



Application under Part I of Schedule 1A to the Trade Union and Labour Relations (Northern Ireland) Order 1995

Application to the Industrial Court for recognition of a trade union or trade unions in respect of a bargaining unit.

1. Union(s) making the application:

Name:		
Address for correspondence:		
Head Office address, if different:		
Telephone:		
Fax:		
E-Mail:		

2. Employer in respect of whom application is made:

Name:		
Address:		
Telephone:		
Fax:		
E-Mail:		
Name of relevant person in employer's organisation:		

3. Date of request to employer and brief summary of employer's response. Please provide a copy of the request:

4. Location(s) of bargaining unit:

5. Description of bargaining unit (*this description must normally be identical to that specified in the formal request letter to the employer but see attached note*):

6. Number of workers in bargaining unit:

7. Has the bargaining unit been agreed with the employer?

Yes/No

8. Does the employer agree on the number of workers in the proposed bargaining unit?

Yes/No

9. Reasons for selecting the proposed bargaining unit:

10. Following receipt of your request for recognition, did the employer propose that the Labour Relations Agency be requested to assist?

Yes/No

If yes, did you agree?

Yes/No

Please give details of the Labour Relations Agency contact, if any:

11. Does the union have a current certificate of independence?

Yes/No

12. Total number of workers employed by the employer:

13. Is there any existing recognition agreement which you are aware of, which covers any workers in the bargaining unit? If so, please give brief details.

14. Please state the number of union members in the proposed bargaining unit, and provide evidence to support this figure (see attached note):

15. Please provide evidence that the majority of the workers in the bargaining unit are likely to support recognition for collective bargaining (see attached note).

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16. If this is a joint application, please provide any available evidence that the unions concerned will co-operate with each other and enter into single table bargaining arrangements.

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17. Has the union made a previous application under Schedule 1A for statutory recognition in relation to this employer?

If so, please identify the bargaining unit in any previous application and the difference, if any, from the bargaining unit now proposed and give details of the outcome of that application and the date.

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Date application and supporting documents were copied to the employer:

Signature:

Position of signatory as an authorised representative of the trade union:

Date:

Please send completed form and attachments to:

**The Industrial Court
Room 203
Adelaide House
39-49 Adelaide Street
Belfast
BT8 8FD**

Notes

Please note that the application form and all supporting documents must be copied to the employer.

Please note that unions should provide supporting evidence on all matters likely to be contested, except for names of individuals (see note 15)

1. If the application is made by more than one union then all unions making the application should be listed.
2. This should be the name and address of employer, and the person in the employer's organisation to whom the request was sent.
3. Before a union can make an application to the Industrial Court it must make a formal request for statutory recognition in writing to the employer. Please copy this request to the Industrial Court.
4. The workplace or workplaces in which the bargaining unit is located should be identified. Where the bargaining unit covers all the employer's workplaces or all of one group of workers in those workplaces, then the application can state this fact, together with the number of workplaces, without listing them all.
5. In making an application to the Industrial Court, the description of the bargaining unit should normally be given in identical terms to those used in the formal request to the employer. This *may not* be the case where the application is being made in respect of a modified bargaining unit that has been agreed with the employer during negotiations following the formal request: in such cases please state the agreed description and answer YES to question 7.

If negotiations between the parties (following the union's initial formal request) do not result in an agreed bargaining unit but lead the union to modify its proposed bargaining unit, then the union, if it wishes this modified bargaining unit to be the subject of the application will be required to make a fresh formal request to the employer specifying that modified description in the request.

The description of the bargaining unit should be sufficiently comprehensive to enable it to be readily identified so that it is clear which workers are included in the bargaining unit and which are not. The application should describe the bargaining unit either in terms of department (ie which departments are included) or the workers involved (ie by trade, function or position in the company) or the location (ie which workplace or workplaces), whichever is most appropriate. Where the bargaining unit is complex, care should be taken to avoid the risk of double-counting or uncertainty as to whether particular workers are included or not. Unions can provide further information on a separate piece of paper.

6. The number should include all workers in the bargaining unit employed by the employer, whether permanent or temporary. Part-time workers should be counted as whole numbers.
- 7 & 8 Self-explanatory

9. If the bargaining unit has been agreed with the employer, there is no need to complete this section. If the bargaining unit has not been agreed, the Industrial Court (assuming the application is accepted) has a duty to try to help the parties reach agreement on the appropriate bargaining unit. If agreement cannot be reached at that stage, the Industrial Court has to decide the bargaining unit. The factors the Industrial Court has to take into account are set out in the Guide for the Parties. Unions can provide further information on a separate piece of paper.
10. If the employer has proposed that the parties seek assistance from the Labour Relations Agency and the union has either rejected the proposal or failed to respond within 10 working days, the union cannot apply to the Industrial Court.
11. The Industrial Court cannot accept an application from a union unless the union has a certificate of independence issued by the Certification Officer.
12. Please give an estimate of the number of workers employed by the employer; it is appreciated that you may not be aware of the exact number. The estimate should include all the workers employed, including those in the bargaining unit.
13. If there is an existing recognition agreement covering any workers in the bargaining unit, the Industrial Court cannot accept an application. There are two exceptions to this rule (which are set out in the Guidance for the Parties).
14. The Industrial Court needs to be satisfied that 10% of the workers in the bargaining unit are members of the union. Unions need not supply membership lists with the application, since they will know that if the membership list is supplied with the application form, the union is obliged to copy it to the employer. There is no requirement on the union to provide information in any specific form. In order to assess the percentage level of union membership, it will be necessary for the Case Manager to establish how many workers the bargaining unit comprises, and to be clear which functions, posts or work groups are covered by the bargaining unit. The Employer may challenge the union claim but it may be difficult for the employer to provide any hard information since it is unlikely that there will be check-off arrangements (since the union is not recognised by the employer). In any case, where check-off arrangements are in place, some union members may be paying subscriptions direct to the union.
15. The Industrial Court cannot accept an application unless a majority of the workers in the bargaining unit would be likely to favour recognition. The Parties may be asked to co-operate with a confidential check of any petition or survey of workers submitted in relation to this criteria.
16. If two or more unions are applying together for recognition, all unions making the application need to show that they will co-operate together in a manner likely to secure and maintain stable and effective collective bargaining arrangements. They also need to show that, if the employer wishes, they will enter into single table bargaining arrangements on behalf of the workers in the bargaining unit.
17. A union cannot re-apply to the Industrial Court for three years after the Industrial Court

has accepted an application for recognition from that union for the same or substantially the same bargaining unit.

The Industrial Court cannot accept an application unless the application form, together with any supporting documents is copied to the employer.

The signatory should indicate whether they represent the union's head office or a local office.