

EXPLANATORY MEMORANDUM TO

**THE TRADE UNION BALLOTS AND ELECTIONS (INDEPENDENT
SCRUTINEER QUALIFICATIONS) (AMENDMENT) ORDER (NORTHERN
IRELAND) 2017**

S.R. 2017 No. 224

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for the Economy (the "Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 15(2), 49(2), 77(2) and 106(2) of the Trade Union and Labour Relations (Northern Ireland) Order 1995 (the "1995 Order") and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The 1995 Order requires trade unions to use the services of a qualified independent person, known as a 'scrutineer', when undertaking statutory ballots in the following four jurisdictions: election of union officials, i.e. general secretary; president; and executive member; application of funds for political objects; union mergers; and industrial action.
- 2.2. The 1995 Order provides that a scrutineer must fulfil conditions specified by the Department and be a person whose competence and independence could not reasonably be called into question. It allows the Department to define a scrutineer as someone who is listed, or satisfies certain conditions.
- 2.3. This Statutory Rule will update the list of persons specified by name in the Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order (Northern Ireland) 2010 (S.R. 2010 No. 78) (the "principal Order") in line with the outcome of a joint competition with the Department for Business, Energy and Industrial Strategy (BEIS).

3. Background

- 3.1. The principal Order specifies the categories of those qualified to supervise certain elections and ballots under trade union law, and contains the lists of persons nominated to do so by the Department. All those who supervise such elections and ballots undertaken by trade unions have certain statutory duties. It is important that such persons are fully independent and competent.
- 3.2. The list of persons specified by name to act as a scrutineer was last updated in 2010. Since then, some of the named organisations have ceased to operate and other organisations have entered the balloting market. In light of this, the Department for the Economy and the Department for Business, Energy and Industrial Strategy held a joint competition on 24 April 2017 to update the list of scrutineers and ensure that the listed organisations had the requisite independence, experience and resources necessary for undertaking balloting work.

4. Consultation

- 4.1. Consultation was not undertaken as there was no change in policy. However, as noted above, a public competition was carried out to identify and assess potential new candidates, and to ensure that existing named persons had the requisite independence, experience and resources necessary for undertaking balloting work.

5. Equality Impact

- 5.1. Since there is no change to existing policy and the Statutory Rule only updates the list of persons specified by name, an Equality Impact Assessment was not considered necessary.

6. Regulatory Impact

- 6.1. An Impact Assessment has not been prepared for this Statutory Rule, as it does not impose any additional regulatory obligation on the private or voluntary sectors.

7. Financial Implications

- 7.1. None

8. Section 24 of the Northern Ireland Act 1998

- 8.1. Not applicable.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. This Statutory Rule mirrors the provisions of the GB Trade Union Ballots and Elections (Independent Scrutineer Qualifications) (Amendment) Order 2017 in relation to updating the list of bodies specified by name as being qualified to be appointed as an independent scrutineer to supervise certain trade union elections and ballots. The GB Order came into force on 1st October 2017.

11. Additional Information

- 11.1. Not applicable.