

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

# **Annual Report**

**of the  
Certification Officer for Northern Ireland**

# **2008 – 2009**

**(Covering Period 1 April 2008 to 31 March 2009)**

**NIA 202/08-09**

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## CERTIFICATION OFFICER FOR NORTHERN IRELAND ANNUAL REPORT FOR THE YEAR ENDED 31 MARCH 2009

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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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 2008 to 31 March 2009.

*R. Gamble*

Roy Gamble  
*Certification Officer for Northern Ireland*

4 August 2009

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## INTRODUCTION

*This is the seventeenth 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 2008 to 31 March 2009.*

*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.*

Under Article 70ZA of the 1992 Order (inserted by the Employment Relations (Northern Ireland) Order 2004) the Certification Officer has power to strike out any application or complaint made to him on specified grounds, for example that it is scandalous, vexatious or has no reasonable prospect of success, or that there has been excessive delay in proceeding with it. He must give the party against whom a striking out order is to be made an opportunity to show why it should not be made.

Recorded membership of Northern Ireland trade unions increased by 863 since the last reporting period. Northern Ireland membership of Republic of Ireland unions increased by 534 while that of Great Britain unions decreased by 6,924.

There were no removals from or additions to the list of Northern Ireland unions or employers' associations during the year. There was one removal from, and one addition to, the

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list of Republic of Ireland unions with Northern Ireland members (Chapter 1, paragraphs 1.9 and 1.11). Two Great Britain unions with Northern Ireland members ceased to exist as the result of transfers of engagements (see Chapter 6, paragraph 6.2 for an explanation of this term). Details are in Chapter 6.

During the year 62 breach of rule complaints, made by six trade union members, were determined. All but four were dismissed following withdrawal by the complainants, without need of a hearing. Details are in chapter 9. A further 9 complaints were being processed by the Office at 31 March 2009.

My Office completed a self-assessment schedule as part of a Northern Ireland Data Protection Review undertaken by the Department of Finance and Personnel. This related primarily to confidential Office data.

Two requests under the Freedom of Information Act 2000 were received. The information sought was refused in one instance as being exempt under the Act, although it was later supplied voluntarily outside the provisions of the Act. In the other request, the Office sought clarification from the requestor, allowing three months for a response. This was not forthcoming, and the request was considered to have lapsed.

## 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 2009 was £187,676. My salary at 31 March 2009 was £20,318, excluding Employers NI contribution, for a two-day week. This sum is not pensionable and is taxed under PAYE.

At 31 March 2009 the Office had a complement of four staff. Mr John Bennett continues to hold his appointment as Assistant Certification Officer for Northern Ireland. Over the year about 53% 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, and the remainder to various matters including trade union political funds, independence, website development and revision of publications, including its Freedom of Information Publication Scheme.

As noted in last year's report, the statutory fees to be paid to the Office for certain applications or inspections were changed with effect from 6 April 2008. They 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. The scheme governing such payments is published in the "Publications" section of the Office website – [www.nicertoffice.org.uk](http://www.nicertoffice.org.uk). During the period of this report no expenses were 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 on the website ([www.nicertoffice.org.uk](http://www.nicertoffice.org.uk)) and free of charge on request from the Office. All of these, which are listed in Appendix 11 to this report, 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](mailto:info@nicertoffice.org.uk). For those with hearing difficulties a text phone is available – 028 9023 8411.

The redesigned and upgraded Office website - [www.nicertoffice.org.uk](http://www.nicertoffice.org.uk) – went live during the year. All of the Office's forms listed in Appendix 10 and all of the documents in Appendix 11 can be accessed in the publications section of the website, as can the annual returns of Northern Ireland trade unions and employers' associations and of Republic of Ireland trade unions with Northern Ireland members. 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 that Act. The Office’s Equality Scheme was approved by the Equality Commission for Northern Ireland on 5 July 2001. A five-year review of the scheme was submitted to the Commission in 2007. 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 (given in full at paragraphs 1.19 and 1.20 below) 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 only (Article 5(8) of the 1992 Order, as amended by the Employment Relations (Northern Ireland) Order 2004).
- 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 2008-2009. One Republic of Ireland-based trade union, the Seamen's Union of Ireland, was removed from the list at its own request, as it no longer had any Northern Ireland members.

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The Office approached a Northern Ireland-based organisation named Universi, of which it had not previously been aware but which it thought might satisfy the statutory definition of a trade union. It concluded that it did so. Universi has not sought entry to the Certification Officer's list of trade unions. (See paragraph 1.18 below on unlisted organisations generally).

- 1.10 During the period of this report, the Great Britain Certification Officer removed two trade unions with Northern Ireland members from his list. These were:
- British Union of Social Work Employees
  - Offshore Industry Liaison Committee

Both had ceased to exist as a result of mergers (see Chapter 6). The British Union of Social Work Employees and the Offshore Industry Liaison Committee transferred their engagements to Community and the National Union of Rail, Maritime & Transport Workers respectively.

The GB Certification Officer maintains a schedule of trade unions which are known to him but which have not applied to be entered on his list. In 2008/09 no trade union with Northern Ireland members was removed from this schedule.

One employers' association with Northern Ireland members was removed from the Great Britain Certification Officer's list:

The Engineering Employers Federation, which merged with all nine English regional EEF Associations in October 2008 to form EEF Limited. The Northern Ireland EEF Association remained outside the new organisation.

No employers' association with Northern Ireland members was removed from the Great Britain Certification Officer's 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:

The Independent Workers Union, a Republic of Ireland-based union with Northern Ireland members (added 30 April 2008).

- 1.12 No trade union with Northern Ireland members was added to the Great Britain Certification Officer's list or to his schedule of unlisted unions during the period.

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.

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1.17 The Great Britain Certification Officer approved the change of name of one trade union with Northern Ireland members:

	<b>Effective date</b>
<i>From:</i> Guild of Professional Teachers of Dancing	
<i>To:</i> Guild of Professional Teachers of Dance and Movement to Music and Dramatic Arts	23 June 2008

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, including the requirement to make an annual return. Returns from unlisted bodies must be made available for public inspection in the same way as those from listed organisations. An unlisted trade union may not apply for a certificate of independence or for statutory recognition as a body entitled to conduct collective bargaining (see paragraph 2.6 below).

## **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.*

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## 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, the 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 and is on the website. 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

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the effect the 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. One application for a certificate, from the Independent Workers Union, was being processed at the end of the period.

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

- 2.10 No certificates of independence were issued by the Great Britain Certification Office in respect of Great Britain-based unions with members in Northern Ireland but two were cancelled. The cancelled certificates were those of the British Union of Social Work Employees and Offshore Industry Liaison Committee, which ceased to exist as a result of 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 2009 five Republic of Ireland based trade unions were listed as having Northern Ireland members. 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 summary sheet 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. 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. 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

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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 to ensure that they are not required in future.

- 3.6 One of the returns received in this reporting year contained a qualified opinion by the auditors. The Certification Officer had enquiries made of the organisation concerned, with a view to ensuring that the issue underlying the qualification would be resolved and an unqualified return made in future. A satisfactory assurance to that effect was received.
- 3.7 In order to avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body (paragraphs 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 summary sheet 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 and 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 133 annual returns

from trade unions and employers' associations. All but 27 of these returns were received by June 2009. 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 80% 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.

## 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 the auditor's report in full 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.
- 3.22 No enquiries into the financial affairs of a trade union or employers' association were in progress during this reporting period. The Certification Officer did not have occasion to use his powers to require any trade union or employers' association to produce documents.
- 3.23 The Great Britain Certification Officer made enquiries about some aspects of the conduct of the financial affairs of two Great Britain trade unions with Northern Ireland members, the Communication Workers Union and Unite the Union (TGWU Section). The former enquiries concluded without further action being required; the latter were continuing at 31 March 2009.

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The Certification Officer did not find it necessary to use his powers to require the production of documents.

## **Access to Accounting Records**

- 3.24 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 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.
- 3.25 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.
- 3.26 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.

- 3.27 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.
- 3.28 No applications concerning access to accounting records were received in the period of this report.
- 3.29 The Great Britain Certification Officer received two such complaints in respect of Great Britain unions with Northern Ireland members (the Communication Workers Union and the National Union of Rail

Maritime and Transport Workers). Each was dismissed on withdrawal by the claimant

## **Branch Funds**

- 3.30 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 2008. It also describes the Certification Officer's jurisdiction to determine complaints about the maintenance of trade unions' membership registers.*

### Information from 2008 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 2009. That information and the following comments in this chapter relate to organisations whose financial year ended on 31 December 2008, 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 2008 was recorded as 245,327. 74% of all Northern Ireland trade union members belong to Great Britain-based trade unions with 21% 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 2008 the total income of Northern Ireland based trade unions was £4.6 million, total expenditure was £4.6 million, and net assets were £4.8 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 2008. This shows a total of 51,829 members of Northern Ireland unions providing an annual contribution of £4.7 million; while there were 13,426 Northern Ireland members of Republic of Ireland unions providing an annual contribution of approximately €2.1 million. In 2008 the total income of the Republic of Ireland unions was €63 million, total expenditure was €66 million and net assets were €83 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 2008, 179,144 Northern Ireland members of these unions contributed £17 million. The total income of these unions in the year was £722 million, total expenditure was £646 million and net assets were £610 million.

4.13 Membership details of a further 40 Great Britain based trade unions with under 100 Northern Ireland members are listed in Appendix 3. This records a total of 928 Northern Ireland members contributing over £108,000. In 2008 the total income of these unions was £12.4 million, total expenditure was £12.4 million and net assets were £10.1 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 2008 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2008 the total income of these organisations was £5.4 million, expenditure was £5.6 million and net assets were £9.7 million.

4.16 Details of 30 Great Britain employers' associations with Northern Ireland members are given in Appendix 5. In 2008 these organisations received contributions amounting to £623,191 from their Northern Ireland

members. Their total income was £63.8 million, expenditure was £82.1 million, and net assets were £78.5 million.

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## 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 Three 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 three actuarial reports during this period, two from Unite the Union (Amicus Section) and one from the National Union of Rail, Maritime and Transport Workers.

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

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## 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 paragraph 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 Two Great Britain unions with Northern Ireland members completed mergers in 2007/08. The British Union of Social Work Employees transferred its engagements to Community on 14 April 2008. The Offshore Industry Liaison Committee transferred its engagements to the National Union of Rail Maritime and Transport Workers on 23 April 2008.

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## 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<sup>1</sup> 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 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>See footnote to Chapter 6.

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, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ. 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. As mentioned in last year's report, the Annual Conference of the Northern Ireland Public Service Alliance (NIPSA) in May 2008 rejected a proposal to hold a political fund ballot and establish a political fund.

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

- 7.17 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 2008 returns show that almost 37,201 Northern Ireland members of these trade unions - representing some 15% of the total Northern Ireland trade union membership - contributed just over £156,697 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. The 5 Great Britain unions whose Northern Ireland members did not contribute to their political funds in 2008 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

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relate to the contributions of Northern Ireland members, they also require the approval of the Northern Ireland Certification Officer. One Great Britain union with Northern Ireland members (the GMB) had amendments approved during 2008-2009 by both Certification Officers.

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

7.21 During the reporting period one Great Britain union with Northern Ireland members, The University and College Union, 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 Officer is required to have due regard to any declaration, order, observations or reasons made or

<sup>1</sup>See footnote to Chapter 6.

given by the High Court which are brought to his notice.

## Applications and Decisions

- 8.9 During the period covered by this report the Certification Officer made no decisions relating to trade union elections
- 8.10 The Great Britain Certification Officer made the following decisions relating to Great Britain trade unions with Northern Ireland members –
- **Bakhsh v UNISON (No. 2) (D/6-10/08).** The claimant complained that the union had breached section 47(1) of the Trade Union and Labour Relations Act 1992 (“the 1992 Act”) by unreasonably excluding him from standing for election. The Certification Officer dismissed the complaint.
  - **Staunton v UNISON (D/11-12/08).** The claimant complained that the union had breached section 47(1) of the 1992 Act by unreasonably excluding him from standing in its NEC elections. The Certification Officer upheld the complaint but made no enforcement order on the ground that the claimant had since been expelled from the union and could not stand in any new election. The Employment Appeal Tribunal later dismissed an appeal by the union against the Certification Officer’s finding that it had breached section 47(1).
  - **Simms v Unite the Union (Amicus Section) (D/17/09).** The claimant complained that the union had unreasonably excluded her from standing in its NEC election by not providing a nomination form to one of the branches which had sought to nominate her. The complaint was dismissed.

The full text of these decisions is available on the Great Britain Certification Office website:  
[www.certoffice.org](http://www.certoffice.org).

## 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 62 decisions on applications by six trade union members. Brief details are given below.
- 9.9 **Wilson, Brown, Jameson, Lewis, Moody, v POA.** These five separate applications accounted for 58 decisions (respectively, D/17-21/2008, D/21-31/2008, D/32-56/2008, D/57-68/2008 and D/73-78/2008). No hearing was held in respect of any of them, all the complaints being dismissed by the Certification Officer on their withdrawal by the complainants. As indicated in last year's report, the withdrawals took place after the union voluntarily decided, in light of the Certification Officer's decisions in *Duffy v POA*

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(D/1-16/2008), to remove disciplinary penalties which it had imposed on these members. As a consequence, three members who had been expelled from the union were re-instated as from the date of the expulsion and two had censures against them removed. The six complaints by a POA member mentioned in last year's report as still outstanding were withdrawn in October 2008 and are included in the total of 58 given above.

- 9.10 **Boylan v University and College Union (D/69-72/2008)**. The applicant made three complaints alleging that the union had breached national rules and local branch rules relating to discipline and one complaint that it had breached the rules of natural justice (which are implied into union rules). The complaints arose out of actions taken by the applicant's branch after he crossed an official picket line and entered his place of work during a one-day strike. The Certification Officer refused to make the declarations sought.
- 9.11 Two other hearings which had seemed likely to be held in this reporting period had to be postponed. In one case this was because of the personal circumstances of the applicant. In the other case the union concerned was involved in commercial litigation in the High Court arising out of the same events as underlay the complaint to the Certification Officer, and after considering all the circumstances the Certification Officer concluded that postponement was necessary in the interests of avoiding any possibility of prejudice to the forthcoming High Court hearing.
- 9.12 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).
- 9.13 The Certification Officer does not have power to determine every kind of complaint that a union member may wish to make. For example, he has no jurisdiction regarding inadequate representation of members by their union or regarding the provision of union benefits or membership.
- 9.14 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, 22nd Floor, Euston Tower, 286 Euston Road, London NW13JJ and is published on that Office's website - [www.certoffice.org](http://www.certoffice.org).
- **Bakhsh v UNISON (No. 2) (D/6-10/08)**. The claimant made four complaints that the union had

breached its rules in relation to his suspension. The Certification Officer upheld two of the complaints and found that the claimant had been suspended in breach of rule. He made an order requiring the union to withdraw the suspension. An appeal by the union was upheld by the Employment Appeal Tribunal on the grounds that the complaints had been made outside the statutory time-limits and that the Certification officer had erred in his construction of one of the rules of the union.

- **Pascual v GMB (D/13-14/08)**. The claimant made two complaints that the union had breached a rule relating to disciplinary procedures which resulted in his expulsion from the union. Both complaints were dismissed.
- **Thurbin v Prison Governors Association (D/15/08)**. The claimant alleged that the union had breached its rules in the procedure it used when expelling him. The Certification Officer upheld the complaint and ordered that the expulsion be set aside.
- **Lally v Union of Construction, Allied Trades and Technicians (D/16/08)**. The claimant complained that the union had breached its rules by failing to set out clearly the reasons why its General Council had rejected his appeal against a decision of the Executive Council. The complaint was dismissed.
- **Finlay v Unite the Union (TGWU Section) (No. 2 and No. 3) (D/19-24/08)**. These six complaints alleged that the union had breached its rules in relation to the management of the claimant's branch. All were dismissed.
- **Roberts v UNISON (No. 3) (D/2-6/09)**. The claimant made five complaints that the union had breached its rules in relation to disciplinary action taken against him. The Certification Officer dismissed the complaints.
- **Carabine v Communications Workers Union (No. 2) (D/8/09)**. The claimant alleged a breach of rule relating to his entitlement to stand for election as a lay member of his branch. The Certification Officer dismissed the complaint.
- **McGinnes v Unite the Union (Amicus Section) (D/10/09)**. This complaint concerned an alleged breach of rule relating to disciplinary procedures. The Certification officer ordered it to be struck out on the grounds that it had no reasonable prospect of success.

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APPENDIX 1 (SEE PARA 4.11) — (a) LISTS OF NORTHERN IRELAND TRADE UNIONS (b) REPUBLIC OF IRELAND TRADE UNIONS WITH NI MEMBERS  
(AT 31 DECEMBER 2008 UNLESS OTHERWISE INDICATED)

(a) List of Northern Ireland Unions	NI Members	Total Members (inc.ROI)	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
Belfast Airport Police Association (31/3/08)*	27	27	2,910	6,032	4,651	25	25	0.3
Lough Neagh Fishermen's Association* <sup>2</sup>	—	—	—	—	—	—	—	—
Northern Ireland Public Service Alliance*	45,504	45,504	3,778,667	3,890	4,003	3,833	3,957	124
Ulster Teachers Union*	6,298	6,378	887,808	655	638	923	955	32
<b>TOTALS</b>	<b>51,829</b>	<b>51,909</b>	<b>4,659,273</b>	<b>4,552</b>	<b>4,646</b>	<b>4,781</b>	<b>4,938</b>	<b>157</b>
(b) Republic of Ireland Unions	NI Members	Total Members	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
Irish Bank Officials' Association*	5,335	21,776	1,117,956	5,489	8,211	31,528	34,684	3,156
Irish National Teachers' Organisation* <sup>1</sup>	6,546	37,871	930,907	13,047	14,493	19,334	36,128	16,793
Services, Industrial, Professional & Technical Union*	1,545	252,369	102,096	44,784	43,749	32,428	50,814	18,386
IMPACT <sup>2</sup>	—	—	—	—	—	—	—	—
Independent Workers Union <sup>2</sup>	—	—	—	—	—	—	—	—
<b>TOTALS</b>	<b>13,426</b>	<b>312,016</b>	<b>2,150,959</b>	<b>63,320</b>	<b>66,453</b>	<b>83,290</b>	<b>121,626</b>	<b>38,335</b>

\* Denotes a trade union holding a certificate of independence at 31 December 2008.

<sup>1</sup> Irish National Teachers' Organisation – figures converted from sterling to euros using the average exchange rate of £0.79628 per euro for the consolidated income and expenditure accounts at the closing exchange rate of £0.9525 per euro for the consolidated balance sheet.

<sup>2</sup> Union had not provided figures for year ending December 2008 by June 2009.

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## APPENDIX 2 (SEE PARA 4.12) — GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS — AT 31 DECEMBER 2008 (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
ACCORD	401	6,391	2	28	25,410	644	605	814	873	59
Advance (formerly ANGU)										
Ambulance Service Union (final return 1/1/07-22/1/08)	173	3,059	-	-	18,309	350,639	248,272	317,958	340,716	22,758
Aspect	156	3,958	-	26	34,416	1,310	1,374	214	404	190
Association of Educational Psychologists	112	3,081	12	21	17,478	955	846	2,265	2,409	143
Association of School & College Leaders <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Association of Teachers & Lecturers	4,563	200,853	663	914	236,958	13,801	14,181	9,063	12,906	3,843
Bakers, Food & Allied Workers Union	743	21,660	456	-	54,935	2,973	3,703	(624)	1,939	2,563
British Airline Pilots Association	147	8,802	65	708	79,482	5,629	8,128	6,408	6,641	233
British Association of Occupational Therapists (30/9/08)	871	27,108	138	255	60,926	5,200	5,200	Nil	535	535
British Dental Association (30/9/08)	813	22,232	71	380	243,092	15,000	14,335	3,149	8,341	5,192
British Dietetic Association (28/2/08)	4,929	132,987	179	2,814	1,144,693	36,881	(51,676)	80,254	146,567	(66,313)
British Medical Association										
Broadcasting, Entertainment, Cinematograph & Theatre Union	526	25,040	54	2	98,127	4,952	6,385	(1,464)	4,867	6,331
Chartered Society of Physiotherapy	1,712	45,589	333	1,063	367,772	13,057	13,017	7,018	10,723	3,704
Communication Workers Union	5,177	225,292	-	499	619,190	29,287	28,121	26,283	34,046	7,763
Connect - The Union for Professionals in Communication	555	18,053	11	108	88,000	3,468	3,819	2,234	4,286	2,052
Equity (Incorporating the Variety Artists' Association)	308	36,133	-	-	30,837	6,200	8,136	6,531	13,248	6,717
FDA	355	17,389	-	-	78,500	3,195	2,946	1,604	2,980	1,376
Fire Brigades Union <sup>1</sup>	-	-	-	-	-	-	-	-	-	-

<sup>1</sup> Union had not provided figures for year ending December 2008 by June 2009

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## GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS — AT 31 DECEMBER 2008 (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	12,910	588,165	56	—	1,115,000	58,711	(53,316)	21,856	51,388	(29,532)
Musicians Union	226	29,658	35	177	36,809	6,693	8,341	10,131	13,245	3,114
National Association of Head Teachers	887	37,523	4	1,142	216,000	8,050	7,585	5,356	6,389	1,033
National Association of Schoolmasters Union of Women Teachers (NASUWT)	13,150	306,645	—	2,347	1,579,059	26,922	26,922	28,070	33,233	5,163
National Federation of Sub-Postmasters	338	6,980	—	3	42,242	1,608,103	2,063,463	3,831,370	4,242,174	410,804
National Union of Journalists (at 30/9/08)	1,009	30,163	4,034	875	145,208	6,281	5,289	3,970	6,508	2,538
Nationwide Group Staff Union	209	13,743	—	—	14,577	1,173,186	1,166,661	673	832	159
Nautilus UK	345	14,368	267	935	53,558	3,794	4,027	5,709	6,489	780
POA	1,540	34,810	—	—	218,434	6,298	5,936	4,183	5,688	1,506
Prospect	1,029	98,100	11	2,852	117,000	12,809	15,021	27,936	27,915	(21)
Public and Commercial Services Union	2,829	297,117	17	261	290,208	14,839	37,643	11,443	13,256	1,813
Royal College of Midwives (at 31/8/08)	1,430	34,191	40	420	266,766	6,562	6,522	487	500	13
Royal College of Nursing of the UK (at 31/3/08)	13,350	377,786	324	2,405	956,000	27,286	27,286	—	7,285	7,285
Society of Chiropractors and Podiatrists	369	8,177	166	176	120,905	3,481	3,288	3,969	4,620	651
Society of Radiographers (at 30/9/08)	812	19,105	9	237	75,572	4,525	4,340	1,776	2,138	362
Transport Salaried Staffs Association	457	27,443	1,179	—	60,791	6,152	10,290	21,039	21,466	(427)

<sup>1</sup> Union had not provided figures for year ending December 2008 by June 2009

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## GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2008 (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	2,409	110,320	18,130	-	72,791	7,869	(7,392)	6,972	13,985	2,871
UNISON	36,250	1,325,750	-	-	2,228,800	176,486	203,708	112,430	190,279	77,849
Unite the Union	48,242	1,537,294	37,801	12,146	4,750,729	151,298	213,319	178,559	266,453	87,894
Union of Shop, Distributive & Allied Workers	13,782	365,981	-	-	956,000	36,607	42,268	13,534	44,385	30,860
Unity	96	5,775	-	-	6,512	937	1,959	7,702	7,797	(95)
University and College Union	4,090	113,404	1	102	432,092	16,788	21,725	(793,960)	24,898	25,692
Voice	340	37,252	-	21	9,696	1,919	1,972	584	1,076	492
<b>TOTALS</b>	<b>179,144</b>	<b>6,258,035</b>	<b>64,058</b>	<b>30,917</b>	<b>17,452,526</b>	<b>721,860</b>	<b>646,469</b>	<b>610,344</b>	<b>897,152</b>	<b>286,808</b>

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## APPENDIX 3 (SEE PARA 4.13) - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS - AT 31 DECEMBER 2008 (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
Association for Clinical Biochemistry	54	1,436	60	167	7,084	1,398	1,523	1,933	2,418	486
Association for College Management	31	3,673	-	-	8,197	991	918	588	744	156
Association of Local Authority Chief Executives <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Association of Principal Fire Officers	5	482	-	3	1,632	88	89	67	78	11
Association of Professional Ambulance Personnel	4	1,993	-	30	513	2,278	283	(36)	46	82
Association of Professional Music Therapists <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Association of Revenue and Customs <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Boots Pharmacists' Association (BPA)	20	749	-	-	800	36	30	20	23	3
Britannia Staff Union	8	3,232	-	-	384	181	165	447	559	112
British Association of Dental Nurses	67	5,179	5	39	4,379	390	322	205	214	9
British Association of Journalists	11	1,044	-	27	1,040	140	142	13	24	11
British Orthoptic Society <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
British Precast Concrete Federation Ltd <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
British Union of Social Work Employees (final return to t/e 14/4/08)	35	1,492	-	9	1,667	87,492	284,749	28,878	29,760	882
Community	52	29,305	-	-	4,300	13,784	11,628	47,461	55,148	7,687
Community and District Nursing Association (at 31/3/08)	47	2754	-	-	5,487	334	408	161	192	30
Dental Practitioners' Association <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Diageo Staff Association	72	295	-	-	4,685	26	30	27	39	12
Gallaher Sales Staff Association	10	191	-	-	600	15	8	97	97	-
Guild of Professional Teachers of Dance Music to Movement & Dramatic Arts	34	876	2	-	1,836	52	40	59	65	5
Headmasters and Headmistresses' Conference (at 31/3/08)	8	238	3	67	2,300	1,255	976	1,847	3,081	1,234
Hospital Consultants & Specialists Association (at 30/9/08)	96	3,029	-	28	16,320	521	482	585	605	20
Independent Democratic Union	23	4,785	-	-	2,070	380	298	401	419	17
Institute of Journalists	5	906	22	152	570	76	72	7	9	(3)
Leeds Building Society Staff Association <sup>1</sup>	-	-	-	-	-	-	-	-	-	-

<sup>1</sup>Union had not provided figures for year ending December 2008 by June 2009.

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## GB TRADE UNIONS WITH UNDER 100 NI MEMBERS - AT 31 DECEMBER 2008 (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	16	2,193	-	14	2,558	462	534	1,175	1,250	75
National Association of Group Secretaries to NFU (at 31/10/08)	68	515	-	-	9,635	175	149	102	120	18
NAPO - The Trade Union & Professional Association for Family Court & Probation Staff	83	8,747	-	-	21,744	2,324	2,334	1,691	1,728	37,330
National Society for Education in Art & Design (at 30/9/08)	20	2,230	8	48	1,293	757	723	104	246	142
National Union of Rail, Maritime & Transport Workers <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Offshore Industry Liaison Committee (final return to year end 22/4/08)	9	2,504	3	27	1,080	98	81	108	114	6
Prison Governors Association	14	1,332	-	3	2,184	187	181	81	88	8
Prison Service Union <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
Retained Firefighters Union	70	3,467	-	-	7,069	363	360	154	170	16
Retired Officers Association (at 30/6/08)	10	448	-	54	60	12	15	121	124	3
Royal Society for the Protection of Birds Staff Association (at 31/3/08)	29	844	-	-	260	16	8	66	66	-
Society of Authors Ltd	39	8,051	79	612	2,725	891	959	625	1,393	768
Society of Union Employees (UNISON) <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
UBAC <sup>1</sup>	-	-	-	-	-	-	-	-	-	-
UFS	44	3,057	-	2	4,052	567	618	205	287	82
Writers Guild of Great Britain	9	1,222	7	57	1,500	479	483	133	244	111
<b>TOTALS</b>	<b>928</b>	<b>96,251</b>	<b>189</b>	<b>1,258</b>	<b>108,443</b>	<b>124,189</b>	<b>123,813</b>	<b>109,666</b>	<b>144,093</b>	<b>34,427</b>

<sup>1</sup>Union had not provided figures for year ending December 2008 by June 2009.

# 2008 - 2009

## APPENDIX 4 (SEE PARA 4.15) - LIST OF NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS - 31 DECEMBER 2008 (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 31/7/08) <sup>1</sup>	-	-	-	-	-	-	-	-
2 Construction Employers Federation Ltd	1,263	669,550	1,263	816,232	825,751	570,134	988,771	418,637
3 Engineering Employers' Federation NI Association	133	686,364	133	845,185	932,792	1,281,987	1,441,449	159,462
4 Federation of the Retail Licensed Trade NI (31/10/08) <sup>2</sup>	-	-	-	-	-	-	-	-
5 Northern Ireland Bakery Council (31/3/08)	3	3,000	3	5,370	5,370	3,423	4,833	1,410
6 Northern Ireland Fish Producers Organisation Ltd	139	1,850	167	1,324,972	1,397,628	5,086,253	5,520,734	434,481
7 Northern Ireland Grain Trade Association	31	27,437	31	27,559	25,713	16,884	19,311	2,427
8 NI Local Government Association (31/3/08)	26	369,515	26	894,303	860,412	285,064	615,228	330,164
9 Northern Ireland Textiles & Apparel Association Ltd <sup>3</sup>	-	-	-	-	-	-	-	-
10 Ulster Chemists Association (30/9/08)	518	70,183	518	100,160	122,920	401,293	417,036	15,743
11 Ulster Farmers' Union <sup>1</sup>	11,169	912,337	11,169	1,435,517	1,391,967	2,051,911	2,298,386	246,475
<b>TOTALS</b>	<b>13,282</b>	<b>2,740,236</b>	<b>13,310</b>	<b>5,449,298</b>	<b>5,562,553</b>	<b>9,696,949</b>	<b>11,305,748</b>	<b>1,608,799</b>

<sup>1</sup> Association had not provided figures for year ending July 08 by June 2009.

<sup>2</sup> Association had not provided figures for year ending October 2008 by June 2009.

<sup>3</sup> Association had not provided figures for year ending December 2008 by June 2009.

# 2008 - 2009

## APPENDIX 5 (SEE PARA 4.16) - GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS - 31 DECEMBER 2008 (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 (31/3/09) <sup>1</sup>	-	-	-	-	-	-	-	-
2 British Amusement Catering Trades Association (30/6/08)	4	6,386	620	1,599,310	2,640,151	16,847,868	32,956,789	16,108,921
3 British Clothing Industry Association Ltd	1	1,050	63	454,938	981,695	6,613,202	7,350,394	737,192
4 British Jewellery, Giftware and Finishing Federation <sup>2</sup>	-	-	-	-	-	-	-	-
5 Chemical Industries Association (30/6/08)	3	-	134	5,862,225	5,495,945	192,083	2,699,406	2,507,323
6 Cinema Exhibitors' Association Ltd	4	5,617	150	440,669	368,724	356,315	716,936	360,621
7 Construction Plant Hire Association (30/6/08)	9	3,594	1,571	967,860	785,782	1,373,644	1,661,248	287,604
8 Electrical Contractors' Association <sup>2</sup>	-	-	-	-	-	-	-	-
9 Engineering Employers Federation (30/9/08)	1	37,500	12	6,820,134	9,817,328	31,981,556	38,444,643	6,463,087
10 Federation of Master Builders <sup>2</sup>	-	-	-	-	-	-	-	-
11 Federation of Window Cleaners	216	1,673	836	146,010	156,386	274,569	405,602	131,033
12 Freight Transport Association	311	42,051	14,184	26,339,000	24,606,000	757,000	11,549,000	10,792,000
13 Glass and Glazing Federation <sup>2</sup>	-	-	-	-	-	-	-	-
14 Heating and Ventilating Contractors' Association (28/2/08) <sup>3</sup>	-	-	-	-	-	-	-	-
15 National Bed Federation	3	2,900	77	186,012	198,315	139,956	151,702	11,746
16 National Federation of Retail Newsagents	687	284,885	17,444	5,073,703	(4,606,858)	6,096,587	7,071,330	(974,743)
17 National Federation of Roofing Contractors Limited (31/1/09)	17	10,792	981	1,193,509	1,139,509	582,297	855,342	273,045
18 National Hairdressers Federation	29	4,409	6,919	1,968,031	2,032,787	2,084,989	2,513,214	428,225

<sup>1</sup> Association had not provided figures for year ending March 2009 by June 2009.

<sup>2</sup> Association had not provided figures for year ending December 2008 by June 2009.

<sup>3</sup> Association had not provided figures for year ending February 2008 by June 2009.

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GB Employers Associations with NI Members	NI	NI	Total Members (incl. Channel Islands and ROI)	Total	Total Expenditure	Funds at the End of the Year	Total	Total Assets	Total
	Members	Contributions		Income			Liabilities		
		£		£	£	£	£	£	£
19 National Pharmacy Association Ltd	221	150,120	3,890	6,881,742	7,417,327	5,727,205	10,058,134	4,330,939	
20 Producers Alliance for Cinema and Television Ltd (30/9/08) <sup>3</sup>	-	-	-	-	-	-	-	-	
21 Publishers Association	2	500	101	2,709,338	2,710,735	179,100	674,168	495,068	
22 Radio Electrical and Television Retailers' Association (31/10/08)	61	14,030	1,294	734,327	892,202	1,142,735	1,219,097	76,362	
23 Retail Motor Industry Federation Ltd <sup>1</sup>	-	-	-	-	-	-	-	-	
24 Scottish Association of Master Bakers	1	170	401	392,370	591,923	1,444,023	1,599,535	151,512	
25 Scottish and NI Plumbing Employers' Federation	92	45,937	780	942,843	1,461,646	553,556	893,117	339,561	
26 Screen Printing Association (UK) Ltd <sup>2</sup> (31/01/08)	-	-	-	-	-	-	-	-	
27 The Newspaper Society <sup>1</sup>	-	-	-	-	-	-	-	-	
28 Theatrical Management Association	4	5,249	351	762,676	760,815	171,652	419,906	248,254	
29 Thermal Insulation Contractors Association <sup>1</sup>	-	-	-	-	-	-	-	-	
30 Vehicle Builders and Repair Association Ltd <sup>1</sup>	-	-	-	-	-	-	-	-	
<b>TOTALS</b>	<b>1,468</b>	<b>623,191</b>	<b>49,767</b>	<b>63,816,808</b>	<b>82,077,882</b>	<b>78,502,015</b>	<b>121,316,772</b>	<b>42,814,757</b>	

<sup>1</sup> Association had not provided figures for year ending December 2009 by June 2009.

<sup>2</sup> Association had not provided figures for year ending January 2008 by June 2009.

<sup>3</sup> Association had not provided figures for year ending September 2008 by June 2009.

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## APPENDIX 6 (PARA 4.3) – SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2008 (UNLESS OTHERWISE INDICATED)

NORTHERN IRELAND		OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
			£	£
Belfast Airport Police Association (31/3/08)	Chairman		Nil	Nil
Lough Neagh Fishermen's Association <sup>1</sup>	General Secretary		–	–
Northern Ireland Public Service Alliance	General Secretary		57,585	23,065
Ulster Teachers' Union	General Secretary		55,144	42,566
REPUBLIC OF IRELAND		OFFICE HELD	SALARY	BENEFITS (Excluding PRSI)
			€'s	€'s
Irish Bank Officials Association	General Secretary		133,518	66,688
Irish National Teachers' Organisation <sup>2</sup>	General Secretary		172,207	67,250
Services, Industrial, Professional & Technical Union (SIPTU)	General Secretary		124,895	2,661
	General President		124,895	3,445
	Vice President		124,895	7,913
GREAT BRITAIN		OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
			£'s	£'s
Advance	General Secretary		13,026	13,811
Accord <sup>1</sup>	General Secretary		–	–
Ambulance Service Union (final return to 22/1/08)	Officers salaries		31,692	–
ASPECT	General Secretary		68,468	Nil
Association for Clinical Biochemistry <sup>1</sup>	General Secretary		Nil	Nil
Association for College Management	General Secretary		86,572	6,676
Association of Educational Psychologists	General Secretary		63,273	6,722
Association of Local Authority Chief Executives <sup>1</sup>	Honorary Secretary		–	–
Association of Principal Fire Officers	General Secretary		Nil	Nil
Association of Professional Ambulance Personnel	Finance Officer		17,600	Nil
Association of Professional Music Therapists <sup>1</sup>	Chairperson		–	–
Association of Revenue and Customs <sup>1</sup>	General Secretary		–	–
Association of Schools and College Leaders <sup>1</sup>	General Secretary		–	–
Association of Teachers & Lecturers	General Secretary		105,198	22,551
Bakers, Food & Allied Workers Union	General Secretary		42,759	13,826
	National President		40,759	13,349
Boots Pharmacists' Association (BPA)	Chief Executive		7,000	Nil
Britannia Staff Union	General Secretary		12,500	Nil
	Assistant Secretary		26,197	Nil
British Airline Pilots Association	General Secretary		109,007	22,093
British Association of Dental Nurses	Chief Executive		29,584	1,431
British Association of Journalists	General Secretary		21,354	Nil
British Association of Occupational Therapists (30/9/08)	Chairman		–	–

<sup>1</sup>Figures not provided for year ending December 2008 by June 2009

<sup>2</sup>Irish National Teachers's Organisation – figures converted from sterling to euros using an exchange rate of £0.6834 per €

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## SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2008 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY £'s	BENEFITS (Excluding NI Contributions) £'s
British Dental Association (30/9/08)	Chief Executive	119,145	Nil
	Financial Director	81,560	15,649
British Dietetic Association (28/2/08)	General Secretary	Nil	Nil
British Medical Association	Treasurer	53,958	Nil
	Chairman of Council	95,220	Nil
British Orthoptic Society <sup>1</sup>	General Secretary	–	–
British Union of Social Work Employees (final return 14/8/08)	General Secretary	8,690	817
Broadcasting, Entertainment, Cinematograph & Theatre Union	General Secretary	59,813	16,597
Chartered Society of Physiotherapy	Chief Executive	87,478	21,869
Communication Workers Union	General Secretary	87,045	1,393
Community	General Secretary	86,072	29,923
	Deputy Gen Secretary	70,406	58,800
Community & District Nursing Association (31/3/08)	Chief Executive	60,000	3,567
Connect – The Union for Professionals in Communication	General Secretary	79,818	5,654
Dental Practitioners Association <sup>1</sup>	Chief Executive	–	–
Diageo Staff Association	Chairman	Nil	Nil
Equity (Incorporating the Variety Artistes' Association)	General Secretary	70,049	13,779
FDA	General Secretary	86,709	30,782
Fire Brigades Union <sup>1</sup>	General Secretary	–	–
	Asst. General Secretary	–	–
Gallaher Sales Staff Association	General Secretary	Nil	Nil
GMB	General Secretary	84,000	28,000
	Deputy General Secretary	24,000	12,000
Guild of Professional Teachers of Dance and Movement to Music and Dramatic Arts	General Secretary	12,000	Nil
Headmasters & Headmistresses' Conference (31/3/08)	General Secretary	98,106	1,035
	Membership Secretary	79,362	976
Hospital Consultants & Specialists Association (30/9/08)	Chief Executive	72,196	4,434
Independent Democratic Union	National Secretary	45,852	4,800
Institute of Journalists	General Secretary	35,280	1,961
Leeds Building Society Staff Association <sup>1</sup>	General Secretary	–	–
Musicians' Union	General Secretary	80,116	22,123

<sup>1</sup>Figures not provided for year ending December 2008 by June 2009

# 2008 – 2009

## SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2008 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY £'s	BENEFITS (Excluding NI Contributions) £'s
National Association of Co-operative Officials	General Secretary	84,653	14,176
	President	Nil	500
National Association of Group Secretaries to the NFU (31/10/08)	General Secretary	9,924	Nil
National Association of Head Teachers NAPO-The Trade Union and Professional Association for Family Court and Probation Staff <sup>1</sup>	General Secretary	102,967	26,103
NASUWT	General Secretary	–	–
National Federation of Sub-Postmasters	General Secretary	94,059	25,924
National Society for Education in Art & Design (30/9/08)	General Secretary	96,784	8,641
National Union of Journalists (30/9/08)	General Secretary	46,737	6,144
General Secretary	74,556	60,910	6,720Nautilus UK
National Union of Rail, Maritime & Transport Workers <sup>1</sup>	General Secretary	13,723	–
Nationwide Group Staff Union	General Secretary	–	–
Offshore Industry Liaison Committee (final return to 22/4/08)	General Secretary	100,008	26,075
Prison Governors Association <sup>1</sup>	General Secretary	11,561	491
POA	General Secretary	Nil	Nil
	General Secretary	64,939	60,218
	Dept General Secretary	58,065	22,301
Prison Service Union	General Secretary	–	–
PROSPECT	General Secretary	98,910	18,873
Public and Commercial Service Union	General Secretary	85,421	24,669
Retained Firefighters Union	General Secretary	44,474	3,867
Retired Officers Association (30/6/08)	Secretary	531	Nil
	Assistant Secretary	500	Nil
Royal College of Midwives (31/8/08)	General Secretary	111,006	41,072
Royal College of Nursing of the UK <sup>2</sup> (31/3/08)	General Secretary	44,720	5,457
Royal Society for the Protection of Birds Staff Association (31/3/08)	Chairperson	750	Nil
Society of Authors	General Secretary	89,050	40,190
Society of Chiropodists and Podiatrists	General Secretary	70,154	5,612
Society of Radiographers (30/9/08)	Chief Executive	39,760	4,428
Society of Union Employees (UNISON)	General Secretary	–	–
Transport Salaried Staff Association	General Secretary	65,512	13,356
UBAC <sup>1</sup>	General Secretary	–	–
UCATT	General Secretary	68,779	14,757
UFS	General Secretary	88,000	28,307
Unite the Union	Joint Gen Secretary	97,027	26,779
	Joint Gen Secretary	93,815	16,347
UNISON	General Secretary	94,953	21,369
Unity	General Secretary	41,598	29,737
	Asst General Secretary	35,972	25,282

<sup>1</sup>Figures not provided for year ending December 2008 by June 2009

<sup>2</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.

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## SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS - AT 31 DECEMBER 2008 (UNLESS OTHERWISE INDICATED)

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS
		£'s	(Excluding NI Contributions) £'s
Union of Shop, Distributive & Allied Workers	General Secretary	85,812	27,344
University and College Union	General Secretary	91,770	15,012
Voice	General Secretary	66,777	5,507
Writers Guild of Great Britain	General Secretary	52,000	4,680

# 2008 – 2009

## APPENDIX 7 (SEE PARA 7.18) – GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE “CONTRACTED IN” TO POLITICAL FUNDS – AT 31 DECEMBER 2008 (unless otherwise indicated)

	NI Members Contracted-in	% of total NI Members	NI Contributions £
Aspect	81	51.9%	243
Association of Revenue and Customs <sup>1</sup>	–	–	–
Communication Workers Union	3,047	58.9%	15,722
Community <sup>1</sup>	–	–	–
CONNECT	93	16.8%	301
Fire Brigades Union <sup>1</sup>	–	–	–
GMB	67	0.5%	474
Musician's Union	2	0.8%	6
National Association of Schoolmasters Union of Women Teachers (NASUWT)	1,876	14.3%	1,175
POA	1,536	99.7%	2,765
PCS	800	55.9%	960
Prospect	139	13.5%	83
Transport Salaried Staff Association	205	44.9%	1703
Union of Shop, Distributive and Allied Workers	6,229	45.2%	27,000
Unite the Union	21,970	45.5%	104,396
University and College Union	1,156	28.3%	1,269
<b>TOTALS</b>	<b>37,201</b>	<b>38.4%</b>	<b>156,697</b>

<sup>1</sup> Union had not provided figures for year ending December 2008 by June 2009.

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## APPENDIX 8 (SEE PARA 7.18) – GB TRADE UNIONS WHOSE NORTHERN IRELAND MEMBERS DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2008

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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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## 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 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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# 2008 - 2009

## APPENDIX 10 - CERTIFICATION OFFICE FORMS

TITLE OF FORM	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 transferring organisation in support of the registration of an instrument of transfer of engagements	CO(NI)11
Statutory declaration on behalf of the receiving 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 on the website - [www.nicertoffice.org.uk](http://www.nicertoffice.org.uk) - and may also be obtained free of charge on request from the Office:

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. *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.*
11. *Annual Reports of the Certification Officer.*
12. *Equality Scheme.*

### Decisions of the Certification Officer

*D/1/2000 - Gilliland & Wilson v NIMA – Complaint of failure to properly appoint a scrutineer in an election for the post of President. Upheld*

*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.*

*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.*

*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.*

*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.*

*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.*

*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.*

*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.*

*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.*

*D/6-7/2003 - Manly v GMB – Alleged breaches of trade union rules – complaints dismissed upon withdrawal by the complainant.*

*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.*

*D/9-15/2004 - McCreight v CWU – Alleged breaches of union rules: The complaints were dismissed upon withdrawal by the complainant.*

*D/16-21/2004 -Buchanan v CWU – Alleged breaches of union rules: The complaints were dismissed upon withdrawal by the complainant.*

*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.*

*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 .*

*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.*

*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.*

# 2008 – 2009

- 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.*
- D/6-7/2006 – Egan v NASUWT - The union was found to have breached its rules in removing the applicant from elected office in a local association. A second complaint, that the removal was an act of discipline outside the rules, was dismissed.*
- D/8-10/2006 – Morgan v NASUWT - Alleged breaches of union rules: The complaints were dismissed on withdrawal by the applicant.*
- 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.*
- 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.*
- 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.*
- 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.*
- D/17-20/2008 – Wilson v POA – Four complaints of breach of rules were dismissed upon withdrawal by the applicant.*
- D/21-31/2008 – Brown v POA – 11 complaints of breach of union rules were dismissed upon withdrawal by the applicant.*
- D/32-56/2008 – Jameson v POA – 25 complaints of breach of union rules were dismissed upon withdrawal by the applicant.*
- D/57-68/2008 – Lewis v POA – 12 complaints of breach of union rule were dismissed upon withdrawal by the applicant.*
- D/69-72/2008 – Boylan v University and College Union - Three complaints of breach of union rules relating to discipline and one complaint of breach of the rules of natural justice were dismissed.*
- D/73-78/2008 – Moody v POA - Six complaints of breach of union rules were dismissed upon withdrawal by the applicant.*

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