

Annual Report
of the
Certification
Officer
for
Northern Ireland

1994

Certification Office for
Trade Unions and Employers' Associations

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DO NOT DESTROY

**NORTHERN IRELAND CERTIFICATION OFFICE
FOR TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS**

**Annual Report
of the
Certification Officer
for
Northern Ireland
1994**

First published 1994

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I have pleasure in submitting the report on my activities as Certification Officer during the period from 1 April 1993 to 31 March 1994 as required by the Industrial Relations (Northern Ireland) Order 1992.



A H McALISTER
Certification Officer for Northern Ireland
25 November 1994

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Introduction

This is the second Annual Report to be published since the post of Certification Officer was established under Article 69 of the Industrial Relations (Northern Ireland) Order 1992 - the 1992 Order. It deals with my activities for the period 1 April 1993 to 31 March 1994.

The 1992 Order requires the Labour Relations Agency to provide me with the necessary staff, accommodation, finance, etc. but I am not subject to directions either by the Agency or by the Department of Economic Development in the exercise of my functions.

Under Article 69(7) of the 1992 Order I am required to submit to the Agency and to the Department of Economic Development as soon as practicable after the end of each financial year a report of my activities during that year. During this period my functions included the following responsibilities:

Under Part II, Articles 5 and 6 - for maintaining a list of trade unions and employers' associations, and for determining the independence of trade unions;

Under Part II, Articles 11 and 12 - for seeing that trade unions and employers' associations keep accounting records, have their accounts properly audited and submit annual returns; and for ensuring that the statutory requirements concerning the actuarial examination of members' superannuation schemes are observed;

Under Part VII, Article 52 - for dealing with trade union members' complaints about trade union elections;

Under Part VIII, Articles 57, 61 and 67 - for approving political fund rules of Northern Ireland based unions, approving the "contracting-in" rule for Northern Ireland members of trade unions based elsewhere, and for dealing with trade union members' complaints about political funds;

Under Part X, Articles 74 to 81 - for approving arrangements for trade union amalgamations, etc and dealing with trade union members' complaints about amalgamations;

Under Part XII, Article 102 - for reimbursing certain expenditure incurred by independent trade unions in conducting secret postal ballots for specified purposes in accordance with Regulations made by the Department of Economic Development.

A separate chapter discusses each of these functions.

The Office receives many enquiries and requests for guidance from trade unions, employers' associations and their members. Often we can help but there are constraints on the advice that can be given. It is, for example, inappropriate to give guidance on or prior approval to (unless the law requires it) a specific course of action in those areas where complaints can be made to me by an individual member. Where a complaint is made, I have to investigate it and decide it completely impartially on the facts of the case and in the light of the representations made by the parties concerned. I and my staff have to avoid giving advice which might seem in any way to prejudice that impartiality. That said, my Office will assist where it can and the guidance booklets listed in Appendix 7 have been made available.

Accounts of the Office are prepared under Article 15(2) of Schedule 4 of the 1992 Order and are published separately by the Labour Relations Agency.

Where it is necessary to hold a hearing to determine a complaint, the Certification Officer can make payment towards the expenses incurred by the complainant and a friend in attending the hearing. Assistance with legal costs is not available.

Contacts for Information

Guidance booklets covering different aspects of the Certification Officer's responsibilities are available free of charge. They are listed in Appendix 7 and requests for the booklets and for further information on any aspect of the Certification Officer's duties should be made to the Certification Office, Windsor House, 9-15 Bedford Street, Belfast BT2 7NU, telephone: 01232 237773, fax: 01232 330827, TDD (text phone) 01232 238411.

Lists of Trade Unions and Employers' Associations

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 Industrial Relations (Northern Ireland) Order 1992.
- 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, he must enter its name in the relevant list. Entry in the list is usually a simple process and means no more than that the body concerned satisfies the statutory definition. The Order does not impose any test of size or effectiveness. Articles 3(1) and 4(1) are reproduced in full at paragraph 1.12.
- 1.3 Any organisation aggrieved by the refusal of the Certification Officer to enter its name in the relevant list may appeal to the High Court.
- 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. It is also one of the requirements for obtaining tax relief in respect of expenditure on provident benefits. There are no corresponding advantages for employers' associations.
- 1.5 Four applications for listing were received during the period of this report.
- 1.6 Application must be made on form CO(NI)1, available on request from the Certification Office, and accompanied by the statutory fee of £45.
- 1.7 The current lists are available for inspection, free of charge, at the Northern Ireland Certification Office, 16th Floor, Windsor House, 9-15 Bedford Street, Belfast BT2 7NU.

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 to the High Court against removal of a name from a list. 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.

Unlisted organisations

- 1.9 Because 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 others meeting the statutory definition of which the Office is unaware.

Changes of name

- 1.10 The 1992 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. No such requests were received during the period of this report.

Department of Economic Development Statistics

- 1.11 The information collected by the Office provides the main basis for updating the Department of Economic Development's annual statistics of numbers and membership of trade unions.

Statutory Definitions in the Industrial Relations (Northern Ireland) Order 1992

- 1.12 Article 3.1 of the 1992 Order reads 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 sub-paragraph (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.

Article 4.1 of the 1992 Order reads 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 sub-paragraph (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.

Trade Union Independence

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 the independence of trade unions is laid down in Article 6 of the 1992 Order. The Certification Officer must keep a public record of all applications for certificates of independence and all decisions reached. He may not take a decision on any application until at least one month after it has been entered in the record and must take into account any relevant information submitted by third parties. He is required to give his reasons if he refuses a certificate of independence and the union concerned has a right of appeal to the High Court.

2.3 The Certification Officer may withdraw a certificate at any time if he is of the opinion that the trade union concerned is no longer independent. As in the case of a refusal, a trade union aggrieved by a decision to withdraw its certificate has a right of appeal to the High Court.

2.4 Where a question as to the independence of a particular union arises in proceedings before the courts, industrial tribunals or certain other bodies, and no certificate has been issued or refused, the 1992 Order provides that the proceedings may not continue further until that question has been decided by the Certification Officer.

Working methods

2.5 The working methods used by the Office in considering applications for certificates of independence mirror the practice established by the Certification Officer, 27 Wilton Street, London SW1X 7AZ. Essentially, they consist of a scrutiny of the applicant union's rules and finances followed, where necessary, by detailed investigation of the union's affairs.

Determining Criteria

2.6 The principal criteria used by the Certification Officer in determining whether or

not an applicant union satisfies the statutory definition are explained in the Office's booklet *Guidance for trade unions wishing to apply for a certificate of independence* under the following headings:

- History
- Membership base
- Organisation and structure
- Finance
- Employer-provided facilities
- Negotiating record

Copies of the booklet are available on request from the Certification Office.

The Certification Officer reaches his decision on the basis of the criteria as a whole and, in doing so, is strictly bound by the statutory definition. He is not empowered to take into account other considerations such as the effect the issue of a certificate might have on industrial relations.

Procedure

- 2.7 An application for a certificate of independence must be made on the appropriate form and be accompanied by the statutory fee of £305. The form - CO(NI)5 - can be obtained on request from the Certification Office.

Applications

- 2.8 Eight applications for certificates of independence were received during the period of this report.

Decisions

- 2.9 During the year seven certificates of independence were issued, one of which was in respect of an application carried over from the previous year. Two applications remained outstanding at the end of the year.

Annual Returns and Accounts

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 one which consists 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 Under Articles 11 and 12 of the Order every organisation (unless it has been in existence for less than 12 months) is also required to submit an annual return to the Certification Officer in the form prescribed. Schedule I of the Order provides that the return is to include revenue and other accounts and a balance sheet, which must give a true and fair view of the matters to which they relate. The return must also show any changes in the organisation's officers or in the address of its head office, and must be accompanied by a copy of the rules in force at the end of the period.
- 3.3 Schedule I prescribes that annual returns should be submitted before 1 June in each year and cover the year ending the preceding 31 December. However, the Certification Officer may direct that the return is to relate to a different annual period, and this is usually done if the normal timetable would cause serious inconvenience to the organisation concerned.
- 3.4 Schedule I also stipulates that the annual return is to include a copy of the auditor's report on the accounts. It confers extensive powers on auditors, who must be professionally qualified unless the organisation's membership, assets, receipts and payments are below specified levels, or certain special circumstances apply. The Schedule contains detailed provisions about the qualifications, appointment and removal of auditors, and confers on them certain rights to have access to books and information and to attend and speak at general meetings of the organisation.
- 3.5 The auditor must state whether, in his opinion, the accounts give a true and fair view of the matters to which they relate. He has a duty to carry out such investigations as will enable him to form an opinion 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. If, in his opinion, the statutory requirements have not been satisfied, or he fails to obtain all the necessary information and explanations, he must say so in his report.

- 3.6 Provided the period covered is the same and there is no significant diminution in the degree of disclosure, an employers' association incorporated under the Companies Orders may submit with its return, in lieu of the prescribed accounts, a copy of its accounts prepared under the Companies Orders and so avoid the duplication of broadly similar financial statements. In such circumstances, however, and notwithstanding anything in the Companies Orders, an auditor's report is still required to be made and this report must comply with the requirements of the 1992 Order.
- 3.7 With the exceptions already noted, the duties imposed by Articles 10 and 11 and by Schedule I 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 he is not empowered to carry out detailed investigations into the finances of trade unions or employers' associations or to undertake prosecutions for such offences as embezzlement or fraud which are dealt with under the ordinary criminal law.

Returns for 1993

- 3.8 Statistical information derived from the annual returns of trade unions and employers' associations for the year ended 31 December 1993 is given at Appendices 1-4.

Trade unions

- 3.9 A summary of statistics concerning the membership and finances for 1993 of Northern Ireland based trade unions and Republic of Ireland trade unions with Northern Ireland members, is given in Appendix 1. This shows a total of 43,651 members of NI unions providing an annual contribution of approximately £2.4m, while there are 13,529 NI members of ROI unions providing an annual contribution of approximately £1m.
- 3.10 Details of GB based unions with 250 or more Northern Ireland members are given in Appendix 2. This shows a total of 183,645 NI members making an annual contribution of just over £10m which is approximately 2.4% of the total income of the unions listed.
- 3.11 Trade union income derives mainly from membership subscriptions and income from investments. There may also be additional income and assets arising if, for example, a union accepts the transfer of engagements of another union. In 1993 the gross income of NI trade unions was approximately £2.5m; gross expenditure was £2.4m.

Employers' associations

- 3.12 A summary of statistics concerning the membership and finances of Northern Ireland employers' associations for 1993 is given in Appendix 3. Details of GB

based employers' associations with Northern Ireland Members is given in Appendix 4.

Public inspection of annual returns

- 3.13 Copies of the annual returns and rules of trade unions and employers' associations with Northern Ireland members are available for public inspection at the Certification Office.

Superannuation Schemes

The statutory provisions

- 4.1 The 1992 Order requires that any superannuation scheme maintained by a Northern Ireland based trade union or employers' association 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 members' superannuation scheme from actuarial examination in certain circumstances. 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 copy of the actuarial report made under the above provisions must be supplied free of charge to any member of the trade union or employers' association on application to the organisation concerned.

Actuarial reports

- 4.2 The statutory provisions require that the report by the actuary following his examination of any scheme shall state whether in his 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

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

Mergers

The statutory provisions

- 5.1 The 1992 Order and the Trade Unions and Employers' Associations (Amalgamations, etc) Regulations 1965 lay down procedures governing two types of merger - *transfers of engagements* and *amalgamations* - between trade unions and between unincorporated employers' associations. The procedures apply to listed and unlisted organisations. Their main purposes are to facilitate the processes of transfer and amalgamation 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.
- 5.2 Under a *transfer of engagements* the transferring organisation ('the transferor') loses its legal identity whilst the organisation to which it transfers ('the transferee') continues in being with its legal identity unchanged. An *amalgamation* produces a new organisation replacing the amalgamating bodies which cease to exist.
- 5.3 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. These documents are formally submitted to the Certification Officer and must have his approval before a ballot of members can be held to approve the instrument.
- 5.4 In a transfer of engagements only the members of the transferor organisation vote on the resolution to approve the instrument. An amalgamation requires a favourable vote by the members of each amalgamating organisation. If the required majority of votes recorded in each ballot is in favour of the merger, application to register the instrument is made to the Certification Officer.
- 5.5 An interval of six weeks must elapse between the application for registration and registration itself; and before the expiry of the six-week period any member of the transferor 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 have not been observed. The Certification Officer may dismiss the complaint or if, after hearing both sides, he finds the complaint justified, he may either make a declaration but no order, or 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 question of law.
- 5.6 Formal documents kept by the Certification Officer relating to mergers under the Order are available for public inspection.

Advice on procedures

- 5.7 The Office's booklet *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions and employers' associations* explains the merger procedures in detail and sets 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. The Office will offer advice where needed and is always prepared to meet officials of organisations proposing to merge to discuss procedures and time tables.

Mergers: 1993/94

- 5.8 During the period of this report there was one trade union merger. This, involving 35,988 members, was the amalgamation of the Northern Ireland Public Service Alliance (NIPSA), the Northern Ireland Civil Service Association (NICSA), the Civil Service Professional Officers Association (CSPOA) and the Northern Ireland Public Service Alliance – Public Officers Group (NIPSA-POG) to form NIPSA. This took effect on 3 January 1994.

Complaints

- 5.9 No complaints were received during the period of this report.

Political Funds

The statutory provisions for Northern Ireland based Organisations

- 6.1 The 1992 Order enables a trade union or an unincorporated employers' association, whether listed or not, to include the furtherance of political objects, as defined in the Order, among the objects of the organisation and to adopt political fund rules providing for the expenditure of funds on such objects. A resolution to adopt political objects must be passed by a simple majority in a ballot of the members held under rules approved by the Certification Officer. The rules governing the political fund must also be approved by the Certification Officer.
- 6.2 The Order requires the political fund rules to provide, among other things, that any payments in the furtherance of the political objects set out in the Order must be made out of a separate political fund; that contribution to the political fund must not be made a condition for admission to the organisation; and that members who do not wish to contribute to a political fund must not be excluded from any benefits of the organisation or placed under any disability or disadvantage compared with other members.
- 6.3 Unlike members in Great Britain, trade union members in Northern Ireland must 'contract in' to a political fund in their union.
- 6.4 Any member of a trade union with a political fund who alleges that he is aggrieved by a breach of the political fund rules may complain to the Certification Officer under Article 57(3) to (5) of the 1992 Order. If, after giving the complainant and the union an opportunity to be heard, the Certification Officer considers that a breach has occurred, he may make an order for remedying it. Under Article 70(4) of the 1992 Order an appeal against the decision of the Certification Officer may be made to the Court of Appeal on a question of law.
- 6.5 Part VIII of the Industrial Relations (Northern Ireland) Order 1992 requires trade unions and employers' associations which already have a political fund resolution in force and wish to continue to spend money on political objects, to renew the political fund resolution by a ballot of their members (a review ballot) at least once every 10 years. The review ballot must be held in accordance with rules approved by the Certification Officer.
- 6.6 Under Article 61 of the 1992 Order a member of a trade union can 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 rules for holding the ballot. Any complaint must be made within the period of one year beginning with the day on which the result of the ballot is announced by the union.

- 6.7 Any Northern Ireland member of a GB based trade union who wishes to complain about a breach of the statutory requirements relating to political funds, should contact the Certification Officer, 27 Wilton Street, London W1X 7AZ.

Political fund rules of GB based trade unions with Northern Ireland members

- 6.8 The following political fund model rule, covering Northern Ireland members, has been agreed with the GB Certification Officer for use by Great Britain unions with members in Northern Ireland, and is included in the booklet "Guidance for trade unions and employers' associations wishing to establish a political fund" issued by the GB Certification Office.

"NORTHERN IRELAND MEMBERS

In compliance with Article 58 of the Industrial Relations (Northern Ireland) Order 1992, members of the Northern Ireland Branch are not required to make any contribution to the political fund unless they -

- (a) have given notice in writing of their willingness to contribute to the fund; and
- (b) have not notified the union in writing of withdrawal of such notice.

Northern Ireland members are exempt from contributing to the political fund unless they give written notice that they wish to do so. A form of notice indicating the wish to contribute to the political fund may be obtained from the general office of the Northern Ireland Branch".

The Northern Ireland Certification Officer is likely to approve the use of this rule in the political fund rules of any Great Britain union. However, preliminary approval for its use should be sought at an early stage from the Northern Ireland Certification Officer.

Advice on procedures

- 6.9 On request the Office gives advice on the procedures for establishing political funds and for holding review ballots. An information pack including model rules is available free of charge. 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 at 31 December 1993

- 6.10 None.

Secret Postal Ballots for Trade Union Elections

The statutory provisions

- 7.1 From 1 January 1994 Article 47 of the 1992 Order requires a trade union to ensure that no-one takes up a position as a member of the union's principal executive committee without having been elected to it, or remains in that position for more than five years without having been re-elected to it. Elections are required to be by secret postal ballot of the members of the union, conducted in accordance with the conditions laid down in Part VII. In addition, every trade union must maintain a register of its members' names and addresses and, as far as reasonably practicable, keep the entries accurate and up-to-date.
- 7.2 Part VII of the 1992 Order also gives individual trade union members the right to apply to the Certification Officer, or to the High Court, for a declaration that their trade union has failed to comply with one or more provisions of that Part. Where an application is made to the Certification Officer, the 1992 Order requires him to make such enquiries as he thinks fit and, where he considers it appropriate, to give the applicant and the trade union an opportunity to be heard, before he makes or refuses to make the declaration asked for. In certain circumstances, expenses incurred by persons attending complaint hearings can be reimbursed by the Office.
- 7.3 If the Certification Officer makes a declaration and is satisfied that:
- (a) steps have been taken by the union with a view to remedying the declared failure or securing that a failure of the same, or similar kind, does not recur; or
 - (b) the union has agreed to take such steps;
- he will specify those steps.
- Additionally, whether or not he makes a declaration, the Certification Officer must give reasons for his decision in writing and such reasons may be accompanied by written observations on any matter arising from, or connected with, the proceedings.
- 7.4 The making of an application to the Certification Officer under Part VII of the 1992 Order does not prevent the applicant, or any other person, from making a subsequent application to the High Court under the section in respect of the same matter. Where a subsequent application is made, the High Court is required to have due regard to any declaration, reasons or observations of the Certification Officer which are brought to the notice of the Court.

Funds for Trade Union Ballots

The statutory provisions

8.1 Article 102 of the Industrial Relations (Northern Ireland) Order 1992, empowers the Certification Officer to refund certain costs incurred by independent trade unions in holding secret ballots for specified purposes. These ballots must be conducted in secret and normally by post, although there is provision for workplace ballots in certain circumstances which are outlined in Article 103 of the Order. The conditions to be observed are laid down in a Scheme contained in Regulations made by the Department of Economic Development¹.

Qualifying purposes

8.2 Regulation 4 of the 1992 Regulations provides that *in order to qualify for refund of certain costs* the ballot must be held for one or more of the following purposes:

- (a) obtaining a decision or ascertaining the views of members of a trade union as to the calling or ending of a strike or other industrial action;
- (b) carrying out an election²
 - (i) in relation to which Article 47 of the 1992 Order is required to be satisfied (that is, every member of a trade union's principal executive committee must be elected by secret postal ballot of the members at least once every five years); or
 - (ii) provided for by the rules of a trade union for elections to the principal committee of the union exercising executive functions, by whatever name it is known; or
 - (iii) provided for by the rules of a trade union for elections to the positions of president, chairman, secretary or treasurer of the union or to any position which the person elected will hold as an employee of the union;
- (c) amending the rules of a trade union;
- (d) obtaining a decision in accordance with Part X of the 1992 Order on a resolution to approve an instrument of amalgamation or transfer;
- (e) obtaining a decision on a political fund resolution for the purposes of Article 57 of the 1992 Order (this applies only in cases where a political fund

¹The Funds for Trade Union Ballots Regulations 1992 (SI 1992 No 240).

²This requirement came into effect on 1 January 1994.

resolution is already in force, that is to say, only in respect of a political fund review ballot);

- (f) obtaining a decision or ascertaining the views of members of a trade union as to the acceptance or rejection of a proposal made by an employer which relates in whole or in part to remuneration, hours of work, level of performance, holidays or pensions.

Conditions

8.3 An application for refund will qualify for payment if the ballot is secret and meets the requirements of the 1992 Order and relevant Regulations and is held for one or more of the qualifying purposes. The Certification Officer may not make any payments under the Scheme if he considers that any of the conditions have not been met or if any assurances asked for about observance of the conditions have not been given by the trade union concerned.

Guidance

8.4 Applications under the Scheme must be made within six months of the end of the voting period. The procedure for making an application is set out in the Office's booklet *Guidance for trade unions applying for refund of costs of a secret postal ballot* which is available from the Certification Office free of charge.

Applications

8.5 During the period of this report, one union, the Northern Ireland Public Service Alliance, made applications in respect of four ballots.

8.6 In every case where a payment was made, the amount refunded was less than the total applied for. Common reasons for reductions were:

refund claimed for items outside the scope of the Scheme eg scrutineers' fees, nomination forms, result sheets and election literature other than that enclosed with voting papers;

excessive printing and stationery costs.

8.7 The Certification Officer made payments totalling £46,873.30. A detailed breakdown of ballot payments is given in Appendix 5.

Future of the Scheme

8.8 In December 1992 the Government announced that the Scheme will cease to operate from 1 April 1996. Although claims under the Scheme are being phased out in Great Britain - 1993/94 75%, 1994/95 50% and 1995/96 25% - qualifying claims in Northern Ireland will continue to be met in full by this office up to and including 31 March 1996.

Appendix 1

(see Paragraph 3.9)

List of Trade Unions with Headquarters in Northern Ireland and Republic of Ireland – at 31 December 1993

NORTHERN IRELAND UNIONS	NI Members	Total Members	NI	Total	Total	Funds at the	Total Assets	Total
			Contr.	Income	Expenditure	End of the	at the end of	Liabilities
			£	£000's	£000's	£000's	£000's	at the end of the Year £000's
Association of Principals of Colleges (NI)*		39	N/K	N/K	N/K	N/K	N/K	N/K
North of Ireland Bakers', Confectioners' and Allied Workers' Union†		1,002	47,927	52	66	72	78	6
Northern Ireland Musicians' Association		1,039	8,584	14	39	75	80	5
§Northern Ireland Public Service Alliance†		35,984	2,011,551	2,076	1,946	2,563	2,628	65
Ulster Teachers Union†		5,587	318,612	335	302	471	500	29
TOTALS		43,651	2,386,674	2,477	2,353	3,181	3,286	105
REPUBLIC OF IRELAND UNIONS								
Irish Bank Officials' Association	5,211	15,059	533,716	2,473	2,006	6,258	6,784	526
Irish National Teachers' Organisation†	5,257	25,359	344,940	3,672	2,988	4,068	4,092	24
Services, Industrial, Professional and Technical Union	3,061	210,098	168,040	16,958	17,027	15,789	17,914	2,125
TOTALS	13,529	250,516	1,046,696	23,103	22,021	26,115	28,790	2,675

* This Association was added to the list on 3 December 1993.

† Denotes a trade union holding a certificate of independence at 31 December 1993.

§ The 3 constituent members of NIPSA – the Civil Service Professional Officers Association, the Northern Ireland Civil Service Association and the Public Officers Group – each held a Certificate of independence at 31 December 1993.

Appendix 2

(see Paragraph 3.10)

G.B. Trade Unions with 250 (or more) NI Members – 31 December 1993 (unless otherwise indicated)

	NI Members	GB Members	NI Contr. £	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
Amalgamated Engineering & Electrical Union	23,122	825,749	1,037,304	39,928	37,899	28,041	42,670	14,629
Association of First Division Civil Servants	400	10,062	52,800	1,221	1,144	668	767	99
Association of Teachers & Lecturers	4,314	156,499	108,371	7,409	6,473	3,220	3,956	736
Association of University Teachers	1,368	33,258	109,045	2,779	2,366	2,885	3,115	230
British Actors Equity Association	281	44,511	13,303	4,624	2,837	4,788	5,898	1,110
British Dental Association (at 30/9/93)	347	14,252	56,270	2,331	2,190	1,222	2,251	1,029
British Medical Association	2,471	83,860	404,075(e)	39,018	35,472	29,473	44,187	14,714
Broadcasting, Entertainment, Cinematograph and Theatre Union	635	35,460	65,402(e)	3,915	4,574	1,192	2,707	1,515
Chartered Society of Physiotherapy	876	32,496	84,306	3,735	3,605	3,318	5,197	1,879
Civil & Public Services Association	464	131,339	43,500	10,138	8,902	12,384	13,990	1,607
Communication Managers Association	256	13,984	27,064	1,665	1,615	2,087	2,299	213
Confederation of Health Service Employees (at half year to 30/6/93)*	11,790	179,008	400,605(e)	6,483	6,670	12,507	13,722	1,215
Engineers and Managers Association	1,002	34,650	125,277	3,724	4,008	4,637	5,018	381
Fire Brigades Union	1,467	50,613	120,369	5,673	5,475	4,517	4,856	340
Furniture, Timber and Allied Trades Union	780	25,459	22,877	2,104	1,872	4,633	4,681	48
GMB	22,820	785,679	1,033,311	44,059	41,051	56,647	62,306	5,659
Graphical, Paper and Media Union (at 25/9/93)	2,851	243,062	50,476	14,615	16,401	33,613	34,805	1,192
Inland Revenue Staff Federation	1,180	56,727	83,313	3,452	3,457	5,936	6,116	180
Institution of Professionals, Managers & Specialists	398	86,346	42,586(e)	8,108	6,386	15,081	16,915	1,834
Manufacturing Science and Finance Union	10,406	483,537	435,000	23,229	22,817	13,586	32,071	18,485
National Association of Head Teachers	836	37,225	53,239	3,636	3,555	1,662	2,811	1,149
National Association of Schoolmasters & UWT	11,258	193,128	378,095	8,394	7,151	11,997	12,378	382
National Association of Teachers in F & HE	1,970	75,060	130,861	5,456	5,168	3,252	5,831	2,579
National Communications Union	2,695	119,373	213,780	11,005	10,384	14,878	15,491	613
National Federation of Sub-Postmasters	606	14,961	19,573	1,008	799	2,473	2,607	134
National Union of Civil & Public Servants	514	111,104	48,058	10,977	11,161	5,467	8,199	2,732
National Union of Insurance Workers	302	12,194	25,432	1,115	1,194	1,511	1,672	161
National Union of Journalists (at 30/9/93)	579	24,946	55,311	2,904	2,410	(775)	487	1,262
National Union of Knitwear, Footwear & Apparel Trades	308	49,602	18,734	3,474	2,906	8,280	8,409	129
National Union of Marine, A & ST Officers	416	18,252	33,713	1,868	1,782	3,754	4,042	288
National Union of Public Employees (half year to 30/6/93)*	11,952	508,171	393,036(e)	17,104	16,741	22,383	27,072	4,689

(e) = estimated

* Merged to form UNISON on 1 July 1993

G.B. Trade Unions with 250 (or more) NI Members *cont.*

Appendix 2

	NI Members	GB Members	NI Contr.	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
	£	£000' s	£	£000' s	£000' s	£000' s	£000' s	£000' s
Prison Officers Association	2,986	25,356	271,886	2,945	2,929	1,562	1,897	336
Professional Association of Teachers	261	39,840	10,400	1,632	1,674	467	1,117	650
Retained Firefighters Union	285	3,710	8,892	115	111	92	123	31
Royal College of Midwives	1,250	34,238	35,693	1,032	1,032	0	0	0
Royal College of Nursing of the UK (at 31/3/94)	10,610	289,088	211,068	10,846	10,846	0	0	0
Society of Radiographers (at 30/9/93)	420	12,038	45,360	702	682	57	234	177
Society of Telecom Executives	397	21,340	56,978	3,393	3,057	4,974	5,112	138
Transport & General Workers Union	35,428	883,071	3,168,000	60,265	56,970	56,306	64,446	8,140
Transport Salaried Staff Association	439	36,974	36,793	3,519	2,974	13,114	13,298	184
Union of Communication Workers (at 30/9/93)	3,556	175,674	192,000	14,942	13,130	11,197	12,363	1,166
Union of Construction Allied Trades & Technicians	2,791	124,227	89,000	4,533	5,514	682	3,066	2,384
Union of Shop, Distributive & Allied Workers	6,558	292,937	330,934	13,558	12,134	15,867	16,205	337
TOTALS	183,645	6,429,060	10,142,090	412,633	389,518	420,410	514,387	94,756

Appendix 3

(see Paragraph 3.12)

Northern Ireland Employers' Associations – 31 December 1993 (unless otherwise indicated)

NI Employers' Associations	Members	Total Income £	Total Expenditure £
Anglo-North Irish Fish Producers Organisation (at 31/7/93)	63	55,160	46,016
Association of Local Authorities of Northern Ireland (at 31/3/94)	21	115,528	103,716
Belfast County Vintners' Association (at 31/8/93)	142	1,826	1,181
Construction Employers Federation Ltd	468	449,674	452,373
Engineering Employers Federation NI Association	126	246,497	204,235
The Hospitality Association*	250	84,290	82,706
The Lough Neagh Fishermen's Association	378	23	241
Northern Ireland Bakery Employers' Council	8	23,970	22,933
Northern Ireland Builders' Merchants Association	13	2,903	2,617
Northern Ireland Fish Producers Organisation Ltd	236	637,109	533,158
Northern Ireland Grain Trade Association Ltd	36	18,363	18,637
Northern Ireland Timber Trade Association	17	4,790	4,276
Radio & Television Retailers Association	42	7,856	3,654
Ulster Chemists Association	492	45,570	37,935
Ulster Farmers' Union (at 31/3/94)	12,284	679,743	582,966
Ulster Launderers Association	5	390	412
TOTALS	14,581	2,373,692	2,097,056

* formerly the Northern Ireland Hotels and Caterers Association

Appendix 4

(see Paragraph 3.12)

GB Employers' Associations with NI Members – 31 December 1993 (unless otherwise indicated)

GB Employers' Associations with NI Members	NI Contribution	NI Members	Total Members	Total Income £	Total Expenditure £
Association of Newspapers and Magazine Wholesalers (at 31/3/94)	400	1	26	64,384	86,968
British Amusement Catering Trades Association (at 30/9/93)	210	1	1,239	614,015	534,389
British Brush Manufacturers Association	1,192	1	60	37,871	38,831
British Coatings Federation Ltd	Not Known	1	152	859,004	221,626
British Pre-Cast Concrete Federation Ltd	491	1	88	292,313	292,438
British Scrap Federation	2,775	6	237	253,858	191,097
British Soft Drinks Association	25,045	4	156	1,025,255	1,162,412
Chemical Industries Association (at 30/6/94)	Not Known	1	174	4,940,000	4,919,000
Construction Plant Hire Association (at 30/6/93)	1,350	3	935	442,732	505,556
Federation of Master Builders	48,528	289	17,362	3,179,000	3,145,000
Freight Transport Association	21,228	146	11,450	10,753,000	5,661,000
Glass and Glazing Federation	17,483	32	454	1,181,338	1,112,187
Heating & Ventilating Contractor's Association (at 28/2/94)	15,343	16	1,118	8,565,254	7,613,546
National Engineering Construction Employers Association	812	1	292	1,783,504	1,453,243
National Federation of Master Window and General Cleaners	1,065	20	2,140	61,641	60,353
National Federation of Retail Newsagents	153,126	1,027	28,074	4,321,146	4,564,146
National Federation of Roofing Contractors Ltd (at 31/1/94)	5,540	14	615	486,080	475,419
National Association of Shopkeepers & Self Employed of Great Britain and Northern Ireland	20,633	594	1,793	70,137	89,479
National Hairdressers Federation	384	6	5,363	851,801	812,278
National Sawmilling Association	NIL	5	75	382	489
Publishers Association	645	3	155	1,266,076	1,244,349
Radio, Electrical and Television Retailers' Association (at 31/10/93)	600	6	7,206	294,650	290,054
Retail Motor Industry Federation Ltd	62,292	258	12,405	6,705,000	5,251,000
Scottish Association of Master Bakers	150	3	613	192,501	143,457
Scottish & NI Plumbing Employers Federation	10,700	109	877	369,472	347,891
Screen Printing Association (UK) Ltd (at 31/10/93)	650	5	240	77,443	75,461
Textile Services Association	963	2	225	457,957	445,847
UK Jute Goods Association	80	1	37	2,740	2,621
TOTALS	391,685	2,556	93,561	49,148,554	40,740,137

Appendix 5

(see Paragraph 8.7)

Refund of Costs of Secret Postal ballots for the period 1 April 1993 to 31 March 1994

Trade Union	Reason for Ballot	Amount Paid £	Date Paid
Northern Ireland Public Service Alliance	Industrial Action	1,453.36	25/11/93
Northern Ireland Public Service Alliance	Industrial Action	2,153.13	31/01/94
Northern Ireland Public Service Alliance	Amalgamation	34,667.74	21/03/94
Northern Ireland Public Service Alliance	Industrial Action	8,599.07	21/03/94

Appendix 6

List of Certification Office Forms

TITLE	Form No:
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 refund of cost of secret postal ballot	CO(NI)30
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

Appendix 7

Certification Office Publications

The following Certification Office booklets are available free of charge on request:

1. *Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions and employers associations*
2. *Guidance for trade unions wishing to apply for a certificate of independence*
3. *Guidance for trade unions applying for refund of costs of a secret postal ballot*
4. *Guidance for trade unions and employers' associations wishing to establish a political fund*
5. *A guide to political fund review ballots*
6. *Annual Reports of the Certification Officer*

Notes