances was not necessary. The Court was satisfied that a majority of the workers in the Bargaining Unit had expressed their views through joining and remaining in the Union. The Court considered the petition signed by a majority of workers in the Bargaining Unit, asking for Trade Union recognition on their behalf and found this to be a further indicator of the workers' wishes. The Court was satisfied that a case had not been made to establish that the interests of good industrial relations would require a ballot to be held.

16. Consequently, the Court **declares** that the Graphical Paper and Media Union is recognised as entitled to conduct collective bargaining on behalf of the Workers described as: 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 Glenderrymott Road, Londonderry employed by the Belfast Telegraph Newspapers Ltd. Staff employed in the following Departments constitute the Bargaining Unit.

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| Messengers        | Ad Control      |
| Art Studio        |                 |

*Richard Steele*

Court Chair            Mr Richard Steele

Members                Mr Maurice Moroney

                              Ms Avril Hall-Callaghan

Date of Decision:      29<sup>th</sup> November 2001

Date Decision Issued 7<sup>th</sup> December 2001