

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

Amicus/AEEU

and

Ballyrobert Limited

Introduction

1. Amicus/AEEU (the Union) submitted an application to the Industrial Court (IC) dated 6 September 2002, that it should be recognised for collective bargaining by Ballyrobert Limited (the Company) in respect of ‘all hourly paid mechanics who work in the dealer garage workshop at Ballyrobert Ltd Mallusk’. The application was accepted on 20 September 2002.
2. On 22 October 2002, the Company conceded the bargaining unit as proposed by the Union in their application.
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). No substantive submissions were received from the Union and the Company chose not to make any submission.
5. In order to assess 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 verified that 71% of the workers in the Bargaining Unit were members of the Union.

Decision

6. 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 applies. Consequently, the Court **declares** that Amicus/AEEU is recognised as entitled to conduct collective bargaining on behalf of the Workers described as ‘all hourly paid mechanics who work in the dealer garage workshop at Ballyrobert Ltd Mallusk’ 1, Mallusk Road, Newtownabbey, Co Antrim, BT36 4XS.

Barry Fitzpatrick

Prof. Barry Fitzpatrick
Ms Avril Hall-Callaghan
Mr Irvine McKay

Date of Decision: 5 November 2002
Date Issued to Parties: 14 November 2002