

SCHEDULES

^{F1}SCHEDULE 1A

COLLECTIVE BARGAINING: RECOGNITION

F1 1999 NI 9

PART I

RECOGNITION

Union recognition

25.—(1) This paragraph applies if the Court arranges under paragraph 24 for the holding of a ballot.

- (2) The ballot must be conducted by a qualified independent person appointed by the Court.,
- (3) The ballot must be conducted within—
 - (a) the period of 20 working days starting with the day after that on which the qualified independent person is appointed, or
 - (b) such longer period (so starting) as the Court may decide.
- (4) The ballot must be conducted—
 - (a) at a workplace or workplaces decided by the Court,
 - (b) by post, or
 - (c) by a combination of the methods described in sub-paragraphs (a) and (b),

depending on the Court's preference.

- (5) In deciding how the ballot is to be conducted the Court must take into account—
 - (a) the likelihood of the ballot being affected by unfairness or malpractice if it were conducted at a workplace or workplaces;
 - (b) costs and practicality;
 - (c) such other matters as the Court considers appropriate.
- (6) The Court may not decide that the ballot is to be conducted as mentioned in sub-paragraph (4)
- (c) unless there are special factors making such a decision appropriate; and special factors include—
 - (a) factors arising from the location of workers or the nature of their employment;
 - (b) factors put to the Court by the employer or the union (or unions).

^{F1}(6A) If the Court decides that the ballot must (in whole or in part) be conducted at a workplace (or workplaces), it may require arrangements to be made for workers—

- (a) who (but for the arrangements) would be prevented by the Court's decision from voting by post, and

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(b) who are unable, for reasons relating to those workers as individuals, to cast their votes in the ballot at the workplace (or at any of them),
to be given the opportunity (if they request it far enough in advance of the ballot for this to be practicable) to vote by post; and the Court's imposing such a requirement is not to be treated for the purposes of sub-paragraph (6) as a decision that the ballot be conducted as mentioned in sub-paragraph (4)(c).]

(7) A person is a qualified independent person if—

- (a) he satisfies such conditions as may be specified for the purposes of this paragraph by order of the Department or is himself so specified, and
- (b) there are no grounds for believing either that he will carry out any functions conferred on him in relation to the ballot otherwise than competently or that his independence in relation to the ballot might reasonably be called into question.

(8) An order under sub-paragraph (7)(a) shall be subject to negative resolution.

(9) As soon as is reasonably practicable after the Court is required under paragraph 24 to arrange for the holding of a ballot it must inform the parties—

- (a) that it is so required;
- (b) of the nature of the person appointed to conduct the ballot and the date of his appointment;
- (c) of the period within which the ballot must be conducted;
- (d) whether the ballot is to be conducted by post or at a workplace or workplaces;
- (e) of the workplace or workplaces concerned (if the ballot is to be conducted at a workplace or workplaces).

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