

FREEDOM OF INFORMATION ACT PUBLICATION SCHEME

For The

Office of the Northern Ireland Certification Officer for Trade Unions and Employers' Associations

The Northern Ireland Certification Officer for Trade Unions and Employers' Associations is an independent statutory person appointed by the Department for Employment and Learning (DEL). His role is that of regulator of trade unions and employers' associations. The Labour Relations Agency (LRA) is under a statutory duty to provide him with the finance and support services necessary in the discharge of his functions. He is independent of both the LRA and DEL. He is not subject to direction by either in the performance of his statutory functions. .

Mr Roy Gamble was appointed as the Certification Officer on 11 April 2005 and reappointed for further periods on 1 April 2008 and 1 April 2011 (for one year).

The post of Certification Officer, which is part -time, was established by the Industrial Relations (Northern Ireland) Order 1992. Its name derives from an early major function of certifying trade unions as independent; unions so certified thereby gain access to certain statutory rights.

The Certification Officer's powers and duties were extended by the Trade Union and Labour Relations (NI) Order 1995 and the Employment Relations (NI) Orders 1999 and 2004, along with The Employment (NI) Order 2003. The main statutory responsibilities of the post are listed below.

The Certification Officer's role is quasi-judicial in nature. In many instances he provides an alternative to the High Court for trade union members seeking legal remedies. If he accepts a complaint from a trade union member alleging a breach or threatened breach of trade union rules or of a statutory requirement, he must hold a hearing on the matter at which the complainant and the union concerned may make submissions. He then issues a written decision and, if he upholds the complaint, he may, if he considers it appropriate make an order requiring the union to remedy the breach. He has the power in certain circumstances to strike out an application or complaint at any stage of the proceedings. The decisions are subject to appeal, on a point of law, to the Court of Appeal.

Other Certification Officer decisions, such as a refusal or withdrawal of a certificate of independence, are subject to appeal to the High Court, on a point of law.

The Certification Officer must also respond to information received in regard to alleged irregularities in the financial affairs of trade unions and employers' associations, and he may do so in a number of ways, including exercising his power to appoint inspectors to conduct investigations into their financial affairs.

The Certification Officer is required to submit an annual report on his activities to the Permanent Secretary of DEL and the Chairman of the LRA. His accounts are

subject to annual independent audit and the audited statement of accounts is examined by the Comptroller and Auditor General.

The Certification Officer is responsible for:

- Maintaining a list of trade unions and employers' associations.
- Receiving annual returns from trade unions and employers' associations, ensuring their compliance with statute, and that they are kept available for public inspection.
- Certifying the independence of trade unions.
- Determining complaints concerning trade union elections, certain other ballots and certain breaches of trade union rules.
- Ensuring observance of statutory requirements governing mergers between trade unions and between employer's associations.
- Approving the political fund rules of Northern Ireland based trade unions; approving the "contracting – in" rule for Northern Ireland members of trade unions based elsewhere; and
- Ensuring that the statutory procedures for amalgamations, transfers of engagements, and changes of name and complied with.
- Overseeing the finances of trade unions and employers' associations.
- Investigating the financial affairs of trade unions and employers' associations as prescribed by the legislation.
- Publishing final reports of the findings of financial irregularity investigations and taking appropriate remedial action.

More detailed information on the role of the Certification Officer and the relevant legislation can be found in his Annual Report, which is available on his website www.nicertoffice.org.uk The full statutes can be accessed via a link on the LRA website, www.lra.org.uk

The Northern Ireland Certification Office

The function of the Certification Office is to assist the Certification Officer in the performance of his statutory duties. It is staffed by an Assistant Certification Officer (appointed by the Certification Officer) and three other staff. There is no governing board, chairman or CEO in its staff structure. As noted above, all members of the Certification Office staff are provided by the LRA.

The Office will provide information and advice free of charge. Enquiries are welcome from unions; union members; employers' associations and their members; and members of the general public. However, where a matter is raised on which the Certification Officer may in due course have to adjudicate, the staff are constrained on the advice they can give, to ensure that the impartiality of any proceedings is not compromised.

All information is available on the website. It includes an FAQ section.

An organisation chart is available in hard copy upon application to the Certification Office. Contact details are set out at the foot of this scheme.

Operational Plan

The Operational Plan is available in hard copy upon application to the Certification Office.

Financial Information

The accounts of the Certification Officer are set out in the LRA Annual Report. Details are available in its chapter titled "Corporate Governance". The Report is accessible on the LRA website www.lra.org.uk A hard copy of the relevant information is available upon application to the Certification Office.

Procurement and tendering procedures

All Certification Office purchases are in line with LRA policy. Details are available from the Certification Office in hard copy.

Payment to Suppliers

The Certification Office is committed to the prompt payment of bills for goods received in accordance with the Better Payment Service Practice Code. This is in line with LRA policy.

Priorities

The Certification Officer's Operating Plan sets out the current objectives, targets and performance measures. It is reviewed annually. It is available from the Certification Office upon request.

Policies and Procedures

Due to its size, the Certification Office has an exemption from the requirement to produce a Disability Action Plan; in all other respects staff are under LRA policies and procedures. Full details of recruitment and personnel procedures, health and safety policies, equality policies etc. are available on the LRA website.

Disclosure logs

The Certification Office staff record on the LRA log any gifts and hospitality received. A Register of Interest for Senior Staff is maintained; this is anonymised where personal information is covered by the data protection principles.

Asset Register

The LRA maintains an asset register which includes the assets of the Certification Office.

Lists

The following classes of information fall within the scope of the Publication Scheme. They are available in hard copy from the Certification Office, or accessible on the Certification Officer's website.

Classes of information:

- Annual Reports (Reports from year 2005/06 on are available on the website.)
- Annual Returns and Rules of Northern Ireland Trade Unions and Northern Ireland Employers' Associations
- Annual Returns and Rules of Republic of Ireland Trade Unions with Northern Ireland members.
- Certification Office forms
- Investigations into Financial Irregularities in Trade Unions and Employers' Associations.
- Statutory Fees (under the "Certification Officer (fees) Regulations (Northern Ireland) 2008")
- Decisions of the Certification Officer (All decisions from year 2000 on are available on the website)

- Guidance Notes

All the Certification Officer's guidance notes are available on the website.

1. Hearings by the Certification Officer– Guidance on Procedure.
2. Mergers - trade unions.
3. Mergers - 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. Provision made by the Certification Officer about disclosure of the identity of Complainants.
10. Terms of a scheme enabling the Certification Officer to make certain payments to Persons attending hearings.

Charging Policy

Most documents are not charged for. However, where a charge is applicable details are available from the Office

Public Inspection of Documents

Persons wishing to inspect any documents available for public inspection should give the Office a minimum of one weeks' notice.

Services Offered

The services are detailed in the Certification Officer's Annual Report which is available on the website or in hard copy upon application to the Office.

Written Requests

Information held by the Certification Office that is not accessible under this scheme can be requested in writing. Such requests will be considered in accordance with the provisions of the Freedom of Information Act.

Contact us

We may be contacted at 10 -16 Gordon Street, Belfast, BT1 2LG

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Fax: 028 90 232271

Email: info@nicertoffice.org.uk

Website: www.nicertoffice.org.uk