

Decision of The Certification Officer for Northern Ireland

In the matter of an application pursuant to Article 90A of The Trade Union and Labour Relations (Northern Ireland) Order 1995 (the Order).

Mr Damian McKee

V

Unite the Union

Date of Decision:

05 February 2026

DECISION

1. The Applicant alleged a number of breaches of Unite the Union's rules under Article 90A of the 1995 Order.
2. The Applicant provided a significant number of paper submissions to support his complaint about alleged breaches of the following Unite rules:
 - Rule 2.1.1 A failure to 'represent workers' effectively and in good faith.
 - Rule 2.1.6 A failure to 'promote equality and fairness' by dismissing the merits of a disability discrimination case.
 - Rule 4.6.1 A failure to provide competent 'legal advice and representation'.
 - Rule 18.9 A failure to 'provide support in legal referrals' by submitting a flawed and unsupported referral.
3. My office engaged with the Applicant to further clarify the precise nature of his complaint; I also had a telephone conversation with the Applicant on 17 December 2025.
4. In advance of that discussion on 17 December I highlighted via email the relevant extract from the 1995 order which sets out the rule breaches that I have the legal authority to determine.

These 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 meetings.

5. During what was a very respectful discussion with the Applicant I did indicate that the alleged rule breaches are not covered by the 1995 Order.
6. The complaint is therefore struck out pursuant to Article 70ZA of the Industrial Relations (Northern Ireland) Order 1992, as amended by the Employment Relations (Northern Ireland) Order 2004.
7. The reason for the Strike Out is that, based on oral and written submissions provided by the Applicant, I am of the view that this complaint has no reasonable prospect of success.

Tom Evans OBE

Certification Officer for Northern Ireland