

**Northern Ireland  
Certification Officer  
For Trade Unions and  
Employers' Associations**

FOR ARCHIVE  
DO NOT DESTROY

# Annual Report

of the  
Certification Officer for Northern Ireland

# 2007 – 2008

(Covering Period 1 April 2007 to 31 March 2008)

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**NIA 11/08-09**

**CERTIFICATION OFFICER FOR NORTHERN IRELAND  
ANNUAL REPORT FOR THE YEAR ENDED 31 MARCH 2008**

Laid before the Northern Ireland Assembly under Paragraph 69(7) of the Industrial Relations  
(Northern Ireland) Order 1992 by the Department for Employment and Learning.

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**Ms Aideen McGinley  
Permanent Secretary  
Department for Employment and Learning  
Adelaide House  
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**Article 69(7) of the Industrial Relations (NI) Order 1992 requires the Certification Officer, as soon as reasonably practicable after the end of each financial year, to make a report of his activities during that year to the Department for Employment and Learning. I have pleasure in submitting my report for the period 1 April 2007 to 31 March 2008.**

**Roy Gamble**  
*Certification Officer for Northern Ireland*

**18 August 2008**

**Mr Jim McCusker  
Chairman  
Labour Relations Agency  
2-8 Gordon Street  
BELFAST  
BT1 2LG**

**Article 69(7) of the Industrial Relations (NI) Order 1992 requires the Certification Officer, as soon as reasonably practicable after the end of each financial year, to make a report of his activities during that year to the Labour Relations Agency. I have pleasure in submitting my report for the period 1 April 2007 to 31 March 2008.**

**Roy Gamble**  
*Certification Officer for Northern Ireland*

**18 August 2008**

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## INTRODUCTION

*This is the sixteenth Annual Report to be published since the post of Certification Officer for Northern Ireland was established in 1992. It deals with my activities during the period 1 April 2007 to 31 March 2008.*

*The statutory functions of the Certification Officer are contained in the Industrial Relations (Northern Ireland) Order 1992 as amended and in the Trade Union and Labour Relations (Northern Ireland) Order 1995 as amended.*

**The Certification Officer's functions, which are explained more fully in the following chapters, include:**

### Under the 1992 Order -

*Articles 5 and 6 - maintaining lists of trade unions and employers' associations, and determining the independence of trade unions;*

*Articles 11, 12 and 13 - ensuring that trade unions and employers' associations keep proper accounting records, have their accounts properly and independently audited and submit annual returns; investigating the financial affairs of trade unions and employers' associations; ensuring that statutory requirements concerning the appointment and duties of auditors and the actuarial examination of members' superannuation schemes are observed; and dealing with complaints that a trade union has failed in its duty to secure that positions in the union are not held by certain offenders.*

*Article 37 - dealing with complaints by members that a trade union has failed to permit access to its accounting records;*

### Under the 1995 Order -

*Article 5 - dealing with complaints by members that a trade union has failed to maintain an accurate register of members;*

*Article 22 - dealing with complaints by members that a trade union has failed to comply with one or more of the provisions of the 1995 Order requiring it to hold secret postal ballots for electing its president, general secretary and members of its executive committee;*

*Articles 45 to 72 - ensuring observance by Northern Ireland based trade unions of the statutory procedures governing the setting up, operation and review of political funds, approving the "contracting-in" rule and*

*amendments for Northern Ireland members of trade unions based elsewhere (including Great Britain and the Republic of Ireland), and dealing with complaints about breaches of political fund rules or the conduct of political fund ballots, or the application of general funds for political objects;*

*Articles 73 to 90 - ensuring that the statutory procedures for amalgamations, transfers of engagements and changes of name of trade unions and employers' associations are complied with, and dealing with complaints by members about the conduct of merger ballots; and*

*Article 90A - dealing with complaints by members that there has been a breach or threatened breach of the rules of a trade union relating to: the appointment or election of a person to, or removal of a person from, any office; disciplinary proceedings including expulsion; balloting of members (other than in respect of industrial action); and the constitution or proceedings of an executive committee or decision-making meeting.*

In January 2008 the Court of Appeal delivered its judgment on my appeal against a decision in the Magistrates' Court concerning the refusal of certain officers or agents of the Northern Ireland Hotels Federation to co-operate with my inspector in an investigation of the Federation's financial affairs. The Court agreed with the magistrate that the officers/agents had no duty towards the inspector because at the relevant time the Federation had not been carrying out the functions of an employers' association, had therefore not in fact been an employers' association, and so had not been within my jurisdiction. Further details of this important case are in Chapter 3 (paragraphs 3.25ff).

Recorded membership of Northern Ireland trade unions increased by 729 since the last reporting period. Northern Ireland membership of Republic of Ireland unions decreased by 369 while that of Great Britain unions increased by 4175.



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There were no removals from or additions to the list of Northern Ireland unions or employers' associations during the year. There was one addition to the list of Republic of Ireland unions with Northern Ireland members (Chapter 1, paragraph 1.11). Four Great Britain unions with Northern Ireland members ceased to exist, two as the result of transfers of engagements and two as the result of an amalgamation (see Chapter 6, paragraph 6.2 for an explanation of these terms). The union created by the amalgamation, which has over 50,000 Northern Ireland members, was added to the Great Britain list. Details are in Chapter 6.

The Office established that the Seamen's Union of Ireland no longer has any members resident in Northern Ireland. Just after the end of this reporting period the union was, at its own request, removed from the Office's list of Republic of Ireland-based trade unions.

22 decisions on complaints made by trade union members were issued: details are in chapters 8 and 9. A further 72 complaints were being processed by the Office at 31 March 2008: 52 of these were withdrawn by the applicants soon after that date, following my decision in a related case (see Chapter 9 paragraph 9.12).

During the year the Office submitted to the Equality Commission for Northern Ireland an Annual Report (for 2006/07) on Equality Scheme Progress, a Five-Year Review Report, and a Disability Action Plan. It also completed a self-assessment schedule as part of a Northern Ireland Data Protection Review instigated by the Department of Finance and Personnel.

One request under the Freedom of Information Act 2000 was received and the information sought was supplied in full.

## **FINANCE AND SUPPORT SERVICES**

The Labour Relations Agency (LRA) is responsible under Article 69 of the 1992 Order for providing me with finance and support services but this in no way affects my independence of both the LRA and its sponsor, the Department for Employment and Learning, in the performance of my duties.

Accounts relating to the activities of the Office, prepared under Paragraph 15(2) of Schedule 4 to the 1992 Order, are published separately by the LRA. The total expenditure of the Office for the year ended 31 March 2008 was £187,624. My salary at 31 March 2008 was £19,920, excluding Employers NI contribution, for a two-day week. This sum is not pensionable and is taxed under PAYE.

At 31 March 2008 the Office had its full complement of four staff, the fourth member having taken up post in September 2007. Mr John Bennett continues to hold his appointment as

Assistant Certification Officer for Northern Ireland. Over the year about 55% of the Office's resources were allocated to work connected with Annual Returns from Trade Unions and Employers' Associations, 35% to complaints and trade union finances, 4% to trade union political funds, and the remainder to various matters including independence, Court of Appeal work and revision of publications.

The statutory fees to be paid to the Office for certain applications or inspections are set by the Department for Employment and Learning. They were changed by Regulations which were made on 5 March 2008 and came into effect on 6 April 2008. This was the first change since 1997. Three fees were increased and two reduced; and a fee for the issue of a certificate of independence to an amalgamated trade union, where each amalgamating union already had a certificate, was introduced. The new fees are set out in Appendix 9.

The Certification Officer may make payment towards the expenses incurred by complainants and their witnesses in attending hearings to determine complaints. During the period of this report a total of £332.50 was paid. Assistance with legal costs is not available.

## **ADVICE AND CONTACTS FOR INFORMATION**

The Office receives many enquiries and requests for guidance from trade unions, employers' associations, their members and the general public. Often it can help, but there are constraints on the advice that can be given. It is, for example, inappropriate (unless the law requires it) to give guidance on, or prior approval to, a specific course of action in those areas where complaints can be made to the Certification Officer by an individual member.

It would also be clearly inappropriate for the Office to comment on the merits of a possible complaint. Where a complaint is made, I have to investigate it and decide it impartially in the light of the facts of the case and the representations made by the parties concerned. I and my staff must avoid giving advice which might seem in any way to prejudice that impartiality.

However, the Office will assist where it can and guidance booklets covering different aspects of the Certification Officer's responsibilities are available free of charge. All of these, which are listed in Appendix 11, were revised and updated in the course of the year. Requests for the booklets and for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, 10-12 Gordon Street, Belfast BT1 2LG, telephone 028 9023 7773, fax 028 9023 2271, e-mail: info@nicertoffice.org.uk For those with hearing difficulties a text phone is available – 028 9023 8411.

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The Office website - [www.nicertoffice.org.uk](http://www.nicertoffice.org.uk) - is currently being redesigned and upgraded, and its content is being expanded. All of the Office's publications will be available on the website in due course.

Comments on the website are welcome.

## **EQUALITY STATEMENT**

**The Office of the Certification Officer for Northern Ireland is defined as a “Public Authority” for the purposes of Section 75 of the Northern Ireland Act 1998 and in carrying out all its functions relating to Northern Ireland it will seek to promote equality of opportunity and good relations as required under this legislation. The Office’s Equality Scheme was approved by the Equality Commission for Northern Ireland on 5 July 2001. A copy of the Scheme is on the Office website.**

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## CHAPTER 1 LISTS OF TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

*Any trade union or employers' association may apply to have its name included in the public lists maintained by the Certification Officer. This chapter sets out the background to that process. The lists of Northern Ireland organisations are set out in full in Appendices 1 and 4.*

### Entry in the Lists and its Significance

- 1.1 The Certification Officer maintains a list of trade unions and a list of employers' associations in accordance with the provisions of Article 5 of the 1992 Order. As required by Article 5(9) the current lists are included in this report (Appendices 1 and 4). They are available for inspection, free of charge, at the Office.
- 1.2 Listing is voluntary and any organisation of workers or of employers may apply to be listed. If the Certification Officer is satisfied that the organisation falls within the appropriate definition in the 1992 Order he must enter its name in the relevant list. The 1992 Order does not impose any test of size, effectiveness or viability.
- 1.3 Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list, or by a decision of his to remove its name from that list, may appeal to the High Court on a point of law. The Employment Relations (Northern Ireland) Order 2004 amended the 1992 Order in respect of appeals on these matters, removing (as from 24 July 2005) the previously existing right of appeal on questions of fact, which had enabled the High Court to hear further evidence and substitute its decision for that of the Certification Officer.
- 1.4 For trade unions, listing is an essential preliminary to any application for a certificate of independence under Article 6 of the 1992 Order. A certificate of independence, in turn, is essential for any union that wishes to apply for statutory recognition to conduct collective bargaining with an employer on behalf of its members (see paragraph 2.6 below).
- 1.5 Listed trade unions and listed unincorporated employers' associations enjoy certain procedural advantages in connection with the devolution of property following a change of trustees under Article 7 of the 1992 Order. There are other benefits of listing which are shared by trade unions and both incorporated and unincorporated employers' associations. Being on the list is one of the

requirements for obtaining tax relief in respect of expenditure on provident benefits (section 467 of the Income and Corporation Taxes Act 1988). It is also (non-conclusive) evidence that an organisation is a trade union or employers' association. Finally, the name of a trade union or employers' association is protected by the provision that no organisation shall be entered in the relevant list if its name so nearly resembles the name of an organisation already on that list as to be likely to deceive the public.

- 1.6 Application for listing must be made on the appropriate form, CO(NI)1, and be accompanied by the statutory fee (Appendix 9). The form can be obtained on request from the Certification Office.
- 1.7 On the amalgamation of two or more listed organisations, the amalgamated organisation is automatically listed from the date when the instrument of amalgamation takes effect. Within six weeks of that date (or such longer period as the Certification Officer may specify), the rules of the organisation, a list of its officers and the address of its head or main office must be sent to the Certification Officer. If any of these requirements is not met, the organisation must be removed from the list.

### Removal from the Lists

- 1.8 If, at any time, it appears to the Certification Officer that an organisation whose name is entered on the relevant list is not a trade union or an employers' association, he may, after giving the organisation concerned the opportunity to make representations, remove its name from that list. There is a right of appeal on a point of law to the High Court against removal of a name from a list (see paragraph 1.3). The Certification Officer must also remove the name of an organisation from the list if he is satisfied that it no longer exists or if the organisation requests that he should do so.
- 1.9 There were no removals from the list of Northern Ireland trade unions or employer's associations in 2007-2008

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- 1.10 During the period of this report, the Great Britain Certification Officer removed four trade unions with Northern Ireland members from his list. These were:
- Alliance and Leicester Group Union of Staff
  - Ambulance Service Union
  - Amicus
  - Transport and General Workers Union

All four had ceased to exist as a result of mergers (see Chapter 6). The Alliance and Leicester group Union and the Ambulance Service Union transferred their engagements to the Communication Workers Union and the GMB respectively. Amicus and the Transport and General Workers Union amalgamated to form The Amalgamated Union. The Amalgamated Union changed its name to Unite the Union in May 2007.

The GB Certification maintains a schedule of trade unions which are known to him but which have not applied to be entered on his list. In 2007/08 no trade union was removed from this schedule.

No employers' association with Northern Ireland members was removed from the Great Britain Certification Officer's list or his schedule of unlisted associations.

## Additions to the lists

- 1.11 There was one addition to the Northern Ireland lists during the period of this report:

IMPACT, a Republic of Ireland-based union with Northern Ireland members (18/12/2007).

One application for listing was being processed at the end of the period.

- 1.12 The Great Britain Certification Officer added one trade union with Northern Ireland members to his list during the period:

The Amalgamated Union, which subsequently became Unite the Union.

No trade union with Northern Ireland members was added to the Great Britain Certification Officer's schedule of unlisted unions.

No employers' association with Northern Ireland members was added to the Great Britain Certification Officer's list or schedule.

## Special Register bodies

- 1.13 Under Great Britain law (the Industrial Relations Act 1971) a special register was established for organisations which were either companies or

incorporated by charter or letters patent and which took part in collective bargaining on behalf of their members. These were usually professional bodies.

- 1.14 Subsequent legislation (the Trade Union & Labour Relations Act 1974) provided that trade unions were no longer allowed to have corporate status, but an exception was made for bodies already on the special register. Bodies which are removed from the special register for any reason are not subsequently allowed to re-enter it.

- 1.15 The statutory requirements affecting trade unions in the Trade Union and Labour Relations Act 1992 take account of the corporate status of special register bodies and their other activities. These bodies are also exempt from the requirement to conduct elections for the posts of president and general secretary; but the voting members of the executive must be elected in accordance with the statutory provisions. Great Britain headquartered special register bodies with Northern Ireland members are as follows:

Association for Clinical Biochemistry  
British Association of Occupational Therapists Ltd  
British Dental Association  
British Dietetic Association  
British Medical Association  
Chartered Society of Physiotherapy  
Headmasters and Headmistresses' Conference  
Royal College of Midwives  
Royal College of Nursing of the United Kingdom  
Society of Authors Ltd  
Society of Chiropractors and Podiatrists  
Society of Radiographers

There are no Northern Ireland-headquartered special register bodies.

## Changes of name

- 1.16 Article 88 of the 1995 Order stipulates that a change of name of a listed trade union or employers' association must be approved by the Certification Officer before it can take effect (see Appendix 9 for the statutory fee). The Certification Officer did not receive any applications for a name change during the period of this report.

- 1.17 The Great Britain Certification Officer approved the change of name of 6 trade unions with Northern Ireland members:

	Effective date
From: AA Democratic Union	
To: Independent Democratic Union	5 November 2007

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From: Abbey National Group Union – ANGU  
To: Advance 31 October 2007

From: Amalgamated Union  
To: Unite the Union 23 May 2007

From: General Dental Practitioners Association  
To: Dental Practitioners Association 26 June 2007

From: Professional Association of Teachers  
To: Voice 16 January 2008

From: Union of Finance Staff  
To: UFS 24 September 2007

No employers' association with Northern Ireland members changed its name.

## Unlisted Organisations

1.18 As entry in the lists is voluntary, it is not possible to say precisely how many trade unions and employers' associations are in existence at any given time. There may be some which meet the statutory definition but have not sought listing and others of which this Office is unaware. Being unlisted does not relieve an organisation of its statutory responsibilities, and returns from unlisted bodies of which the Office is aware are available for public inspection along with those of listed organisations.

## Definitions of a Trade Union and an Employers' Association

1.19 The definition of a "trade union" given in Article 3 of the 1992 Order is as follows:

3.-(1) In this Order "trade union" means an organisation (whether permanent or temporary) which either -

(a) consists wholly or mainly of workers of one or more descriptions and is an organisation whose principal purposes include the regulation of relations between workers of that description or those descriptions and employers or employers' associations; or

(b) consists wholly or mainly of -

(i) constituent or affiliated organisations which fulfil the conditions specified in subparagraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions); or

(ii) representatives of such constituent or affiliated organisations; and in either case is an organisation whose principal purposes include the regulation of relations between workers and employers or between workers and employers' associations, or include the

*regulation of relations between its constituent or affiliated organisations.*

1.20 The definition of an employers' association given in Article 4 of the 1992 Order is as follows:

4.-(1) Subject to paragraph (2), in this Order "employers' association" means an organisation (whether permanent or temporary) which either -

(a) consists wholly or mainly of employers or individual proprietors of one or more descriptions and is an organisation whose principal purposes include the regulation of relations between employers of that description or those descriptions and workers or trade unions; or

(b) consists wholly or mainly of -

(i) constituent or affiliated organisations which fulfil the conditions specified in subparagraph (a) (or themselves consist wholly or mainly of constituent or affiliated organisations which fulfil those conditions); or

(ii) representatives of such constituent or affiliated organisations;

and in either case is an organisation whose principal purposes include the regulation of relations between employers and workers or between employers and trade unions, or include the regulation of relations between its constituent or affiliated organisations.

(2) References in this Order to an employers' association include references to a combination of employers and employers' associations.

## CHAPTER 2 TRADE UNION INDEPENDENCE

*A trade union which is on the Certification Officer's list of trade unions may apply for a certificate of independence. Independence is defined as meaning independence from a employer or group of employers. This chapter discusses independence and explains how such applications are dealt with and their outcome.*

### The Statutory Provisions

2.1 Article 2(1) of the 1992 Order defines an independent trade union as:

'a trade union which -

- (a) is not under the domination or control of an employer or a group of employers or of one or more employers' associations; and
- (b) is not liable to interference by an employer or any such group or association (arising out of the provision of financial or material support or by any other means whatsoever) tending towards such control'.

2.2 The procedure for determining trade union independence is laid down in Article 6 of the 1992 Order. A union must be listed (see Chapter 1) before it can apply for a certificate of independence. The Certification Officer keeps a public record of all such applications and of all decisions reached. A notice that an application has been received is published in the Belfast Gazette at the time. The Certification Officer may not take a decision on any application until at least one month after it has been entered in the record and he must take into account relevant information submitted by any person. He is required to give his reasons if he refuses a certificate of independence. A union whose application is refused has a right of appeal to the High Court on a point of law.

2.3 Once the Certification Officer has determined that a trade union is independent and issued a certificate, that certificate remains valid until it is withdrawn by the Certification Officer or is cancelled.

2.4 The Certification Officer may withdraw a certificate at any time if, in his opinion, the trade union concerned is no longer independent. A trade union aggrieved by a decision to withdraw its certificate has a right of appeal to the High Court on a point of law.

2.5 When a new union is formed by the amalgamation of two or more listed unions, it is automatically entered

on the list; and if each of the amalgamating unions held a current certificate of independence, the new union is automatically issued with a certificate of independence. Both the listing and the certificate are effective from the date on which the instrument of amalgamation takes effect. The new union must send a copy of its rules, a list of its officers and the address of its head or main office, together with the prescribed fee (see Appendix 9) within six weeks of the date on which the amalgamation takes effect, or such longer period as the Certification Officer may specify. If it fails to meet any of these requirements, its name will be removed from the list and its certificate of independence withdrawn.

2.6 Where a question as to the independence of a particular union arises in proceedings before the courts, industrial tribunals, the Industrial Court or certain other bodies, and no certificate has been issued or refused, the 1992 Order provides that the proceedings may not continue until the Certification Officer decides that question. The granting of a certificate by the Certification Officer, or its refusal, is conclusive evidence for all purposes that the union is, or is not, independent. Only a union that has a certificate of independence may seek statutory recognition to be entitled to conduct collective bargaining on behalf of a group of workers (paragraph 6 of Schedule 1 to the Employment Relations (Northern Ireland) Order 1999).

### Criteria of Independence

2.7 The principal criteria used by the Certification Officer to determine whether or not an applicant union satisfies the statutory definition are history, membership base, organisation and structure, finance, employer-provided facilities and negotiating record. These are explained further in the Office's booklet *Guidance for trade unions wishing to apply for a certificate of independence*, which is available on request from the Office. The Certification Officer reaches his decision strictly on the basis of the statutory definition, having regard to the criteria as a whole. Other considerations, such as the effect the

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issue of a certificate might have on employment relations, may not be taken into account.

## **Procedure**

- 2.8 An application for a certificate of independence must be made on form CO(NI)5 and be accompanied by the statutory fee (Appendix 9). The form is available on request from the Certification Office.

## **Applications/Decisions**

- 2.9 No certificates of independence were issued, refused or withdrawn in the period of this report.

## **Great Britain Certification Officer Decisions on Trade Unions with Northern Ireland Members**

- 2.10 One certificate of independence was issued and four were cancelled by the Great Britain Certification Office in respect of Great Britain-based unions with members in Northern Ireland. The certificate issued was to The Amalgamated Union, a new union formed by the amalgamation of Amicus and the Transport and General Workers Union, and the certificates held by those unions were cancelled. The other cancelled certificates were those of the Alliance and Leicester Group Union of Staff and the Ambulance Service Union, which ceased to exist after transferring their engagements. (See Chapter 6 – Mergers).



## CHAPTER 3

### ANNUAL RETURNS AND ACCESS TO ACCOUNTING RECORDS

*This chapter deals with the requirements for trade unions and employers' associations to keep proper accounting records and to submit annual returns to the Certification Officer. It also deals with provisions relating to the investigation of the financial affairs of trade unions and employers' associations; Northern Ireland registered addresses; provisions giving union members a right of access to accounting records; and the duty to secure that certain offenders do not hold positions on a trade union's executive committee.*

#### The Statutory Provisions

- 3.1 Article 10 of the 1992 Order provides that every trade union and employers' association whose head or main office is situated in Northern Ireland (except those which consist wholly or mainly of representatives of constituent or affiliated organisations) must keep proper accounting records in respect of its transactions, assets and liabilities, and must establish and maintain a satisfactory system of control of its accounting records, its cash holdings and all its receipts and remittances. The accounting records kept must be such as are necessary to give a true and fair view of the state of affairs of the organisation and to explain its transactions.
- 3.2 Organisations headquartered in Northern Ireland, and those headquartered in Great Britain which have Northern Ireland members, must submit an annual return to the Certification Officer in the form prescribed, unless they have been in existence for less than 12 months. Any trade union or employers' association carrying on business in Northern Ireland but having its head or main office outside the United Kingdom is required to send to the Certification Officer a statement setting forth, in relation to business carried on in Northern Ireland, such particulars of its receipts and payments, and such other information, as the Certification Officer may require (Articles 11 & 12 of the 1992 Order). At 31 March 2008 four Republic of Ireland based trade unions were listed as having Northern Ireland members. It is known, however, that one of these, the Seamen's Union of Ireland, no longer had Northern Ireland members, and action was in train to remove it from the list. This has since been done, at the union's own request. The Office is not aware of any Republic of Ireland based employers' associations with Northern Ireland members.
- 3.3 The period to be covered by annual returns is the calendar year, and they are to be submitted before 1 June of the following year. However, the Certification Officer may, if he considers it appropriate in any particular case, direct that the return is to cover a period other than the calendar year, and may specify a date other than 1 June before which a return must be sent to him. This is usually done if the normal period or date would cause serious inconvenience to the organisation concerned. For most organisations (approximately 80% of trade unions and 70% of employers' associations) the financial year is the calendar year.
- 3.4 In every case the returns must provide details of all funds maintained for trade union and employers' association purposes, and include revenue and other accounts and a balance sheet which give a true and fair view of the matters to which they relate. A consolidation summary must also be completed. The Certification Officer may require trade unions and employers' associations to provide such other documents relating to those accounts and such further particulars as he may specify. Any changes in the organisation's officers, or in the address of its head office, must be shown on the return, which must be accompanied by a copy of the rules in force at the end of the period covered by the return, whether or not those rules were altered during the period.
- 3.5 The annual return must include a copy of the auditor's report on the accounts. The auditor has a duty to carry out such investigations as will enable an opinion to be formed on whether proper accounting records have been kept, whether a satisfactory system of control has been maintained and whether the accounts are in agreement with the accounting records (Article 10). The 1992 Order sets out the rights of auditors, including access to information and the entitlement to attend and speak at general meetings of the organisation. The auditor must state in the report whether, in his or her opinion, the accounts give a true and fair view of the matters to which they relate. If, in the auditor's opinion, the statutory requirements have not been satisfied or the accounts are not in agreement with the accounting records, or if all necessary information and explanations have not been supplied, the auditor must state these facts in the report by way of qualification. Most qualifications are of a minor technical nature and the Office takes appropriate steps

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to ensure that they are not required in future.

- 3.6 Under Schedule 1 to the 1992 Order a person is qualified to act as auditor to a trade union or employers' association if he or she is eligible for appointment as a company auditor under Article 28 of the Companies (Northern Ireland) Order 1990. A trade union - other than a special register body - or an employers' association may use auditors who are not eligible for appointment under the Companies Order if its receipts and payments do not in aggregate exceed £5,000, the value of its assets is less than £5,000 and it has fewer than 500 members. If any one of these conditions is not satisfied, it must use an auditor eligible under the Companies Order. A body corporate may act as an auditor of a trade union or an unincorporated employers' association.
- 3.7 One of the returns received in this reporting year contained qualified opinions by the auditors.
- 3.8 In order to avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body (paras 1.14 - 1.16) or an employers' association incorporated under the Companies Orders to submit with its return a copy of its accounts prepared under the Companies Orders, instead of the accounts prescribed in the return form. There must, however, be no significant diminution in the degree of disclosure, the period covered must be the same and a consolidation summary must be completed. Notwithstanding anything in the Companies Orders, an auditor's report complying with the requirements of the 1992 Order is still required.
- 3.9 With the exceptions already noted, the duties imposed by Articles 10, 11 and by Schedule 1 apply to all trade unions and employers' associations, whether listed under Article 5 of the 1992 Order or not. Refusal or wilful neglect to perform any of them is an offence for which the organisation concerned may be prosecuted and fined. The Certification Officer is responsible for enforcing these provisions, but does not generally undertake prosecutions for other offences, such as theft or fraud. Any evidence of such offences in the affairs of a trade union or employers' association that came to the notice of the Certification Officer would normally be referred to the appropriate prosecuting authorities for their attention.

## **Late Submission of Annual Returns**

- 3.10 The 1992 Order requires an organisation to submit an annual return to the Certification Officer before 1 June following the calendar year to which the return relates. (For most organisations the calendar year is also the financial year). In this reporting period the Office

anticipated the receipt of a total of 135 annual returns from trade unions and employers' associations. All but 26 of these returns have been received. The Office continues to seek full compliance with the statutory requirements, and will take appropriate steps to improve the performance of organisations which consistently submit late returns. In this reporting period approximately 81% of returns were submitted on time.

## **Prosecutions**

- 3.11 There were no prosecutions during the period of this report for failure to submit a return. After a threat of prosecution, one union which had not submitted returns to the Certification Officer for two years proceeded to do so.

## **Authorised Northern Ireland Resident**

- 3.12 Every trade union or employers' association carrying on business in Northern Ireland which has its head or main office outside Northern Ireland must provide the Certification Officer each year with the name and address of at least one Northern Ireland resident authorised to accept on its behalf service of process and any notices required to be served on it. The resident does not have to be a member of the organisation.
- 3.13 Every trade union and employers' association headquartered outside Northern Ireland which has submitted a return to the Office has complied with this statutory requirement.

## **Public Inspection of Annual Returns**

- 3.14 Copies of the annual returns and the rules of trade unions and employers' associations with Northern Ireland members from 1992 onwards are available for public inspection at the Certification Office. While the returns provide detailed and comprehensive financial information, a one-page financial summary is also included for ease of interpretation.

## **Statement to Members of a Trade Union**

- 3.15 Trade unions headquartered in Northern Ireland must issue a statement containing specific information to all members within eight weeks of the submission of the annual return to the Certification Officer. The statement must specify:
- (i) the total income and expenditure of the union;
  - (ii) how much of the income consisted of payments in respect of membership;
  - (iii) the total income and expenditure of any political fund of the union; and

- (iv) the salary and other benefits paid to the president, the general secretary and each member of the executive.

The statement must give the name and address of the auditor, set out in full the auditor's report and not contain anything which is inconsistent with the contents of the annual return.

- 3.16 The statement must also tell members how they can complain should they be concerned that some irregularity is occurring or has occurred in the financial affairs of the trade union. Article 11A of the 1992 Order specifies exactly what the statement must say on this matter, and the prescribed wording is reproduced below:

*"A member who is concerned that some irregularity may be occurring, or has occurred, in the conduct of the financial affairs of the union may take steps with a view to investigating further, obtaining clarification and, if necessary, securing regularisation of that conduct.*

*The member may raise any such concern with such one or more of the following as it seems appropriate to raise it with: the officials of the union, the trustees of the property of the union, the auditor or auditors of the union, the Certification Officer for Northern Ireland (who is an independent officer appointed by the Department for Employment and Learning) and the police.*

*Where a member believes that the financial affairs of the union have been or are being conducted in breach of the law or in breach of the rules of the union and contemplates bringing civil proceedings against the union or responsible officials or trustees, he should consider obtaining independent legal advice."*

- 3.17 It is not a requirement that the statement to members be distributed individually; unions may "use any other means which it is the practice of the union to use when information of general interest to all its members needs to be provided to them."
- 3.18 Trade unions have in the main readily complied with the requirements to provide members with a statement which contained the required information and met the statutory timescale. The Office will endeavour to ensure that full compliance with the Order is maintained.

#### **Financial Affairs of Trade Unions and Employers' Associations - Use of Statutory Powers**

- 3.19 Under the 1992 Order (Articles 12A to 12E) the

Certification Officer has power to investigate the financial affairs of trade unions and employers' associations. He may, if he thinks there is good reason to do so, give a direction to the organisation concerned to produce relevant documents and explanations of them and specify the date by which these are to be provided. In addition, he may appoint inspectors to investigate the organisation's financial affairs and to report to him on them. Under Article 12B(2) he may appoint inspectors only if there are circumstances suggesting one or more of the following: (a) *that the financial affairs of the trade union or employers' association have been or are being conducted fraudulently or unlawfully;* (b) *that those managing those affairs have been guilty of fraud, misfeasance or other misconduct in connection with that management;* (c) *that the organisation concerned has failed to comply with a duty under the Order relating to its financial affairs;* or (d) *that a rule of the organisation relating to its financial affairs has not been complied with.* A member may complain to the Certification Officer that there are such circumstances and the Certification Officer must then consider whether it is appropriate to exercise his powers to give a direction and/or appoint an inspector.

- 3.20 Information suggesting that one or more of the situations described in the previous paragraph has occurred may come to the Certification Officer's attention from a variety of sources including, for example, members who query information supplied by a trade union in its statement to members, or have evidence of some other kind. In addition, the Certification Office staff monitors the media for references which suggest that such situations may exist in the financial affairs of a trade union or employers' association.
- 3.21 Not all the information received by the Office is of sufficient merit to warrant an approach to the body concerned. Where an approach is warranted, the matter may often be resolved through correspondence or informal meetings or both.

#### **Investigations**

- 3.22 Last year's annual report traced the development over the previous two years of legal proceedings which the Certification Officer had taken against the Northern Ireland Hotels Federation (NIHF). To recap: in June 2004 the Certification Officer appointed an inspector under Article 12B of the 1992 Order to investigate the financial affairs of NIHF over the period 1999 to 2002, and in particular to establish the source of its start-up funds. Certain officers of NIHF were required by the inspector to attend before her and to produce relevant documents. They refused to do so, arguing

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that NIHF did not regulate relations between its members and workers or trade unions and so was not in fact an employers' association (see the definition of an employers' association at paragraph 1.20 above), and that they therefore had no obligations under the Order. The Certification Officer took a contrary view, arguing that, during the relevant period (1999 to 2002), NIHF was at its own request on his list of employers' associations, made the annual returns required of an employers' association under the Order, and had in its memorandum of association the object "to regulate relations between members and their employees", so satisfying the statutory definition. Attempts to resolve the matter were unsuccessful and in January 2005 the Certification Officer made formal complaints to the Magistrate's Court that the officers had committed an offence under the 1992 Order by refusing or wilfully neglecting to perform a duty imposed on them by Article 12B.

- 3.23 The complaints were heard by a Deputy Resident Magistrate in Belfast in May 2005 and were dismissed. The Certification Officer successfully appealed this judgment and in April 2006 the Court of Appeal referred the case back to the Deputy Resident Magistrate for rehearing. The Deputy Resident Magistrate again dismissed the complaints (December 2006). He held that NIHF had not been at any relevant time an employers' association within the meaning of the 1992 Order, because it had not in fact ever carried on the activity of regulating relations between its members and their employees; and that its officers therefore had no obligation to comply with the provisions of Article 12B.
- 3.24 The Certification Officer considered that this judgement had potentially serious implications for his ability to pursue investigations into the financial affairs of employers' associations. In his view, there was no need to show that a body whose constitution included the object of regulating relations between employers and workers or trade unions actually exercised that function: if the object existed, the body was an employers' association under the Order and subject to the statutory requirements. It seemed to him that the Deputy Resident Magistrate's ruling could mean that a body having all the outward marks of an employers' association would be able, when threatened with investigation by an inspector, to evade that investigation by claiming, late in the day, that it did not actually operate as an employers' association.
- 3.25 The Certification therefore appealed again. The Court of Appeal heard the appeal in December 2007 and, in a judgement delivered on 10 January 2008, it upheld the Deputy Resident Magistrate's decision. It held that

a body is not obliged to exercise all the powers that may be included in its objects clause or constitution, and that any power that is never in fact exercised cannot properly be considered as a real and effective purpose of the body. In the present case, having been satisfied that NIHF had never exercised its power to regulate relations between its members and their employees, the Deputy Resident Magistrate had correctly concluded that it did not in fact have the purpose of regulating such relations. The Court therefore agreed that (i) NIHF was not at any relevant time an employers' association within the meaning of the 1992 Order and (ii) its officers had no duty to comply with the provisions of Article 12B. As a result of the Court's judgment the investigation of NIHF's financial affairs was abandoned.

- 3.26 Under the 1992 Order, listing by the Certification Officer is not conclusive evidence that a body is an employers' association, and the Court of Appeal judgment makes clear that having the power under an objects clause to operate as an employers' association does not mean that a body is an employers' association in practice. The Court pointed out, however, that it is up to such a body to rebut the presumption that it is an employers' association, by adducing sufficient evidence to the contrary. NIHF did so to the Deputy Resident Magistrate's satisfaction by providing the minutes of its meetings, which showed no discussion or mention of the regulation of relations.
- 3.27 In light of the outcome of this case, the Certification Officer intends in future to ask any association applying for inclusion on the list to give an assurance that it intends actually to exercise the power to regulate relations between members and workers or trade unions.
- 3.28 During the year the Certification Officer received a request to investigate the financial affairs of an employers' association which had, it was alleged, unlawfully deducted a significant sum from a member company. Further particulars were sought from the applicant, but these were not supplied and after a period the Certification Officer closed the file.

## Access to Accounting Records

- 3.29 Article 37 of the 1992 Order gives members of a trade union a right of access to any accounting records which the union has available for inspection (under this Article unions have a duty to keep records available for six years). A member who claims that a trade union has failed to comply with his or her request for access to its accounting records may apply to the Certification Officer or the High Court. The Certification Officer may not consider an application if

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the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court.

- 3.30 Under Article 70ZA of the 1992 Order, the whole or any part of an application or complaint, or of a response to such, may be struck out by the Certification Officer at any stage of the proceedings on the grounds that it is scandalous, vexatious, has no reasonable prospect of success or is otherwise misconceived; or that the manner in which the proceedings have been conducted by or on behalf of the applicant or complainant, or respondent, has been scandalous, vexatious or unreasonable. An application or complaint may be struck out for excessive delay in proceeding with it. The power to strike out may be exercised on the Certification Officer's own initiative or on the application of the complainant or respondent. The party against whom it is proposed to make a striking out order must be given an opportunity to show cause why it should not be made. The Certification Officer may make further provision about the striking out of proceedings under his general power (Article 70(1) of the 1992 Order) to regulate his own procedure.
- 3.31 On application to him, the Certification Officer is required to make such enquires as he thinks fit and give the applicant and the trade union an opportunity to be heard. So far as is reasonably practicable, applications are to be determined within six months of being made. An applicant's expenses in attending a hearing may in certain circumstances be reimbursed by the Office.
- 3.32 Where the Certification Officer is satisfied that the claim is well-founded he is required to make such an order as he considers appropriate for ensuring that the applicant -
- (a) is allowed to inspect the records requested;
  - (b) is allowed to be accompanied by an accountant when making the inspection of those records; and
  - (c) is allowed to take, or is supplied with, such copies of, or of extracts from, the records as he may require.

An order made by the Certification Officer may be enforced in the same way as an order of the High Court.

- 3.33 Where the Certification Officer requests a person to furnish information in connection with enquiries made by him under Article 37, he must specify the date by which he is to receive the information and may proceed to determine the application if the information has not been provided by that date.

- 3.34 No applications concerning access to accounting records were received in the period of this report.
- 3.35 The Great Britain Certification Officer received one such complaint made against a Great Britain union with Northern Ireland members (the GMB). The complaint was struck out on grounds of excessive delay in proceeding with it.

## **Branch Funds**

- 3.36 Trade unions are required to include in their annual returns details of funds held at branch level. All trade unions which made returns covered in this report have complied with this requirement.

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## CHAPTER 4 FINANCIAL AND MEMBERSHIP INFORMATION AND MEMBERSHIP REGISTER

*This chapter is about the membership, income and expenditure of trade unions and employers' associations in the year ending 31 December 2007. It also describes the Certification Officer's jurisdiction to determine complaints about the maintenance of trade unions' membership registers.*

### Information from 2007 Returns

4.1 Appendices 1-7 give information derived from annual returns of trade unions and employers' associations submitted to the Certification Office by June 2008. That information and the following comments in this chapter relate to organisations whose financial year ended on 31 December 2007, unless otherwise indicated.

### Trade Unions - salaries and benefits

4.2 Trade unions are required to include in their annual return information about the salaries and benefits paid from their funds to certain of their national officers and executive members. For the purposes of the returns, "benefits" means benefits designated taxable by the Inland Revenue, pension/superannuation contributions, and redundancy/other termination payments. Benefits with a value of £100 or more in any accounting period are included.

4.3 Appendix 6 gives details of the salary and benefits paid by trade unions with Northern Ireland members to their general secretary. The information covers trade unions headquartered in Northern Ireland, the Republic of Ireland and Great Britain. There is no requirement on unions to provide information about the salary or benefits of employees other than the general secretary, even if (as may occasionally happen) they are paid more than the general secretary. Employer's pension contributions make up a significant proportion of the benefits paid. Employer's national insurance contributions are excluded from the information in Appendix 6.

### Trade unions - membership register

4.4 Under Article 3 of the 1995 Order, a trade union has a duty to maintain a register of the names and addresses of its members, and so far as reasonably practicable to ensure that entries in the register are accurate and up-to-date. A trade union must allow any member, on request, with reasonable notice, to ascertain from the register free of charge whether there is an entry on it relating to him or her. The member may request from the union a copy of any such entry, and this is to be

provided either free of charge, or on payment of a reasonable fee.

4.5 An application that a trade union has failed to comply with the requirements of Article 3 may be made to the Certification Officer or the High Court, but the same applicant may not apply to both in respect of the same alleged failure.

4.6 Where the Certification Officer makes a declaration, he is required, unless he considers that to do so would be inappropriate, to make an enforcement order imposing on the union one or both of the following:

(a) to take such steps to remedy the declared failure, within such period, as may be specified in the order;

(b) to abstain from such acts as may be so specified with a view to securing that a failure of the same or a similar kind does not occur in future.

4.7 A declaration made by the Certification Officer may be relied on as if it were a declaration made by the High Court. An enforcement order made by the Certification Officer may be enforced in the same way as an order of the High Court.

### Trade Unions - membership and financial information

4.8 The annual returns of trade unions must provide figures for both total membership and members who pay contributions. There may be significant differences between these two figures, usually because total membership figures can include student members, retired and unemployed members, members on long-term sick leave and maternity/childcare leave and those on career breaks.

4.9 The total Northern Ireland membership of all trade unions at 31 December 2007 was recorded as 250,856. 75% of all Northern Ireland trade union members belong to Great Britain based trade unions with 20% and 5% respectively being members of Northern Ireland and Republic of Ireland based trade unions.

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- 4.10 Trade union income derives mainly from membership subscriptions and investments. There may also be additional income and assets arising if, for example, a union accepts the transfer of engagements of another union. In 2007 the total income of Northern Ireland based trade unions was £4.4 million, total expenditure was £4.9 million, and net assets were £4.1 million.
- 4.11 Appendix 1 gives a summary of membership and finance statistics, for Northern Ireland trade unions and Republic of Ireland trade unions with Northern Ireland members for the year 2007. This shows a total of 51,046 members of Northern Ireland unions providing an annual contribution of £4.4 million; while there were 12,892 Northern Ireland members of Republic of Ireland unions providing an annual contribution of approximately €2.3 million. In 2007 the total income of the Republic of Ireland unions was €62million, total expenditure was €58 million and net assets were €90 million.
- 4.12 Financial and membership details of 44 Great Britain unions with 100 or more Northern Ireland members are given in Appendix 2. In 2007, 185,820 Northern Ireland members of these unions contributed £15.4 million. The total income of these unions in the year was £625 million, total expenditure was £520 million and net assets were £273 million.
- 4.13 Membership details of a further 41 Great Britain based trade unions with under 100 Northern Ireland members are listed in Appendix 3. This records a total of 1,176 Northern Ireland members contributing over £131,000. In 2007 the total income of these unions was £13.6 million, total expenditure was £12.4 million and net assets were £11.7 million.

## **Employers' associations - membership and financial information**

- 4.14 Employers' associations are not required to provide the Certification Officer with details of officers' salaries and benefits.
- 4.15 A summary of statistics on the membership and finances of 11 Northern Ireland employers' associations for 2007 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2007 the total income of these organisations was £4.7 million, expenditure was £4.2 million and net assets were £9 million.
- 4.16 Details of 31 Great Britain employers' associations with Northern Ireland members are given in Appendix 5. In 2007 these organisations received contributions amounting to £807,000 from their Northern Ireland

members. Their total income was £85 million, expenditure was £84 million, and net assets were £10 million.

## CHAPTER 5 SUPERANNUATION SCHEMES

*It is a legal requirement that any superannuation scheme maintained by a trade union or an employers' association for the benefit of members be actuarially examined at least every five years and a copy of the actuary's report sent to the Certification Officer. An explanation of the statutory provisions is given in this chapter together with information on the number of schemes maintained and the number of reports received.*

### The Statutory Provisions

- 5.1 Schedule 1 to the 1992 Order requires that any superannuation scheme maintained by a Northern Ireland based trade union or employers' association<sup>1</sup> for its members must be examined periodically by a qualified actuary and a copy of each actuarial report sent to the Certification Officer. The actuarial examination is required to be made not later than five years after the effective date of the preceding examination, but the Certification Officer has power to direct that, in any particular case, the period of five years may be reduced to such shorter period as he may specify. The Certification Officer also has power to exempt a member's superannuation scheme from actuarial examination if it applies only to a small number of members or for any other special reasons. No trade union or employers' association may maintain a members' superannuation scheme unless it also maintains a separate fund for the payment of benefits in accordance with the scheme. A trade union or employers' association must supply a copy of any actuarial report made under Schedule 1 free of charge to any member on request.
- 5.2 Schedule 1 requires that the report by the actuary following his or her examination of any scheme shall state whether in his or her opinion the premium or contribution rates are adequate, whether the accounting or funding arrangements are suitable and whether the separately maintained superannuation fund is adequate.

### Schemes maintained - Northern Ireland

- 5.3 During the period of this report no trade union or employers' association based in Northern Ireland operated a superannuation scheme for its members.

### Schemes maintained - Great Britain

- 5.4 The following four Great Britain based trade unions, which have Northern Ireland members, maintained members' superannuation schemes at 31 March 2008:

GMB  
National Union of Rail, Maritime and Transport Workers  
Unite the Union (Amicus section) (5 schemes)  
Unite the Union (TGWU section)

No Great Britain based employers' association operated a members' superannuation scheme.

### Actuarial reports

- 5.5 The Great Britain Certification Officer received one actuarial report during this period, from Unite the Union (Amicus Section). Two others, also from Unite the Union (Amicus Section), were outstanding at 31 March 2008, but were received in May 2008. A report from the National Union of Rail, Maritime and Transport Workers, which had been outstanding since 2006/07, was also received in May 2008.

<sup>1</sup>In practice the requirements affect trade unions only; the Office is not aware of any schemes maintained by employers' associations.



## CHAPTER 6 MERGERS

*Mergers between trade unions and between unincorporated employers' associations must be conducted under the relevant statutory procedures, which include a ballot of members. The procedures allow for members to complain to the Certification Officer about particular aspects of the balloting process. This chapter deals with the statutory background.*

### The Statutory Provisions

- 6.1 The 1995 Order and the Trade Unions and Employers' Associations (Amalgamations, etc) Regulations 1965, as amended, lay down procedures governing two types of merger between trade unions and between unincorporated employers' associations. The procedures apply, with certain modifications, to mergers between Northern Ireland organisations and organisations in Great Britain and to both listed and unlisted organisations. Their main purposes are to facilitate the merger process and, at the same time, to safeguard the rights of members affected by the terms of a merger by ensuring that they are fully informed about the proposal and have the opportunity to vote on it.
- 6.2 The two types of merger are a *transfer of engagements* and an *amalgamation*. Under a transfer of engagements a transferring organisation loses its legal identity whilst the organisation to which it transfers continues in being with its legal identity unchanged. An amalgamation produces a new organisation replacing the amalgamating bodies, which cease to exist.
- 6.3 Organisations proposing to enter into a transfer of engagements or an amalgamation must prepare an instrument setting out the proposed terms of the merger and an explanatory notice to members. They must submit these documents to the Certification Officer who must approve them before a ballot of members on the merger proposal can be held. The statutory fee payable for approval of the instrument is shown in Appendix 9.
- 6.4 Ballots must be postal<sup>1</sup> and subject to independent scrutiny. The inclusion in the notice to members of any statement making a recommendation or expressing an opinion about a proposed amalgamation or transfer is prohibited. The voting paper sent to a member may not be accompanied by any material other than the notice to members, an addressed pre-paid envelope

and a document giving instructions for the return of the voting paper. Other requirements relate to storage, distribution and counting of votes by independent persons and the availability of a union's membership register and the circumstances of its inspection by an independent scrutineer. For mergers involving employers' associations, the provisions are slightly different. Details can be found in the guidance booklet (see para 6.9 below).

- 6.5 In a transfer of engagements, only the members of the transferring organisation vote on the instrument of transfer. In an amalgamation, the members of each amalgamating organisation vote. If the required majority of votes recorded in the ballot is in favour of the transfer or amalgamation, an application to register the instrument may be made to the Certification Officer. Before making such an application, the union must send a copy of the scrutineer's report to every member, or notify them of its contents by other means. Members must also be told that they will, on request, be provided with a copy of the scrutineer's report - either free or subject to a reasonable specified charge. The Certification Officer has power to direct an organisation to publicise its application to register a transfer or amalgamation.
- 6.6 An interval of six weeks must elapse between the application for registration of an instrument and registration itself; and before the expiry of the six-week period any member of a transferring organisation or of any amalgamating organisation may complain to the Certification Officer on the grounds that one or more of the statutory conditions governing the ballot arrangements has not been observed. If, after giving the parties an opportunity to be heard, the Certification Officer finds the complaint justified, he must make a declaration to that effect, and he may make an order specifying the steps which must be taken before he will register the instrument. There is a right of appeal against the Certification Officer's decision to the Court of Appeal on a point of law.

<sup>1</sup>Northern Ireland law provides that a trade union member may for reasons of personal safety request his union to send him a voting paper by some means other than post.

- 6.7 Article 82A of the 1995 Order provides for automatic listing of a new organisation formed by the amalgamation of organisations on the list at the time of amalgamation (see paragraph 1.7), and for automatic issue of a certificate of independence to a new union formed by amalgamation of unions which held a certificate at the time of amalgamation (see chapter 2, paragraph 2.5).
- 6.8 Formal documents kept by the Certification Officer relating to mergers under the 1995 Order are available for public inspection. The statutory fee payable is shown in Appendix 9.

#### **Advice on procedures**

- 6.9 Certification Office staff will offer advice on the statutory provisions and are always prepared to meet officials of organisations considering a merger to discuss procedures and time-tables. The Office has produced two booklets on the statutory requirements for transfers of engagements and amalgamations, one for trade unions and the other for employers' associations. These explain the merger procedures in detail and set out, with explanatory notes, the matters to be included in an instrument of transfer or amalgamation. Copies may be obtained free of charge from the Office.

#### **Mergers proposed or completed**

- 6.10 No formal proposals to enter into a transfer of engagements or an amalgamation were received from any Northern Ireland based union during the period of this report.

#### **Mergers of Great Britain unions with Northern Ireland members**

- 6.11 Four Great Britain unions with Northern Ireland members completed mergers in 2007/08. The Alliance and Leicester Group Union of Staff transferred its engagements to the Communication Workers Union on 23 April 2007. The Ambulance Service Union transferred its engagements to the GMB on 23 January 2008. Amicus and the Transport and General Workers Union amalgamated on 27 April 2007 to form The Amalgamated Union, which subsequently (23 May 2007) changed its name to Unite the Union. The new union has some 1.9 million members, over 50,000 of whom are in Northern Ireland.
- 6.12 During the reporting period two other Great Britain unions with Northern Ireland members were in the process of carrying out a merger. The members of the British Union of Social Work Employees voted to transfer its engagements to Community. The transfer was completed after the end of the period (April 2008).

## CHAPTER 7 POLITICAL FUNDS

*The 1995 Order enables trade unions and unincorporated employers' associations to establish separate funds for the furtherance of political objects. They can only do so if a resolution adopting the political objects has been passed by a ballot of the members. The Certification Officer is the statutory authority for approving the establishment and continuance of such funds. This chapter explains the statutory provisions, including those relating to the exemption of Northern Ireland members and to complaints by trade union members about breaches of political fund rules.*

### The statutory provisions for Northern Ireland - based organisations

#### General

- 7.1 A trade union or an unincorporated employers' association, whether listed or not, can include the furtherance of political objects among its objects. A resolution to adopt political objects ("a political resolution") must be passed by the members in a postal ballot held under rules ("political ballot rules") which have been approved by the Certification Officer. An independent scrutineer must be appointed to oversee the ballot. If political objects are adopted, rules governing the expenditure of funds on them must also be adopted. These "political fund rules" must be approved by the Certification Officer.
- 7.2 Trade unions and employers' associations are required to periodically renew their authority to spend money on political objects. They must pass a political resolution by ballot of their members ("a review ballot") at least once in every 10 years. Each new ballot must be held in accordance with rules approved by the Certification Officer.

#### Exemption

##### "Contracting-in"

- 7.3 Unlike members of trade unions and employers' associations in Great Britain, members in Northern Ireland must provide a written authority (Article 59(1) of the 1995 Order) to their organisation before any contribution to the political fund may be taken from them, whether by way of deduction from their normal membership subscription or through a separate levy. This statutory requirement is colloquially known as "contracting-in". The rules of trade unions and employers' associations must provide for each member to know what portion, if any, of his or her normal contribution is a contribution to the political fund. These rules must be approved by the Certification Officer.

- 7.4 A member who does not "contract-in" to the political fund is exempt from contributing to it and any deduction or levy for that purpose would be unlawful. Any Northern Ireland member of a trade union or employers' association who believes an unauthorised deduction or levy has been made may complain to the Certification Officer.

- 7.5 Members not contributing to the political fund must not be excluded from any benefits of the organisation or placed under any disability or disadvantage compared with other members, except in relation to the control or management of the political fund. Contribution to the political fund must not be made a condition for admission to the organisation.

##### "Contracting-out"

- 7.6 Any member who having initially "contracted-in" to a political fund wishes subsequently to "contract-out" of it must give a written "notice of withdrawal" (Article 59(2) of the 1995 Order). This may be delivered at the head office or a branch office of the organisation by the member in person or by any authorised agent or by post. The withdrawal takes effect from the 1 January next following the giving of the notice. If any deduction is made after that date the member may complain to the Certification Officer.

### Great Britain and Republic of Ireland organisations

- 7.7 The statutory requirement that Northern Ireland members of trade unions and unincorporated employers' associations must "contract-in" to a political fund applies regardless of where their organisation is headquartered. The requirements and conditions outlined in paragraphs 7.3 to 7.6 therefore apply also to Northern Ireland members of trade unions and employers' associations headquartered in Great Britain or the Republic of Ireland.
- 7.8 Two Republic of Ireland trade unions with Northern Ireland members operate political funds. The unions

<sup>1</sup>Northern Ireland law provides that a trade union member may for reasons of personal safety request his union to send him a voting paper by some means other than post.

concerned, Services, Industrial, Professional and Technical Union and the Irish National Teachers Organisation, have given the Certification Officer an assurance that they do not take political fund contributions from Northern Ireland members.

## **Political fund model rule for Great Britain organisations**

- 7.9 A political fund model rule covering Northern Ireland members has been agreed with the Great Britain Certification Officer for use by Great Britain based unions. It is included in the booklet "*Guidance for trade unions and employers' associations wishing to establish a political fund (2000)*" issued by the Great Britain Certification Office. Approval for use of the model rule, and for any proposed amendment of it, must be obtained from the Northern Ireland Certification Officer before any lawful political fund contribution may be levied on a Northern Ireland member, even if the member has provided a written authority. Great Britain trade unions and employers' associations which are intending to adopt or amend the model rule should contact the Northern Ireland Certification Office in advance.

## **Complaints**

- 7.10 Any member of a trade union or employers' association who considers that its political fund rules have been breached may complain to the Certification Officer. If, after investigating the complaint, the Certification Officer considers that a breach has occurred, he may make an order requiring the organisation to remedy it.
- 7.11 A member may complain to the Certification Officer if a political fund ballot has been held, or is proposed to be held, in a way that does not comply with the approved political ballot rules. Any complaint must be made within the period of one year beginning with the day on which the result of the ballot is announced.
- 7.12 A member who claims that money has been spent on political objects without a political fund resolution

being in force or without approved political fund rules may apply to the Certification Officer for a declaration to that effect. If the Certification Officer makes a declaration he may also make such order for remedying the breach as he thinks just in the circumstances. Appeals against decisions of the Certification Officer may be made to the Court of Appeal on a question of law.

- 7.13 As mentioned earlier, Northern Ireland members who consider that political fund contributions are being taken from them without their written authority may complain to the Certification Officer. If he upholds a complaint, the Certification Officer may make an order to remedy the breach. Appeal is as in paragraph 7.12 above.
- 7.14 Northern Ireland members of a Great Britain headquartered trade union or employers' association who consider that its political fund rules have been breached, other than in relation to their political fund contributions, may complain to the Great Britain Certification Officer, 180 Borough High Street, London, SE1 1LW. Any enquiries should be made to his office, tel: 0207 210 3734, e-mail:- info@certoffice.org.

## **Advice on procedures**

- 7.15 On request, the Office will give advice on the procedures for establishing political funds and for holding review ballots. Guidance booklets which include model rules are available free of charge from the Office. Any trade union or employers' association wishing to ballot its members on a political fund resolution should contact the Office at an early stage.

## **Northern Ireland organisations with political fund rules**

- 7.16 No Northern Ireland organisation had political fund rules in force at 31 March 2008. During the year one Northern Ireland trade union, the Northern Ireland Public Service Alliance (NIPSA), initiated the process for establishing a political fund. The Certification Officer gave informal approval to the rules for the

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political fund ballot and those for the political fund itself. However, in May 2008, outside the period of this report, a resolution to amend the rules of the union to provide for the ballot and the fund was rejected by NIPSA's Annual Conference.

## **Great Britain organisations with political fund rules approved by the Northern Ireland Certification Officer**

7.19 There were 21 Great Britain trade unions with Northern Ireland members operating political funds at 31 March 2008. Of these, 16 had Northern Ireland members "contracting-in".

7.18 The 2007 returns show that almost 39,000 Northern Ireland members of these trade unions - representing some 33% of the total Northern Ireland trade union membership - contributed just over £130,000 towards political funds. A list of the 16 unions, showing the number of Northern Ireland members and the amount of their financial contributions, is given at Appendix 7. In this list, Unite the Union appears in place of Amicus and the Transport and General Workers Union, which amalgamated; and the University and College Union, formed by the amalgamation of the Association of University Teachers and the National Association of Teachers in Further and Higher Education in June 2006, appears for the first time. The five Great Britain unions whose Northern Ireland members did not contribute to their political funds in 2007 are listed in Appendix 8.

## **Great Britain organisations with new political fund rules approved for the first time in this reporting period**

7.19 None.

## **Amendments to rules of Great Britain organisations**

7.20 Amendments to the political fund rules of Great Britain organisations require the approval of the Great Britain Certification Officer. To the extent that they relate to the contributions of Northern Ireland members, they also require the approval of the Northern Ireland Certification Officer. Four Great Britain unions with Northern Ireland members (Community, GMB, Union of Shop Distributive and Allied Workers and Unite the Union) had amendments approved during 2007-2008 by both Certification Officers.

## **Political fund review ballots held by Great Britain organisations**

7.21 During 2007-2008 one Great Britain union with Northern Ireland members, the POA, held a review ballot (see paragraph 7.2). The members voted to retain their political fund.

## **Political fund complaints by Northern Ireland members to the Great Britain Certification Officer.**

7.22 There were no such complaints in this reporting period.

## CHAPTER 8 SECRET POSTAL BALLOTS FOR TRADE UNION ELECTIONS

*The 1995 Order requires that certain officers and all members of a trade union's executive committee must be elected by secret postal<sup>1</sup> ballot. No one may continue to hold one of those positions for more than five years without being re-elected. This Chapter deals with the statutory provisions governing elections. As explained in Chapter 9, the Certification Officer also has powers to deal with breaches of a union's own rules governing elections and certain other matters.*

### The Statutory Provisions

- 8.1 A trade union must ensure that no one takes up a position as a member of its principal executive committee or as its president or general secretary, without having been elected to that position. Nor may anyone remain in such a position for more than five years without having been re-elected to it. There are exceptions in respect of amalgamations, special register bodies, newly formed unions and officers nearing retirement. Elections must be by secret postal ballot of the members of the union, conducted in accordance with the provisions in the 1995 Order.
- 8.2 Individual trade union members have a statutory right to apply to the Certification Officer for a declaration that their trade union has failed to comply with one or more of the relevant provisions of the Order. After giving the applicant and the union an opportunity to be heard, the Certification Officer may make or refuse the declaration asked for. Where he makes a declaration he must also, unless he considers it inappropriate, make an order imposing on the union one or more of the following requirements -
- (a) to hold the election in accordance with the order;
  - (b) to take such other steps to remedy the declared failure as may be specified in the order;
  - (c) to abstain from such acts as may be specified with a view to ensuring that a failure of the same or a similar kind does not occur in future.

### Disclosure of applicant's identity, hearings, appeals etc

- 8.3 Article 70 of the 1992 Order requires the Certification Officer to make provision about the disclosure or otherwise of the identity of an individual who has made, or is proposing to make, any application or complaint.
- 8.4 The Certification Officer has accordingly made provision that the identity of an individual who makes or is proposing to make an application or complaint

relating to a trade union will not generally be disclosed to the union unless or until the application or complaint is accepted. When an application or complaint is accepted, the Certification Officer will generally disclose the individual's identity to the union (and to such others as he thinks fit) unless he decides that the circumstances are such that it should not be disclosed. The Certification Officer makes that decision on a case by case basis. Fear of denigration will not of itself normally justify non-disclosure. The provision made by the Certification Officer under Article 70 of the 1992 Order is on the Office website:- [www.nicertoffice.org.uk](http://www.nicertoffice.org.uk).

- 8.5 When a hearing is held on any application or complaint, expenses incurred by applicants and their necessary witnesses in attending the hearing may in certain circumstances be reimbursed by the Office at the discretion of the Certification Officer. All hearings before the Certification Officer are held in public.
- 8.6 Appeals on any question of law arising in proceedings before, or from a determination by, the Certification Officer may be made to the Court of Appeal.
- 8.7 If the Certification Officer decides that there has been a breach of the statutory provisions he must state in his declaration any steps which the union has taken or has agreed to take to remedy the breach or prevent such a breach occurring in the future.
- 8.8 The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court even if the applicant withdraws his/her application to the Certification Officer. Where an application to the Certification Officer is made by a different person, alleging the same failures which have been considered and determined by the High Court, the Certification

<sup>1</sup>Northern Ireland law provides that a trade union member may for reasons of personal safety request his union to send him a voting paper by some means other than post.

Officer is required to have due regard to any declaration, order, observations or reasons made or given by the High Court which are brought to his notice.

## Applications and Decisions

- 8.9 During this period the Certification Officer made the following decisions:
- **Archer v Union of Construction, Allied Trades and Technicians (D/3-6/2008)**. The applicant alleged that the union had breached Article 14(3) of the 1995 Order by allowing the inclusion of a photograph in an election address in an Executive Council election, and Article 15 of the Order by failing to appoint an independent scrutineer to oversee nominations by Branches in that election. However, in discussions with the Assistant Certification Officer the applicant accepted that Article 14(3) does not prohibit the inclusion of photographs in election addresses and that Article 15 does not require involvement of a scrutineer in the nominations process. He withdrew the complaints, which accordingly were dismissed. (These complaints formed part of an application which also included two complaints of breach of union rules under Article 90A of the 1995 Order: see paragraph 9.10 below).
- 8.10 The Great Britain Certification Officer made the following decision in respect of a Great Britain trade union with Northern Ireland members –
- **Roberts v National Union of Schoolmasters Union of Women Teachers (D/31/07)**. The claimant alleged that the union had breached section 47(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (= Article 13(1) of the 1995 Order) by unreasonably excluding him from standing as a candidate in the union's National Executive elections by virtue of a rule of the union. The Certification Officer did not uphold the complaint.
- 8.11 Last year's report (page 21, paragraph 8.10) noted that in the case of *Corrigan v GMB (No.1)*, the claimant, a Northern Ireland member of the GMB, had appealed against the Certification Officer's refusal to make an enforcement order after finding that the union had breached section 46(1)(a) of the 1992 Act (= Article 12(1)(a) of the 1995 Order), and that the union had appealed against the finding that it was in breach. The Employment Appeal Tribunal dismissed the claimant's appeal and upheld the union's (UKEAT/0278/07).

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## CHAPTER 9 APPLICATIONS CONCERNING BREACHES OF TRADE UNION RULES

*A member of a trade union who claims that there has been a breach or threatened breach of the rules of a trade union relating to certain matters set out in Article 90A(2) the 1995 Order may apply to the Certification Officer for a declaration to that effect. This chapter explains breach of rule applications and how they are dealt with.*

### The Statutory Provisions

- 9.1 Individual trade union members have the right to apply to the Certification Officer if they believe there has been a breach or threatened breach of a trade union's rules relating to any of the matters set out in Article 90A(2) of the 1995 Order. The matters are: -
- (a) the appointment or election of a person to, or the removal of a person from, any office;
  - (b) disciplinary proceedings by the union (including expulsion);
  - (c) the balloting of members on any issue other than industrial action;
  - (d) the constitution or proceedings of any executive committee or of any decision-making meeting;
  - (e) such other matters as may be specified in an order made by the Department for Employment and Learning.
- 9.2 The applicant must be a member of the union, or have been a member at the time of the alleged breach or threatened breach. The Certification Officer may not consider an application if the applicant has applied to the High Court in respect of the same matter. Similarly once an application has been made to the Certification Officer the same matter may not be put to the High Court.
- 9.3 The Certification Officer may refuse to accept an application if he is not satisfied that the applicant has taken all reasonable steps to resolve the claim by the use of any internal complaints procedure of the union.
- 9.4 If the Certification Officer accepts an application he must make such enquiries as he thinks fit and, before reaching a decision on the application, provide the applicant and the trade union with an opportunity to be heard. Article 70ZA of the 1992 Order gives the Certification Officer the power to strike out certain applications or complaints.
- 9.5 The Certification Officer must give reasons for his decision in writing and, where he makes a declaration that there has been a breach or threatened breach of rule, he is required to make an enforcement order

unless he considers that to do so would be inappropriate. The enforcement order may impose on the union one or both of the following requirements -

- (a) to take such steps to remedy the breach, or withdraw the threat of a breach, as may be specified in the order; and
- (b) to abstain from such acts as may be so specified with a view to securing that a breach or threat of the same or similar kind does not occur in future.

Where an order imposes a requirement on the union as in (a) above, it must specify the period within which the union is to comply with the requirement.

- 9.6 An order made by the Certification Officer may be enforced (by any person who is a member of the union and was a member at the time the order was made) in the same way as an order of the High Court.
- 9.7 An appeal may be made to the Court of Appeal on any question of law arising in proceedings before, or from a determination by, the Certification Officer. Appeal is by way of notice of appeal and rehearing, under Order 59 of the Rules of the Supreme Court (Northern Ireland) 1980.

### Applications and decisions

- 9.8 During the period of this report the Certification Officer issued 22 decisions on eleven applications (nine of them by one applicant). One enforcement order was issued. The decisions are described briefly below.
- 9.9 **McCready v National Association of Schoolmasters Union of Women Teachers (D/1-2/2007)**. By agreement of both parties, this case was determined without a hearing. It was found that the union had breached its rules by taking 13 months to inform the applicant that a disciplinary complaint had been made against her. No enforcement order was made, the



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union having provided details of the action it had taken to prevent the recurrence of the same or a similar kind of breach. A second complaint was dismissed on withdrawal by the applicant.

- 9.10 **Archer v Union of Construction, Allied Trades and Technicians (D/3-6/2007)**. The applicant complained that the union had breached a rule relating to the time-limit for receipt of nominations in an election to select the Irish Region member of its Executive Council; and further that it had breached its established custom and practice by allowing the inclusion of a photograph in a candidate's election address. The Certification Officer refused to make the declarations sought. The same application included two complaints alleging breach of provisions of the 1995 Order relating to elections. These were dismissed on withdrawal by the applicant (see paragraph 8.9 above).
- 9.11 **Duffy v POA (D/1-16/2008)**. Sixteen complaints, some of which had several parts, were made in nine separate applications. All were heard together in a two-day hearing. The complaints alleged that the union had breached its rules in ordering the re-run of Branch elections organised by the applicant, who was the secretary of the Branch in question; and that it had breached a number of its rules, and the rules of natural justice, in the conduct of disciplinary proceedings which it took against the applicant arising out of those elections and other matters, and which had resulted in the applicant's expulsion from the union. The Certification Officer made declarations in favour of the applicant in four of the complaints. The union had already acknowledged one as a breach of rule and taken remedial action, and therefore no enforcement order was made. In consequence of the other three declarations the Certification Officer ordered that the union treat as void its decisions to expel the applicant. The applicant's remaining twelve complaints were dismissed.
- 9.12 *Duffy v POA* was taken as the agreed lead case for a number of applications made by four other members at the same POA Branch and arising out of the same background circumstances. Following the Certification Officer's decision, three of these members, who had been expelled from the union, were voluntarily reinstated by the union or (in one case) received a satisfactory conditional offer of reinstatement. As a result they withdrew their complaints (a total of 48), which were then dismissed by the Certification Officer. The fourth member withdrew a total of four complaints, which were then dismissed. These events occurred outside the period of this report, but it is appropriate to notice them here, since they are direct consequences of the decision in *Duffy*. Six complaints
- by another member of the same Branch have not been withdrawn.
- 9.13 Copies of the Certification Officer's decisions are available free of charge from the Office, and are published on the Office website - [www.nicertoffice.org.uk](http://www.nicertoffice.org.uk).
- 9.14 One application was resolved in the initial stages of process. A Northern Ireland trade union member made five complaints to the Great Britain Certification Officer, alleging that a union post was being held by person not entitled under the rules to hold it. The application was transferred, at the applicant's request, to the Northern Ireland Certification Office, but after correspondence from the Office seeking further clarification of the complaints, the applicant decided not to proceed with them.
- 9.15 Not all enquiries made are about matters that can give rise to an application to the Certification Officer. For example, the Certification Officer has no jurisdiction regarding inadequate representation of members by their union or in relation to the provision of union benefits or membership
- 9.16 The Great Britain Certification Officer made the following noteworthy decisions in cases of alleged breach of rule by Great Britain trade unions with Northern Ireland members. The full text of these decisions is available free from the Certification Office, Brandon House, 180 Borough High Street, London SE1 1LW and is published on that Office's website - [www.certoffice.org](http://www.certoffice.org).
- **Corrigan v GMB (No. 3) (D15/07)**. This complaint by a Northern Ireland member of the GMB concerned the alleged breach of a rule of the union relating to the nomination of a candidate for the post of General Secretary. The complaint was struck out under section 256ZA(1)(a) of the Trade Union and Labour Relations (Consolidation) Act 1992 (= Article 70ZA(1)(a) of the 1992 Order) on the grounds that it had no reasonable prospect of success or was otherwise misconceived.
  - **Taylor v Musicians Union (D16/07)**. The complaint alleged the breach of a rule of the union by a Regional Committee which failed to consider a motion submitted by the claimant and other members. The complaint was dismissed.
  - **Lee v National Association of Schoolmasters Union of Women Teachers (No. 3) (D/19-23/07)**. Of five complaints relating to a Special Conference of the union, one was upheld, three were dismissed

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and one was withdrawn by the claimant. No enforcement order was issued in respect of the complaint that was upheld.

- **Lee v National Association of Schoolmasters Union of Women Teachers (No. 4) (D/24-27/07).** Four complaints relating to elections to a local association of the union were dismissed by the Certification Officer.
- **Finlay v Unite the Union (TGWU Section) (D/28-30/07).** The claimant made three complaints about branch elections, branch meetings and a refusal to allow an elected branch official to take up office. The complaints were not upheld.
- **Darken v POA (D/32-34/07).** These three complaints arose from disciplinary proceedings taken by the union against the claimant. The Certification Officer upheld one of the complaints and issued an enforcement order requiring the union to treat as void its decision to bar the claimant from holding local office for five years. The other two complaints were dismissed. The union has appealed the Certification Officer's decision to the Employment Appeal Tribunal.
- **Corrigan v GMB (No. 2) (D/35-36/07).** The complaints were that the claimant had been removed from office without the union's disciplinary process being applied and that the Regional Officer concerned had acted without the authority of the union's Central Executive Council. Both complaints were dismissed.
- **Paul v Union of Construction Allied Trades and Technicians (No. 2) (D/37-40/07).** These four complaints, about alleged disciplinary action by the union, were dismissed as being out of time, outside the Certification Officer's jurisdiction and having no reasonable prospect of success.
- **Narain v Unite the Union (Amicus Section) (D/1/08).** The claimant alleged a breach of the union's rules when he was suspended as a lay union representative. The Certification Officer upheld the complaint and issued an enforcement order requiring the union to treat the suspension as invalid and ineffective for all purposes.
- **Parry v Unite the Union (Amicus Section) (D/3/08).** This complaint was that the union had breached sections of the National Agreement for the Engineering Construction Industry and that that Agreement was part of the rules of the union. The complaint was struck out under section 256ZA(1)

of the Trade Union and Labour Relations (Consolidation) Act 1992 (=Article 70ZA(1) of the 1992 Order) on the grounds that it had no reasonable prospect of success or was otherwise misconceived. The claimant appealed unsuccessfully to the Employment Appeal Tribunal.

- 9.17 Last year's report (page 24, top) noted that in the case of *Irving v GMB*, the claimant had lodged an appeal against the Certification Officer's decision. The Employment Appeal Tribunal dismissed the appeal (UKEAT/0277/07) and later refused the union's application for costs.

**APPENDIX 1 (SEE PARA 4.11) — (a) LISTS OF TRADE UNIONS (b) REPUBLIC OF IRELAND TRADE UNIONS WITH NI MEMBERS  
(AT 31 DECEMBER 2007 (UNLESS OTHERWISE INDICATED))**

(a) Northern Ireland Unions	NI Members	Total Members (inc.ROI)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
	£'s		£000's	£000's	£000's	£000's	£000's	£000's
Belfast Airport Police Association (31/3/07)	24	24	3,020	10.5	13	23	24	0.3
Lough Neagh Fishermen's Association*	90	90	2,024	16	17	6	6	—
Northern Ireland Public Service Alliance*	44,170	44,170	3,649,464	3,769	4,352	3,212	3,676	464
Ulster Teachers Union*	6,684	6,762	605,765	644	585	906	937	31
<b>TOTALS</b>	<b>50,968</b>	<b>51,046</b>	<b>4,260,273</b>	<b>4,439.5</b>	<b>4,967</b>	<b>4,148</b>	<b>4,643</b>	<b>495</b>
(b) Republic of Ireland Unions (in euros)	NI Members	Total Members	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
	€'s		€000's	€000's	€000's	€000's	€000's	€000's
Irish Bank Officials' Association*	5,291	20,029	1,123,697	5,154	6,689	35,355	37,883	2,527
Irish National Teachers' Organisation* <sup>1</sup>	6,108	35,753	1,034,712	15,122	11,964	23,489	36,500	13,010
Services, Industrial, Professional & Technical Union* IMPACT <sup>2</sup>	1,493	253,271	168,012	41,617	39,813	31,275	48,571	17,296
	—	—	—	—	—	—	—	—
<b>TOTALS</b>	<b>12,892</b>	<b>309,053</b>	<b>2,326,421</b>	<b>61,893</b>	<b>58,466</b>	<b>90,119</b>	<b>122,954</b>	<b>32,833</b>

\* Denotes a trade union holding a certificate of independence at 31 December 2007.

<sup>1</sup> Irish National Teachers' Organisation – figures converted from sterling to euros using the average exchange rate of £0.68434 per euro for the consolidated income and expenditure accounts at the closing exchange rate of £0.73335 per euro for the consolidated balance sheet.

<sup>2</sup> Union had not provided figures for year ending December 2007 by June 2008.

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## APPENDIX 2 (SEE PARA 4.12) — GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS — AT 31 DECEMBER 2007 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscriptions Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
ACCORD	1,561	28,754	77	29	109,448	2,281	1,784	2,958	3,425	467
Advance (formerly ANGU)	384	6,362	1	16	22,470	584	594	775	846	71
Ambulance Service Union (Final return due – see Chapter 6) <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Aspect	137	3,700	-	33	30,853	1,195	1,165	265	440	162
Association of Educational Psychologists	102	3,088	11	23	15,012	659	715	2,157	2,372	215
Association of School & College Leaders	166	12,970	-	81	40,853	3,255	3,129	2,102	2,672	570
Association of Teachers & Lecturers	5,008	201,881	725	954	240,692	17,079	13,930	10,002	14,418	4,416
Bakers, Food & Allied Workers Union	608	22,658	456	-	44,887	2,974	1,237	106	1,921	1,815
British Airline Pilots Association	135	9,063	44	678	69,327	6,691	4,955	8,907	9,406	499
British Association of Occupational Therapists (30/9/07)	707	28,358	194	540	49,384	4,573	4,573	-	367	367
British Dental Association (30/9/07)	763	21,169	74	405	227,929	13,414	12,683	3,296	7,686	4,390
British Dietetic Association (28/2/07)	259	5,351	65	132	55,685	350	297	168	185	17
British Medical Association	4,710	130,651	172	2,826	1,087,354	98,846	87,840	131,930	172,532	40,602
Broadcasting, Entertainment, Cinematograph & Theatre Union	534	25,626	48	2	96,632	5,988	1,480	(31)	4,507	4,538
Chartered Society of Physiotherapy	1,613	45,233	340	1,079	322,057	11,293	9,766	6,978	12,026	5,048
Communication Workers Union	5,189	230,982	-	508	580,607	29,705	26,619	25,118	35,843	10,726
Community Youth Workers Union (final return 1/1/06-7/01/07)	103	3,623	11	17	19,158	515	546	49	95	46
Connect — The Union for Professionals in Communication	553	18,533	10	220	87,529	3,488	3,588	3,032	5,178	2,146
Equity (Incorporating the Variety Artists' Association)	302	35,089	108	28	29,898	6,019	4,941	8,466	13,242	4,776
FDA <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Fire Brigades Union	1,689	43,721	-	-	297,918	12,740	10,950	4,566	7,718	3,152

<sup>1</sup> Union had not provided figures for year ending December 2007 by June 2008

**GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS — AT 31 DECEMBER 2007 (UNLESS OTHERWISE INDICATED)**

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
GMB	12,656	577,413	56	—	1,134,000	92,169	51,341	16,461	47,746	31,285
Musicians Union	194	32,269	34	177	26,865	7,078	4,919	11,097	15,142	4,045
National Association of Head Teachers	883	37,849	—	361	196,949	8,010	7,345	5,835	6,840	1,005
National Association of Schoolmasters										
Union of Women Teachers (NASUWT)	13,212	297,883	—	2,255	1,472,508	27,244	24,599	28,070	33,233	5,163
National Federation of Sub-Postmasters <sup>1</sup>	—	—	—	—	—	—	—	—	—	—
National Union of Journalists (at 30/9/07)	1,004	31,405	3,711	698	137,564	7,181	5,160	2,978	5,430	2,452
Nationwide Group Staff Union	209	12,710	—	—	14,740	1,116	1,019	587	682	95
Nautilus UK	341	14,744	266	923	49,205	4,922	4,369	5,942	6,340	398
POA	1,500	34,672	—	—	212,760	5,625	5,107	3,821	5,525	1,704
Prospect	1,057	98,273	4	3,361	11,675	13,254	8,581	30,147	30,932	785
Public and Commercial Services Union	2,883	301,497	14	435	295,957	34,989	32,396	34,247	36,236	1,989
Royal College of Midwives (at 31/8/07)	1,424	34,921	37	387	251,043	6,448	6,387	447	460	13
Royal College of Nursing of the UK (at 31/3/07)	13,203	378,624	378	2,491	929,000	26,678	26,678	—	5,641	5,641
Society of Chiropractors and Podiatrists	377	8,087	171	145	117,915	3,372	3,042	3,776	4,277	501
Society of Radiographers (at 30/9/07)	759	19,103	25	260	150,000	3,992	3,848	1,590	2,379	789
Transport Salaried Staffs Association	449	27,401	1,252	—	56,253	6,283	5,445	25,176	25,648	472

<sup>1</sup> Union had not provided figures for year ending December 2007 by June 2008

# 2007 - 2008

## GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2007 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
Union of Construction Allied Trades & Technicians	2,367	108,595	18,103	-	78,491	7,567	4,651	10,637	12,373	1,736
UNISON	36,727	1,307,273	-	-	2,242,571	176,960	151,975	139,652	177,594	37,942
Unite the Union (see Chapter 6)	54,716	1,837,775	47,113	12,622	3,154,974	112,499	100,908	240,580	303,174	62,594
Union of Shop, Distributive & Allied Workers	12,721	343,325	-	-	864,142	35,699	35,631	17,910	40,090	22,180
Unity <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
University and College Union	4,313	112,598	2	64	639,061	21,594	17,327	4,145	11,884	7,740
Voice (formerly Professional Association of Teachers)	405	37,265	-	19	11,073	1,848	1,844	638	1,102	464
<b>TOTALS</b>	<b>185,820</b>	<b>6,526,871</b>	<b>73,485</b>	<b>31,752</b>	<b>15,405,281</b>	<b>624,817</b>	<b>519,744</b>	<b>273,016</b>	<b>1,067,607</b>	<b>794,580</b>

<sup>1</sup> Union had not provided figures for year ending December 2007 by June 2008

# 2007 - 2008

## APPENDIX 3 (SEE PARA 4.13) – GB TRADE UNIONS WITH UNDER 100 NI MEMBERS – AT 31 DECEMBER 2007 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
Alliance & Leicester Group Union of Staff (final return to 22/4/07 – see Chapter 6)	92	2,006	–	–	2,815	78	101	152	167	15
Association for Clinical Biochemistry	53	1,461	61	187	6,314	1,333	1,391	2,057	2,709	651
Association for College Management	33	3,839	–	1	7,199	923	855	516	685	169
Association of Local Authority Chief Executives <sup>1</sup>	–	–	–	–	–	–	–	–	–	–
Association of Principal Fire Officers	6	483	–	3	1,584	83	63	68	75	7
Association of Professional Ambulance Personnel	5	2,291	–	32	648	287	270	(31)	40	71
Association of Professional Music Therapists	6	600	7	43	870	89	58	61	65	4
Association of Revenue and Customs <sup>1</sup>	–	–	–	–	–	–	–	–	–	–
Boots Pharmacists' Association (BPA)	12	640	–	–	480	27	22	15	16	1
Britannia Staff Union	8	3,397	–	–	330	184	139	430	515	85
British Association of Dental Nurses	52	3,929	7	25	3,586	308	299	137	151	14
British Association of Journalists	11	982	–	29	1,040	133	126	15	23	9
British Orthoptic Society <sup>1</sup>	–	–	–	–	–	–	–	–	–	–
British Union of Social Work Employees (at 31/5/07)	32	1,608	–	–	2,272	247	112	226	228	2
Community Community and District Nursing Association (at 31/3/07)	20	31,866	–	–	844	7,422	9	45	50	5
Dental Practitioners' Association	50	2,991	–	–	5,837	379	361	235	264	29
Diageo Staff Association	35	919	–	–	9,005	280	333	(26)	126	152
Gallaher Sales Staff Association	81	312	–	–	5,064	26	28	32	44	12
Guild of Professional Teachers of Dancing Headmasters and Headmistresses' Conference (at 31/3/07)	7	162	–	–	336	11	10	90	90	–
Hospital Consultants & Specialists Association (at 30/9/07)	28	848	1	1	1,456	50	40	48	52	4
Independent Democratic Union	8	238	3	67	2,300	1,255	976	1,847	3,081	1,234
Institute of Journalists	84	2,971	–	28	12,100	614	426	546	566	20
Leeds Building Society Staff Association	23	4,418	–	–	2,070	345	247	319	336	17
	7	935	24	107	960	76	72	7	9	3
	5	404	–	–	90	9	7	39	41	2

<sup>1</sup>Union had not provided figures for year ending December 2007 by June 2008.

# 2007 - 2008

## GB TRADE UNIONS WITH UNDER 100 NI MEMBERS - AT 31 DECEMBER 2007 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	ROI Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions £'s	Total Income £000's	Total Expenditure £000's	Funds at the End of the Year £000's	Total Assets at the End of the Year £000's	Total Liabilities at the End of the Year £000's
National Association of Co-operative Officials	12	2,138	-	15	1,734	543	484	1,247	1,345	98
National Association of Group Secretaries to NFU (at 31/10/07)	72	510	-	-	9,430	186	174	76	94	18
NAPO - The Trade Union & Professional Association for Family Court & Probation Staff	83	8,921	-	-	23,758	2,259	2,051	1,701	1,743	42
National Society for Education in Art & Design (at 30/9/07)	23	2,086	7	59	1,533	461	524	70	171	100
Offshore Industry Liaison Committee	9	2,494	6	81	1,080	269	242	91	95	4
Prison Governors Association <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Prison Service Union	20	5,940	-	3	1,870	442	451	14	120	106
Retained Firefighters Union	95	3,793	-	-	8,671	406	362	151	183	32
Retired Officers Association (at 30/6/07)	15	578	-	68	90	15	16	124	129	5
Royal Society for the Protection of Birds Staff Association (at 31/3/07)	30	848	-	-	255	14	7	58	58	-
Society of Authors Ltd	35	7,782	72	593	2,698	856	871	693	1,397	704
Society of Union Employees (UNISON) <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
UBAC	11	1,373	-	15	895	186	156	255	263	8
UFS (formerly Union of Finance Staff)	76	3,259	-	-	7,000	671	736	255	347	92
Writers Guild of Great Britain	37	1,214	10	62	5,130	506	415	137	261	124
<b>TOTALS</b>	<b>1,176</b>	<b>108,236</b>	<b>198</b>	<b>1,419</b>	<b>131,344</b>	<b>13,560</b>	<b>12,437</b>	<b>11,702</b>	<b>15,544</b>	<b>3,841</b>

<sup>1</sup>Union had not provided figures for year ending December 2007 by June 2008.



**APPENDIX 4 (SEE PARA 4.15) – NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS – 31 DECEMBER 2007 (UNLESS OTHERWISE INDICATED)**

NI Employers' Association	NI Members	NI Contributions	Total Members (incl. Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
		£		£	£	£	£	£
1 Anglo-North Irish Fish Producers Organisation (at 31/7/07)	90	100,794	90	690,269	378,186	929,894	1,959,002	1,029,108
2 Construction Employers Federation Ltd	972	630,664	972	855,574	830,829	579,653	1,004,353	424,700
3 Engineering Employers' Federation NI Association	140	646,122	140	787,744	909,592	1,369,594	1,513,869	144,275
4 Federation of the Retail Licensed Trade NI (31/10/07)	592	86,925	592	235,379	327,455	268,597	454,095	185,498
5 Northern Ireland Bakery Council (at 31/3/08)	3	3,000	3	5,370	5,370	3,423	4,833	1,410
6 Northern Ireland Fish Producers Organisation Ltd	129	1,650	154	1,496,736	1,116,944	5,158,789	5,546,470	387,681
7 Northern Ireland Grain Trade Association	33	28,545	33	28,708	29,619	15,377	16,377	1,000
8 NI Local Government Association (31/3/07)	26	358,732	26	464,921	530,953	25,173	423,457	172,284
9 Northern Ireland Textiles & Apparel Association Ltd <sup>1</sup>	-	-	-	-	-	-	-	-
10 Ulster Chemists Association (30/9/07)	518	70,142	518	134,432	72,538	424,052	445,502	21,450
11 Ulster Farmers' Union <sup>1</sup>	-	-	-	-	-	-	-	-
<b>TOTALS</b>	<b>2,503</b>	<b>1,926,574</b>	<b>2,528</b>	<b>4,699,433</b>	<b>4,201,486</b>	<b>9,000,552</b>	<b>11,367,958</b>	<b>2,367,406</b>

<sup>1</sup> Association had not provided figures for year ending December 2007 by June 2008.

APPENDIX 5 (SEE PARA 4.16) – GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS – 31 DECEMBER 2007 (UNLESS OTHERWISE INDICATED)

GB Employers' Associations with NI Members	NI Members	NI Contributions	Total Members (incl. Channel Islands and ROI)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets	Total Liabilities
	£	£		£	£	£	£	£
1 Association of Newspapers and Magazine Wholesalers (31/3/08)	2	8,192	21	564,648	546,969	17,721	86,635	68,914
2 British Amusement Catering Trades Association (30/6/07)	4	7,213	645	1,458,859	2,313,741	17,619,445	33,006,166	15,386,721
3 British Clothing Industry Association Ltd	1	625	66	538,300	744,607	7,892,806	8,297,792	404,986
4 British Jewellery, Giftware and Finishing Federation	13	2,673	2,564	2,380,791	2,452,424	9,908,346	10,807,262	898,916
5 British Pre-Cast Concrete Federation Ltd	4	55,305	137	799,972	804,942	101,335	390,279	288,944
6 Chemical Industries Association (30/6/07)	2	–	136	4,954,656	5,011,566	(174,197)	2,377,309	2,551,506
7 Cinema Exhibitors' Association Ltd	4	4,010	152	494,170	605,397	284,370	915,048	630,678
8 Construction Plant Hire Association (30/6/07)	8	3,326	1,489	885,014	617,481	1,191,566	1,413,559	221,993
9 Electrical Contractors' Association <sup>1</sup>	–	–	–	–	–	–	–	–
10 Engineering Employers Federation	1	51,873	13	8,515,820	10,984,631	34,978,750	37,903,060	2,924,310
11 Federation of Master Builders	385	24,809	13,014	5,017,000	4,906,000	4,187,000	6,496,000	2,307,000
12 Federation of Window Cleaners	20	1,322	1,318	154,706	163,222	284,945	427,187	142,242
13 Freight Transport Association	286	85,878	14,239	27,424,000	22,303,000	(976,000)	12,644,000	13,620,000
14 Glass and Glazing Federation <sup>1</sup>	–	–	–	–	–	–	–	–
15 Heating and Ventilating Contractors' Association (28/2/07)	52	107,213	1,360	13,107,000	12,102,000	4,507,000	14,239,000	9,732,000
16 National Bed Federation	3	2,900	78	201,755	201,310	152,089	165,652	13,563
17 National Federation of Retail Newsagents	706	187,908	18,096	5,217,997	4,625,963	5,629,742	6,698,404	1,068,662
18 National Federation of Roofing Contractors Limited (31/1/08)	18	11,878	976	1,101,664	1,039,420	528,051	804,516	276,465
19 National Hairdressers Federation	27	5,400	6,846	1,568,883	1,600,240	1,800,485	2,419,271	618,786

<sup>1</sup> Association had not provided figures for year ending December 2007 by June 2008.

# 2007 - 2008

GB Employers Associations with NI Members	NI Members	NI Contributions £	Total Members (incl. Channel Islands and ROI)	Total Income £	Total Expenditure £	Funds at the End of the Year £	Total Assets £	Total Liabilities £
20 National Pharmacy Association Ltd	235	158,829	3,929	6,513,893	5,214,454	6,262,791	11,336,792	5,074,001
21 Producers Alliance for Cinema and Television Ltd (30/9/07)	15	12,000	679	2,865,879	2,906,349	952,868	1,675,860	722,992
22 Publishers Association	2	500	101	2,313,445	2,243,041	180,497	498,953	318,456
23 Radio Electrical and Television Retailers' Association (31/10/07)	49	10,780	1,422	730,943	549,262	1,300,610	1,387,363	86,753
24 Retail Motor Industry Federation Ltd <sup>1</sup>	-	-	-	-	-	-	-	-
25 Scottish Association of Master Bakers	1	162	418	817,792	810,216	1,643,576	1,897,477	253,901
26 Scottish and NI Plumbing Employers' Federation	96	43,323	793	1,312,197	783,164	1,072,359	1,447,242	375,883
27 Screen Printing Association (UK) Ltd <sup>2</sup>	-	-	-	-	-	-	-	-
28 The Newspaper Society <sup>1</sup>	-	-	-	-	-	-	-	-
29 Theatrical Management Association	4	6,170	350	762,474	751,941	169,791	621,876	352,085
30 Thermal Insulation Contractors Association	7	7,497	257	1,349,122	1,320,830	680,823	1,080,722	399,899
31 Vehicle Builders and Repair Association Ltd	14	7,500	762	744,734	739,908	1,168,718	1,274,283	105,565
<b>TOTALS</b>	<b>1,959</b>	<b>807,826</b>	<b>69,859</b>	<b>85,281,823</b>	<b>84,226,117</b>	<b>101,467,487</b>	<b>160,311,708</b>	<b>58,844,221</b>

<sup>1</sup> Association had not provided figures for year ending December 2007 by June 2008.

<sup>2</sup> Association had not provided figures for year ending January 2008 by June 2008.

# 2007 – 2008

## APPENDIX 6 (PARA 4.3) – SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2007 (UNLESS OTHERWISE INDICATED)

NORTHERN IRELAND	OFFICE HELD	SALARY	BENEFITS
		£	(Excluding NI Contributions) £
Belfast Airport Police Association (31/3/07)	Chairman	Nil	Nil
Lough Neagh Fishermen's Association	General Secretary	Nil	Nil
Northern Ireland Public Service Alliance	General Secretary	55,190	12,357
Ulster Teachers' Union	General Secretary	51,403	40,999
REPUBLIC OF IRELAND	OFFICE HELD	SALARY	BENEFITS
		€'s	(Excluding PRSI) €'s
Irish Bank Officials Association	General Secretary	143,452	62,813
Irish National Teachers' Organisation* Union (SIPTU)	General Secretary	172,433	Nil
	General Secretary	120,671	3,093
	Vice President	120,671	8,342
GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(Excluding NI Contributions) £'s
Advance	General Secretary	22,437	8,474
Accord	General Secretary	101,130	23,871
Alliance & Leicester Group Union of Staff	General Secretary	Nil	1,707
Ambulance Service Union**	Asst General Secretary	–	–
	General Secretary	–	–
ASPECT	General Secretary	65,748	Nil
Association of Clinical Biochemistry	General Secretary	Nil	Nil
Association for College Management	General Secretary	84,152	11,204
Association of Educational Psychologists	General Secretary	52,733	10,477
Association of Local Authority Chief Executives**	Honorary Secretary	–	–
Association of Principal Fire Officers	General Secretary	Nil	Nil
Association of Professional Ambulance Personnel	Treasurer	15,209	Nil
Association of Professional Music Therapists	Chairperson	2,512	Nil
Association of Revenue and Customs <sup>1</sup>	General Secretary	Nil	Nil
Association of Schools and College Leaders	General Secretary	100,576	18,238
Association of Teachers & Lecturers	General Secretary	102,132	22,508
Bakers, Food & Allied Workers Union	General Secretary	40,801	16,244
	National President	40,801	15,669
Boots Pharmacists' Association (BPA)	Chief Executive	6,500	Nil
Britannia Staff Union	General Secretary	Nil	Nil
British Airline Pilots Association	General Secretary	101,400	24,464
British Association of Dental Nurses	Chief Executive	28,722	1,431
British Association of Journalist	General Secretary	18,222	635
British Association of Occupational Therapists (30/9/07)	Chairman	10,000	Nil

\*Irish National Teachers' Organisation – figures converted from sterling to euros using an exchange rate of £0.6834 per €

\*\*Figures not provided for year ending December 2007 by June 2008

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## SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2007 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(Excluding NI Contributions) £'s
British Dental Association (30/9/07)	Chief Executive	109,418	Nil
	Financial Director	77,237	20,331
British Dietetic Association (28/2/07)	General Secretary	Nil	Nil
	Treasurer	60,235	Nil
British Medical Association	Chairman of Council	46,575	Nil
	General Secretary	Nil	Nil
British Orthoptic Society	General Secretary	7,140	1,335
British Union of Social Work Employees (31/5/07)	General Secretary		
Broadcasting, Entertainment, Cinematograph & Theatre Union	General Secretary	56,630	15,486
	Chief Executive	84,445	21,111
Chartered Society of Physiotherapy	General Secretary	83,530	14,858
Communication Workers Union	General Secretary	83,166	28,622
Community	Deputy Gen Secretary	64,288	22,481
Community & District Nursing Association (31/3/07)	Chief Executive	60,000	3,000
Community & Youth Workers Union (final return 1/1/06-1/1/07) t/e TGWU	General Secretary	41,050	4,105
Connect – The Union for Professionals in Communication	General Secretary	75,424	12,496
Diageo Staff Association	Chairman	Nil	Nil
Equity (Incorporating the Variety Artistes' Association)	General Secretary	66,776	12,634
FDA**	General Secretary	–	–
Fire Brigades Union	General Secretary	66,389	49,415
	Asst. General Secretary	62,626	46,337
Gallaher Sales Staff Association	General Secretary	Nil	Nil
Dental Practitioners Association	Chief Executive	63,005	2,000
GMB	General Secretary	81,000	34,000
	Deputy General Secretary	72,000	36,000
Guild of Professional Teachers of Dancing	General Secretary	11,500	Nil
Headmasters & Headmistresses' Conference (31/3/07)	General Secretary	98,106	1,035
	Membership Secretary	79,362	976
Hospital Consultants & Specialists Association (30/9/07)	Chief Executive	69,807	5,397
Independent Democratic Union	National Secretary	44,037	4,800
Institute of Journalists	General Secretary	33,600	2,057
Leeds Building Society Staff Association	General Secretary	Nil	Nil
Musicians' Union	General Secretary	80,519	30,321
National Association of Co-operative Officials	General Secretary	68,488	12,843
	President	Nil	500
National Association of Group Secretaries to the NFU (31/10/07)	General Secretary	8,268	Nil
National Association of Head Teachers	General Secretary	100,505	25,436
NAPO-The Trade Union and Professional Association for Family Court and Probation Staff	General Secretary	57,301	7,623
NASUWT	General Secretary	91,781	25,400
National Federation of Sub-Postmasters**	General Secretary	–	–
National Society for Education in Art & Design (30/9/07)	General Secretary	45,177	5,905
National Union of Journalists (30/9/07)	General Secretary	58,701	6,024

\*\*Figures not provided for year ending December 2007 by June 2008

# 2007 – 2008

## SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2007 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY £'s	BENEFITS (Excluding NI Contributions) £'s
Nautilus UK	General Secretary	74,550	17,077
National Union of Rail, Maritime & Transport Workers**	General Secretary	-	-
Nationwide Group Staff Union	General Secretary	92,004	32,813
Offshore Industry Liaison Committee	General Secretary	35,105	1,474
Prison Governors Association**	General Secretary	-	-
POA	General Secretary	63,275	59,783
	Dept General Secretary	56,645	22,523
Prison Service Union	General Secretary	78,600	19,453
PROSPECT	General Secretary	95,750	18,517
Public and Commercial Service Union	General Secretary	82,904	26,104
Retained Firefighters Union	General Secretary	16,114	1,611
	General Secretary	36,302	3,149
	(from 01/07/07)		
Retired Officers Association (30/6/07)	Secretary	1,545	Nil
	Assistant Secretary	1,018	Nil
Royal College of Midwives (31/8/07)	General Secretary	108,299	40,071
Royal College of Nursing of the UK <sup>1</sup> (31/3/07)	General Secretary	49,348	5,876
Royal Society for the Protection of Birds			
Staff Association (31/3/07)	Chairperson	750	
Society of Authors	General Secretary	86,050	41,404
Society of Chiropodists and Podiatrists	General Secretary	67,456	5,479
Society of Radiographers (30/9/07)	Chief Executive	37,148	4,499
Society of Union Employees (UNISON)**	General Secretary	-	-
Transport Salaried Staffs Association	General Secretary	63,585	13,035
UBAC	General Secretary	44,550	5,878
UCATT	General Secretary	66,133	13,991
UFS	General Secretary	93,811	28,621
Unite the Union	Joint Gen Secretary	62,673	55,670
	Joint Gen Secretary	59,533	12,912
UNISON	General Secretary	92,187	35,249
Unity**	General Secretary	-	-
	Asst General Secretary	33,643	19,511
Union of Shop, Distributive & Allied Workers	General Secretary	81,742	23,021
University and College Union	General Secretary		
	(incl to 31/5/07 as		
	Joint Gen Secretary)	105,293	17,446
	Joint General Secretary		
	(1/6/06–31/5/07)	63,753	7,612
Voice	General Secretary	62,798	3,507
Writers Guild of Great Britain	General Secretary	40,000	4,500

<sup>1</sup> The amounts quoted represent 40% of the General Secretary's salary and benefits. The remaining 60% relates to the General Secretary's work for the RCN's Charitable Trust.

\*\* Figures not provided for the year ending December 2007 by June 2008

# 2007 – 2008

## APPENDIX 7 (SEE PARA 7.18) – LIST OF GB UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE “CONTRACTED IN” TO POLITICAL FUNDS – 31 DECEMBER 2007 (unless otherwise indicated)

	NI Members	NI Contributions £	
Aspect	69	50.4%	207
Association of Revenue and Customs <sup>1</sup>	–	–	–
Communication Workers Union	3,075	60.4%	15,899
Community	10	50%	57
CONNECT	73	13.2%	263
Fire Brigades Union	433	26.8%	3,406
GMB	51	1.9%	367
Musician’s Union	2	1%	4
National Association of Schoolmasters Union of Women Teachers (NASUWT)	1,198	15.1%	1,287
POA	1,496	99.7%	2,693
PCS	544	18.8%	499
Prospect	157	14.9%	94
Transport Salaried Staffs Association	150	33.4%	764
Union of Shop, Distributive and Allied Workers	5,120	40.2%	24,501
Unite the Union	25,648	46.9%	78,888
University and College Union	950	22%	1,489
<b>TOTALS</b>	<b>38,976</b>	<b>33%</b>	<b>130,418</b>

<sup>1</sup> Union had not provided figures for year ending December 2007 by June 2008.

# 2007 – 2008

**APPENDIX 8 (SEE PARA 7.18) – LIST OF GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2007 (unless otherwise indicated)**

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Bakers, Food and Allied Workers Union

Broadcasting, Entertainment, Cinematograph and Theatre Union

Union of Construction Allied Trades and Technicians

UNISON

Unity

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# 2007 – 2008

## APPENDIX 9 – STATUTORY FEES

*Fees are set by the Department for Employment and Learning. They were revised by the Certification Officer (Fees) Regulations (Northern Ireland) 2008 (SR 2002 No.95), under the powers conferred on the Department by Articles 5, 6 and 107 of the Industrial Relations (Northern Ireland) Order 1992 and Article 89 of the Trade Union and Labour Relations (Northern Ireland) Order 1995. The Regulations were made on 5 March 2008 and came into effect on 6 April 2008.*

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	Current Fee
Application for entry in the list of trade unions or the list of employers' associations	£45
Application for approval of change of name	£45
Application for a certificate of independence	£885
Application for a certificate of independence by an amalgamated trade union where each amalgamating union already had a certificate	£45
Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation	£1,120
Inspection of merger documents	£45

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## APPENDIX 10 - LIST OF CERTIFICATION OFFICE FORMS

<b>TITLE</b>	<b>Form No:</b>
Application for entry in the list of trade unions	CO(NI)1
Application for entry in the list of employers' associations	CO(NI)2
Application for approval of a change of name	CO(NI)3
Declaration in support of an application of a change of name	CO(NI)4
Application for a certificate of independence	CO(NI)5
Application for formal approval of instrument of transfer of engagements	CO(NI)6
Application for formal approval of a notice to members in connection with a transfer of engagements	CO(NI)7
Application for formal approval of an instrument of amalgamation	CO(NI)8
Application for formal approval of a notice to members in connection with an amalgamation	CO(NI)9
Application for the registration of an instrument of transfer of engagements	CO(NI)10
Statutory declaration on behalf of the transferor organisation in support of the registration of an instrument of transfer of engagements	CO(NI)11
Statutory declaration on behalf of the transferee organisation in support of the registration of an instrument of transfer of engagements	CO(NI)12
Application for registration of an instrument of amalgamation	CO(NI)13
Statutory declaration in support of an application for the registration of an instrument of amalgamation	CO(NI)14
Application for the approval of amendment(s) to political fund rules	PF(NI)1
Application for approval of rules for political fund	PF(NI)2
Application for approval of rules for political fund ballot or political fund	PF(NI)4
Return of result of political fund ballot	PF(NI)5

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## APPENDIX 11 – CERTIFICATION OFFICE PUBLICATIONS

The following publications are available free of charge on request:

1. *Hearings by the Certification Officer under the 1995 Order – Guidance on Procedure.*
2. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions.*
3. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of employers' associations.*
4. *Guidance for trade unions wishing to apply for a certificate of independence.*
5. *Guidance for trade unions and employers' associations wishing to establish a political fund.*
6. *A guide to political fund review ballots.*
7. *Financial Irregularities in Trade Unions and Employers' Associations.*
8. *Making a complaint to the Certification Officer against a trade union.*
9. *Annual Reports of the Certification Officer.*
10. *Equality Scheme.*

### **Decisions of the Certification Officer**

9. *D/1/2000 - Gilliland & Wilson v NIMA – Complaint of failure to properly appoint a scrutineer in an election for the post of President. Upheld*
10. *D/2/2000 - Thompson v T&G - Complaint of breach of union rules in election to the Belfast District Committee. Complaint upheld and re-run of election ordered.*
11. *D/1/2001 - Gilliland & Wilson v NIMA - Complaint of failure to hold an election for the post of General Secretary. Complaint upheld and union ordered to hold an election.*
12. *D/2/2001 - Welsh v NIPSA - Alleged interference in election ballot for general council and that the scrutineer had failed to carry out his function in accordance with legislation. The former complaint was dismissed; the latter was upheld, and an enforcement order was issued.*
13. *D/3/2001 - Irvine v T&G - Jurisdictional hearing. The Certification Officer held that he had jurisdiction to hear three of the five complaints made. He ruled that the others were out of time.*
14. *D/2002/01 - Cammock & Doherty v MSF - Six complaints relating to suspension from office outside the union's rules. Five complaints were upheld and two enforcement orders issued.*
15. *D/2002/02 - McKay v T&G - Jurisdictional hearing. The Certification Officer decided not to accept five out of six complaints: one because it was out of time, one because the union rule in question did not apply in Northern Ireland, and three because they concerned discipline against an employee of the union.*
16. *D/2002/03 - McKay v T & G - In the one remaining complaint (see D/2002/02 above), it was found that the union had breached its rules by refusing to call a meeting of its Irish Regional Committee. An enforcement order was issued.*
17. *D/1-5/2003 - Irvine v T&G -(See D/3/2001 above). Three complaints of breaches of union rules on elections and the proceedings of a branch were upheld. An enforcement order was issued.*
18. *D/6-7/2003 - Manly v GMB – Alleged breaches of trade union rules – complaints dismissed upon withdrawal by the complainant.*
19. *D/1-8/2004 - Sweeney v UNISON – Breach of trade union rules regarding the appointment or election of a person, or the removal of a person from any office.*
20. *D/9-15/2004 - McCreight v CWU – Alleged breaches of union rules: The complaints were dismissed upon withdrawal by the complainant.*
21. *D/16-21/2004 -Buchanan v CWU – Alleged breaches of union rules: The complaints were dismissed upon withdrawal by the complainant.*
22. *D/1-7/2005 - Arbuckle v NASUWT – Of six complaints about breaches of union rules relating to disciplinary proceedings and removal from office, two were upheld and four dismissed.*
23. *D/8/2005 - Rea & Others v T&G - A complaint that the union had breached its rules in relation to elections to its Northern Ireland Regional Committee was upheld .*
24. *D/9-14/2005 - Edgar v GMB – The union conceded that there had been five breaches of rules relating to election and the proceedings of one of its branches. The Certification Officer made declarations accordingly. He refused to make the declaration sought in a further complaint alleging discipline outside the union's rules.*
25. *D/15-18/2005 - Lewis v Prison Officers' Association – Of four complaints that the union had breached its rules in disciplinary proceedings, three were dismissed and one upheld..*
26. *D/1-5/2006 - McGinley v The Northern Ireland Public Service Alliance – The applicant complained of five breaches of rule in relation to proceedings at the union's annual conference. One complaint was upheld and four were dismissed..*
27. *D/6-7/2006 - Egan v NASUWT - The union was found to have breached its rules in removing the applicant from elected*

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office in a local association. A second complaint, that the removal was an act of discipline outside the rules, was dismissed.

28. D/8-10/2006 - Morgan v NASUWT - Alleged breaches of union rules: The complaints were dismissed on withdrawal by the applicant.
29. D/11-13/2006 - Morgan v NASUWT - The Certification Officer declared that the union had breached its rules in an election for Northern Ireland posts on its National Executive. Two further complaints were dismissed on withdrawal by the applicant.
30. D/1-2/2007 – McCready v NASUWT – The union was found to have breached its rules relating to discipline. No enforcement order was made. A second complaint was dismissed on withdrawal by the applicant.
31. D/3-6/2007 – Archer v UCATT – Two complaints of breach of statutory provisions relating to elections and two complaints of breach of the union’s rules were dismissed.
32. D/1-16/2008 – Duffy v POA – Twelve complaints of breach of the union’s rules were dismissed and four were upheld. The Certification Officer issued an enforcement order requiring the union to treat its decision to expel the applicant as void.

