
STATUTORY INSTRUMENTS

1995 No. 1980

**The Trade Union and Labour Relations
(Northern Ireland) Order 1995**

PART VIII

INDUSTRIAL ACTION

Requirement of ballot before action by trade union

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104.—(1) An act done by a trade union to induce a person to take part, or continue to take part, in industrial action—

- (a) is not protected unless the industrial action has the support of a ballot; and
 - (b) where Article 105 falls to be complied with in relation to the person's employer, is not protected as respects the employer unless the trade union has complied with Article 105 in relation to him. In this Article "the relevant time", in relation to an act by a trade union to induce a person to take part, or continue to take part, in industrial action, means the time at which proceedings are commenced in respect of the act.
- (2) Industrial action shall be regarded as having the support of a ballot only if—
- (a) the requirements set out in paragraph (3) are satisfied; or
 - (b) in the case of industrial action involving members of a trade union both in Great Britain and Northern Ireland, had the action taken place in Great Britain it would be regarded for the purposes of section 226 of the Great Britain Act as having the support of a ballot.
- (3) The requirements mentioned in paragraph (1)(a) are—
- (a) the union has held a ballot in respect of the action—
 - (i) in relation to which the requirements of Article 106 so far as applicable before and during the holding of the ballot were satisfied;
 - (ii) in relation to which the requirements of Articles 108 to 113 were satisfied; and
 - (iii) in which the majority voting in the ballot answered "Yes" to the question applicable in accordance with Article 110(3) to industrial action of the kind to which the act of inducement relates;
 - (b) such of the requirements of the following Articles as have fallen to be satisfied at the relevant time have been satisfied, namely—
 - (i) Article 106 so far as applicable after the holding of the ballot; and
 - (ii) Article 114; and
 - (c) the requirements of Article 116 (calling of industrial action with support of ballot) are satisfied. Any reference in this paragraph to a requirement of a provision which is disappplied or modified by Article 115 has effect subject to that Article.

- (4) Where separate workplace ballots are held by virtue of Article 109(1)—
- (a) industrial action shall be regarded as having the support of a ballot if the conditions specified in paragraph (2) are satisfied, and
 - (b) the trade union shall be taken to have complied with the requirements relating to a ballot imposed by Article 105 if those requirements are complied with,

in relation to the ballot for the place of work of the person induced to take part, or continue to take part, in the industrial action.

(5) For the purposes of this Article an inducement, in relation to a person, includes an inducement which is or would be ineffective, whether because of his unwillingness to be influenced by it or for any other reason.