

DECISION OF THE CERTIFICATION OFFICER ON AN APPLICATION UNDER ARTICLE 90A OF THE TRADE UNION AND LABOUR RELATIONS (NORTHERN IRELAND) ORDER 1995.

Mr D BELL

V

CWU

Date of Decisions:

31 August 2010

DECISIONS

Upon application by the applicant under Article 90A(1) of the Trade Union and Labour Relations Order 1995 (as amended) (“The 1995 Order”):

(1) I refuse to make the declaration sought by the applicant, that on or around 5th June 2007 Emergency Proposition 1 was admitted for debate to the Telecoms and financial services Conference Agenda in breach of Rule 10.1.3.

(2) I refuse to make the declaration sought by the applicant that the withdrawal of his nomination to the Irish Congress of Trade Unions Executive Committee by the General Secretary of the CWU, Mr W Hayes, and the Northern Ireland Regional Secretary CWU, Mr L Huston, without their providing the applicant with an explanation or seeking a democratic decision from the NEC or the Northern Ireland Regional Committee, was an act of discipline that imposed a disciplinary sanction without invoking the Union Rules on Disciplinary Procedures contrary to Rule 14 and/or was a disciplinary action which subjected the applicant to a significant detriment.

(3) I refuse to make the declaration sought by the applicant that on or around 9th August 2007 the General Secretary of the CWU, Mr W Hayes, failed to deal with the applicant’s complaint that Mr L Huston, CWU Northern Ireland Regional Secretary, breached the Rules of the CWU (rule 4.1.5) when he wrote to the General Secretary, Irish Congress of Trade Unions, withdrawing the applicant’s nomination to the ICTU Executive Council without seeking endorsement of that decision by the CWU NEC and/or the Northern Ireland Regional Committee. The applicant also cited M Hayes and the National Officer, Mr J Baldwin, in this complaint.

REASONS

1. By an application dated 12th December 2007, the applicant, Mr David Bell, made ten complaints against his Union, the CWU.
2. Following correspondence with my office, the applicant withdrew seven complaints. The complaints he wished to pursue were confirmed by him in the following terms :-

Complaint 1

That on or around the 5th June 2007 Emergency Proposition 1 was admitted for debate to the Telecoms and Financial Service Executive Conference Agenda in breach of Rule 10.1.3. The issue of support for another Trade Union in seeking recognition rights is a TUC and wider Labour Movement matter which is the responsibility of the National Executive Committee and therefore the Business of the General Conference and not the Telecoms and Financial Services Conference alone.

I would therefore, seek a determination that Emergency Proposition I was inappropriately placed for discussion at the Telecoms and Financial Service Conference in breach of Rule 10.1.3.

Complaint 2

That on or around the 25th June 2007 my nomination to the Irish Congress of Trade Unions Executive Committee, which has been unanimously agreed by the CWU Northern Ireland Regional Committee, was withdrawn by the General Secretary CWU, Mr W Hayes and the Northern Ireland Regional Secretary, CWU Mr L Huston, without providing me with an explanation or seeking a democratic decision from the NEC and/or the Northern Ireland Regional Committee to do so. I believe that this was an act of Discipline that imposed a disciplinary sanction without invoking the Union Rules on Disciplinary Procedures contrary to Rule 14 – discipline and/or it was disciplinary action which subjected me to a significant detriment.

Complaint 3

That on or around 9th August 2007 the General Secretary, CWU, Mr W Hayes failed to deal with my complaint that Mr L Huston, CWU Northern Ireland Regional Secretary breached the Rules of the CWU (rule 4.1.5) when he wrote to the General Secretary, Irish Congress of Trade Unions (ICTU) on or around 25th June 2007 withdrawing my nomination for election to the ICTU Executive Council without seeking endorsement of that decision by the CWU NEC and/or the Northern Ireland Regional Committee. The General Secretary, Mr W Hayes and the National Officer Mr J Baldwin were also cited in this complaint.

3. The complaints are matters potentially within my jurisdiction under Article 90A (2) (b) and (d). They were investigated in correspondence by my office and, as required by Article 90B (2) (b) of the 1995 Order, the parties were offered the opportunity of a hearing, which took place on Thursday 17th June 2010.

4. The application to my Office followed upon two claims relating to the same events made by Mr Bell to the Office of the Industrial Tribunals and the Fair Employment Tribunal. I postponed my hearing until the Tribunal claims should be resolved. In the event, one of the Tribunal claims was withdrawn. The other was listed for a full Tribunal hearing commencing on 5th October 2009, but the applicant and the Union agreed a settlement on that date and the claim was withdrawn.

5. A term of the settlement stated: “The claimant...agrees to withdraw his claims against the Respondent to the Northern Ireland Certification Office, which claim was made under the Trade Union and Labour Relations N.I Order 1995, and to take no steps to pursue that claim any further”.

6. Mr Bell did not withdraw his application to me. In correspondence with my office, the parties agreed that the settlement had broken down. Correspondence ensued between my office and the parties’ representatives, culminating in Mr Bell and the Union agreeing that the application to me should proceed, rather than their contesting the breakdown of the settlement in another forum. The hearing was set for 20th April 2010, but had to be deferred (the ash cloud from the Icelandic volcano preventing air travel on the day).

7. The hearing took place on 17th June 2010. The Union was represented by Mr John Baldwin, its Head of International Affairs, who gave evidence for the Union; Ms Andrea Snowden, its Head of Administration, accompanied him; she did not give evidence. Mr Bell acted in person and gave evidence on his own behalf. He was accompanied by Ms Feenan, currently Secretary of the CWU N.I. Clerical Branch, who did not give evidence beyond orally confirming that her witness statement was factual and could be taken as read: she was not questioned by the Union. A 244 page bundle of documents containing relevant correspondence and papers was prepared by my office for the hearing. It included case law decisions and witness statements made to the office of the Industrial Tribunals and the Fair Employment Tribunal, which were provided by the applicant. Relevant statutory extracts and relevant national rules of the union were included in the bundle, along with the National Executive Council (NEC) Annual Report of 2006/2007 and relevant ICTU papers, plus relevant papers from the Union’s 2007 Conferences. Copies of the full rule book of the Union (2006 Rules) were in evidence at the hearing. The Union provided a skeleton argument, copies of which were supplied to Mr Bell and Ms Feenan on the morning of the hearing, and time allowed to study it.

8. At the end of the hearing, the Union undertook to provide at my request a number of documents relating to the processing of National Discipline Cases within the CWU. These were received by my Office on 7th July 2010. The applicant undertook to provide a letter he had sent to the Chairman of the Standing Orders Committee of the Telecoms Industry Conference in May 2009. This was received by my office on 21st June 2010

Findings of Fact

9. In 2007, when the events that gave rise to this application occurred, Mr Bell was the Secretary of the Clerical Branch of the CWU in Northern Ireland. He was also a Regional Assistant Secretary. In addition, he worked for the CWU representing members at Industrial/Fair Employment Tribunals for which he appears to have been paid on a per case basis. He had been a member of the CWU and its predecessor unions for 34 years. He is still a member of the Union.

10. The CWU’s highest body – outside Annual Conference - is the National Executive Council (NEC), which is responsible for the general management of the Union. Below the NEC there are two “Industrial Executives”, the Postal Executive and the Telecoms and Financial Services Executive, which are responsible for occupational and conditions of service issues within their respective industries. The Telecoms and Financial Services

Executive (T&FSE) covers engineering workers, clerical workers, and operators and ancillaries. The Northern Ireland Clerical Branch therefore falls within the T&FSE's sphere.

11. In late 2006 British Telecommunications (BT) re-organised its separate operations in Northern Ireland and the Republic of Ireland as a single all-island organisation, known as BT Ireland. The Northern Ireland Clerical Branch of CWU became concerned about possible implications of this for its members, for example that it might bring changes in their terms and conditions, or pose a threat to their jobs if work were transferred between Northern Ireland and the Republic. The Branch raised these and related issues with the T&FSE through the Union's Deputy General Secretary (Telecoms), with a view to initiating a general policy debate around them. It appears to have received no response to its approach, and was disappointed in its hope of provoking, and participating in, a policy debate. The Branch seems to have gone on to develop its own policy towards the new situation arising from the creation of the all-island organisation; namely, that it should start recruiting BT Ireland clerical employees in the Republic; and that it should seek a merger with CWU Ireland, a separate and unrelated union based in the Republic, which already recruited BT employees there.

12. The 2007 Annual Conference of the CWU was held in Bournemouth on the 3rd to the 8th June, with the General Conference, attended by delegates from the whole of the Union, taking up the first two days, and the Conferences of each of the Industrial Executives the remaining four.

13. The business of the T&FS Conference included an emergency motion, E1, which was admitted to the agenda by the T&FS Standing Orders Committee by a supplementary report issued on 24 May 2007. This motion, which was put down by the T&FS Executive itself, concerned CWU Ireland and read;

“E1. This conference expresses its anger and concern that BT refuses to give recognition to CWU Ireland in respect of those members recruited by that union in BT in the Republic of Ireland. The refusal of BT to agree to recognition despite the success of the CWU Ireland in increasing its membership levels in ROI suggests that the company is attempting to avoid recognition of trade unions outside of UK.

This leaves BT potentially in breach of its international obligations on trade union recognition.

The T&FSE is instructed to provide all necessary support and assistance to CWU Ireland in its efforts to achieve recognition in BT in the Republic of Ireland.

Furthermore, the T&FSE is instructed to monitor closely BT's response to trade union recognition in all countries where the company operates and to provide assistance through UNI where this is requested.”

(“UNI” in the last line above stands for “Union Network International”, which is described as a global union for skills and services, to which over 100 unions worldwide are affiliated).

14. Mr Bell attended the Annual Conference as a delegate from the Northern Ireland Clerical Branch. The branch instructed him to oppose and seek the withdrawal of E1, because the motion conflicted with its own policy and because it considered that the whole subject had not had the informed debate which should have preceded adoption of such a policy.

15. On 3 June, in the course of a debate on a motion at the General Conference, Mr Bell made reference to motion E1. He said that under the Union's rules, E1 should be discussed at the General Conference, not the T&FS Conference, because it had clear implications for the postal side, and that the Northern Ireland Region of the CWU had not been consulted about the issue of recognition by BT of CWU Ireland. He asked that the T&FS Executive withdraw E1 from its Conference agenda. There was no response to this request.

16. Motion E1 was scheduled for debate on 7 June. At the start of the T&FS Conference on 5 June, Mr Bell raised a point of order, in which he again asked that the motion be withdrawn. His reasons were as set out above, but with the additional argument that because it had an international dimension (CWU Ireland was an organisation outside the UK, and there was reference to UNI), the motion was clearly about matters that were reserved for the General Conference. He said it would be a breach of the Union's rules, in particular Rule 2.1.9, which gave decisions on affiliation and participation in outside organisations to the General Conference and the NEC, if it were debated in the T&FS Conference. (I note here in passing that Mr Bell did not make a claim to me about breach of Rule 2.1.9). The Chairman of the Conference undertook to make a statement before the debate on E1 on 7 June, which he duly did. He said that he had checked the rule book and spoken to the General Secretary's office and other relevant departments, including apparently the President of the Union, and he ruled that "*This is in order to be on this agenda.*" The text of the transcript of his speech is somewhat obscure but his reasoning appeared to be that supporting recognition of CWU Ireland in negotiations with BT was a matter that affected the telecoms side and was proper to the T&FS Executive, though dealings with CWU Ireland itself, or with bodies such as the Irish Congress of Trade Unions, were general issues and for the General Secretary's office. Mr Bell challenged the ruling and called for a vote on it. The chairman agreed and Conference voted that it was in order for it to debate E1.

17. The debate therefore went ahead as scheduled. The General Secretary of CWU Ireland addressed the Conference immediately before the debate. Some BT managers were to be in the conference hall and the debate was partly intended to impress them with the CWU's support for CWU Ireland. Mr Bell opposed the motion "very reluctantly", for the reasons already indicated. He moved a motion of "next business", which, if passed, would mean that the Conference would set E1 aside and move to the next item on the agenda. This was put to Conference, but was defeated. The Conference went on to pass E1.

18. In March 2007, Mr Bell had been nominated at a special meeting of the Northern Ireland Regional Committee of the CWU to stand as a candidate for the Executive Council of the Irish Congress of Trade Unions (ICTU), at elections to be held at ICTU's Conference in July 2007. His nomination was confirmed by ICTU in a list circulated around the middle of June. On 20 June, however, he received a copy of a letter sent by Billy Hayes, General Secretary of the CWU, to David Begg, General Secretary of ICTU. This said:

"14 June 2007

Dear David,

NOMINATION FOR ICTU EXECUTIVE

The nomination previously submitted by Lawrence Huston, Regional Secretary Northern Ireland, in the name of Davie Bell is withdrawn.

Please confirm receipt of this notification. If you need to discuss this matter please contact John Baldwin, Head of International Affairs in the first instance.

Yours sincerely

W Hayes

General Secretary

Cc: Lawrence Huston, Davie Bell, Northern Ireland Branches."

19. Mr Bell wrote at once to the Mr Begg advising him to ignore Mr Hayes's letter, "*as I have no intention of withdrawing my nomination*". He said that his nomination had been unanimously endorsed by the Northern Ireland Regional Committee of the CWU, which had not been consulted about Mr Hayes's letter. He went on to allege that Mr Hayes and Mr Baldwin (to both of whom he copied his letter) had been conducting a campaign of bullying and harassment against him, of which the withdrawal of his nomination might be further evidence.

20. Mr Bell also contacted Mr Huston about the situation. He alleges that Mr Huston told him that his interventions at the CWU Conference had embarrassed the CWU Ireland, and that the withdrawal of his nomination to ICTU was "a retribution" for this.

21. On 25 June 2007 Mr Hayes wrote to Mr Huston instructing him to write immediately to ICTU withdrawing Mr Bell's nomination. This appears to have been done because of a belated recognition that as Mr Huston had originally submitted the nomination, he would be the appropriate person to withdraw it. Mr Huston wrote as instructed on 26 June, but with some reluctance, and after asking for legal advice from the Union, which he did not receive. He had tried to arrange an emergency meeting of the Regional Committee, which Mr Bell had asked him to do, but had not succeeded because of the short notice.

22. Having seen Mr Huston's letter, Mr Bell wrote again to ICTU on 28 June. He repeated that he had been properly nominated and requested that his name remain on the ballot paper. He said that the withdrawal was unconstitutional under the CWU's rules, as neither the NEC nor the Northern Ireland Regional Committee had agreed it. He repeated his allegations of bullying and harassment.

23. Mr Bell was a delegate to ICTU's conference as well as a candidate for election to its Executive Council. On the first day of the conference, he raised a point of order, by which he sought to have the withdrawal of his nomination "referred back", but the conference rejected this and his nomination remained withdrawn.

24. On 9 August 2007 Mr Bell sent a six-page letter to Mr Hayes in which he said he was raising a formal grievance over Mr Hayes's letter of 14 June to Mr Begg of ICTU. The grievance also extended to the roles of Mr Baldwin and Mr Huston in the matter. As well as stating that the rules of the Union had been broken, this letter contained allegations that the withdrawal was bullying and harassment, victimisation and abuse of power; had racial, political or religious motives: was a denial of the human right to dignity and respect; and constituted unjust discipline and a denial of natural justice. It listed the Northern Ireland legislation on Fair Employment and Treatment, and Race Relations, as well as the 1995 Order, as statutes engaged by these allegations. Mr Bell concluded by asking what steps the Union would take to remedy the breach of rules and whether it would ensure an independent investigation of his complaints; and by requesting proposals from Mr Hayes, Mr Baldwin and Mr Huston to compensate him for their alleged offences against him.

25. Having received no reply, Mr Bell sent a reminder on 14 September 2007, in which he added a further grievance, namely that the withdrawal of his nomination amounted to a

detriment under the Employment Rights (Northern Ireland) Order 1996. No reply was received.

26. Mr Bell submitted a Notification of Complaint form to my Office on 17 December 2007. The form indicated that he had already lodged applications to the Fair Employment Tribunal and the Industrial Tribunal. As mentioned above, my hearing was postponed pending the outcome of the Tribunal proceedings and eventually took place on 17 June 2010.

The Relevant Statutory Provisions

27. The provisions of the 1995 Order which are relevant to this application are:

Right to apply to Certification Officer

90A. —

(1) A person who claims that there has been a breach or threatened breach of the rules of a trade union relating to any of the matters mentioned in paragraph (2) may apply to the Certification Officer for a declaration to that effect, subject to paragraphs (3) to (7).

(2) The matters are—

(b) disciplinary proceedings by the union (including expulsion);

(d) the constitution or proceedings of any executive committee or of any decision-making meeting;

(3) The applicant must be a member of the union, or have been one at the time of the alleged breach or threatened breach.

(8) The reference in paragraph (1) to the rules of a union includes references to the rules of any branch or section of the union.

(10) For the purposes of paragraph (2)(d) a committee is an executive committee if—

(a) it is a committee of the union concerned and has power to make executive decisions on behalf of the union or on behalf of a constituent body,

(b) it is a committee of a major constituent body and has power to make executive decisions on behalf of that body, or

(c) it is a sub-committee of a committee falling within sub-paragraph (a) or (b).

(11) For the purposes of paragraph (2)(d) a decision-making meeting is—

(a) a meeting of members of the union concerned (or the representatives of such members) which has power to make a decision on any matter which, under the rules of the union, is final as regards the union or which, under the rules of the union or a constituent body, is final as regards that body, or

(b) a meeting of members of a major constituent body (or the representatives of such members) which has power to make a decision on any matter which, under the rules of the union or the body, is final as regards that body.

(12) For the purposes of paragraphs (10) and (11), in relation to the trade union concerned—

(a) a constituent body is any body which forms part of the union, including a branch, group, section or region;

(b) a major constituent body is such a body which has more than 1,000 members.

Declarations and orders

90B. —

(1) The Certification Officer may refuse to accept an application under Article 90A unless he is satisfied that the applicant has taken all reasonable steps to resolve the claim by the use of any internal complaints procedure of the union.

(2) If he accepts an application under Article 90A the Certification Officer—

(a) shall make such enquiries as he thinks fit,

(b) shall give the applicant and the union an opportunity to be heard,

(c) shall ensure that, so far as is reasonably practicable, the application is determined within six months of being made,

(d) may make or refuse the declaration asked for, and

(e) shall, whether he makes or refuses the declaration, give reasons for his decision in writing.

The Relevant Union Rules (CWU Union Rules 2008)

28. The Union rules that are relevant to this application are:

Rule 2 Objectives

2.1.9. To affiliate to and participate in such organisations as Annual Conference or the NEC decide are in the interests of the members. NEC decisions shall be subject to ratification by the subsequent Annual Conference

Rule 4 Members Entitlements and Obligations

4.1. Members of the Union are entitled to:

4.1.5. stand for Union office in accordance with the Rules and Branch Constitution

Rule 10 Conferences

10.1 General

10.1.3. The procedures for promoting policy in the TUC, and the wider labour movement, and associated delegations will be the responsibility of the NEC.

10.2 Business of the General Conference

10.2.1. The business of the General Conference shall be to consider motions submitted by the NEC, Branches and Regional Committees and to receive a report from the Officers and the NEC.

10.10 Telecoms and Financial Services Conference

10.10.2. Business of T&FS Conferences

- (a) they shall consider motions submitted by the T&FS Executive and Branche;*
- (b) they shall be the supreme authority on those occupational and conditions of service issues relevant to each particular Conference and within the remit of the T&FSE;*
- (c) The T&FSE shall be responsible for allocating time to each session.*
- (d) the T&FSE shall carry out all instructions arising out of motions affecting pay and conditions carried at the T&FS Conference.*

10.13 Business of Postal Conference

10.13.1. The business of the Postal Industry or Sectional Conferences shall be to receive reports from the Postal Executive and the Postal Standing Orders Committee, to deal with motions submitted by the Postal Executive, Branches and Business Co-ordinating Committees.

10.13.2. The Postal Conferences shall be the supreme authority on the occupational and conditions of service issues, which are relevant to each particular Conference and which are within the remit of the Postal Executive. The Postal Conference shall not discuss items of common policy, which are proper to the General Conference.

10.13.3. The Postal Executive shall carry out all instructions of motions carried at Postal Conferences.

Rule 14 Discipline

14.1. General

14.1.2. A member shall be liable to disciplinary action in respect of the following:

- (a) Acting in breach of the Rules of the Union;*
- (b) Behaving in a manner contrary to the interests of the Union;*

- (c) *Failing to carry out lawful and reasonable instructions of a Branch, the NEC, Annual or Special Conference;*
- (d) *Being a member of a Union or association of employees, the interests of which conflict with those of the Union, or speaking or circulating literature on behalf of any such union or association.*

14.3. National Discipline Committee Powers and Procedures

14.3.1. All matters requiring consideration under this Rule shall be referred by the General Secretary to the NDC. Such matters may be referred by either a member or a Branch.

14.3.6. Following the full hearing of a complaint the NDC may exercise any one or more of the following powers:

- (a) censure the member concerned;*
- (b) fine the member such sum as the NDC shall consider fair and reasonable, having regard to the circumstances;*
- (c) suspend the member from membership or from all or any benefits of membership for such time as may be determined;*
- (d) remove the member from any office;*
- (e) disqualify the member from holding office for such period as the NDC may determine;*
- (f) impose a suspended sentence for so long as the NDC shall consider just and reasonable;*
- (g) expel the member from the Union.*

Summary of Submissions

29. Mr Bell's first complaint is that Rule 10.1.3 was breached by the fact that motion E1 was debated in the T&FS Conference, instead of in the General Conference. Rule 10 as a whole is headed "Conferences" and 10.1.3 is part of an introductory "General" section. It reads:

"The procedures for promoting policy in the TUC, and the wider labour movement, and associated delegations will be the responsibility of the NEC"

Mr Bell said that a decision to support another union in seeking recognition rights is a TUC (or in this case ICTU) and wider labour movement matter. The NEC was responsible for it under Rule 10.1.3; and the Annual Report of the NEC (Mr Bell supplied a copy of the 2006/07 Report) confirmed that it was so in practice also, since it showed the NEC taking responsibility for matters involving the TUC, ICTU and Union Network International. Matters that fell to the NEC were the business of the General Conference, and consequently to debate them in the T&FS Conference was a breach of rule 10.1.3. Mr Bell said also that motion E1 was proper to the General Conference on another ground; namely, that it had potentially major implications for members on the postal side of the CWU and should therefore not be debated, and potentially adopted as Union policy, in a forum in which those members were not represented. In addition, he questioned whether the motion was properly granted emergency status: he had learned that the T&FS Executive had been in discussions with CWU Ireland about support for months, without informing the Northern Ireland region, and would have had ample time to get it on the agenda before the closing date for ordinary motions.

30. On his second complaint, that the withdrawal of his nomination for election to ICTU's Executive Council constituted an act of discipline outside the Union's disciplinary rules (Rule 14), Mr Bell said that the Union accepted that Mr Hayes had withdrawn the nomination on his own authority, and that he ought to have sought the approval of the NEC and/or the Regional Committee. That is, it admitted a breach of rule. Mr Bell said that he had suffered a detriment by this action, in that he had lost the opportunity to hold office in ICTU and had been embarrassed and humiliated publicly, within the CWU and at ICTU. Yet no disciplinary charge had been brought against him, there had been no procedure in accordance with Rule 14 and no hearing at which he could put his case. He said that at the CWU Conference he had put forward, in democratic debate, the views which the Northern Ireland Clerical Branch had mandated him to put forward. These views were not, as the Union claimed, contrary to its policy, because there was no Union policy on BT and CWU Ireland at that time, and the T&FS Executive had not responded to the Clerical Branch's proposals that one should be developed. The withdrawal of the nomination was disciplinary in intent, a punishment for his actions at the Conference, and it had been taken without reference to the procedures laid down in Rule 14.

31. Mr Bell's third complaint is that Mr Hayes breached Rule 14.3.1 in that he failed to refer Mr Bell's grievance letter of 9 August 2007 to the National Disciplinary Committee. That letter contained allegations that Mr Huston, Mr Baldwin and Mr Hayes himself had breached the rules of the Union in withdrawing his nomination to ICTU, and breach of the rules is a disciplinary matter under Rule 14.1.2. Under Rule 14.3.1 "*All matters requiring consideration under this Rule shall be referred by the General Secretary to the NDC.*" Mr Hayes did not refer the matter to the NDC and by this omission breached Rule 14.3.1.

32. For the Union, Mr Baldwin said, in respect of the first complaint, that while it was right to say that the NEC is responsible for TUC, ICTU and international matters, nevertheless it was within the authority of the NEC to devolve powers in these areas to the two Industrial Executives. It would not do so if the issue at stake was obviously of critical importance for the Union, but the question of supporting another union's bid for recognition in BT Ireland was not of that magnitude. The T&FS Executive had judged that the subject of motion E1 was within its competence. Mr Baldwin said that the question as to whether a motion was on the agenda of the right conference was a matter not for the NEC, but for the Standing Orders Committee (SOC) of that Conference. A Conference SOC had an autonomy not granted to other bodies within the Union. This was because the democratic principle of the Union was that members in Conference should determine policy and, to ensure that this happened, it was necessary for Conference business to be governed by a body that was not part of the Union bureaucracy. In this case, the SOC of the T&FS Conference accepted motion E1 on to the agenda, reconsidered that decision when Mr Bell challenged it, and re-affirmed it; and the Conference then endorsed the decision. There were long-standing and well-understood procedures within the CWU about how motions get on to Conference agendas and how they can be challenged. These procedures were followed to the letter in this case and the decision was taken finally by Conference itself, in line with the democratic principle.

33. Mr Baldwin denied Mr Bell's claim that motion E1 had potentially major implications for the Postal Executive. He also rejected Mr Bell's questioning of the award of emergency status to the motion: the fact was that it had been brought forward too late for inclusion as an ordinary proposition, the SOC had accepted it as an emergency motion and it had then been subjected to the challenge procedures. If it had been withdrawn as Mr Bell wished, it could

not have been tabled elsewhere at Conference but would have had to be postponed until the following year.

34. On the second complaint, Mr Baldwin said that Union accepted that the withdrawal of Mr Bell's nomination could have been handled better. Mr Hayes could have sought the endorsement of the NEC and the Northern Ireland Regional Committee, but if he had, he would have done so after the event, not before. The rules of the Union did not cover every eventuality, Mr Baldwin said, but by custom and practice the General Secretary had wide-ranging powers. As General Secretary Mr Hayes had a role to protect the integrity and reputation of the Union, which he perceived would be undermined by Mr Bell promoting at ICTU views that were at variance with CWU policy. It was for that reason that he decided that Mr Bell's nomination must be withdrawn, not for any motive of "retribution" or punishment. The Northern Ireland Clerical Branch's policy, which Mr Bell strongly supported, was to recruit in the Republic of Ireland, in competition with CWU Ireland; but the CWU policy, which it had no plans to change, was not to recruit outside the UK, and to support CWU Ireland's bid for recognition in the Republic by BT Ireland. Mr Hayes acted to prevent damage to the Union from this situation.

35. Mr Baldwin said that the detriment that Mr Bell claimed to have suffered appeared to be hurt feelings arising from his embarrassment or humiliation over the events at the Conference and after. He had certainly not suffered any financial loss, or any loss of office – having never been elected to office in ICTU. Mr Baldwin queried whether hurt feelings had any remedy from the Certification Officer, or were not rather within the jurisdiction of the Industrial Tribunals.

36. As regards the third complaint, the Union accepted that Mr Hayes had not referred Mr Bell's letter of 9 August to the NDC under Rule 14. This was because, Mr Baldwin said, the letter did not invoke Rule 14. It was not intended to; it was clearly written with a view to supporting a grievance claim at an Industrial Tribunal, not with initiating disciplinary proceedings within the Union. Mr Bell began by saying he was raising a "formal grievance" and although the letter was long and detailed, it did not say, in terms, that he wished to charge anyone under Rule 14 with any particular disciplinary offence. The Union had a well-known prescribed procedure for invoking the disciplinary process and it was not sufficient for someone simply to write expressing unhappiness about some alleged action in breach of rule: he or she had to name the person(s) they wished to charge and state clearly which rules had been breached, and how. Moreover, the fact that, at the end of his letter, Mr Bell asked for proposals to compensate him undermined any claim that its purpose was to initiate disciplinary proceedings: for compensation is no part of the Union's disciplinary process, which has to do with penalising offenders and does not contemplate compensating those who bring the charges. Mr Baldwin pointed out also that the word "grievance" is not used in relation to discipline of members of the Union: the "grievance procedure" that the Union has is for its employees, not for members or representatives.

Conclusions

37. Complaint 1. Rule 10.1.3 is a rule about part of the duties or scope of the NEC. It therefore comes within my jurisdiction under Article 90A(2)(d) of the 1995 Order, which allows applicants to bring complaints about breaches of union rules relating to "*the constitution or proceedings of any executive committee or of any decision-making meeting.*"

38. Rule 10.1.3 states:

“The procedures for promoting policy in the TUC, and the wider labour movement, and associated delegations will be the responsibility of the NEC.”

The complaint is that the placing of a motion (E1) on the agenda of the Union’s T&FS Conference, rather than on that of its General Conference, constituted a breach of this rule. Motion E1 asked the T&FS Conference to instruct the T&FS Executive “*to provide all necessary support and assistance to CWU Ireland in its efforts to achieve recognition in BT in the Republic of Ireland*”, and “*to monitor BT’s response to trade union recognition in [other] countries... through UNI...*”

39. Mr Bell’s argument is that (i) motion E1 was about wider union movement matters which are the business of the NEC under Rule 10.1.3; (ii) matters which are the business of the NEC must go before General Conference; and (iii) motion E1 went before the T&FS Conference instead, which was a breach of Rule 10.1.3.

40. Step (ii) of this argument is not to be found in the Rules of the Union. Rule 10.2 says that the business of the General Conference “*shall be to consider motions submitted by the NEC, Branches and Regional Committees and to receive a report from the Officers and the NEC*”. However, Rules 10.10.2 and 10.13 limit the T&FS Conference and the Postal Conference respectively to matters within the remit of the T&FS Executive and the Postal Executive, and it would seem to follow, by analogy, that matters that are the responsibility of the NEC would go to the General Conference. At the hearing, the Union did not challenge Mr Bell on this point, and I conclude that such matters normally go to the General Conference.

41. There remains nevertheless something unsatisfactory about the argument. It holds that a rule which gives certain responsibilities to one body (the NEC) was breached because another body (the T&FS Conference) debated a motion that involved those responsibilities; and that the rule would have been upheld if the General Conference had debated the motion instead. If this *is* a breach of the rule, it is not a very straightforward one. If there were a rule which gave General Conference (or better, *only* General Conference) the responsibility to debate motions on certain topics, then it would be easy to see that if General Conference failed to debate one of those topics and the T&SF or Postal Conference did so instead, there could be a breach of that rule. That rule would be about the responsibilities of General Conference, and what the breach was supposed to consist in would be clear. Rule 10.1.3 is a rule about the responsibilities of the NEC and would most obviously be breached by the NEC failing to fulfil those responsibilities on some occasion when it ought to, or by some other body fulfilling them instead without the NEC’s permission. I see no other way, in general, in which such a rule can be directly breached. But Complaint 1 is not that Rule 10.1.3 was breached in either of these ways, but by the T&FS Conference exercising a responsibility that belonged to the General Conference. The claim must be therefore that the Rule was breached, so to speak, indirectly - that because NEC responsibilities are meant to be debated at General Conference and motion E1 dealt with NEC responsibilities conferred by Rule 10.1.3, debating E1 at the T&FS Conference breached that Rule. I find this link complicated and obscure, and in my judgment the argument does not show that it was a breach of rule 10.1.3 for the T&FS Conference to debate motion E1. I accept that if motion E1 were passed by the T&FS Conference, the T&FS Executive would be given responsibilities (for some wider labour movement issues) which Rule 10.1.3 reserves to the NEC. If it proceeded

to exercise these without the leave of the NEC, there would at that point be a prima facie breach of the Rule. But that consideration does not seem to me to affect the question I am asked to answer, namely whether Rule 10.1.3 was breached by motion E1 being debated by the T&FS Conference.

42. The Union did not challenge Complaint 1 in the above terms in its written or oral submissions. It did, however, state that the NEC had power to devolve responsibilities to the Industrial Executives. Mr Bell did not challenge this statement. Under Rule 8.1 the NEC has wide-ranging powers to manage and control the Union, which would presumably include a power to devolve some of its responsibilities, at least for specific purposes or within limits. The Union (reasonably, it seems to me) rejected Mr Bell's claim that motion E1 affected the postal members of CWU, implying that it was a concern to the T&FS Executive only and might therefore be left to it by the NEC. It was not clear from the Union's evidence at the hearing whether it was saying that there had been a formal devolution by the NEC in respect of the subject matter of motion E1 specifically, though it was indicated that the NEC and the Union's President were content with the motion. A matter that becomes a T&FS Executive matter through being devolved is clearly appropriate to be debated at the T&FS Conference. Motion E1 was admitted to the agenda by the Standing Orders Committee of the T&FS Conference and survived Mr Bell's challenges, when the Chairman, after consulting outside the T&FS constituency, ruled that it was in order, when Conference voted that the Chairman's ruling was correct, and finally, when Conference rejected the proposal to move to "next business", which would effectively have blocked the motion. As the Union pointed out, all the procedures laid down in the Rules and standing Orders were observed, and Conference expressed its will.

43. Mr Bell produced evidence that, in May 2009, he made a challenge to another motion that was placed on the T&FS Conference agenda. This motion, put down by the Northern Ireland Engineering constituency, instructed the T&FS Executive to arrange meetings about BT Ireland with CWU Ireland and to promote and develop practical working relationships between the two unions. Mr Bell challenged it on the grounds that under Rule 10.1.3 its subject matter was NEC business and therefore appropriate to the General Conference; and on this occasion the T&SF SOC upheld his challenge, without giving reasons. This certainly shows that the 2009 SOC made a different decision from the 2007 SOC and Conference on a substantively identical challenge. It strongly suggests that the Union needs urgently to clarify the question of where the dividing line falls between what is appropriate to General Conference and what to the Industrial Executive Conferences. However, it is not for me to decide which of these decisions was the "right" one. Both the SOC and the Conference are decision-making meetings of the Union in terms of Article 90A(2)(d) of the 1995 Order, but that Article only entitles me to consider the process by which such meetings reach decisions, not the content of the decisions. Both these decisions were properly made, in a procedural sense. In any case, I have already concluded that Rule 10.1.3 is not breached by having a motion on NEC responsibilities debated at T&FS Conference.

44. Mr Bell made a secondary argument questioning the emergency status of motion E1, because the T&FS Executive had been discussing support for CWU Ireland for months before the Conference and had time to put the motion down as an ordinary motion. Again, the content of the SOC's decision in awarding this status is not a matter for me, but, from a procedural point of view, I note that the SOC accepted the motion by a notice dated 24 May 2007, which indicates that it was submitted on 23 May or earlier and so conformed to

Standing Order 6a, which stated that emergency motions must be submitted by 22 May or, if circumstances made that impossible, as soon as possible thereafter.

For the reasons given above, I refuse to make the declaration sought, that Emergency Motion 1 was admitted for debate to the 2007 T&FS Conference agenda in breach of Rule 10.1.3.

45. Complaint 2. This complaint is that Mr Hayes's action in withdrawing Mr Bell's nomination as a CWU candidate for election to the ICTU Executive Council was an act of discipline on Mr Hayes's part, in breach of Rule 14 (Discipline) of the Union. It invokes Article 90A(2)(b) of the 1995 Order, which provides for complaints about alleged breaches of rules relating to disciplinary proceedings by unions. Mr Bell complains that Mr Hayes took the action he did without recourse to the procedures laid down in Rule 14 and that this action caused him a significant detriment, in that he suffered embarrassment and humiliation and was deprived of the opportunity to stand for union office (in ICTU).

46. The Union did not dispute that the disciplinary procedures of Rule 14 were not followed, but said that this was because the withdrawal of Mr Bell's nomination was not an act of discipline. There was no intention to impose penalties on Mr Bell for anything he had done at Conference; the intention was to prevent him from doing damage in future to the reputation of the Union, by advocating within ICTU a policy that was in conflict with the Union's policy. The Union accepted that it would have been better procedurally if Mr Hayes had sought the endorsement of the NEC or the Northern Ireland Regional Committee, but said that the nomination would have been withdrawn in any case.

47. There are three situations which fall within the scope of Article 90A(2)(b) of the 1995 Order. These, which are established in decisions by the UK Employment Appeal Tribunal (*Gallagher v UNISON* [UKEAT/0280/05/MAA]) and the Great Britain Certification Officer (*Corrigan v GMB* (No 2) [D/35-36/07]), are:

(a) Where a union purported to discipline a member, but did not observe its rules in terms of procedural safeguards and/or the range of permissible sanctions.

(b) Where a union in effect disciplined a member – by imposing a disciplinary sanction within its rules – but without purporting to invoke its rules concerning discipline at all.

(c) Where a union subjected a member to a significant detriment by depriving him/her of a significant entitlement under its rules (albeit not a disciplinary penalty within its rules) for a deliberately disciplinary purpose.

48. (a) is a situation where a union initiates its formal disciplinary procedures but fails to apply them correctly. It does not fit the present case, where it is common ground that Rule 14 procedures were not initiated.

49. (b) is a situation where a union does not apply its disciplinary procedures at all, but nevertheless imposes a disciplinary penalty mentioned in its rules. The penalties listed in Rule 14.3.6 are censure, fine, suspension from membership or membership benefits for a period, removal from any office, disqualification from holding office for a period, a suspended sentence, and expulsion. None of these was imposed on Mr Bell. It might be argued that the withdrawal of his nomination was the equivalent of removing him from office in ICTU, and this is given some plausibility by Mr Bell's claim that he would inevitably have been elected to the Executive Council, because there were 30 places and 30 candidates. I consider this claim to be mistaken, since had Mr Bell remained on the list there would have

been 31 candidates at the time of the election. (At the outset there were 32 candidates. Two, including Mr Bell, were withdrawn. The remaining candidates were appointed without election.) But in any case, being prevented from standing for office is not the same as being removed from an office held, and moreover, the “office” referred to in Rule 14.3.6 in my view is most naturally taken to mean “office in the CWU”, not any office whatsoever. I conclude that the present case is not an example of situation (b).

50. Situation (c) requires three conditions to be satisfied; the union must impose a significant detriment on a member by depriving him a significant entitlement under its rules; the detriment must be something that is not mentioned as a disciplinary penalty in the union’s rules; and it must be imposed with the intention of disciplining the member. The entitlements of members are set out in Rule 4.1 and include, at 4.1.5, “*to stand for Union office in accordance with the Rules and Branch Constitution*”. The Rulebook writes the word “Union” with an initial capital when it means “the CWU” and with a small letter when it means any other union, as in Rule 14.2(d), which states that a member is liable to disciplinary action for

“Being a member of a union or association of employees, the interests of which conflict with those of the Union, or speaking or circulating literature on behalf of any such union or association”.

A member’s entitlement to stand for office therefore appears to be restricted to office in the CWU. In that case, withdrawing Mr Bell’s nomination for election to ICTU would not deprive him of an entitlement under the rules, and situation (c) would not apply.

51. If I am wrong about that, I have to consider whether Mr Bell suffered a significant detriment, consisting in the loss of the opportunity to become a member of ICTU’s Executive Council and the embarrassment or humiliation this caused him within the union and the labour movement in Northern Ireland, and at the ICTU Conference. Being a member of the Executive Council of ICTU confers a certain prestige on trade unionists and the loss of the opportunity may reasonably be considered a significant detriment; and in *NALGO v Killorn & Simm* (1990 IRLR 464) the Employment Appeal Tribunal found that taking an action against a member with the intention of causing him embarrassment could be described as subjecting him to detriment.

52. This brings me to the remaining condition for situation (c) - that the action that causes detriment must be done with disciplinary intent. If there is no disciplinary intent, the action is not disciplinary (see *Gallagher*, cited above). For Mr Bell’s claim to succeed, therefore, he has to show that the Union’s withdrawal of his nomination was done with the intention of disciplining him. The evidence he offers is that it was part of a wider pattern of bullying and harassment against him and that Mr Huston told him that the withdrawal was “retribution” for his activities at Conference. I find the evidence for a wider pattern of bullying (e.g. lack of public recognition from Mr Hayes for organising a successful event, Mr Baldwin’s reduction of an expenses claim, not being invited to a prestigious social event) less than compelling. As regards Mr Huston’s alleged statement about retribution, the Union denies that he made it. It would not have been unnatural, however, for Mr Bell to suspect that the motive for the withdrawal was to punish him, since it does appear that his interventions caused visible annoyance to senior officials of the Union, and Mr Hayes’s action followed swiftly after those interventions. The Union’s contention, on the other hand, is that Mr Hayes’s motive was to protect the Union: Mr Bell’s views were clearly at odds with the Union’s policies on

CWU Ireland and recruitment in the Republic of Ireland, and the integrity and reputation of the Union would be at risk if he were given a platform within ICTU to push those views. This seems not an unreasonable fear, since mixed messages about the Union's views on these issues would risk causing harm to its standing generally and its relations with CWU in particular. Although I accept that the withdrawal of his nomination subjected Mr Bell to detriment (the significant part of which was, in my view, the loss of a good, though not certain, prospect of becoming a member of ICTU's Executive Council), the evidence available is not such that I can conclude with reasonable probability that its motivation was a desire to discipline him. I find therefore that it was not an intentional penalty imposed by the Union for a deliberately disciplinary purpose.

53. Consequently, I refuse to make the declaration sought, that the withdrawal of Mr Bell's nomination was a disciplinary sanction imposed in breach of Rule 14.

54. Complaint 3. Although this complaint mentions only Rule 4.1.5 (which entitles members to stand for Union office), Mr Bell indicated and the Union accepted, that it was in fact a complaint about breach of Rule 14.3.1, which states

“All matters requiring consideration under this Rule [i.e. Rule 14 “Discipline”] shall be referred by the General Secretary to the NDC [National Discipline Committee]. Such matters may be referred by either a member or a Branch”

By Complaint 3, then, Mr Bell is alleging that Mr Hayes breached Rule 14.3.1 by not referring his letter of 9 August 2007 to the NDC, though it was clearly contained disciplinary complaints against Mr Hayes himself, Mr Baldwin and Mr Huston over their roles in withdrawing his ICTU nomination. It was clear from Mr Bell's correspondence with my Office (which cited Rule 14.3.1 and was copied to the Union) that this was the substance of the complaint, despite the somewhat confusing wording.

55. The Union accepted that Mr Bell's letter was not referred to the NDC. But it said that the reason for this was that the letter was not in fact a complaint made under the Union's internal complaints procedure, but a grievance letter written to support claims in the Industrial Tribunals and/or the Fair Employment Tribunal, which would not accept a claim unless the claimant had first raised a grievance in writing under the Statutory Grievance Procedure for dispute resolution. It is true that the letter begins *“I am writing to raise a formal grievance...”* and *“grievance”* is used again in this letter and Mr Bell's reminder letter, whereas the Union's published disciplinary procedure, as Mr Baldwin pointed out, speaks of a disciplinary *“charge”*. I accept that this could have misled the recipient as to the nature of the letter, if it was intended as a disciplinary complaint. It is true also that the letter does not say, in terms, what the Union argued a letter of complaint under the procedure ought to say, namely, *“I charge member A with breaching Rule X by (some act or omission)...”*, though in my view union members might make a disciplinary complaint in much less precise terms than these and still rightly expect it to be admitted as valid under the procedure. The letter ends by requesting *“proposals from the individuals concerned to compensate me for robbing me of my dignity...”*, and I agree with the Union that this would be out of place in a letter that is meant to invoke disciplinary procedures, which are about penalising offenders, not compensating complainants.

56. The letter is quite a complex one. Over half of it is devoted to setting out in detail Mr Bell's account of the happenings at the Conference, the rest to articulating his grievances

about these happenings and citing legislation, union rules, documents and policies. The grievances are described in a variety of ways – discrimination on account of race and political or religious belief, victimisation, creation of a hostile environment, bullying and harassment, unjust discipline, detriment, human rights. This language, certainly when the Fair Employment and Treatment, Race Relations, and Employment Rights legislation is cited alongside it, does appear more appropriate to the context of legal action in the Tribunals than of internal union disciplinary procedures. It seems to me that it would not be altogether surprising if Mr Hayes read it in that way and treated it accordingly. The fact too that Mr Huston, after discussions with Mr Bell about the instruction to withdraw the nomination, sought legal advice on what he should do, perhaps suggests that Mr Bell spoke to him in terms of legal action, as opposed to union discipline. And of course Mr Bell did actually make applications to the Industrial and Fair Employment Tribunals about his grievances.

57. On the other hand, Mr Bell's letter also makes frequent references to the withdrawal of his nomination as being "in breach of the rules of the CWU", "contrary to the rules", "outwith the rules", in blatant disregard of the rules". It asks what steps Mr Hayes will take to remedy the breach of rules. In one paragraph it lists 11 rules of the Union which Mr Bell believes to have been breached in connection with the Conference and the withdrawal; and it mentions Article 90A (Breach of Rules) of the 1995 Order. Since the breach of any of the rules of the Union is listed in Rule 14.2 as a disciplinary matter, it may seem that these references should have alerted Mr Hayes to at least the possibility that the letter was intended (as well, perhaps, as presaging a Tribunal application) to trigger the Union's disciplinary proceedings against himself, Mr Baldwin and Mr Huston. Also, Mr Bell's request at the end of the letter to Mr Hayes to ensure an independent investigation of his complaints suggests that he had in mind an internal union process; the bye-laws of the NDC (A3(f)) provide for it to initiate investigations. It might then be argued that Mr Hayes should have either, on the precautionary principle, just treated the letter straightaway as a disciplinary complaint and referred it to the NDC, or else sought clarification from Mr Bell before taking any further action. Mr Hayes of course did neither, but simply left the letter, and the reminder that followed, unanswered. Mr Bell said that that was equivalent to acting as judge in his own cause, since he was effectively dismissing a complaint against himself by not referring it to the NDC.

58. Because of these contradictory, or at least contrary, elements in the letter of 9 August 2009, I have not found it easy to reach a view as to its nature and purpose. In the end, however, I am not satisfied that Mr Bell intended it to be referred to the NDC and so initiate disciplinary action under Rule 14, or that Mr Hayes could necessarily have been expected to see it as such. The words "discipline" and "disciplinary" each appear once in the letter, where they refer to the discipline that Mr Bell claimed to have suffered, not any discipline he was invoking against Mr Hayes, Mr Baldwin and Mr Huston. The NDC is not mentioned and though Rule 14 is cited, this is only as one in the list of 11 rules of the Union that Mr Bell claimed were breached, not as a rule being invoked against Mr Hayes. Mr Bell had another chance to make clear to Mr Hayes that this was a Rule 14/NDC matter when he wrote his reminder letter some five weeks later, but did not do so, though he did mention a further possible grievance under employment rights legislation. In the 9 August letter, Mr Bell raised complaints which he associated with breaches of the statute law – e.g. discrimination on grounds of race or religious/political belief. The reader of the letter would be very likely, in my view, to take from this that Mr Bell was intending or threatening to have these complaints dealt with under the statute law in the Courts or Tribunals. If he were intending to have them dealt with by the Union's disciplinary body there would be little point in citing the

statute law, which is not the business of union disciplinary bodies to administer. I find that, despite some counter-indications as mentioned above, on the balance of probabilities Mr Bell did not intend his letter of 9 August 2007 to initiate the Union's Rule 14 disciplinary procedures and that it was reasonable for Mr Hayes to conclude that he did not intend it to do so.

59. I therefore find that Mr Hayes did not breach Rule 14.3.1 by not referring the letter to the NDC, and I refuse to make the declaration sought. Mr Bell's allegation that Mr Hayes breached natural justice by acting as judge in his own cause also fails as a consequence.

60. Mr Bell submitted for inclusion in the bundle five cases which he considered relevant to his complaints. At the hearing he referred me to only one of these, which concerned the principle of natural justice mentioned just above (*Roebuck v NUM (Yorkshire Area)* 1976 [Harvey Vol.6 10432]). One other (*NALGO v Killorn & Simm* [1990 IRLR 464]) I have referred to in dealing with Complaint 2, on the issue of detriment. The remainder (*Wise v USDAW* [1996 IRLR 609], *Radford v NATSOPA* [1972 ICR 482] and *Santer v National Graphical Association* [1973 ICR 60]) I have examined, but have found that they did not offer me particular help in considering the complaints before me.

Observation

Rule 10.1.3, on which Mr Bell's first complaint was based, seems to me somewhat peculiar. It is a rule that confers powers on the NEC, yet it is found in the introductory section of a rule about Conferences. The preceding rule, 10.1.2, lays down Annual Conference's role as the supreme authority in the Union, and the NEC's subordinate role in carrying out Conference's instructions. Then comes 10.1.3, which states that certain things (procedures for promoting policy in the TUC and wider labour movement etc) are the responsibility of the NEC. In the context, this could quite well be understood as intending to mark these matters out as *not* for Annual Conference, but for the NEC alone. Since the rule is about *procedures for promoting* policy – i.e. the practicalities of promotion, the policy itself having been decided by Conference – it would seem not unreasonable to interpret it in that way. Under that interpretation Mr Bell's first complaint would not be tenable. We have seen that two different Standing Order Committees of the T&FS Conference have responded in opposite ways to Mr Bell's claims based on Rule 10.1.3, and I would suggest it would be advisable for the Union to consider how it might clarify the matter.

Roy Gamble
Certification Officer for Northern Ireland