

2018-2019 Annual Report

of the Certification Officer for Northern Ireland

(Covering Period 1 April 2018 to 31 March 2019).

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**CERTIFICATION OFFICER FOR NORTHERN IRELAND
ANNUAL REPORT FOR THE YEAR ENDED 31 MARCH 2019**

Laid before the Northern Ireland Assembly under paragraph 69(7) of the Industrial Relations (Northern Ireland) Order 1992 by the Department for the Economy

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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 her activities during that year to the Department for the Economy. I have pleasure in submitting my report for the period 1 April 2018 to 31 March 2019.



Sarah Havlin LLB
Certification Officer for Northern Ireland

January 2020

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Sarah Havlin LLB
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INTRODUCTION

This is the twenty seventh 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 2018 to 31 March 2019.

The statutory functions of the Certification Officer are contained in the Industrial Relations (Northern Ireland) Order 1992 as amended, The Employment Rights (Northern Ireland) Order 1996 as amended, and 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 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 her 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. The Certification Officer must give the party against whom a striking out order is to be made an opportunity to show why it should not be made.

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 the 1996 Order -

Article 67F - receiving information from employees/workers of trade unions or employers' associations about fraud or other irregularities relating to the financial affairs of these organisations.

Developments during this reporting period

During this reporting period, the total number of trade union members in Northern Ireland was 238,094, a decrease of 2,000 from the last reporting period.

During the reporting year the Office received six complaints relating to breach of union rules made by trade union members one of which was determined. Details of this case can be found in Chapter 8. Five remaining complaints from this reporting period remain in process by the Office at 31 March 2019.

In Great Britain the remaining provisions of the Trade Union Act 2016, which give the GB Certification Officer the power to investigate and determine breaches of statutory provisions without receiving a complaint from a trade union member and enable her to impose financial penalties, have not yet been

implemented. Nor have those, which require trade unions and employers' associations to pay a levy as a contribution to the costs of her office.

The continued suspension of devolved government, because of the collapse of the Northern Ireland Executive in January 2017, has meant there have been no further discussions regarding the introduction of equivalent legislation to the Trade Union Act 2016 in Northern Ireland.

The Office completed a comprehensive review of the confidential data it held as a public authority in anticipation of the introduction of the General Data Protection Regulation ([EU 2016/679](#)) (GDPR) on 25 May 2018.

No requests were received under the Freedom of Information Act 2000 during the period covered by this report.

During the 2018-19 reporting period, the work programme of the Office included:

- processing annual returns from trade unions and employers' associations in a timely and process driven timeframe;
- ensuring compliance of all trade unions and employers' associations with the requirements of the legislation pursuant to submission of annual returns;
- processing complaints;
- ensuring compliance with legislation regarding reporting of trade union finances, trade union political fund issues, independence, mergers and other statutory obligations,
- ensuring compliance with legislation regarding reporting of employers' associations finances and other statutory obligations, and
- Business support administration, governance and corporate financial management.

Work continued on the organisational IT strategy. Development work on a dedicated electronic case management record system (CMRS) is scheduled to go live by 31 March 2020.

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. I am however an independent statutory office holder, independent of both the LRA and its sponsor, the Department for the Economy, 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. I would refer to the Annual Report of the Labour Relations Agency for the year ended 31 March 2019 and to the Accounts of the Labour Relations Agency and the Certification Officer for Northern Ireland, which are contained therein. These are the audited accounts for this Office¹.

¹ Available from https://www.lra.org.uk/images/publications/Annual_Report_2018-2019.pdf

At 31 March 2019, the Northern Ireland Certification Office had a staff complement of four. Mrs Suzanne Hamilton (Staff Officer) joined us on 30th January 2019 as an Assistant to the Certification Officer. The remaining staff comprised of 1 Executive Officer Grade I, and 2 Executive Officers Grade II during the period covered by this report.

Equality

The Certification Office staff are seconded officers of the Labour Relations Agency (LRA). They are subject to all LRA policies, procedures and terms and conditions of employment. 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).

Advice and Contacts for Information

The Office receives many enquiries and requests for clarification and guidance from trade unions, employers’ associations, their members, private sector organisations and the 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 impartially in the light of the facts of the case and the representations made by the parties concerned. My staff and I do not give 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) and free of charge on request from the Office. Requests for the booklets and for further information on any aspect of the Certification Officer’s duties should be made to the Certification Office, 10-16 Gordon Street, Belfast BT1 2LG, telephone: 028 9023 7773, e-mail: info@nicertoffice.org.uk.

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 available upon request by emailing info@nicertoffice.org.uk. During the period of this report no expenses were paid. Assistance with legal costs for complainants is not available.

All of our forms listed in Appendix 10 can be accessed in the 'Documents' 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.

A handwritten signature in black ink, appearing to read 'Sarah Havlin', with a stylized flourish at the end.

Sarah Havlin LLB
Certification Officer for Northern

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 1.17 and 1.18 below), she 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 hers 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 enjoyed by trade unions and by 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 (Trade Unions) and CO (NI) 2 for Employers Associations and be accompanied by the statutory fee (Appendix 9). The form can be obtained on request from the Certification Office, or downloaded from the Office website www.nicertoffice.org.uk.
- 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, she 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 she is satisfied that it no longer exists or if the organisation requests that she should do so.
- 1.9 There were no removals from the list of Northern Ireland trade unions in 2018-19. No Republic of Ireland Trade Union with Northern Ireland members was removed from the list in 2018-2019.

Additions to the lists

- 1.10 There were no additions to the Northern Ireland lists during the period of this report.

Special Register bodies

- 1.11 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.

1.12 Subsequent legislation (The Trade Union and 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 that are removed from the special register for any reason are not subsequently allowed to re-enter it.

1.13 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 & Laboratory Medicine,
- British Association of Occupational Therapists Ltd,
- British Dental Association,
- British Dietetic Association,
- British Medical Association,
- Chartered Society of Physiotherapy,
- College of Podiatry, The
- Headmasters and Headmistresses' Conference
- Royal College of Midwives,
- Royal College of Nursing of the United Kingdom,
- Society of Authors,
- Society of Radiographers

There are no Northern Ireland headquartered special register bodies.

Changes of name

1.14 Article 88 of the 1995 Order stipulates that the Certification Officer must approve a change of name of a listed trade union or employers' association before it can take effect (see Appendix 9 for the statutory fee).

1.15 During the reporting period two Trade Unions (with Northern Ireland members) applied to the GB Certification Officer to change their names:

	Effective Date
From: Society of Chiropractors and Podiatrists'	13.08.18
To: The College of Podiatry	
From: Retained Firefighters Union	09.05.18
To: Fire and Rescue Services Association	

Unlisted organisations

1.16 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). ICTU is the only unlisted trade union in Northern Ireland of which the Office is aware. It operates through its Northern Office: Irish Congress of Trade Unions (the Northern Ireland Committee).

Definitions of a trade union and an employers' association

1.17 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.

1.18 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.*

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 an 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 she must take into account relevant information submitted by any person. She is required to give her reasons if she 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 her 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 lists. 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 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*',² which is available on request from the Office and is published on the website www.nicertoffice.org.uk. The Certification Officer reaches her decision strictly on the basis of the statutory definition, having regard to the criteria as a whole. Other considerations, such as 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 During the period of this report no certificates of independence were issued and none were refused. No certificate of independence was cancelled because the union concerned ceased to exist.

² Available from <https://www.nicertoffice.org.uk/documents/guidance-trade-unions-wishing-apply-certificate-independence>

Great Britain Certification Officer decisions on trade unions with Northern Ireland members

2.10 No certificates of independence were issued to any Great Britain based trade unions with Northern Ireland members by the Great Britain Certification Officer during the period.

One certificate of independence was cancelled because the union concerned ceased to exist as the result of a Transfer of Engagements. The cancelled certificate was:

- The National Association of Co-operative Officials, which ceased to exist on 1 May 2018 as a result of a transfer of engagements to the Union of Shop Distributive and Allied Workers.

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 – see paragraphs 1.17 and 1.18 above), 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, with 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. Organisations consisting wholly or mainly of representatives of constituent or affiliated organisations are exempt from this duty. 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 2019, four 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 required to be submitted before 1 June of the following year. However, the Certification Officer may, if she considers it appropriate in any particular case, direct that the return is to cover a 12-month period other than the calendar year, and may specify a date other than 1 June before which a return must be sent to her. This is usually done if the normal period or date would cause serious inconvenience to the organisation concerned.

- 3.4 The returns must cover 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 she 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 it covers, 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 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 None of the returns received in this reporting year contained a qualified opinion by the auditors.
- 3.7 In order to avoid the duplication of broadly similar financial statements, the Certification Officer allows a special register body (paragraphs 1.11 – 1.13) or an employers' association incorporated under the Companies (Northern Ireland) Order 1986 to submit with its return a copy of its accounts prepared under the Companies Order, 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.

3.8 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.

Late submission of annual returns

3.9 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 117 annual returns from trade unions and employers' associations. All of these returns were submitted on time. 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.

Prosecutions

3.10 There were no prosecutions during the period of this report for failure to submit a return.

Authorised Northern Ireland resident

3.11 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.

3.12 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

3.13 Copies of Annual Returns and rules of trade unions and employers' associations with Northern Ireland members are available for public inspection at the Northern Ireland Certification Office. Financial information and rule books are retained for specific time frames in compliance with the requirements of legislation/regulation and/or in accordance with mandatory, statutory or recommended periods under guidance from the Public Record Office for Northern Ireland (PRONI).

Statement to members of a trade union

3.14 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.

3.15 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(6) 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 the Economy) 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."

3.16 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" (Article 11A(2)).

3.17 Trade unions have readily complied in the main, 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

3.18 Under the 1992 Order (Articles 12A to 12E) the Certification Officer has power to investigate the financial affairs of trade unions and employers' associations. She may, if she 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, she may appoint inspectors to investigate the organisation's financial affairs and to report to her on them. Under Article 12B(2) she 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 her powers to give a direction and/or appoint an inspector.

3.19 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.

3.20 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.

3.21 No enquiries into the financial affairs of an employers' association were in progress during this reporting period. The Certification Officer did not have occasion to use her powers to require any trade union or employers' association to produce documents during the reporting period.

3.22 During the reporting years 2016-17, 17-18, and 18-19, there were a number of enquiries in progress by the Great Britain Certification Officer concerning allegations of financial irregularity in a Great Britain-based trade union with members in Northern Ireland. For details please refer to: <https://www.gov.uk/government/publications/annual-report-of-the-certification-officer-2018-2019>.

Access to accounting records

3.23 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.

3.24 On application to her, the Certification Officer is required to make such enquires as she 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.

3.25 Where the Certification Officer is satisfied that the claim is well-founded she is required to make such an order as she 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 she may require.

An order made by the Certification Officer may be enforced in the same way as an order of the High Court.

3.26 Where the Certification Officer requests a person to furnish information in connection with enquiries made by her under Article 37, she must specify the date by which she is to receive the information and may proceed to determine the application if the information has not been provided by that date.

3.27 No applications concerning access to accounting records were received in the period of this report.

3.28 The Great Britain Certification Officer concluded one complaint, carried over from the previous reporting period 2017-18, in respect of a Great Britain based union with members in Northern Ireland:

Ali v RMT (D/40/18-19) the application was dismissed upon withdrawal by Mr Ali on 21 January 2019.

3.29 A further complaint against Unite the Union, which was carried over from the previous reporting period, was put to the union and resulted in the applicant being given access to the requested records. The complaint was subsequently withdrawn without the need for a formal decision by the Certification Officer.

3.30 Copies of all decisions of the Certification Officer for GB are available on the Certification Officer's website: www.gov.uk/certificationofficer.

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 2018. It also describes the Certification Officer's jurisdiction to determine complaints about the maintenance of trade unions' membership registers.

Information from 2018 returns

4.1 Appendices 1-7 give information derived from annual returns of trade unions and employers' associations submitted to the Certification Office. That information and the following comments in this chapter relate to organisations whose financial year ended on 31 December 2018, 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, she is required, unless she 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 since 2011 is outlined in Figure 1 as at 31 December 2018. The total number of Northern Ireland members of GB, NI, and ROI trade unions can be found at Figure 2; Appendix 11.

Figure 1

Total Northern Ireland Trade Union Membership 2011 - 2018								
Year	2011	2012	2013	2014	2015	2016	2017	2018
Membership	237,971	243,235	243,233	241,875	240,811	242,988	240,054	238,094

- 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 2018, the total income of Northern Ireland-based trade unions was £4.75 million, total expenditure was £4.3 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 reporting period 2018-19. This shows a total of 47,592 members of Northern Ireland unions providing an annual contribution of £4.75 million; while there were 11,507 Northern Ireland members of Republic of Ireland unions providing an annual contribution of €1.9 million. In 2018, the total income of the Republic of Ireland unions was €51.4 million, total expenditure was €52.2 million.
- 4.12 Financial and membership details of 41 Great Britain unions with 100 or more Northern Ireland members are given in Appendix 2. In 2018-19, 178,038 Northern Ireland members of these unions contributed £23.4 million.
- 4.13 Membership details of a further 33 Great Britain based trade unions with under 100 Northern Ireland members are listed in Appendix 3. This records a total of 957 Northern Ireland members contributing £161,050.

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. Details of the membership figures for NI and GB based Employers' Associations can be found at Figure 3; Appendix 11.
- 4.15 A summary of statistics on the membership and finances of nine Northern Ireland employers' associations for 2018-19 is given in Appendix 4. These figures include both general funds and, where applicable, funds maintained for specific purposes. In 2018-19 the total income of these organisations was £7.5 million, expenditure was £7.4 million and Northern Ireland contributions was £3.7 million.
- 4.16 Details of 25 Great Britain employers' associations with Northern Ireland members are given in Appendix 5. In 2018-19, these organisations received contributions amounting to £1.5 million from their Northern Ireland members, total income £78.3 million and total expenditure £80.6 million.

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' association³ 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 she may specify. The Certification Officer also has power to exempt a members' 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.

³ In practice, the requirements affect trade unions only; the Office is not aware of any schemes maintained by employers' associations

Schemes maintained – Great Britain

5.4 Three Great Britain based trade unions, which have Northern Ireland members, maintained members' superannuation schemes at 31 March 2019:

GMB (BMS Section Members' Superannuation Fund)

National Union of Rail Maritime and Transport Workers (Orphan Fund)

Unite the Union: *(6 schemes listed below)*

AEEU Section Superannuation Scheme

British Aerospace Senior Staff Association Superannuation Fund

Litho Printers' Section Superannuation Fund

Plate Preparers Section Superannuation Fund*

MSF Section Craft Members (formally known as Sheet Metal Workers) Superannuation Fund*

TGWU Members/National Vehicle Builders Union Members Superannuation Scheme*

**** Denotes schemes exempt from the need for actuarial examination.***

These three schemes are reported on within Unite the Union's annual return each year.

5.5 No Great Britain-based employers' association operated a members' superannuation scheme.

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 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 postal⁴ 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).

⁴ The 1995 Order 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.

- 6.5 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, she must make a declaration to that effect, and she may make an order specifying the steps which must be taken before she 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.
- 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.

Information on procedures

- 6.9 Certification Office staff will offer information 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, and are available on the website www.nicertoffice.org.uk.

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 During this reporting period, there was one registered transfer of engagements involving a Great Britain-based union with Northern Ireland members. This was:

- The National Association of Co-operative Officials, which ceased to exist on 1 May 2018, as the result of a transfer of engagements to the Union of Shop Distributive and Allied Workers. Full details have been given in paragraph 2.10 of this report.

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 ballot of the members has passed a resolution adopting the political objects. 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 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 ballot⁵ 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. The Certification Officer must approve these 'political fund rules'.
- 7.2 Trade unions and employers' associations are required to renew periodically 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 Members of trade unions and employers' associations 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 known colloquially as 'contracting-in'.

⁵ See footnote to Chapter 6.

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. The Certification Officer must approve these rules.

- 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 and 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 the 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 concerned, Services, Industrial, Professional and Technical Union (SIPTU) and the Irish National Teachers Organisation (INTO), 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*'⁶ 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, she 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 she may also make such order for remedying the breach as she 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 she upholds a complaint, the Certification Officer may make an order to remedy the breach. The appeal mechanism 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, Certification

⁶ Available at <https://www.gov.uk/government/publications/set-up-a-political-fund-for-a-trade-union-or-employers-association>

Office, Lower Ground Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX. Enquiries should be made to this Office, tel: 0330 109 3602, 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 or can be downloaded from the website www.nicertoffice.org.uk. A 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 2019.

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

7.17 There were 19 Great Britain trade unions with Northern Ireland members operating political funds at 31 March 2019. Of these, 17 had Northern Ireland members 'contracting-in'. See Appendices 7 and 8 for details.

7.18 The 2018 returns show that 32,819 recorded Northern Ireland members of these trade unions - representing some 18.4% of the total Northern Ireland membership – contributed £116,442 towards political funds. A list of the 17 unions, showing the number of Northern Ireland members and the amount of their financial contributions, is given at Appendix 7. The two Great Britain unions whose Northern Ireland members did not contribute to their political funds in 2018 are listed in Appendix 8.

Great Britain organisations with new political fund rules approved for the first time in this reporting period

7.19 No new political funds were approved in 2018-19.

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 relate to the contributions of Northern Ireland members, they also require the approval of the Northern Ireland Certification Officer. No Great Britain trade unions with Northern Ireland members had amendments to their political fund rules approved during 2018-19 by the Certification Officer for Northern Ireland.

Political fund review ballots held by Great Britain organisations

7.21 During the reporting period, two Great Britain based unions with Northern Ireland members held political fund review ballots. These were the University and College Union and NASUWT, whose review date were 29 April 2018 and the 14 June 2019 respectively. The University and College Union's political fund was approved on 13 December 2017 and NASUWT's was approved on 3 January 2019.

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 ballot.⁷ 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 (Articles 12 to 28).
- 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 she makes a declaration she must also, unless she 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; and
 - (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

⁷ See footnote to Chapter 6

accepted, the Certification Officer will generally disclose the individual's identity to the union (and to such others as she thinks fit), unless she 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.

- 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 she must state in her 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 given by the High Court which are brought to her notice.

Applications and decisions

- 8.9 During the period covered by this report, the Certification Officer dealt with one application relating to an alleged breach of the statutory provisions:

Archer v P.O.A. (D/01/2019)

Mr Archer made one complaint relating to the election of a union official. The application was dismissed upon withdrawal by the applicant.

- 8.10 During this reporting period the Great Britain Certification Officer made the following decision relating to elections in Great Britain trade unions with Northern Ireland members:

Coyne and Brooks v Unite the Union (D/12-20/18-19)

Mr Coyne and Mr Brooks made 10 complaints relating to the 2017 election of the General Secretary of Unite the Union. Eight of these complaints were breach of union rules with regards to the same position. The application was received in the previous reporting period and the Certification Officer appointed His Honour Judge Jeffrey Burke QC as an Assistant Certification Officer (ACO) to hear the case. Following a preliminary hearing to determine complaint one, on 27 March 2018, a decision was issued on 4 May 2018; the ACO did not uphold the complaint. An appeal by the applicants to the EAT was dismissed on 12 June 2018. On 25-28 June 2018 a further hearing on the remaining nine complaints took place. In a decision issued 5 October 2018, the ACO found that none of the complaints succeeded and all were dismissed

The full text of these decisions is available on the Great Britain Certification Office website: www.gov.uk/certificationofficer.

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) of 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. These 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; and
 - (e) such other matters as may be specified in an order made by the Department for the Economy.
- 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 she 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, she must make such enquiries as she 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 her decision in writing and, where she makes a declaration that there has been a breach or threatened breach of rule, she is required to make an enforcement order unless she 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 received a number of applications from trade union members. These applications included complaints against two trade unions relating to alleged breach of union rule and breach of statute. One complaint has been determined and was subsequently withdrawn by the applicant. As of 31 March 2019 ten complaints remained to be determined.

9.9 Copies of all the Certification Officer's decisions are available free of charge from the Office, and published on the Office website: www.nicertoffice.org.uk.

9.10 The Certification Officer does not have power to determine every kind of complaint that a union member may wish to make. The jurisdiction of the Certification Officer is strictly defined by the statutory provisions. General grievances or complaints about a trade union may not fall within her jurisdiction and therefore may not be accepted by her.

9.11 The Great Britain Certification Officer made the following decisions in cases of alleged breach of rule (elections) by Great Britain trade unions with Northern Ireland members:

Hussain v Communication Workers Union (D/28-29/18-19)

Mr Hussain made two complaints of breaches of union rules in relation to branch elections. Prior to the hearing, the union conceded that the breaches had occurred. The Certification Officer upheld the complaints and considered it appropriate to make an enforcement order. The Certification Officer ordered that:-

The Union undertake the remaining stages of the current ballot, which was originally concluded in December 2017 and which is the subject of the complaints made by Mr Hussain, in accordance with the Unions rules. The result of the ballot should be declared by 3 December 2018

Dinsdale v GMB (D/3-4/18-19)

Mr Dinsdale made two complaints that the union had breached its rules when it allowed the election of branch officers by a postal ballot rather than a show of hands by members taking part in a general meeting.

Following a hearing on 19 April 2018, the Certification Officer refused both complaints

Gates v Society of Chiropodists and Podiatrists (D/7/18-19)

Mr Gates made a complaint that the union had breached a provision of its handbook in relation to a representative post in NHS Highland

On 16 July 2018 the Certification Officer refused this complaint having found that the handbook does not form part of the Union's rules.

Armstrong v Unite the Union (D/24/18-19)

Mrs Armstrong made a complaint that the union had breached a disciplinary rule in relation to the applicant's suspension from a branch office. The Certification Officer refused this complaint by a decision dated 15 October 2018.

Robinson v GMB (D/39/18-19)

Mr Robinson made one complaint that the Union had breached rules relating to removal from office

Following a hearing on 28 November 2018, the Certification Officer refused the complaint.

Connolly v USDAW (D/45/18-19)

Mrs Connolly made one complaint that the Union had breached rules relating to the disciplinary proceedings.

Following a hearing on 12 March 2019, the Certification Officer made a declaration that the Union breached its rules in removing her from her position as a shop steward. The Certification Officer declined to make an enforcement order.

Blackledge v University and College Union (D/31-37/18-19)

Mr Blackledge made seven complaints that the Union had breached rules relating to disciplinary proceedings. Following a hearing on 13 November 2018, the Certification Officer refused all seven complaints.

Kelly v Musicians' Union (D/41/18-19)

Mr Kelly made six complaints that the Union had breached rules relating to disciplinary proceedings. A hearing on the first complaint was held on 8 January 2019. Following the hearing, the Certification Officer upheld the complaint and considered it appropriate to make an enforcement order. The Certification Officer ordered that:

1. Mr Kelly be restored to membership of the Musicians' Union.
2. Mr Kelly be reinstated to the Recording and Broadcast Committee.
3. Mr Kelly be restored as an Approved Musicians' Union Contractor.
4. The Union must not remove Mr Kelly's Approved Musicians' Union Contractor Status, or include him within the Ask us First List, on the basis of any disciplinary or other Union process which arises from Mr Kelly's membership of the Union and which is based on information which was considered as part of the disciplinary process which began with the General Secretary's letter of 24 January 2018.

The Union has appealed to the Employment Appeal Tribunal and a decision on the appeal is expected within the next reporting period. Mr Kelly's remaining complaints are stayed until the outcome of that appeal.

The full text of these decisions is available on the Great Britain Certification Office website www.gov.uk/certificationofficer

CHAPTER 10

PUBLIC INTEREST DISCLOSURES

Protected Disclosures and the Certification Officer

The Northern Ireland Certification Officer is authorised to receive information about fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations from 'whistle-blowers' who are employees/workers of these organisations.

The Statutory Provisions

- 10.1 The Public Interest Disclosure (Northern Ireland) Order 1998 gives protection to workers who 'blow the whistle' on wrongdoing.
- 10.2 The Certification Officer for Northern Ireland is a designated or a 'prescribed person' under The Public Interest Disclosure (Prescribed Persons) (Amendment) (Northern Ireland) Order 2012.
- 10.3 The provisions of the Public Interest Disclosure Order apply only to employees or workers of trade unions or employers' associations. They do not apply to members of trade unions or employers' associations, unless those members are also employees of the organisation concerned. Employees of trade unions or employers' associations who believe that there has been fraud or other misconduct in the management of their organisation's financial affairs may make a complaint to the Certification Officer.

Disclosure

- 10.4 Anyone wishing to make a protected disclosure to the Certification Officer about fraud or other irregularities in the financial affairs of the trade union or employers' association for which they work, can contact the Office by e-mail: info@nicertoffice.org.uk or by post to:

The Northern Ireland Certification Officer
for Trade Unions and Employers' Associations
10-16 Gordon Street
Belfast BT1 2LG

Public interest disclosures

- 10.5 During the period of this report the CO received no public interest disclosures.

APPENDICES

(SHOWING THE POSITION AT 31 DECEMBER 2018)

APPENDIX 1 (SEE PARA 4.11) – (a) LIST OF NORTHERN IRELAND TRADE UNIONS (b) REPUBLIC OF IRELAND TRADE UNIONS WITH NI MEMBERS (AT 31 DECEMBER 2018 UNLESS OTHERWISE INDICATED)

(a) List of Northern Ireland Unions	NI Members	Total Members (inc. RoI)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
	£'s	£'s	£'s	£'s	£'s	£'s	£'s	£'s
Belfast Airport Police Association (March 19)*	18	18	1,870	2,557	1,197	28,465	28,915	450
Lough Neagh Fisherman's Association*	60	60	468	468	29	1,871	1,871	0
Northern Ireland Public Service Alliance*	41,426	41,426	4,074,776	4,104,551	3,553,783	4,276,096	4,687,957	411,861
Ulster Teachers Union*	6,088	6,133	672,064	689,111	707,095	1,070,704	1,110,779	40,075
TOTALS	47,592	47,637	4,749,178	4,796,687	4,262,104	5,377,136	5,829,522	452,386

(b) Republic of Ireland Unions	NI Members	Total Members	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
	€'s	€'s	€'s	€'s	€'s	€'s	€'s	€'s
Financial Services Union*	2,302	11,089	472,658	2,905,978	5,880,745	36,054,125	40,969,716	4,915,591
Irish National Teachers' Organisation*	7,136	45,681	1,217,263	13,966,392	12,865,401	20,206,435	22,852,740	2,646,305
Independent Workers Union*	96	1,018	6,040	94,619	96,106	7,537	24,326	16,789
Services, Industrial, Professional & Technical Union*	1,973	211,855	193,656	34,410,107	33,403,659	45,504,791	49,900,660	4,395,869
TOTALS	11,507	269,643	1,889,617	51,377,096	52,245,911	101,772,888	113,747,442	11,974,554

(c) Schedule of unlisted Trade Unions	NI Members	Total Members	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
	€'s	€'s	€'s	€'s	€'s	€'s	€'s	€'s
Irish Congress of Trade Unions								
TOTALS	197,142	714,972	568,069	3,582,431	3,518,262	1,474,612	3,783,592	2,308,980

* Denotes a trade union holding a Certificate of Independence at 31 December 2018

APPENDIX 2 (SEE PARA 4.12) - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2018 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	Rol Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
	£'s	£'s	£'s	£'s	£'s	£'s	£'s	£'s	£'s	£'s
ACCORD	1,651	23,148	2	14	155,351	2,542,937	2,814,616	5,648,994	5,690,344	41,350
Advance	512	6,224	2	11	41,165	604,781	474,639	2,892,031	2,941,665	49,634
Aegis the Union (June 18)	154	4,493	0	0	8,495	802,134	830,697	495,247	563,945	68,698
Association of Educational Psychologists	116	3,302	9	26	29,982	1,042,039	933,275	1,556,362	1,668,975	112,613
Association of School and College Leaders	192	18,695	1	82	57,810	6,369,400	6,388,145	3,729,361	4,993,280	1,263,919
Bakers, Food & Allied Workers Union	617	16,843	0	0	72,073	2,871,488	3,021,027	-2,706,002	1,883,874	4,589,876
British Airline Pilots' Association	239	13,957	194	1,233	101,596	7,396,942	7,752,709	14,500,706	15,100,189	599,483
British Association of Occupational Therapists Ltd (Sept 18)	1,064	31,249	95	140	259,637	8,073,885	8,073,885	0	264,543	264,543
British Dental Association (Sept 18)	776	16,746	12	116	314,324	15,317,577	14,777,723	829,865	7,032,799	6,202,934
British Dietetic Association (Feb 19)	401	8,878	84	185	15,200	262,486	262,486	361,913	367,003	5,090
British Medical Association	5,509	147,467	126	2,690	1,610,800	144,913,000	21,784,000	124,656,000	184,978,000	60,322,000
Chartered Society of Physiotherapy	1,987	55,179	178	902	619,000	20,875,000	17,255,000	4,655,000	27,734,000	23,079,000
Community	374	27,348	0	34	51,959	11,237,000	13,717,000	74,139,000	85,448,000	11,309,000

APPENDIX 2 (SEE PARA 4.12) - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2018 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	Rol Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'s	£'s	£'s	£'s	£'s	£'s
Communication Workers' Union	4,760	186,286	0	392	682,278	38,829,450	38,333,478	18,401,485	45,110,753	26,709,268
Equity	450	44,213	96	816	57,504	8,031,698	10,872,729	11,614,138	46,483,401	34,869,263
FDA	312	15,708	0	748	69,614	5,403,067	3,855,337	5,264,055	10,803,955	5,539,900
Fire Brigades Union	1,538	31,159	0	0	310,863	10,947,801	9,722,832	8,289,657	12,115,301	3,825,644
GMB	11,450	603,362	321	425	1,359,821	69,620,000	70,534,000	104,424,000	108,826,000	4,402,000
Hospitals Consultants and Specialists Association (Sep18)	134	3,216	0	18	38,860	802,189	842,944	640,469	688,600	48,131
Musicians' Union	309	29,893	15	102	60,000	7,922,000	9,281,000	17,565,000	18,586,000	1,021,000
National Association of Schoolmasters Union of Women Teachers (NASUWT)	11,801	299,724	0	2,040	1,659,308	33,460,358	30,888,871	38,710,941	55,594,848	16,883,907
National Association of Head Teachers	928	39,863	0	940	232,935	10,664,000	11,229,000	5,960,000	6,706,000	746,000
National Education Union (16 month period)	3,554	445,726	40	836	432,748	95,421,350	88,189,528	65,358,333	110,262,696	44,904,363
National Union of Journalists (Sept 18)	833	22,320	2,391	624	148,000	5,271,367	4,808,059	797,181	10,944,482	10,147,301
National Union of Rail, Maritime & Transport Workers	120	79,575	100	308	1,899	18,752,000	21,547,000	44,598,000	58,264,000	13,666,000
Nationwide Group Staff Union	157	12,566	0	0	13,901	1,453,305	1,396,318	1,475,375	1,623,817	148,442
Nautilus International	171	12,888	284	7,301	41,247	5,856,893	7,243,659	16,728,928	18,153,903	1,424,975
PDA Union (March 19)	578	27,575	0	60	9,045	432,003	514,478	35,039	50,459	15,420
POA	898	30,003	0	0	177,087	4,943,134	4,784,697	4,471,322	5,381,260	909,938

APPENDIX 2 (SEE PARA 4.12) - GB TRADE UNIONS WITH 100 OR MORE NI MEMBERS - AT 31 DECEMBER 2018 (UNLESS OTHERWISE INDICATED)

	NI Members	GB Members	Rol Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'s	£'s	£'s	£'s	£'s	£'s
Prospect	2,203	134,696	57	6,910	182,000	26,646,000	26,961,000	22,491,000	51,461,000	28,970,000
Public and Commercial Services Union	1,615	178,919	0	112	188,159	26,744,187	19,688,502	32,449,226	34,384,678	1,935,452
Royal College of Midwives	1,682	46,344	22	183	334,170	10,028,832	9,814,301	7,137,187	8,139,392	1,002,205
Royal College of Nursing of the UK	14,800	439,190	436	3,822	2,431,385	51,963,000	46,542,000	44,268,000	54,790,000	10,522,000
The College of Podiatry	479	8,574	136	190	199,264	4,608,171	4,766,415	4,564,793	6,112,715	1,547,922
Society of Radiographers (Sept 18)	1,169	28,872	19	296	248,729	7,234,199	6,779,903	4,950,797	5,759,597	808,800
The Social Workers Union (Sept 18)	304	11,869	0	0	4,100	224,937	189,177	205,624	213,494	7,870
Transport Salaried Staff Association	300	16,997	559	0	75,132	7,272,076	7,474,456	38,850,604	42,673,068	3,822,464
Union of Shop, Distributive and Allied Workers	17,898	413,678	0	0	1,424,000	45,142,000	41,408,000	61,177,000	90,443,000	29,266,000
UNISON	45,182	1,323,932	0	0	4,214,686	182,853,000	178,060,000	117,353,000	269,458,000	152,105,000
Unite the Union	37,532	1,214,757	23,755	14,973	4,809,000	213,073,000	148,817,000	396,947,000	407,669,000	10,722,000
University and College Union (Aug 18)	3,289	117,132	17	126	625,204	27,315,814	21,441,486	32,205,176	40,990,539	8,785,363
TOTALS	178,038	6,192,566	28,951	46,655	23,368,331	1,143,224,500	924,071,372	1,337,691,807	1,860,356,575	522,664,768

APPENDIX 3 (SEE PARA 4.13) - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS - AT 31 DECEMBER 2018 (UNLESS OTHERWISE INDICATED)

ORGANISATION	NI Members	GB Members	Rol Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'s	£'s	£'s	£'s	£'s	£'s
Air Crew Officers' Association Europe (Mar 19)	1	64	13	58	1,212	208,006	167,570	178,409	190,361	11,952
Affinity	8	25,825	2	498	826	2,335,659	2,596,816	1,105,949	1,393,493	287,544
Association for Clinical Biochemistry & Laboratory Medicine	38	1,163	29	94	7,244	827,888	787,426	2,512,782	2,884,886	372,104
Association of Revenue and Customs	82	2,196	0	0	19,401	174,089	216,203	332,860	367,769	34,909
Boots Pharmacist Association	50	1,096	0	0	4,800	117,851	133,322	26,116	38,412	12,296
British Association of Dental Nurses	48	7,509	0	25	2,237	360,065	237,151	671,680	684,736	13,056
British Association of Journalists	5	813	0	32	630	111,881	103,214	7,303	22,872	15,569
British Orthoptic Society Trade Union	12	1,058	27	12	4,140	80,500	63,355	30,272	30,272	0
Currys Supply Chain Staff Assoc. (CSCSA) (April 18)	23	3,073	5	0	0	337,808	337,808	0	20,121	20,121
Guild of Professional Teachers of Dance, Movement to Music & Dramatic Arts	36	711	16	0	2,304	51,678	55,933	79,390	83,786	4,396
Headmasters and Headmistresses Conference (Mar 19)	8	280	3	58	29,408	3,111,869	2,900,860	5,056,262	5,864,203	807,941
Immigration Service Union (ISU)	45	3,377	2	117	5,292	395,335	348,725	1,051,460	1,075,853	24,393
Independent Democratic Union	24	6,467	0	0	2,478	670,493	660,888	595,717	867,125	271,408
Independent Pilots Association (Jun 18)	7	600	0	22	2,184	106,296	104,371	68,165	169,853	101,688
Institute of Journalists	9	810	18	168	1,791	75,600	75,784	17,219	20,312	3,093
Leeds Building Society Staff Association	3	857	0	0	13	16,968	5,658	90,991	92,023	1,032
National Association of NFU Group Secretaries (Oct 18)	65	456	0	0	11,712	263,414	243,356	261,614	316,407	54,793
Industrial Workers of the World (IWW)	29	1,701	0	0	973	96,601	70,907	97,942	103,533	5,591

APPENDIX 3 (SEE PARA 4.13) - GB TRADE UNIONS WITH UNDER 100 NI MEMBERS - AT 31 DECEMBER 2018 (UNLESS OTHERWISE INDICATED)

ORGANISATION	NI Members	GB Members	Rol Members	Elsewhere (incl. Channel Islands)	NI Subscription Contributions	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'s	£'s	£'s	£'s	£'s	£'s
National Crime Officers Association	78	2,338	0	50	14,317	425,908	365,528	194,906	216,165	21,259
National House Building Council Staff Association	17	728	0	1	408	17,416	15,943	108,335	115,414	7,079
National Association of Probation Officers	96	5,014	0	0	22,024	1,269,902	1,670,828	2,592,735	2,793,676	200,941
National Society for Education in Art and Design (Sept 18)	16	1,756	8	35	1,205	247,472	273,406	53,830	278,430	224,600
Prison Governors' Association	35	999	0	5	5,740	164,227	181,627	147,300	160,636	13,336
R&C Trade Union (Final Return)	3	41	0	0	653	19,918	15,955	600	2,100	1,500
Fire & Rescue Services Association	29	1,957	0	0	2,618	199,121	178,572	285,825	305,572	19,747
Royal Society for Protection of Birds Staff Association (Mar 19)	32	905	0	0	384	22,650	29,850	88,911	88,911	0
Sales Staff Association	8	166	0	0	480	10,331	15,899	131,704	141,160	9,456
Society of Authors	55	9,754	73	701	5,128	6,472,550	1,230,065	9,772,190	12,778,669	3,006,479
Society of Union Employees	5	363	0	0	564	40,262	27,398	151,692	154,050	2,358
Solidarity	2	137	0	0	252	12,293	12,392	-2,068	281	2,349
United Road Transport Union	17	9,106	0	0	3,050	1,739,423	1,810,359	1,580,594	1,866,320	285,726
Voice	85	21,574	0	15	5,705	1,633,282	1,860,282	691,918	901,150	209,232
Writers Guild of Great Britain	15	2,054	7	70	2,850	555,320	505,199	627,844	771,871	144,027
TOTALS	957	113,247	203	1,961	161,050	22,075,475	17,231,743	28,512,505	34,696,889	6,184,384

APPENDIX 4 (SEE PARA 4.15) - LIST OF NORTHERN IRELAND EMPLOYERS' ASSOCIATIONS - 31 DECEMBER 2018 (UNLESS OTHERWISE INDICATED)

NORTHERN IRELAND EMPLOYERS ASSOCIATION		NI Members	NI Contributions	NI Members (incl. Channel Islands & Rol)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
			£'s		£'s	£'s	£'s	£'s	£'s
Anglo-North Irish Fish Producers Organisation	39	361,544	62	1,118,053	831,390	2,953,272	4,361,333	1,408,061	
Construction Employers' Federation Ltd	991	454,804	991	688,891	671,383	644,277	743,955	99,678	
Engineering Employers' Federation NI Association	108	807,263	108	877,843	942,549	225,858	800,170	574,312	
Northern Ireland Bakery Council (Mar 19)	3	3,000	3	16,851	16,921	8,178	9,356	1,178	
NI Local Government Association (Mar 19)	11	570,245	11	706,256	646,240	81,280	753,687	672,407	
NI Fish Producers Organisation Ltd	132	144,894	151	1,989,330	1,627,924	5,429,376	5,612,501	183,125	
NI Grain Trade Association Ltd	34	74,745	34	74,745	67,005	28,427	69,891	41,464	
Ulster Chemists Association (Sept 18)	104	46,868	104	110,495	193,415	174,812	248,323	73,511	
Ulster Farmers' Union	11,385	1,221,394	11,385	1,915,274	2,424,634	3,589,933	3,978,167	388,234	
TOTALS	12,807	3,684,757	12,849	7,497,738	7,421,461	13,135,413	16,577,383	3,441,970	

APPENDIX 5 (SEE PARA 4.16) - GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS - 31 DECEMBER 2018 (UNLESS OTHERWISE INDICATED)

GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS	NI Members	GB Members	ROI	Elsewhere	Contributions	NI £'s	Total Members (incl. Channel Islands & Rol)	Total Income	Total Expenditure	Total Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
Association of Circus Proprietors	1	17	0	0	0	2,000	18	44,359	43,538	17,046	22,472	5,426
Assoc of Newspaper & Magazine Wholesalers (Mar 19)	1	2	0	3	3	3,134	6	107,525	107,337	48,997	100,266	51,269
British Amusement Catering Trade Association (June 18)	7	510	0	0	5	5,702	517	1,087,740	1,605,496	16,936,893	25,868,110	8,931,217
British Allied Trades Federation	26	2,910	25	12	10	10,560	2,973	2,238,303	3,288,712	14,448,127	16,719,300	2,271,173
British Printing Industries Federation Limited (Mar 19)	21	1,040	0	0	46	46,604	1,061	2,248,229	2,248,229	0	455,595	455,595
Builders Merchants Federation (Mar 19)	11	644	24	4	16	16,620	683	2,713,652	2,040,209	4,571,612	5,853,042	1,281,430
Building & Engineering Services Association (Feb 19)	34	1,074	0	1	108	108,859	1,109	11,094,737	10,485,863	1,634,528	18,590,110	16,955,582
Construction Plant Hire Association (June 18)	14	1,650	1	8	7	7,874	1,673	1,421,131	1,140,418	3,253,004	3,685,180	432,176
Dairy UK Limited	5	193	0	2	129	129,584	200	2,991,552	3,292,276	6,998,871	8,652,426	1,653,555
Electrical Contractors' Association	25	2,627	39	1	62	62,468	2,692	10,599,876	11,709,447	55,384,360	62,069,809	6,685,449
Engineering Construction Industry Association	1	174	0	14	3	3,576	189	2,083,276	2,096,318	5,425,658	6,891,726	1,466,068
Federation of Master Builders Ltd	293	7,759	0	0	149	149,430	8,052	5,609,916	5,651,590	8,254,264	10,419,568	2,165,304
Federation of Window Cleaners	19	813	2	4	2	2,120	838	148,274	129,708	397,441	470,520	73,079
Freight Transport Association	587	16,882	18	19	524	524,604	17,506	30,655	30,578	8,860	14,909	6,049
Glass & Glazing Federation	19	432	10	7	45	45,062	468	4,030,086	4,136,850	9,805,941	12,190,106	2,384,265

APPENDIX 5 (SEE PARA 4.16) - GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS - 31 DECEMBER 2018 (UNLESS OTHERWISE INDICATED)

GB EMPLOYERS' ASSOCIATIONS WITH NI MEMBERS	NI Members	GB Members	ROI	Elsewhere	NI Contributions	Total Members (incl. Channel Islands & Rol)	Total Income	Total Expenditure	Funds at the End of the Year	Total Assets at the End of the Year	Total Liabilities at the End of the Year
					£'s		£'s	£'s	£'s	£'s	£'s
National Federation of Retail Newsagents	535	11,408	248	77	148,001	12,268	4,450,938	4,866,400	7,094,700	7,855,601	760,901
National Hairdressers' Federation Ltd	23	5,354	1	9	5,474	5,387	1,625,423	1,509,306	3,397,501	3,746,395	348,894
Producers Alliance for Cinema and Television Ltd (Sept 18)	13	518	0	1	17,885	532	2,990,454	2,455,105	2,059,182	3,113,795	1,054,613
Radio, Electrical and Television Retailers' Association	37	619	0	0	10,286	656	284,046	443,332	1,514,054	1,552,970	38,916
Road Haulage Association Ltd	169	7,055	8	7	114,635	7,239	11,799,780	11,897,522	1,902,873	9,125,936	7,223,063
Scottish & NI Plumbing Employers' Association	61	692	0	0	35,458	753	1,060,865	1,125,755	1,612,115	1,895,146	238,031
Scottish Association of Master Bakers (Mar 19)	2	185	0	0	502	187	1,200,356	1,311,308	2,529,399	2,683,316	153,917
Retail Motor Industry Fed Ltd	324	9,851	0	0	68,366	10,175	7,030,000	7,710,000	24,219,000	28,976,000	4,757,000
UK Theatre Association	2	237	0	0	5,721	239	933,595	897,455	387,732	1,129,057	741,325
UK Cinema Association Ltd	9	192	0	0	5,880	201	473,075	474,898	248,153	1,605,172	1,357,019
TOTALS	2,239	72,838	376	169	1,530,405	75,622	78,297,843	80,697,650	172,150,311	233,686,527	61,491,316

APPENDIX 6 (PARA 4.3) – SALARY AND BENEFITS OF THE CHIEF OFFICERS OF TRADE UNIONS WITH NI MEMBERS – AT 31 DECEMBER 2018 (UNLESS OTHERWISE INDICATED)

NORTHERN IRELAND			
	OFFICE HELD	SALARY	BENEFITS
			(Excluding NI Contributions)
		£'s	£'s
Belfast Airport Police Association	Chairman	Nil	Nil
Lough Neagh Fishermen's Association	General Secretary	Nil	Nil
Northern Ireland Public Service Alliance	General Secretary	61,385	25,904
Ulster Teachers' Union	General Secretary	41,743	35,431
REPUBLIC OF IRELAND			
	OFFICE HELD	SALARY	BENEFITS
			(Excluding PRSI)
		€'s	€'s
Financial Services Union	General Secretary	110,992	240,579
Irish Congress of Trade Unions	General Secretary	Nil	Nil
Irish National Teachers' Organisation	General Secretary	153,528	54,042
	General Treasurer	115,899	40,796
Services, Industrial, Professional & Technical Union (SIPTU)	General Secretary	111,159	6,780
Independent Workers Union	National Secretary	Nil	Nil
GREAT BRITAIN			
	OFFICE HELD	SALARY	BENEFITS
			(Excluding NI Contributions)
		£'s	£'s
Accord	General Secretary	126,842	14,368
Advance	General Secretary	16,404	4,992
Aegis the Union (30/6/18)	General Secretary	67,345	16,541
Affinity	General Secretary	101,520	30,978
Association for Clinical Biochemistry & Laboratory Medicine	General Secretary	Nil	Nil
Aircrew Officers Association Europe	General Secretary	Nil	Nil
Association of Educational Psychologists	General Secretary	67,602	7,487
Association of Revenue and Customs	President	Nil	Nil
Association of Schools and College Leaders	General Secretary	134,172	18,912
Bakers, Food & Allied Workers Union	General Secretary	49,216	19,097
	National President	49,216	16,227
Boots Pharmacists' Association (BPA)	Chief Executive	23,678	Nil
	Treasurer	8,190	Nil

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
British Airline Pilots Association	General Secretary	111,822	20,507
British Association of Dental Nurses	General Secretary	Nil	Nil
British Association of Journalists	General Secretary	35,000	613
British Association of Occupational Therapists (30/9/18)	General Secretary	Nil	Nil
British Dental Association (30/9/18)	Chairman	75,000	Nil
British Dietetic Association (28/2/19)	Head of Employment Relations	51,405	6,168
British Medical Association	Chairman	193,445	Nil
British Orthoptic Society Trade Union	General Secretary	Nil	Nil
Chartered Society Of Physiotherapy	General Secretary	124,142	21,711
Communication Workers Union	General Secretary	97,898	29,100
Community	General Secretary	115,069	34,918
Curry's Supply Chain Staff Association (April 18)	General Secretary	31,662	2,899
Equity	General Secretary	111,195	6,000
FDA	General Secretary	105,928	26,113
Fire Brigades Union	General Secretary	74,834	48,411
	Asst. General Secretary	71,151	47,026
GMB	General Secretary	105,000	36,000
Guild of Professional Teachers of Dance, Movement to Music and Dramatic Arts	General Secretary	15,390	Nil
Headmasters & Headmistresses' Conference (31/3/19)	General Secretary (April'18 – Oct'18)	69,714	12,266
	Executive Director (Oct'18 - Mar'19)	75,547	666
	Membership Sec	128,663	11,789
Hospital Consultants & Specialists Association (30/9/18)	Chief Executive	116,401	5,688
Immigration Service Union	General Secretary	80,136	Nil
Independent Pilot's Association	General Secretary	39,540	2,353
Independent Democratic Union	General Secretary	57,557	5,275
Industrial Workers of the World (IWW)	General Secretary	Nil	Nil
Institute of Journalists	General Secretary	42,500	2,628
Leeds Building Society Staff Association	General Secretary	Nil	Nil
Musicians Union	General Secretary	129,985	1,570
National Association of Co-operative Officials (Final return 16 month period)	General Secretary	93,673	29,648
National Association of NFU Group Secretaries (Oct 18)	Chairman	7,893	Nil
	General Secretary	7,368	Nil

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
National Crime Officers Association	President	36,867	584
	General Secretary	36,466	577
National Education Union	Joint General Secretary	170,269	25,264
	Joint General Secretary	134,224	38,373
NAPO-The Trade Union and Professional Association for Family Court and Probation Staff	General Secretary	72,295	2,892
NASUWT	General Secretary	105,282	42,241
National House Building Council Staff Association	General Secretary	Nil	Nil
National Society for Education in Art & Design (30/9/18)	General Secretary	45,450	Nil
National Union of Journalists (30/09/18)	General Secretary	84,165	22,423
National Union of Rail, Maritime & Transport Workers	General Secretary	89,206	72,798
	Sen Asst. General Secretary	48,374	57,125
	Asst. Gen. Secretary	68,514	21,793
Nationwide Group Staff Union	General Secretary	133,656	29,941
Nautilus International	General Secretary	94,877	22,796
PDA Union (31/3/19)	General Secretary	Nil	5,000 (Waived)
Prison Governors Association	General Secretary	Nil	Nil
POA	General Secretary	73,676	36,581
	Dept. General Secretary (Jan-May)	25,235	16,136
	Dept. General Secretary (Jun-Dec)	39,176	5,775
Prospect	General Secretary	116,000	15,000
Public and Commercial Services Union	General Secretary	95,165	15,036
	Asst. General Secretary	81,378	10,686
Fire & Rescue Services Association	Chief Executive	45,542	3,960
Royal College of Midwives	General Secretary	125,407	23,326

GREAT BRITAIN	OFFICE HELD	SALARY	BENEFITS (Excluding NI Contributions)
	Acting Chief Exe. & Gen Sec (21/8/18 – 31/12/18)	37,696	4,524
Royal Society for the Protection of Birds Staff Association (31/03/19)	Chairperson	1,200	Nil
Sales Staff Association	General Secretary	Nil	Nil
Society of Authors	Secretary	100,803	8,776
The College of Podiatry	General Secretary	102,326	8,186
Society of Radiographers	Chief Executive Officer	55,737	21,657
Society of Union Employees	National Secretary	Nil	Nil
Solidarity	General Secretary	8,109	40
Social Workers Union	General Secretary	62,850	1,192
Transport Salaried Staffs' Association	General Secretary	87,890	24,609
UNISON	General Secretary	113,756	9,718
Unite the Union	General secretary	77,324	9,254
Union of Shop, Distributive & Allied Workers (Ongoing Sec to 30 June)	General Secretary	74,973	21,396
(Incoming Sec from 1 July)	General Secretary	55,766	17,884
United Road Transport Union	General Secretary	65,479	56,473
University and College Union (31/08/18)	General Secretary	107,448	23,339
Voice	General Secretary	67,749	3,057
Writers Guild of Great Britain	General Secretary	60,500	5,445

APPENDIX 7 (SEE PARA 7.18) – GB TRADE UNIONS WITH NORTHERN IRELAND MEMBERS WHO HAVE “CONTRACTED IN” TO POLITICAL FUNDS – AT 31 DECEMBER 2018 (UNLESS OTHERWISE INDICATED)

TRADE UNION	NI Members Contracted-in	% of total NI Members	NI Contributions £
Communication Workers Union (CWU)	2088	43.9%	21,799
Community	195	52.1%	2,028
Fire Brigades Union (FBU)	755	49.08%	6,706
GMB	11	0.09%	84
Musician’s Union	32	9.9%	121
National Association of Schoolmasters Union of Women Teachers (NASUWT)	769	6.5%	737
National Education Union	4	0.01%	7
National Union of Rail, Maritime and Transport Workers	101	84.1%	315
POA	832	93%	1,616
Prospect	451	20.4%	271
PCS	93	5.75%	116
Society of Radiographers	171	14.62%	410
Transport Salaried Staffs’ Association (TSSA)	176	59%	1,543
Union of Shop, Distributive and Allied Workers (USDAW)	7883	44.04%	36,000
UNISON	5481	12.13%	23,366
Unite the Union	13176	35.1%	20,000
University and College Union (UCU)	601	18.27%	1,323
TOTALS	32,819	18.4%	116,442

APPENDIX 8 (SEE PARA 7.18) - GB TRADE UNIONS WHOSE NORTHERN IRELAND MEMBERS DO NOT CONTRIBUTE TO POLITICAL FUNDS – 31 DECEMBER 2018

Bakers, Food and Allied Workers Union

Unity

APPENDIX 9 - STATUTORY FEES

Fees are set by the Department for the Economy. 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.

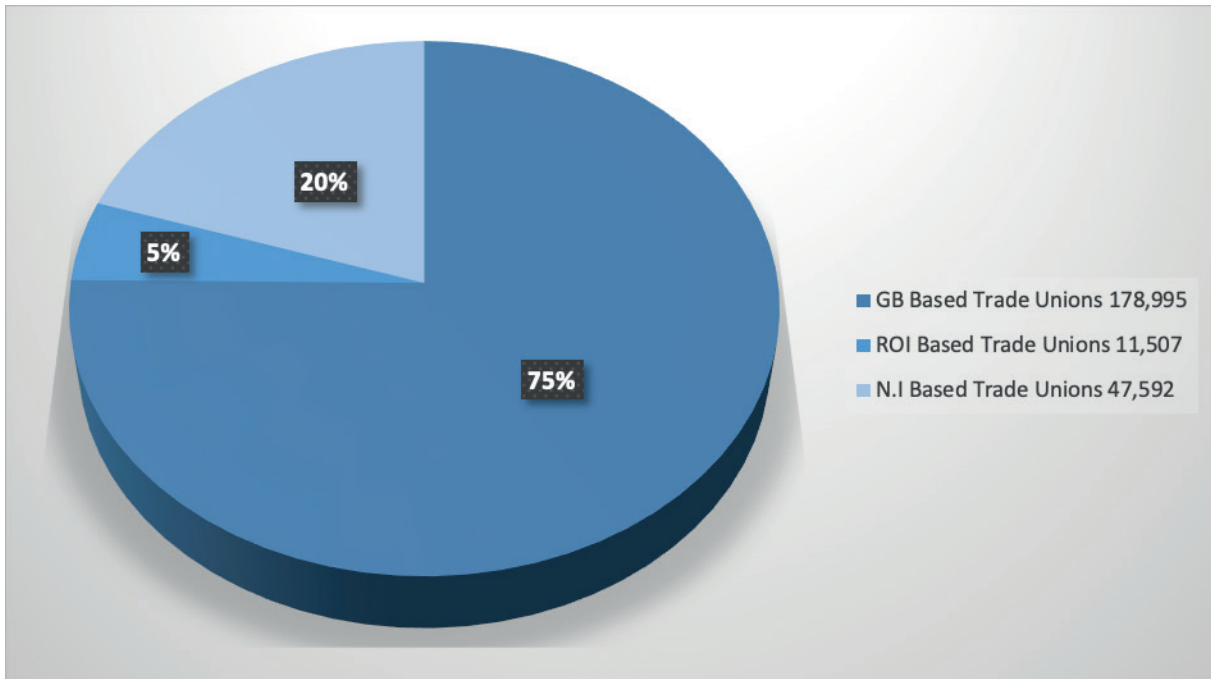
	Current Fee
Application for entry in the list of trade unions or the list of employers' associations	£45
Application for approval of change of name	£45
Application for a certificate of independence	£885
Application for a certificate of independence by an amalgamated trade union where each amalgamating union already had a certificate	£45
Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation	£1120
Inspection of merger documents	£40

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

APPENDIX 11

Total Northern Ireland Membership of Trade Unions at 31st December 2018.
Figure 2



Total Northern Ireland Employers' Association Membership at 31st December 2018
Figure 3

