

# SCHEDULES

## <sup>F1</sup>SCHEDULE 1A

### COLLECTIVE BARGAINING: RECOGNITION

**F1** 1999 NI 9

## PART IV

### DERECOGNITION: GENERAL

#### *Employer's request to end arrangements*

**104.**—(1) This paragraph and paragraphs 105 to 111 apply if after the relevant date the employer requests the union (or each of the unions) to agree to end the bargaining arrangements.

- (2) The request is not valid unless it—
- (a) is in writing,
  - (b) is received by the union (or each of the unions),
  - (c) identifies the bargaining arrangements, and
  - (d) states that it is made under this Schedule.

**105.**—(1) If before the end of the first period the parties agree to end the bargaining arrangements no further steps are to be taken under this Part.

- (2) Sub-paragraph (3) applies if before the end of the first period—
- (a) the union informs the employer that the union does not accept the request but is willing to negotiate, or
  - (b) the unions inform the employer that the unions do not accept the request but are willing to negotiate.
- (3) The parties may conduct negotiations with a view to agreeing to end the bargaining arrangements.
- (4) If such an agreement is made before the end of the second period no further steps are to be taken under this Part.
- (5) The employer and the union (or unions) may request the Agency to assist in conducting the negotiations.
- (6) The first period is the period of 10 working days starting with the day after—
- (a) the day on which the union receives the request, or
  - (b) the last day on which any of the unions receives the request.
- (7) The second period is—

**Changes to legislation:** There are currently no known outstanding effects for the The Trade Union and Labour Relations (Northern Ireland) Order 1995, Cross Heading: Employer's request to end arrangements. (See end of Document for details)

- (a) the period of 20 working days starting with the day after that on which the first period ends, or
- (b) such longer period (so starting) as the parties may from time to time agree.

**106.**—(1) This paragraph applies if—

- (a) before the end of the first period the union fails (or unions fail) to respond to the request, or
- (b) before the end of the first period the union informs the employer that it does not (or unions inform the employer that they do not) accept the request (without indicating a willingness to negotiate).

(2) The employer may apply to the Court for the holding of a secret ballot to decide whether the bargaining arrangements should be ended.

**107.**—(1) This paragraph applies if—

- (a) the union informs (or unions inform) the employer under paragraph 105(2), and
- (b) no agreement is made before the end of the second period.

(2) The employer may apply to the Court for the holding of a secret ballot to decide whether the bargaining arrangements should be ended.

(3) But no application may be made if within the period of 10 working days starting with the day after that on which the union informs (or unions inform) the employer under paragraph 105(2) the union proposes (or unions propose) that the Agency be requested to assist in conducting the negotiations and—

- (a) the employer rejects the proposal, or
- (b) the employer fails to accept the proposal within the period of 10 working days starting with the day after that on which the union makes (or unions make) the proposal.

**108.**—(1) An application under paragraph 106 or 107 is not admissible unless—

- (a) it is made in such form as the Court specifies, and
- (b) it is supported by such documents as the Court specifies.

(2) An application under paragraph 106 or 107 is not admissible unless the employer gives to the union (or each of the unions)—

- (a) notice of the application, and
- (b) a copy of the application and any documents supporting it.

**109.**—(1) An application under paragraph 106 or 107 is not admissible if—

- (a) a relevant application was made<sup>[F1]</sup>, or a notice under paragraph 99(2) was given,] within the period of 3 years prior to the date of the application under paragraph 106 or 107,
- (b) the relevant application<sup>[F1]</sup>, or notice under paragraph 99(2),] and the application under paragraph 106 or 107 relate to the same bargaining unit, and
- (c) the Court accepted the relevant application<sup>[F1]</sup> or (as the case may be) decided under paragraph 100 that the notice complied with paragraph 99(3)].

(2) A relevant application is an application made to the Court—  
*Sub-para. (a) rep. by 2004 NI 19*

- (b) by the employer under paragraph 106, 107 or 128, or
- (c) by a worker (or workers) under paragraph 112.

**F1** 2004 NI 19

**110.**—(1) An application under paragraph 106 or 107 is not admissible unless the Court decides that—

- (a) at least 10 per cent of the workers constituting the bargaining unit favour an end of the bargaining arrangements, and
  - (b) a majority of the workers constituting the bargaining unit would be likely to favour an end of the bargaining arrangements.
- (2) The Court must give reasons for the decision.

**111.**—(1) The Court must give notice to the parties of receipt of an application under paragraph 106 or 107.

- (2) Within the acceptance period the Court must decide whether—
- (a) the request is valid within the terms of paragraph 104, and
  - (b) the application is made in accordance with paragraph 106 or 107 and admissible within the terms of paragraphs 108 to 110.
- (3) In deciding those questions the Court must consider any evidence which it has been given by the employer or the union (or unions).
- (4) If the Court decides that the request is not valid or the application is not made in accordance with paragraph 106 or 107 or is not admissible—
- (a) the Court must give notice of its decision to the parties,
  - (b) the Court must not accept the application, and
  - (c) no further steps are to be taken under this Part.
- (5) If the Court decides that the request is valid and the application is made in accordance with paragraph 106 or 107 and is admissible it must—
- (a) accept the application, and
  - (b) give notice of the acceptance to the parties.
- (6) The acceptance period is—
- (a) the period of 10 working days starting with the day after that on which the Court receives the application, or
  - (b) such longer period (so starting) as the Court may specify to the parties by notice containing reasons for the extension.

**Changes to legislation:**

There are currently no known outstanding effects for the The Trade Union and Labour Relations (Northern Ireland) Order 1995, Cross Heading: Employer's request to end arrangements.