



## **Rule Book 2007/8**

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Amicus Section



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Amicus Section

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# Rule Book 2007/8



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## **The Unite the Union (Amicus Section) Rule Book 2007/8**

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# This Instrument of Amalgamation

made between Amicus and the Transport and General Workers Union ("TGWU") (together "the merging unions") shall, if duly approved by a resolution of the members of each of the merging unions take effect upon the date of registration of this instrument ("the effective date")

## **IT IS HEREBY AGREED AS FOLLOWS:-**

- 1 Upon the effective date the members of each of the merging unions shall become members of the New Union and shall become subject to that Union's rules.
- 2 The name of the amalgamated union shall be "Unite the Union".
- 3 The rules of the New Union shall consist of:
  - 3.1 The general rules which are set out in the Schedule hereto.
  - 3.2 The rules of the Amicus Section which shall consist of the rules of Amicus in force immediately before the effective date insofar as they are consistent with the general rules. The Amicus Section rules shall apply to all members of the New Union who were members of Amicus immediately before the effective date or who, having joined the New Union since the effective date, have been allocated to the Amicus Section.
  - 3.3 The rules of the TGWU Section shall consist of the rules of TGWU in force immediately before the effective date insofar as they are consistent with the general rules. The TGWU Section rules shall apply to all members of the New Union who were members of TGWU immediately before the effective date or who, having joined the New Union since the effective date, have been allocated to the TGWU Section.
  - 3.4 The general rules provide that a new set of rules to supercede the general rules and the sectional rules shall be prepared to come into effect on 1st November 2008 or such earlier date as may be agreed when those new rules are approved.
- 4 The assets, funds and property of the merging unions shall, upon the effective date, continue to be held by the corporate trustees or individuals who were the trustees of the merging unions prior to the effective date in trust and for the benefit of and in accordance with the rules of the New Union.
- 5 Upon the effective date the members of Amicus shall become members of the Amicus Section and the members of TGWU shall become members of the TGWU Section of the New Union. Members joining after the effective date shall be allocated to the appropriate Section in accordance with the provisions of the general rules.
- 6 As from the effective date the members of the Amicus and TGWU Sections of the New Union shall pay contributions to the appropriate Sections at the same rates as those payable to their respective merging unions immediately before the effective date.
- 7 As from the effective date the members of the Amicus and TGWU Sections of the New Union who before the effective date paid contributions towards the political fund of their respective merging unions shall continue to pay contributions towards the political fund of the New Union until such time as notice is given by a member requesting an exemption from doing so, or in the case of a contributing Northern Ireland member, until such time as the member gives a notice of withdrawal.

- 8 Upon the effective date the employees of the merging unions shall become employees of the New Union upon terms and conditions of employment no less favourable than those in force immediately before the effective date. No employee of either of the merging unions shall be declared redundant as a direct result of the amalgamation of those unions without that employee's consent.
- 9 Upon the effective date:-
- 9.1 The Joint Executive Council of the New Union shall consist of 30 members being 15 members from each of the Amicus and TGWU Sections.
- 9.2 The members from the Amicus Section shall be elected by and from the National Executive Council of the Amicus Section. If a member of the Amicus Section who is a member of the Joint Executive Council shall cease to hold that office for any reason the vacant position shall be filled by such member of the National Executive Council of the Amicus Section as that National Executive Council shall determine.
- 9.3 The members from the TGWU Section shall be elected by and from the General Executive Council of the TGWU Section. If a member of the TGWU Section who is a member of the Joint Executive Council shall cease to hold that office for any reason the vacant position shall be filled by such member of the General Executive Council of the TGWU Section as that General Executive Council shall determine.
- 10 The period of membership of every member of the New Union who was a member of either of the merging unions immediately prior to the effective date shall be treated, for all purposes, as a continuous period of membership of the New Union from the date of the member's last entry into membership of either of the merging unions.

**Signed on behalf of Amicus**



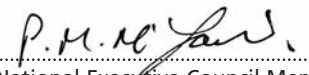
DEREK SIMPSON  
General Secretary



National Executive Council Member

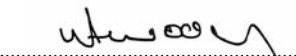


National Executive Council Member



National Executive Council Member

**Signed on behalf of The Transport and General Workers Union**



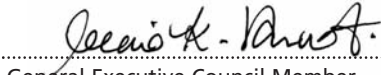
TONY WOODLEY  
General Secretary



General Executive Council Member



General Executive Council Member



General Executive Council Member

# Schedule General Rules

## 1. NAME AND OBJECTS

- 1.1 The Union formed under these rules shall be called "Unite the Union".
- 1.2 The objects of the Union shall, so far as may be lawful, be:
- 1.2.1 To organise, recruit and represent workers.
- 1.2.2 To defend and improve its members' wages and working conditions.
- 1.2.3 To defend and improve the social and economic well-being of members and their families, both directly and via commensurate policies in relation to society both domestically and abroad.
- 1.2.4 To further political objectives including by affiliation to the Labour Party.
- 1.2.5 To promote equality and fairness for all, including actively opposing prejudice and discrimination on grounds of gender, race, ethnic origin, religion, class, marital status, sexual orientation or identity, age or disability.
- 1.2.6 To affiliate to the TUC, ICTU, Welsh and Scottish TUCs and other appropriate trade union cooperation/coordination bodies domestically and internationally.
- 1.2.7 To promote constructive cooperation between trade unions internationally to further the interests of members of the Union and those in other unions in dealing with the direct and indirect impact of globalisation.
- 1.2.8 To promote education and training; both vocational and industrial and otherwise as conducive to these objects.
- 1.2.9 To provide such financial and other benefits and legal assistance to members as may be specified in these rules.
- 1.2.10 To do all such other things as may in the opinion of the Joint Executive Council be incidental or conducive to the attainment of these objects.

## 2. SECTIONS AND MEMBERSHIP

- 2.1 The Union shall consist of two Sections; the Amicus Section and the TGWU Section. The rules of the Union shall consist of these general rules and the rules of each Section. The affairs of each Section shall be conducted in accordance with the general rules and the rules of that Section. Complaints against members that a Section member has breached the Sectional Rules, shall be dealt with under the Rules of that Section. Where a member is accused of a breach of the general rules, that member shall be dealt with by the Joint Executive Council, or any person or persons to whom the Joint Executive Council delegates the power of investigation and discipline. The Joint Executive Council shall provide for a fair disciplinary process and an appeal against any disciplinary decision to be determined by a person or persons who was/were not involved in the disciplinary proceedings.

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- 2.2 The rules of each Section shall, to the extent only that they are consistent with the general rules, consist of in the case of the Amicus Section Amicus's rules, and in the case of the TGWU Section the TGWU's rules. In both cases the Sectional rules will be those rules as in force in the respective predecessor union immediately before the date on which the amalgamation of those unions took effect ("the amalgamation date"). Subject to the provisions of these general rules:
- (a) references in the rules of the Amicus Section and in any trust deed or any rules of any pension scheme established by Amicus or by any union which had transferred its engagements to it or by any of its predecessors and in the articles of association of any corporate trustee of Amicus to any body or officer of Amicus shall be construed as references to the equivalent body or officer in the Amicus Section;
  - (b) references in the rules of the TGWU Section and in any trust deed or any rules of any pension scheme established by TGWU or by any union which had transferred its engagements to it or by any of its predecessors and in the articles of association of any corporate trustee of the TGWU to any body, officer or official of TGWU shall be construed as references to the equivalent body or officer in the TGWU Section;
- 2.3 Where the Union organises or represents persons engaged in an occupation or seeks to do so, any person engaged in that occupation shall be eligible for membership of the Union. Every member of the Union shall be a member of one of the Sections and the Joint Executive Council shall ensure that new members are allocated to the most appropriate Section having regard to the areas in which Amicus and TGWU recruited and organised prior to the amalgamation of those Unions.
- 2.4 The period from the effective date of the Instrument of Amalgamation until the adoption of the rules to be prepared in accordance with general rule 5.3, shall be referred to as "the transitional period". During the transitional period branch administration allowances and Regional funding arrangements will remain as currently determined under sectional Rules.

### **3. THE JOINT EXECUTIVE COUNCIL**

- 3.1 The government, management and control of the Union shall be vested in the Joint Executive Council except that each Section shall, subject to the provision of these general rules, have autonomy in respect of all matters which relate solely to the internal affairs of that Section and which do not affect the interests of the other Section or any of the members of that other Section.
- 3.2 The Joint Executive Council shall make its decisions on the basis of a simple majority of those present, with each member being entitled to one vote, except in matters relating to the drafting of the rules to be prepared in accordance with general rule 5.3 or when either or both of the Joint General Secretaries believe that an issue is so fundamental to the Union that a majority of not less than seventy-five per cent of those voting shall be required.
- 3.3 The Joint Executive Council may do such things and authorise such acts consistent with the rules and objects of the Union as it may deem expedient to promote the interests of the Union or any of its members. The Joint Executive Council's powers shall include, inter alia, the authorization of industrial action, approval of dispute benefit and repudiations for the whole Union (covering both sections).

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- 3.4 The Joint Executive Council shall consist of thirty members, being fifteen members from each of the Amicus and TGWU Sections, each of whom shall have a vote. The original members of the Joint Executive Council shall be determined in accordance with the Instrument of Amalgamation pursuant to which the Union came into being and if a member of the Joint Executive Council shall cease to hold that office for any reason the vacant position shall be filled in accordance with the provisions of the said Instrument of Amalgamation.
- 3.5 The Joint Executive Council shall meet at least six times a year. The Joint Executive Council meetings will be chaired by the Chair of each Section's Executive on an alternating meetings basis. The Chairs will bear in mind their fiduciary duty to the Union as a whole. The Chair shall have a vote of the same weight as other Joint Executive Council members and will not have any additional vote even in the event of an otherwise tied vote. The agenda for each Joint Executive Council meeting will be agreed by the Joint General Secretaries in advance of the meeting.
- 3.6 No individual or group from either section shall hold themselves out as representing the whole of the Union in any financial matter, or otherwise place a binding financial commitment on the other section or fully merged Union, unless that approach / transaction has been agreed by the Joint Executive Council or in writing by both Joint General Secretaries.
- 3.7 The General Secretary of Amicus and the General Secretary of the TGWU at the time of the registration of the Instrument of Amalgamation shall both serve as Joint General Secretaries of the New Union; each additionally being responsible for the section representing their respective predecessor union.
- 3.7.1 In order to provide continuity from the transitional period into the New Union and, together with the other Joint General Secretary, to oversee the election of the General Secretary Designate of the New Union, the Joint General Secretary of the Amicus Section shall be entitled to remain in office until 23rd December 2010. If at the date the Joint General Secretary of the Amicus section's elected term of office would otherwise expire, he has been a full time employee of the New Union and its predecessor unions for 10 years (whether or not continuous) and is within 5 years of retirement age, he shall be entitled to continue in office until retirement age without further election.
  - 3.7.2 An election will be held for a General Secretary Designate of the New Union, elected by all members of the New Union, in the last twelve months during which the Joint General Secretary of the Amicus Section holds office so that the election will be concluded within the last month of that twelve month period. In the event of this being impossible, such election will be concluded as soon as possible after the Joint General Secretary of the Amicus Section has ceased to hold office.
  - 3.7.3 The remaining Joint General Secretary shall retire no more than twelve months after the date on which the Joint General Secretary of the Amicus Section leaves office and shall be entitled to continue in office without re-election until twelve months after the Joint General Secretary of Amicus has left office.

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- 3.7.4 Upon the last remaining Joint General Secretary ceasing to hold office, the General Secretary Designate shall assume the post of General Secretary of the New Union.
- 3.7.5 All subsequent elections for the General Secretary shall be on the basis of a ballot of the whole membership of the New Union.
- 3.8 The Joint General Secretaries of the Union shall be responsible for the administration of the affairs of the Union; including convening meetings and implementing the decisions of the Joint Executive Council, conducting correspondence on behalf of the Union, maintaining the accounts and records of the Union, managing the Union's full time officers and staff and such other duties as may be determined by the Joint Executive Council. Each Joint General Secretary may delegate to a full time officer or other employee of the Union, such of his/her responsibilities as he/she may deem appropriate.
- 3.9 The Joint General Secretaries shall be under the control of and act in accordance with the directions of the Joint Executive Council. Between Joint Executive Council meetings each Joint General Secretary shall exercise the Joint Executive Council's powers provided that he/she shall not act inconsistently with an existing Joint Executive Council decision.
- 3.10 All officers, officials and staff employed by the Union shall be appointed on the basis of competence and merit for the job, and will be under the ultimate control of the Joint Executive Council whose approval shall be required before changing their terms and conditions of employment or superannuation arrangements.
- 3.11 Each section shall keep management accounts and shall report those accounts to the Joint Executive Council. Each section shall report newly incurred liabilities to the Joint Executive Council, and between Joint Executive Council meetings will report to the Joint General Secretary of the other section new liabilities, including ET/CO/Court claims issued against that section or against the union as a whole in relation to alleged acts or omissions by that section.
- 3.12 Where a section wishes to enter into a new contract for any service, property or facility it will endeavour to work with the other section to obtain the best overall value for the Union for agreements lasting beyond the term of the transitional period. In the event of disagreement proposed agreements will be escalated to both the Joint General Secretaries, and in the event of disagreement thereafter the agreement will be escalated to the Joint Executive Council.
- 3.13 No employee of either of the amalgamating unions shall be declared redundant as a direct result of the amalgamation of those unions without that employee's consent.

#### **4. FUNDS**

- 4.1 All funds and assets of the Union shall be held by the trustees in trust for the Union in accordance with the provisions of these general rules and the sectional rules. The trustees shall be the corporate trustees or individuals who were the trustees of the amalgamating Unions prior to the effective date of the Instrument of Amalgamation.
- 4.2 Accounts shall be maintained recording separately each Section's income and expenditure in each calendar year. The income credited to each Section shall consist of the contributions paid by members of that Section and the income derived in that year

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from assets and affinity agreements referable to that Section. The assets referable to each Section shall consist of the initial assets of that Section, assets purchased from that Section's income and the proceeds of such assets. Income from assets referable to both Sections shall be credited to each Section in proportion to that Section's contribution to the purchase of those assets.

- 4.3 The initial assets of the Amicus Section shall be the assets which were previously the property of Amicus and the initial assets of the TGWU Section shall be the assets which were previously the property of TGWU. The initial assets of each Section shall continue to be held by the trustees which held those assets immediately prior to the general rules coming into effect.
- 4.4 All sectional expenditure shall be debited to the appropriate Section. Where expenditure is incurred on the provision of a service or facility shared by both Sections, the expenditure shall be debited to each Section in proportion to the use made of that service or facility by that Section. Where the Union incurs expenditure which is not sectional expenditure that expenditure shall be debited to each Section in equal parts. Expenditure relating to employment of officers, officials and staff shall be treated in the same way as other forms of expenditure.
- 4.5 The Joint Executive Council shall determine which categories of expenditure shall be deemed sectional expenditure and any dispute concerning the expenditure to be borne by or the income to be credited to each Section shall be referred to the Joint Executive Council whose decision shall be final and binding upon the Section.
- 4.6 Subject to the provisions of these general rules, the Amicus Section National Executive Council and the TGWU Section General Executive Council shall control the expenditure of their respective Sections provided that a Section shall not incur expenditure in excess of its income for that year, borrow or obtain an overdraft without the consent of the Joint Executive Council of the Union which may take such measures as it shall deem appropriate to reduce that Section's expenditure to a level which does not exceed its income for that year.
- 4.7 A firm of chartered accountants shall be appointed by the Joint Executive Council to act as the auditors for the whole of the Union. They shall endeavour to ensure that so far as is reasonably practicable the income, expenditure, assets and liabilities of each Section is recorded in each Section's accounts in a similar fashion and using consistent criteria.
- 4.8 The Joint Executive Council shall direct the trustees on the disposition of the funds and other assets of the Union and on their investment in any way that it considers conducive or incidental to the objects of the Union. No assets may be disposed of without the consent of the Joint Executive Council.
- 4.9 The political fund of the Union is comprised of the political funds of each section. The Political Fund Rules are contained in the relevant Section Rules.

#### **5. CONTENT, INTERPRETATION AND AMENDMENT OF FULL RULES OF THE NEW UNION**

- 5.1 In the event of a question arising about the meaning or interpretation of the general rules, of conflict between the general and the sectional rules or about any matter not provided for by those rules the Joint Executive Council shall have jurisdiction to determine that question and its decision shall be binding upon all members of the Union.

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5.2

- i) The general rules may be amended by a resolution of the Joint Executive Council supported by not less than seventy-five per cent of its members provided that any such amendment shall cease to have effect on the second anniversary of the date in which it took effect if it has not been ratified in the meantime by a majority of those voting in a postal ballot of all the members of the Union.
- ii) Notwithstanding the provision of these rules, the Joint Executive Council shall have power by a resolution supported by not less than seventy-five per cent of its members to amend any of the general or sectional rules to:
  - a) Ensure that the general and sectional rules do not conflict with any requirement of law, whether imposed by statute or otherwise.
  - b) Give effect to the terms of the Instrument of Amalgamation pursuant to which the Union came into being.

5.3

- i) The Joint Executive Council shall prepare a new set of rules to govern the affairs of the whole Union. To assist the Joint Executive Council in its task a Rules Commission shall be established consisting of twenty members, ten of whom shall be nominated by the Amicus section National Executive Council and ten by the TGWU section General Executive Council.
- ii) The Rules Commission will complete its work in good time for the Joint Executive Council to consider and approve the final draft of the new rules. The Joint Executive Council's term of office shall be one year from the effective date of amalgamation and the Rules will be finalized and approved by the Joint Executive Council within that year.
- iii) The first Executive Council of the New Union shall be elected to take office twelve months after the effective date of the amalgamation. Each section shall elect forty members to the first Executive Council to serve for a period of three years, on electoral constituencies to be determined by the respective sections. (Subsequent Executive Councils shall be elected by the membership on the basis of the new rules and not on a predecessor union sectional basis.)
- iv) The Joint Executive Council will ensure that the First Executive Council for the whole New Union will be elected in time to take up office immediately upon the Joint Executive Council's term coming to an end.
- v) The First Executive Council for the whole New Union will arrange for a ballot of the whole membership of the Union for approval of the new rules in time for these rules to replace and supersede both the sectional and the general rules, and to become the entire rules for the New Union no later than eighteen months from the effective date of the Instrument of Amalgamation, or such earlier date as may be agreed by that First Executive Council.
- vi) For its period of office prior to the new rules coming into force, the First Executive Council will assume the powers of the Joint Executive Council (which, together with the Sectional Executives shall have ceased to exist upon the First Executive Council

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taking office), save that it will not have the power to amend the provisions of the New Rule Book as approved by the Joint Executive Council. After the New Rule Book comes into force (no later than six months into the period of office of the First Executive Council) the powers of that Executive Council will be as stated in that New Rule Book.

- vii) In respect of both the TGWU and the Amicus Sections of the New Union, the number of members of the Joint Executive Council and the Rules Commission cited above shall include the Chairs and Vice Chairs of those sections.

5.4 The new rules to be prepared by the Joint Executive Council shall include provision for:

- a) *The separate Amicus and TGWU Sections of the Union shall cease to exist immediately upon the new rules becoming effective.*
- b) *Industrial/Occupational/Professional Sectors.*

There shall be organisation and representation of members at both regional and national level by reference to their industrial, occupational or professional sector.

There will be industrial sections initially based on the existing industrial sectors of Amicus and the national trade groups in the TGWU. The Executive Council may merge Amicus sectors and TGWU trade groups where industrial logic so dictates, and shall have the authority to create new industrial sections as seems expedient. National industrial committees shall enjoy full autonomy in the conduct of their own proper industrial business. There shall be scope for the maintenance of the autonomy of specific craft or professional groupings which may not have the status of national industrial committees. Each section will have the autonomy to determine at a section conference its own industrial policies where they do not conflict with the general policy and objectives of the Union. Members employed in managerial, professional, supervisory, technical and/or clerical grades may, where appropriate, be organised and represented separately from other members in the same industry.

c) *Organising*

Recognising the central importance of the organisation of workers into the New Union the Union will devote no less than five per cent of membership income to organising each year and will aim to move to no less than ten per cent within no less than three years of amalgamation. Organising units shall be maintained by these funds in each Region and shall be controlled by a national organising department under the control of the Joint General Secretaries.

d) *Equalities.*

- (i) There shall be constitutional structures for promoting equality and fairness for all members, including by recognizing and combating the particular challenges arising from race/ethnic identity, gender, sexual orientation, disability, age and religious belief. The New Union will strive to have elected equalities representatives recognized and active in all workplaces and who will participate in the work of the New Union's industrial structure.

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- (ii) All constitutional conferences and committees of the Union shall ensure that the gender and ethnic balance of elected representatives at least reflect proportionality of the membership they represent. To that end, the Executive Council shall ensure the implementation of this rule and shall report to the Policy Conference of the Union.
  - (iii) The Executive Council of the Union will include designated seats to help achieve proportionality and to ameliorate the historic under representation of women members and of black, Asian and ethnic minority members on the elected leadership bodies of the Union.
  - (iv)(a) There shall be separate conferences in each region for women members; black, Asian and ethnic minority members; disabled members; and lesbian, gay, bisexual and transgender members.
  - (b) There shall be Regional Committees for each section of the membership thus defined. These Committees will each elect a delegate to the Regional Committee of the Union.
  - (c) There shall be separate national conferences for women members; black, Asian and ethnic minority members; disabled members; and lesbian, gay, bisexual and transgender members (made up of delegates elected at each of the appropriate Regional Conferences).
  - (d) There shall be National Committees for each section of the membership thus defined.
- (e) *Branches*
- (i) Branches will be one of the cornerstones of the Union's structure. Wherever possible, branches will be based on the workplace, although provision will also be made for local branches and national industrial branches as appropriate and as approved by the Executive Council.
  - (ii) Branch membership shall be allocated on the basis of workplace if there is a workplace branch at the member's workplace; or the nearest local branch if there is not a workplace or national branch.
  - (iii) Branches should have direct access to a proportion of membership subscriptions.
- f) *Regions*
- (i) The Union shall constitute regions for Ireland, Scotland and Wales and with England divided into 7 regions on the basis of Regional Development Agency boundaries (as at 1st January 2006) as follows:
    - North West
    - North East, Yorkshire and Humberside
    - Midlands West
    - Midlands East
    - South West
    - London and Eastern
    - South East

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- (ii) Each region shall have a Regional Committee of lay members elected on the basis of the branches and/or area activists committees and regional industrial committees.
  - (iii) Regional Committees shall have their own funds not exceeding 1% of the membership income attributable to members within that region. They will be responsible for the affiliation of union organisations to Trades Councils, and appropriate public bodies within their region. They shall have responsibility for the management of the Union's affairs in their regions in conformity with decisions of the Executive Council and responsible to it.
  - (iv) Regions may constitute Area Activists Committees between activists in different companies, sectors and branches, across geographical areas within a region, subject to the approval of the Executive Council. This is intended to provide a more localised but focussed facilitation of information exchange and to stimulate activism and democratic participation by lay members, and to provide deeper connections between the elected industrial and regional bodies and other workplace activists.
- g) *Executive Council.*
- (i) Election to the Executive Council under the new rules shall be on the basis of electoral constituencies which shall be stipulated in the new rules of the Union. These constituencies shall ensure fair and equitable representation of the entire membership on the Executive Council and shall include provision for representatives to be elected from the regions as constituted in the New Union proportionate to their membership, and for representatives to be elected from the industrial structure of the New Union proportionate to their membership. For the avoidance of doubt only elected lay members may serve on the Executive Council.
  - (ii) The Executive Council shall have the power to combine industrial sectors for the purpose of determining electoral constituencies for the Executive Council election.
  - (iii) The new rules shall also provide for national representatives for women and for black/ethnic minority members to sit on the Executive Council.
  - (iv) The term of office for the Executive Council shall be three years.
  - (v) The Executive Council of the Union will include designated seats within the electoral constituencies to ensure the proportionate representation of women members and of black, Asian and ethnic minority members.
  - (vi) Only elected lay members may serve on the Executive Council. No employee of the Union is entitled to be a member of the Executive Council.
- h) *General Secretary and Joint General Secretaries*
- (i) The General Secretary of Amicus and the General Secretary of the TGWU at the time of the registration of the Instrument of Amalgamation shall both serve as Joint General Secretaries of the of the New Union;.

- (ii) In order to provide continuity from the transitional period into the New Union and, together with the other Joint General Secretary, to oversee the election of the General Secretary Designate of the New Union, the Joint General Secretary formerly of the Amicus Section shall be entitled to remain in office until 23 December 2010. If at the date the said Joint General Secretary's elected term of office would otherwise expire, he has been a full time employee of the New Union and its predecessor unions for 10 years (whether or not continuous) and is within 5 years of retirement age, he shall be entitled to continue in office until retirement age without further election.
  - (iii) An election will be held for a General Secretary Designate of the New Union, elected by all members of the New Union, in the last twelve months during which the Joint General Secretary formerly of the Amicus Section holds office so that the election will be concluded within the last month of that twelve month period. In the event of this being impossible, such election will be concluded as soon as possible after the Joint General Secretary formerly of the Amicus Section has ceased to hold office.
  - (iv) The last remaining Joint General Secretary shall retire no more than twelve months after the date on which the Joint General Secretary formerly of the Amicus Section leaves office and shall be entitled to continue in office without re-election until twelve months after the Joint General Secretary formerly of the Amicus Section has left office.
  - (v) Upon the last remaining Joint General Secretary ceasing to hold office, the General Secretary Designate shall assume the post of General Secretary of the New Union.
  - (vi) All subsequent elections for the General Secretary shall be on the basis of a ballot of the whole membership of the New Union.
  - (vii) All subsequent General Secretaries shall be entitled to hold their position without re-election where he or she would otherwise reach their retirement age within 5 years of any such election.
- i) *Constitutional Committees, Conferences and Lay Office*
- a) There shall be provision to ensure accountability of Regional and Industrial Executive Committee members and those Executive Committee members elected pursuant to General Rule 5.4 (g) (iii), meeting with their respective committees at least four times per year.
  - b) For National Industrial Committees, Regional Committees and Regional Industrial Committees elections will take place every two years.
  - c) In order to be eligible to be a candidate for election for, or hold office on, the Executive Council and/or any constitutional committee, the member in question must be an accountable representative of workers.
    1. The definition of such a term shall be in the exclusive power of the lay Executive Council, which is empowered to take into account changing industrial realities and the unique nature of some industries

e.g.(construction, contracting, leisure, rural etc) in formulating such a definition. It must nevertheless include branch officeholders who are in employment, shop stewards, health & safety and equalities representatives.

2. It is further required that a fair procedure be developed to deal sympathetically with cases where a members' eligibility to stand for election or continue to hold office may be affected by employer victimisation

j) *Policy Conference.*

Subject to policy relating solely to particular industrial or professional sectors being decided by that sector, the supreme policy making body of the Union shall be a Policy Conference held every 2 years consisting so far as is reasonably practicable of one lay delegate for each two thousand members of the Union. The first Policy Conference shall be convened one year immediately following the adoption of the new rules.

k) *Rules Conference.*

- (i) There shall be a Rules Amendment Conference held every four years constituted in the same way as the Policy Conference, with the exception that one lay delegate should be chosen for each four thousand members.
- (ii) The first Rules Amendment Conference shall be convened one year after the first Policy Conference of the Union constituted in accordance with these rules.
- (iii) Amendments to rule may be approved by a simple majority of those voting.

l) *Membership contributions and Benefits*

The Executive Committee shall define the categories of membership and the level of contributions. It shall also determine the scope and payment of benefits shall be determined from time to time by the Executive Council. The Union shall pay dispute benefit and maintain a comprehensive legal service for members. The Executive Council shall have discretion to provide additional benefits.

m) *Political Organisation.*

- (i) There shall be a political fund conducted in accordance with the statutory requirements. A portion of this fund, to be determined by the Executive Council, shall be remitted to each Region. The Regions will be responsible for affiliations to Constituency Labour Parties in their Region.
- (ii) There shall be regional and national political committees composed of individual members of the Labour Party to co-ordinate the Union's work in the Labour Party, under the direction of the Executive Council.

n) *Education*

The Union will provide training for lay representatives, activists and its employees, with a view to ensuring that our representatives are able to provide highly skilled and knowledgeable assistance to its members.

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o) *Funds.*

All funds and assets of the Union shall be vested in a Trustee Company which shall hold those assets in trust for the Union.

p) *Ireland.*

A structure and procedures which comply with all relevant statutory requirements will be put in place to address the special requirements of this region.

q) *Discipline*

The new rules will provide that where a member is accused of a breach of a rule or object of the Union, or of bringing the Union into disrepute, the NEC shall have the power, by themselves or by delegating that power, but in either event by a fair process, to discipline that member. If a member is found guilty of a disciplinable offence they shall have the right to appeal to an independent body or individual.

r) *Political Fund*

There shall be provision for a political fund compliant with statutory requirements of each relevant jurisdiction.

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**1. Name**

The Union formed under these rules shall be called Amicus.

**2. Registered Office**

The registered office of the Union shall be 35 King Street, Covent Garden, London, WC2E 8JG or such other place as may be decided from time to time by the National Executive Council.

**3. Objects**

The objects of the Union shall be, so far as may be lawful:

- (a) To recruit, organise and represent workers who are eligible for membership of the Union.
- (b) To promote equality and advance the interests and improve the working conditions of members irrespective of age, gender, sexual orientation, ethnic or national origin, creed or disability.
- (c) To promote the economic and social well being of members and of the community in general.
- (d) To further political objectives within the United Kingdom, Ireland and the European Union in the manner provided in these rules.
- (e) To be an affiliate of the Trades Union Congress, Irish Congress of Trade Unions and other appropriate organisations.
- (f) To promote co-operation and partnership arrangements with other appropriate organisations.
- (g) To promote education, scientific and technical knowledge and training. To provide such benefits and legal assistance to members as may be specified in these rules.
- (i) To do all such other things as may in the opinion of the National Executive Council be incidental or conducive to the attainment of these objects.

**4. Membership**

- (1) Where the Union organises or represents persons engaged in an occupation or seeks to do so, any person engaged in that occupation shall be eligible for membership of the Union.
- (2) Any eligible person may apply for membership by completing the appropriate application form agreeing to be bound by the rules of the Union and submitting it to any office of the Union. An applicant shall become a member when his/her application has been approved and he/she has been entered on the register of members.
- (3) Each member must notify the Union's registered office of any subsequent change of address, and in the absence of such notice the Union shall be entitled to treat the address shown on that member's application form as the member's address for all correspondence.
- (4) If an applicant has previously been a member of the Union (or any of its predecessors), the National Executive Council may as a condition of re-admission require the applicant to repay some or all of any monies owed by the applicant to the Union.
- (5) The National Executive Council may reject an application if in its opinion the conduct of the applicant has at any time been such as would justify a disciplinary charge under these rules against a member of the Union who behaved in a similar fashion.

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- (6) Each member shall be allocated to whichever of the following categories of membership is most appropriate:
- (a) Full Time: Comprising members aged 21 or above who normally work 20 hours or more each week.
  - (b) Part Time: Comprising members aged 21 or above who normally work less than 20 hours per week and members who work more than 20 hours but less than 37.5 hours but earn less than £200 per week.
  - (c) Young: Comprising members under 27 years of age.
  - (d) Training: Comprising all members who are undergoing an apprenticeship or a full time occupational, professional or government training scheme.
  - (e) Student: Comprising all members who are in full time higher or further education.
  - (f) Retired: Comprising all members who
    - are permanently retired from work;
    - are permanently prevented from working on medical grounds; or
    - have been excused contributions for a continuous period of at least 24 months unless in receipt of dispute benefit.
  - (g) Honorary: Comprising individuals who have been awarded honorary membership of the Union by the National Executive Council (or by any of the Union's predecessors) as an acknowledgement of their outstanding contribution to society or their particular association with the Union.

A member may, if appropriate, be transferred to a different category and if a member's circumstances change that member should apply for a transfer.

## 5. Contributions

- (1) The rates of contribution for each category of membership shall be fixed by the National Executive Council from time to time. The National Executive Council may prescribe different rates of contribution for different methods of payment. The National Executive Council may set or amend a levy, or a contribution rate above the general Amicus contribution rate, for the category of membership, for a particular group of members, where that higher rate is, or was, provided for by the Instrument of Transfer, or other legal agreement covering that same group of members. The National Executive Council may also prescribe reduced rates of contribution for any member or group of members provided that such reduced rate shall not continue to apply to any member for more than 3 years (or such longer period as may be provided for in an instrument of transfer of engagements pursuant to which that member joined the Union) and a member who is paying (or who has been excused from paying) a reduced rate of contribution shall not be entitled to all the benefits available to members in his/her category of membership. All members earning below the threshold of £210 per week (or equivalent) shall pay half of the full time contribution rate. The NEC shall review the threshold each year and ensure that the threshold does not fall below a minimum of 10% above National Minimum wage. The contribution rates paid by former Unifi members (as defined in rule 12 (7A)) shall not be altered before July 2005 from the rates specified in the Instrument pursuant to which Unifi transferred its engagements to Amicus.

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- (2) A full time, part time or young member shall on production of such proof as the National Executive Council may require, be excused contributions for each complete week in which the member is in receipt of dispute benefit or unable to work because of pregnancy, childcare, sickness or involuntary unemployment and is not in receipt of maternity/paternity or sick pay from his/her employer equal to or exceeding that member's net basic pay.
- (3) If a member has been incorrectly excused contributions or allocated to a category of membership which attracts a lower level of contribution than the correct category for that member, the National Executive Council may, at its discretion, require that member to repay the difference in contributions and any amounts owing shall be treated as arrears of contributions.
- (4) Any monies owed by a member to the Union which remain outstanding for 13 weeks shall be treated as arrears of contributions.

## 6. Eligibility To Hold Lay Office

- (1) For the purposes of these rules, lay office means any position to which a member may be elected pursuant to these rules (including the position of delegate to other bodies whether constituted within or outside these rules) but it excludes any position which entails employment by the Union.
- (2) A member whose contributions are not more than 13 weeks in arrears shall be eligible to hold any lay office in the Union.
- (3) A member who is permanently prevented from working on medical grounds shall be eligible to hold any lay office for which he/she is qualified.
- (4) Honorary members shall not be eligible to hold any lay office.
- (5) A member who;
- (a) is or has been within the last 5 years an employee of the Union (or any of its predecessors);
  - (b) who is or has ever been a full time officer of the Union or any of its predecessors; or
  - (c) who is an employee of another union;

shall only be eligible to hold lay office in a branch, as a branch delegate to a Constituency Labour Party or as a workplace, safety or learning representative except that a former employee of the Union (or any of its predecessors) may hold such other lay office within the Union's political structure as the National Executive Council may agree in respect of that member. For the purpose of these Rules, "employee" includes anyone who has performed paid work for the Union, whether directly, or on secondment, or by some other means by which they performed tasks for and at the direction of the Union, except where acting in a lay capacity and paid only expenses.

## 7. Period of Membership

- (1) Any period in which a member's contributions are 13 or more weeks in arrears shall break continuity of membership for the purposes of qualification for holding office within the Union or receiving benefits save where a member establishes to the satisfaction of the National Executive Council that the arrears arose through no fault of that member. If a member pays off his/her arrears of contributions and then maintains his/her contributions at less than 13 weeks in arrears for a continuous period of 26 weeks, that period of arrears shall no longer break continuity of membership.

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- (2) Membership of the trade unions which amalgamated to form the Union or of a trade union which has transferred its engagements to the Union shall count for the purposes of calculating a member's length of membership.
  - (3) A member whose contributions are recorded at the Union's registered office as more than 6 months in arrears, may be excluded by posting notice to that effect to the member. A member so excluded may apply for reinstatement which may be allowed on such terms as to payment of outstanding arrears as the National Executive Council may consider appropriate.

## **8. Expenses**

A lay member engaged on Union business shall be entitled to such expenses and in such circumstances as may be decided by the National Executive Council from time to time provided that the method of calculating such expenses and any subsequent alteration thereto must be reported to and shall cease to have effect unless ratified by the next Policy Conference of the Union.

## **9. Benefits**

- (1) A member shall only be entitled to the benefits set out in this rule if he/she has paid (or been excused) contributions for 26 weeks and his/her contributions are not more than 13 weeks in arrears. Honorary members shall not be entitled to any of these benefits.
- (2) No member shall be entitled to receive more than 1 of these benefits at the same time or arising out of the same circumstances except that, where appropriate, a member may receive legal assistance in addition to another benefit.
- (3) Any arrears of contributions or other monies owed by a member to the Union shall be deducted from any monies payable to the member pursuant to these benefits.
- (4) If a member or his/her dependant(s) has received any benefit or benefits to which he/she was not entitled, the member or his/her dependant(s) shall repay the monies involved to the Union unless the National Executive Council decides otherwise.
- (5) The monies payable under these benefits are set out in the schedule to these rules.

### **Dispute Benefit**

- (6) A member who takes part in industrial action which has been called for in accordance with these rules and continues to be authorised by the National Executive Council and which involves being out of work for 3 or more consecutive working days shall be entitled to dispute benefit.
- (7) The National Executive Council shall have a discretion whether to pay dispute benefit to:

A member who has been taking part in industrial action which involves him/her being out of work for 3 or more non-consecutive working days.

A member who has been locked out (i.e. prevented from working by his/her employer pursuant to a trade dispute) for 3 or more working days.

A member who is not otherwise entitled to benefits.

- (8) A member who fails to claim dispute benefit within 3 months from first being out of work shall forfeit entitlement to that benefit.

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### **Victimisation Benefit**

- (9) A member who in the opinion of the National Executive Council has been made unemployed solely or mainly as a result of his/her membership and/or activities on behalf of the Union may be granted such financial assistance for up to 26 weeks as the National Executive Council may decide.

### **Legal Assistance**

- (10) A member who is entitled to benefit who suffers injury or disease arising out of or in connection with his/her employment (or the dependants of such a member who has died) shall be entitled to such legal advice and representation and on such terms as the National Executive Council may consider appropriate.
- (11) A member seeking legal assistance must ensure that a request in the appropriate form is lodged at the appropriate Union office in sufficient time and with sufficient information to enable the request to be considered and appropriate action taken.
- (12) A member who requires advice and/or representation on a problem relating to the member's employment which first arose at a time when the member was entitled to benefit and which cannot be resolved through the member's workplace representative should refer the matter to the appropriate Regional Officer. The Union shall provide such advice and/or representation whether by a full time officer or otherwise and on such terms as the National Executive Council shall consider appropriate.
- (13) The National Executive Council may provide such additional legal advice and representation to members and to members' families as it may consider appropriate.
- (14) The National Executive Council may extend legal assistance to a member who is not otherwise entitled to benefits.
- (15) A member who is given advice and/or representation under this rule shall provide all relevant information and co-operate fully with the compilation of evidence for any legal proceedings. If a member fails to do so or provides false or misleading information or fails to act upon the advice of those appointed to represent him/her, the National Executive Council may at its absolute discretion annul all legal assistance or withdraw any further legal assistance to that member.

### **Permanent Disablement Grant**

- (16) A member who is permanently incapacitated as a result of an accident while engaged on his/her usual employment at a time when that member was entitled to benefits may claim a disablement grant.
- (17) The National Executive Council shall be entitled to call for such evidence on the nature and cause of the member's incapacity as it shall think fit and it shall have an absolute discretion whether or not to make such a grant.

### **Fatal Accident Grant**

- (18) Fatal accident grant shall be payable on the death of a member within 12 months of and as a result of an accident at or while travelling to or from the member's usual employment, provided that at the time of the accident the member was entitled to benefits.

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- (19) This grant shall be payable at the National Executive Council's absolute discretion to any surviving dependant or dependants of the deceased member. The National Executive Council shall be entitled to call for such evidence as it shall think fit before approving payment.

#### **Other Benefits**

- (20) The National Executive Council may provide such other benefits as it may in its absolute discretion consider appropriate provided that the cost of such benefits shall be specified in the Union's annual financial report.
- (21) A member who as at 31 December 1995 was a member of the AEU Section of the AEEU eligible to receive unemployment, sickness and, where appropriate, superannuation benefits, shall continue to be eligible to receive such benefits in accordance with the conditions set out in the rules of that Section as at 31 December 1995 The National Executive Council may prescribe different rates of contribution for such members.
- (22) A member who immediately before 1 January, 2004 was a member of the MSF Section entitled to receive any of the closed benefits provided under the Closed Benefit Rules of the MSF Section (which were closed to new members on 1 September, 1989) shall continue to be eligible to receive such benefits in accordance with the provisions of those Closed Benefit Rules. A member shall not be entitled to claim a closed benefit and a benefit provided in accordance with these rules at the same time or arising out of the same circumstances except that, where appropriate, a member may receive legal assistance in addition to a closed benefit.

#### **Other Services**

- (23) The National Executive Council may provide and permit other organisations to provide to members and their households insurance, financial, legal, consumer and other services and products and loyalty or other similar schemes and may provide and permit other organisations to provide information by direct mailing or otherwise to members and their households concerning such services, products and schemes.

### **10. Workplace Representation**

- (1) In each establishment where the Union has 3 or more members, the members employed at that establishment shall elect from amongst themselves at meetings convened for the purpose 1 or more (a) workplace representatives (or shop stewards); (b) safety representatives; and (c) learning representatives. All such elected representatives must be eligible to hold lay office. Where appropriate either the members themselves or their elected workplace representatives may elect 1 of the workplace representatives as a senior representative (or convenor). All such positions shall be subject to re-election after 2 years or such shorter period as may have been agreed by the members at the time of the election. An elected representative shall not require approval or accreditation by the employer.
- (2) It shall be the responsibility of the representative who has been elected to notify the appropriate Regional Officer of the Union as soon as possible of his/her name and address and the position to which he/she has been elected. Upon receipt of such notification the Union will send the workplace representative/safety representative/learning representative accreditation for their role. If an accredited representative fails to gain re-election, or ceases employment within the constituency for which he/she has been elected, they must inform their Regional Officer of this without delay, and should return his/her credentials to the Union and cease to represent him/herself out to be a union representative.

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- (3) A workplace representative shall convene meetings of all members employed in the establishment that he/she represents when he/she thinks proper. A special meeting shall be convened when requested by 1 quarter of those members. At a special meeting a representative may be removed from office by a vote of the members present.
- (4) Each workplace, safety and learning representative shall comply with the rules, policy and objectives of the Union.
- (5) Due to the unique nature of some industries e.g. (Construction, Contacting, Leisure etc), the NEC has authority to allow working representatives from the sector to attend National Conferences, Sector Conferences and Committees during periods of unemployment. The NEC shall decide on what evidence it requires.
- (6) Where the NEC is satisfied that a group or association, which consists largely or entirely of members who are self-employed, acts on behalf of those members in a collective manner, the NEC may permit that group or association to elect one or more of its members to act as representatives within the industrial structure of the sector to which the group or association belongs. These representatives to have the same participation rights as would any other elected workplace representative in a sector in accordance with the rules of Amicus. The NEC to specify the number of delegates that may be elected in each case.

### **11. Industrial/Occupational/Professional Sectors**

- (1) Members shall be allocated to an industrial, occupational or professional sector. Members who are not allocated to an occupational or professional sector shall be allocated to an industrial sector by reference to the employer by whom they are (or in the case of unemployed members were last) employed.
- (2) Subject to rule 11(6) the National Executive Council shall decide to which sector each employer shall be allocated. Employers who are not allocated to a more appropriate sector shall be included in the general industrial sector.

If the Union does not have a record of a member's employer, that member shall be allocated to the industrial sector, which the National Executive Council considers most appropriate. Honorary, student and retired members shall not be members of a sector.

- (4) Members employed in managerial, professional, supervisory, technical and/or clerical grades may, where appropriate, be organised and represented separately from other members in the same industry.
- (5) The National Executive Council shall decide and may, from time to time, alter the number and description of the sectors provided that when these rules first come into force the sectors shall include:

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| Aerospace  | – Manufacturing Staff (where appropriate) |
| Business Services  | Finance                                   |
| Chemicals, Pharmaceuticals & Process                                 | Food, Drink and Tobacco                   |
| Construction and Contracting<br>(to include Heating and Ventilating) | (to include Tobacco Workers Section)      |
| Education  | Foundry                                   |
| Electrical Engineering,  | General Industries                        |
| Electronics and Information Technology                               | Government Departments                    |
| Energy   | Health Service                            |
| Federation of Professional Associations – CMA                        | (to include CPHVA)                        |
|  | Local Authorities                         |

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Metals  
Motor Components  
Motor Vehicles  
Servicing  
Transport  
Voluntary and Not for Profit

For the avoidance of doubt the above list is not exhaustive.\*

- (6) There shall be a Graphical Paper and Media Sector (G.P.M. Sector) to which shall be allocated all members who are (or were last) employed in whatever capacity in the print, publishing, packaging, paper and media industries.
- (7) Subject to the provisions of these rules each sector shall have autonomy to decide its own policies and objectives and, wherever practicable, to preserve its internal structures and those of the groupings, if any, operating within that sector.

\* See Appendix 2 for revised list of sectors

## 12. Sector Conferences and Committees

### Company or Occupational Advisory Committees

- (1) In order to ensure adequate exchange of information and co-ordination of policy in respect of a particular employer or occupation where the Union has substantial membership the National Executive Council may convene an Advisory Committee nationally or in a particular geographic area. The committee shall consist of such workplace, safety and/or learning representatives from each establishment or occupation as the National Executive shall determine and shall be chaired by a representative elected by and from the Committee.

### Regional Sector Conferences

- (2) Every 2 years and on other such occasions as it may consider appropriate, the National Executive Council shall convene Regional Sector Conferences for each Sector. The National Executive Council shall decide the number of delegates and substitute delegates to be elected by and from each Regional Sector Conference and the number of motions that may be submitted by each conference. The National Executive Council may group regions together in order to convene a Regional Sector Conference which covers more than 1 region.
- (3) Each workplace representative working in that sector in the relevant region or regions shall be entitled to attend the Regional Sector Conference.
- (4) Each Regional Sector Conference shall receive reports from the National Executive Council on matters relating to that sector and elect delegates and submit motions to the National Sector Conference for that sector. If the Regional Sector Conference is entitled to elect a member or members of a Regional Council he/she/they shall be elected by and from the workplace representatives from that region.

### Regional Sector Committees

- (5) The National Executive Council shall, normally at least twice a year and on such other occasions as it shall consider appropriate, convene a Regional Sector Committee consisting of the delegates to the National Sector Conference elected by one or more of the Regional Sector Conferences together with such additional committee members, elected by and from

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the same Regional Sector Conference(s), as the National Executive Council shall call for. The Regional Sector Committee shall receive reports and be consulted on issues relating to that sector.

### National Sector Conferences

- (6) Each National Sector Conference shall meet every 2 years. The National Executive Council shall decide the number of delegates to the Policy Conference of the Union that may be elected by and from each National Sector Conference so as to ensure, so far as is reasonably practicable, that the number of delegates fairly reflects the number of members in that sector. The National Executive Council shall also decide the number of motions to the Policy Conference that may be submitted by each National Sector Conference. Each Regional Sector Conference shall be entitled to submit motions to the National Sector Conference for that purpose. Such motions shall be confined to matters concerning the general policy of the Union and shall not deal with matters relating to the interpretation or amendment of rule or which are concerned solely with the Union's policy within that sector.

### National Sector Committees

- (7) The National Sector Committee shall consist of delegates elected by and from the National Sector Conference. It shall meet at least once each year and on such other occasions as the Committee may consider appropriate and as shall be approved by the National Executive Council. The National Sector Committee shall receive reports from and be consulted by the National Executive Council on matters relating to that sector and shall assist in resolving problems relating thereto. Each National Sector Committee shall consider the motions submitted to the Policy Conference of the Union and may submit amendments to those motions. It may also amend (or with the consent of the National Executive Council substitute) a motion submitted by the National Sector Conference for that sector in order to take account of events since that Conference met. The National Executive Council shall decide the size of each National Sector Committee and the number of amendments to motions that may be submitted by each Committee.
- (7A) (a) "Unifi effective date" means the date on which the transfer of the engagements of Unifi to Amicus took effect.
  - (b) "Former Unifi member" means a member of the Union who was a member of Unifi immediately before the Unifi effective date.
  - (c) "The Unifi members of the Finance Industry Committee" means those former Unifi members who became members of the National Sector Committee for the Finance Sector on the Unifi effective date pursuant to rule 12(7B)(a).
- (7B) (a) On the Unifi effective date, the former Unifi members who were members of the Unifi National Executive Council immediately prior to the Unifi effective date, other than the former Unifi General Secretary and Joint General Secretary shall become members of the National Sector Committee for the Finance Sector.
  - (b) From the Unifi effective date, the former Unifi members shall be entitled to be represented on such of the following bodies as shall meet after the Unifi effective date but before the former Unifi members have had an opportunity to take part in the election of members of that body:

- The Finance Sector Regional Sector Committees
- The National Equality Conferences and Committees
- The Regional Women's Committees
- The National Women's Conference
- The National Women's Committee
- The National Advisory Committee for Retired Members
- The Regional Branch Committees
- The Regional Councils
- The Policy Conference

(c) The National Executive Council of the Union shall decide the number of former Unifi members on each body referred to in (b) above and shall endeavour, so far as is reasonably practicable, to fairly reflect the proportion of the members represented by that body who are former Unifi members.

(d) The Unifi members of the Finance Industry Committee shall together decide the method of selecting the former Unifi members on each body referred to in (b) above provided that each former Unifi member who is selected must have the same qualifications as would be required for him/her to be eligible to be elected to that body in accordance with these rules.

(e) The former Unifi member on each Regional Council selected in accordance with (d) above shall also be a member of the Regional Management Committee for that Region.

#### **National Executive Council Members**

- (8) A member of the National Executive Council who is a workplace representative shall be eligible to attend his/her Regional Sector Conference and be elected as a delegate to the Regional Sector Committee and the National Sector Conference and Committee. A member of the National Executive Council who is a member of a sector may be invited to attend and to report to any Regional Sector Conference for that sector. A member of the National Executive Council who is a member of a sector but is not a delegate to that sector's National Sector Conference or Committee shall nevertheless be entitled to attend and take part in the meetings of those bodies but shall not be entitled to vote on any matter.

#### **Sector Policy and Objectives**

- (9) Subject to the provisions of clauses (6) and (7) above, Sector and National Sector Conferences and Committees shall only consider matters relating to their sector. Policy decisions of the National Sector Conference shall decide the Union's policy for that sector and decisions of the National Sector Committee shall decide the Union's objectives for that sector provided that they are not inconsistent with the general policy and objectives of the Union.

#### **Members not eligible to be a Workplace Representative**

- (10) A member who is employed in an establishment where the Union has workplace representatives but who is in a position or grade which means he/she is not eligible to be elected as a workplace representative shall be entitled, if the workplace representatives from that establishment consent, to be treated for the purposes of this rule as though he/she was a workplace representative.

#### **Substitute Delegates**

- (11) A member who ceases to be a workplace representative in the appropriate sector shall immediately cease to be eligible to attend any Regional or National Sector Conference or act as a delegate from that body. Regional and National Sector Conferences shall elect substitute delegates to take the place, when practicable, of any delegate who is ineligible or unable to attend a meeting.

#### **Chairs and Secretaries**

- (12) Each Regional and National Sector Conference and Committee shall be chaired by a representative or delegate elected by and from the Conference or Committee. The National Executive Council shall nominate a full time officer to convene and act as secretary to each Sector Conference and Committee.

#### **Alternative Structures**

- (13) The National Executive Council may adapt the structures set out in this rule to enable a particular industrial, occupational or professional sector to operate in a manner which in the opinion of the National Executive Council is best suited to representing the interests of the members in that sector and thereafter the National Executive Council may from time to time after appropriate consultation alter the internal structures of a sector, provided always that only workplace representatives from that sector shall be entitled to be elected as delegates to the Policy or Rules Conference of the Union, to vote on motions or amendments to motions to be submitted to such conferences, or to be members of Regional or National Sector Committees. National Officers, with approval from the National Executive Council, shall call emergency Delegate Conferences when considered appropriate of accredited union representatives within their industrial remit.

- (14) The alternative structures of the GPM Sector are set out in Appendix 1 to these Rules which contain the bye-laws of the GPM Sector. Rule 11(6) and, insofar as it relates to the full industrial autonomy of the Sector, in relation to industrial, organisational, and sector representation issues, Appendix 1, may only be amended following consultation with the GPM National Sector Committee and mutual agreement with the National Executive Council.

In the event of any conflict between the Rules of the Union and those bye-laws, the bye-laws shall prevail.

### **13. Area Conferences and Committees**

- (1) Regional Councils, subject to the approval of the NEC, shall designate intra-regional boundaries to create 'areas' within the region. These areas should have geographical logic.

#### **Area Activists' Quarterlies**

- (2) The National Executive Council shall convene Area Activist Quarterlies for each area four times per year. Every workplace representative and every lay branch officer will be entitled to attend the Area Activist Quarterly in which their branch or work place is located. The Area Activist Quarterly meetings will receive reports from their Regional Council and any Industrial Sector Committees.

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### **Area Committees**

- (3) The National Executive Council shall have the authority to establish Area Committees to co-ordinate the activities of the Area Activist Quarterlies. The National Executive Council shall issue standing orders for the composition of the Area Committee and it shall ensure that 75% of the committee is from workplace representatives.

The National Executive Council shall issue standing orders from time to time to regulate the conduct of the meetings of Area Activists and Committees.

### **14. United Crafts**

- (1) There shall be a United Craft Conference, United Craft National Committee, craft committees and craft branches whose composition shall, so far as is practicable and consistent with the other provisions of these rules, be the same as the equivalent bodies in the Manufacturing, Science and Finance Union ("MSF") immediately prior to 1 January, 2002.
- (2) From 1 January 2004 for four years the United Craft shall have the right to submit motions, amendments to motions and elect delegates to the Union's Policy Conference in accordance with the provisions of Rule 12 as if it was an industrial, occupational or professional sector. During this period, workplace representatives who are members of a craft branch shall have observer status at the appropriate regional and national conferences of the industrial, occupational or professional sectors.

### **15. Groups or Associations**

- (1) The National Executive Council may approve byelaws to govern the activities of a group or association of members. In the event of a conflict between the rules of the Union and the byelaws of a group or association the rules shall prevail except where the byelaws expressly provide otherwise. Any amendment to the byelaws shall require the approval of the National Executive Council notwithstanding any provision to the contrary in those byelaws.
- (2) A group or association which immediately prior to 1 January, 2004 had its own byelaws, regulations or rules pursuant to the provisions of the rules of the AEEU or MSF Sections of the Union shall treat those byelaws, regulations or rules as its byelaws for the purposes of this rule. After consultation with the group or association concerned, the National Executive Council may amend those byelaws in order to reflect the structures established under these rules.
- (3) For the avoidance of doubt, the former AEEU and MSF Sections of the Union ceased to exist on 1 January, 2004 and neither of those former sections shall constitute a group or association for the purposes of this rule.

### **16. Gender and Ethnic Balance**

All conferences, committees and councils of the Union shall endeavour to ensure that the gender and ethnic balance of elected representatives reflects that balance within the membership they represent. To that end, the National Executive Council shall take such steps and establish such mechanisms as it considers appropriate to identify the extent of any imbalance and to encourage and assist members of under-represented groups to attain elected office within the Union. The National Executive Council shall report to the Policy Conference of the Union on the progress made towards this objective.

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### **17. Equalities**

#### **Regional Equality Forums**

- (1) Each Regional Council shall organise Regional Equality Forums for (a) Young, (b) Black and Ethnic Minority, (c) Disabled and (d) Lesbian, Gay, Bisexual and Trans members every 2 years. These forums shall be chaired by a lay member elected by and from the forum.
- (2) Each Regional Forum shall be entitled to elect:
  - 1 delegate to the Regional Council
  - 1 delegate to the National Equality Committee, plus 1 extra delegate for each of the three largest regions
  - 3 delegates to the National Equality Conference, plus 2 extra delegates for each of the three largest regions
  - Up to 12 members to a Regional Equality Committee for that group
  - Delegates, as appropriate, to other such bodies as the NEC may approve.
- (3) Each Regional Forum may submit motions to the National Equality Conference for that group.

#### **Regional Equality Committees**

- (4) The Regional Council shall convene on request, up to 4 times a year, each Regional Equality Committee. These meetings will be organised and run by the Committee, and be open to any members of that equality in the Region. Each Regional Equality Committee shall promote the implementation and development in the region of the Union's policies relating to that group, assist in promoting the interests of members of that group in the region, make recommendations to, and consider such other business as may be referred to it by the Regional Council or the National Equality Committee.

#### **National Equality Conferences**

- (5) There shall be National Equality Conferences for (a) Young, (b) Black and Ethnic Minority, (c) Disabled and (d) Lesbian, Gay, Bisexual and Trans members every 2 years. Each conference shall be entitled to elect additional delegates to the National Equalities Committee up to the quota permitted, to submit motions and elect a delegate or delegates to the Policy Conference of the Union and to such other bodies as the National Executive Council may decide. All such delegates shall be elected by and from the delegates to the conference.
- (6) Each National Equality Conference shall review the implementation and development of the Union's policies relating to the group represented by that conference, receive a report from and make recommendations to the National Executive Council and consider such other business as may be referred to it by the National Executive Council.
- (7) Each National Equality Conference shall be chaired by a delegate elected by and from the Conference. The National Executive Council shall nominate a full time officer to convene and act as secretary to each National Equality Conference.
- (8) Each delegate elected by the Regional Equality Forums and the National Equality Conferences shall whenever possible be a member in employment.
- (9) Regional Equality Forums and National Equality Conferences shall elect substitute delegates to take the place, when practicable, of a delegate who is ineligible or unable to attend a meeting.

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### **National Equality Committees**

- (10) There shall be National Equality Committees for (a) Young, (b) Black and Ethnic Minority, (c) Disabled and (d) Lesbian, Gay, Bisexual and Trans members. They shall meet at least twice a year and on such other occasions as the Committee may consider appropriate and as shall be approved by the National Executive Council. Each Committee shall be chaired by a lay member elected by and from the Committee. The National Executive Council shall nominate a full time officer to convene and act as secretary to each Committee.
- (11) The National Equality Committees shall receive reports from and be consulted by the National Executive Council on the implementation and development of the Union's policies relating to the group represented by that Committee and shall assist in promoting the interests of that group and endeavouring to ensure that those interests are properly represented within the Union's structures.
- (12) The National Equality Committees shall consider the motions submitted to the Policy Conference of the Union and may submit amendments to those motions.
- (13) The National Executive Council shall decide the number of delegates and substitute delegates that may be elected by and the number of motions that may be submitted by each Regional Equality Forum and each National Equality Conference and the number of amendments to motions that may be submitted by each National Equality Committee.

## **18. Women's Structure**

### **Regional Women's Conferences**

- (1) Each Regional Council shall convene a Regional Women's Conference in each region of the Union. Each female workplace, safety or learning representative shall be entitled to attend the Regional Women's Conference for the region in which she works. Each branch in the region shall be entitled to elect a female delegate to attend the Conference.
- (2) The Regional Women's Conference shall meet every 2 years to review the implementation and development in that region of the Union's policies relating to women, receive reports from and make recommendations to the National Executive Council and the Regional Council and consider such other business as may be referred to it by the National Executive Council. The conference shall be chaired by a lay member elected by and from the conference. It shall elect delegates and substitute delegates and submit motions to the National Women's Conference and elect delegates to the Regional Council and the Regional Women's Committee. The National Executive Council shall decide the number of delegates and substitute delegates and the number of motions that may be submitted by each Regional Women's Conference. Not less than 75% of the delegates and 75% of the substitute delegates shall be elected by and from the workplace, safety and learning representatives and the balance by and from the branch delegates. The National Executive Council shall appoint a full-time officer to act as secretary to the Regional Women's Conference and to submit a report on its proceedings to the National Executive Council.

### **Regional Women's Committees**

- (3) The Regional Council shall convene at least 4 times a year and on such other occasions as it shall consider appropriate a Regional Women's Committee consisting of the delegate(s) to the Regional Council and the delegates to the Regional Women's Committee elected by and from the Regional Women's Conference. The Regional Women's Committee shall promote the

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implementation and development in the region of the Union's policies relating to women, assist in promoting the interests of female members of the Union in the region, make recommendations to the Regional Council and consider such other business as may be referred to it by the Regional Council or the National Executive Council.

### **National Women's Conference**

- (4) The National Women's Conference shall meet every 2 years. It shall review the implementation and development of the Union's policies relating to women, receive a report from the National Executive Council and consider such other business as may be referred to it by the National Executive Council. In particular, the National Women's Conference shall consider the position in each region, identify action to be taken by the Regional Women's Conferences and receive reports thereon. It shall be entitled to submit motions to the Policy Conference of the Union and to elect delegates and substitute delegates from the conference to the Policy Conference of the Union, the Trades Union Congress and the Trades Union Congress Women's Conference and the Labour Party National Women's Conference. The National Executive Council shall decide the number of motions that may be submitted and the number of delegates and substitute delegates that may be elected by the National Women's Conference.
- (5) The National Women's Conference shall be chaired by a delegate elected by and from the Conference. The National Equalities Officer shall act as secretary to the National Women's Conference.

### **National Women's Committee**

- (6) The National Women's Conference shall elect delegates from the conference to a National Women's Committee which shall meet at least twice each year and on such other occasions as the Committee may consider appropriate and as shall be approved by the National Executive Council. The Committee shall be chaired by a lay member elected by and from the Committee. The National Equalities Officer shall convene and act as secretary to the Committee. The National Women's Committee shall receive reports from and be consulted by the National Executive Council on the implementation and development of the Union's policies relating to women and shall assist in promoting the interests of female members of the Union and endeavouring to ensure that those interests are properly represented within the Union's structures. The National Women's Committee shall consider the motions submitted to the Policy Conference of the Union and may submit amendments to those motions. The National Executive Council shall decide the number of amendments to motions that may be submitted by the National Women's Committee.
- (7) When deciding the number of delegates to be elected by and from the Regional and National Women's Conferences, the National Executive Council shall have regard to the number of female members in the relevant region or, as the case may be, in the Union as a whole.
- (8) A member who ceases to be a workplace, safety or learning representative shall unless she is a branch delegate immediately cease to be eligible to attend a Regional Women's Conference or to act as a delegate from that body. The Regional and National Women's Conferences shall elect substitute delegates to take the place when practicable of any delegate who is ineligible or unable to attend a meeting.
- (9) A female member of the National Executive Council who is a workplace, safety or learning representative or who is elected as her branch delegate shall be entitled to attend her

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Regional Women's Conference and to be elected as a delegate to the Regional Women's Committee and the National Women's Conference and Committee. A female member of the National Executive Council who is not a delegate to the National Women's Conference and Committee shall nevertheless be entitled to attend and take part in the meetings of those bodies but shall not be entitled to vote on any matter.

## **19. Retired Members**

- (1) The Regional Councils shall organise Retired Members Forums. Each forum shall be chaired by a lay member elected by and from that forum.
- (2) The forums shall elect delegates to the National Advisory Committee and decide on motions to be submitted to that committee. The forum(s) in a region shall elect a retired member to attend meetings of the Regional Council for that region as an observer.
- (3) The National Advisory Committee shall meet at least twice each year and on such other occasions as the Committee may consider appropriate and as shall be approved by the National Executive Council. It shall be consulted by and may submit motions to the National Executive Council on matters concerning the interests of retired members. It shall be chaired by a delegate elected by and from the Committee. The National Executive Council shall nominate a full time officer to convene and act as Secretary to the Committee.

## **20. Branches**

- (1) Every member of the Union shall be a member of an occupational, company, workplace or geographic branch. If a new member is employed in an occupation, by a company or at a workplace for which there is a designated branch, the member shall be allocated to that branch. In all other cases, a new member shall be allocated to a branch for the area where that member resides.
- (2) A member of a branch who applies to transfer to a new branch shall be transferred to that branch if the member can show that if he/she were a new member, he/she would be eligible to be allocated to that branch.
- (3) The National Executive Council shall have the power to establish, close or merge branches and to transfer members between branches in order to constitute workplace, occupational, company or geographic branches but it shall not implement any proposed change until it has given the appropriate Regional Council(s) and the branches affected an opportunity to make written representations on the proposal and has considered those representations. A Regional Council may make proposals to the National Executive Council for it to exercise its powers under this clause.
- (4) Each branch shall meet once each month at the designated meeting time and place. A branch which immediately prior to 1 January, 2004 met at a frequency other than once each month may continue to do so. A branch may decide to change its meeting time or place or the frequency of its meetings provided it obtains the Regional Council's consent before implementing that change. If the Regional Council rejects the change, the branch may appeal in writing to the National Executive Council whose decision shall be final.
- (5) When there is an urgent need to deal with branch business before the next scheduled meeting, the branch officers may with the consent of the Regional Council summon a special meeting of the branch by in the case of a workplace branch giving 7 days' notice of the meeting on union notice boards at the workplace and in all other cases by sending a written

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notice of the meeting to each member of the branch at the address notified to the Union by that member. The Regional Council may delegate to the Regional Management Committee or to a designated member or members of that committee its powers to consent to special branch meetings or to changes in the time, place or frequency of branch meetings.

- (6) The National Executive Council shall issue standing orders to regulate the conduct of branch meetings and business and may amend the standing orders from time to time. Those standing orders may only be varied in respect of a branch with the prior approval of the National Executive Council. The quorum for a branch meeting to make a decision on any matter shall be 5 members and all matters should be decided by a simple majority of those voting. If the votes are equal the proposition before the meeting shall fail.
- (7) The branch officers shall be the branch chair, secretary and treasurer and such other officers as the branch may elect. They shall be elected by the branch meeting in September and shall hold office for 2 years commencing the following 1 January. In the event of a vacancy, a replacement shall be elected for the remainder of the term.
- (8) The branch chair shall preside over all meetings of the branch and shall ensure that business is conducted in accordance with the rules and branch standing orders. If the chair is absent from a branch meeting, those present shall elect a substitute to take his/her place for that meeting. The chair shall be entitled to vote on all matters to be decided by the branch but he/she shall not have a second or casting vote.
- (9) The branch secretary shall be responsible for the general administration of the branch including maintaining the branch membership, financial and other records in the manner required by the National Executive Council, taking and preserving branch minutes and conducting all correspondence on behalf of the branch.
- (10) The branch treasurer shall be responsible for dealing with financial transactions concerning the branch, ensuring that all payments are made in accordance with the rules of the Union, receiving contributions from members who pay at the branch and banking monies. He/she shall provide the branch secretary with a record of all financial transactions and shall ensure that they are accurately recorded in the branch records and that all monies are dealt with in accordance with the rules and the instructions of the National Executive Council.
- (11) If a branch is unable to fill a vacancy for secretary or treasurer, the National Executive Council may appoint a full time officer to fulfil the duties of that office until such time as the branch is able to fill the position. In circumstances where a full time officer is acting as secretary and/or treasurer of a branch immediately prior to 1 January, 2004 he/she may continue to do so until such time as the branch is able to fill the position.
- (12) Branch secretaries and treasurers other than full time officers shall each receive an honorarium as determined by the National Executive Council.
- (13) Each branch shall be entitled to incur general purposes expenditure up to 3% of the contributions paid by the members of the branch in that calendar year. That expenditure may be used to meet the cost of administering the branch; for recruitment and other campaigns approved by the National Executive Council; for local affiliations; to assist members or their dependants who have suffered misfortune; or for any other worthy cause but no general purposes expenditure shall be incurred for political objects. Any payments made in connection with any form of industrial action must be made strictly in line with NEC guidance applicable at the time. The National Executive Council shall make funds available for branch general

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purposes expenditure in accordance with this clause provided that the proposed expenditure is in accordance with guidelines issued by the National Executive Council and (with the exception of the cost of branch administration) has been approved by a branch meeting. The branch general purposes fund shall be available to the branch in 4 equal instalments at the beginning of each quarter. The branch shall be required to account for all expenditure of that fund before drawing on the branch general purposes fund for subsequent years.

- (14) All the books and effects of the branch shall be the property of the Union and shall on request by the National Executive Council be produced for inspection and audit. In the event of the closure, merger or dissolution of the branch, those books and effects shall be dealt with as directed by the Regional Council subject to the overall control of the National Executive Council.
- (15) All reference to “branch” throughout these rules refer to lay member organisations. All references to branch secretaries refer to lay officials. (Within the GPM sector the word “branch” may colloquially be used to refer to a geographical unit of paid officials, however for the purposes of these rules the chapel is the branch within the GPM sector, until such time as lay branches may be defined by the NEC, at which time the NEC defined list of branches will be definitive for the purpose of these Rules. The branch structure referred to in Section 6 of the GPMU Instrument of Transfer will continue as per the terms of that Instrument, however no GPM employee would be entitled to participate in the Union’s lay democracy where any other Amicus employee would not.

## **21. Regional Branch Conferences and Committees**

- (1) Each Regional Council shall convene a Regional Branch Conference which shall meet every 2 years to elect by and from the conference members of the Regional Council and delegates to the Policy Conference and to decide on motions to be submitted to the Policy Conference. Each branch in a region shall be entitled to elect 1 delegate for each 1,000 members of the branch or part thereof and to submit a motion to the Regional Branch Conference.
- (2) The National Executive Council shall decide the number of motions to the Policy Conference that may be submitted and the number of delegates and substitute delegates to the Policy Conference that may be elected by and from each Regional Branch Conference, provided that the National Executive Council shall ensure that so far as reasonably practicable, the number of delegates to be elected by each Regional Branch Conference shall fairly reflect the number of paying members in that region. Each Regional Branch Conference shall elect substitute delegates to take the place, when practicable, of any delegate who is ineligible or unable to attend a meeting.
- (3) Each Regional Branch Conference shall be chaired by a delegate elected by and from the Conference. The Regional Secretary shall act as secretary to the Regional Branch Conference.
- (4) Each Regional Branch Conference shall receive and debate reports from the National Executive Council on the affairs of the Union and from the Regional Council on activities within the Region.

### **Regional Branch Committees**

- (5) The delegates to the Policy Conference from each Regional Branch Conference shall constitute the Regional Branch Committee. Each Regional Branch Committee shall consider the motions submitted to the Policy Conference and may submit amendments to those motions.

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It may also amend (or with the consent of the National Executive Council substitute) a motion submitted by the Regional Branch Conference for that region to take account of events since that Conference met. Each Regional Branch Committee shall consider such other business as may be referred to it by the National Executive Council or the Regional Council. The National Executive Council shall decide the number of amendments to motions that may be submitted by each Regional Branch Committee.

## **22. Regional Councils**

- (1) The Union shall be divided into 12 regions comprising Ireland, Scotland, Wales and 9 regions in England based on the boundaries of the Regional Development Agencies. Each region shall comprise all the members of branches which meet in that region. The National Executive Council shall allocate the members of branches in the Isle of Man and the Channel Islands to appropriate regions.
- (2) There shall be a Regional Council in each region (except Ireland), consisting of:
- (a) Members elected by and from the industrial, occupational or professional sectors who are workplace representatives employed in the region;
  - (b) Members elected by and from the Regional Branch Conference for that region;
  - (c) Women members elected by and from the Regional Women’s Conference in the region; and
  - (d) Members elected by and from the Regional Equality Forums in the region.

In addition, a retired member elected by and from the Retired Members Forum(s) in the region shall be entitled to attend the meetings of the Regional Council as an observer.

- (3) The National Executive Council shall decide the size of each Regional Council. After deciding the number of women members to be elected by the Regional Women’s Conference it shall ensure that at least 75% of the remaining members of the Regional Council shall be elected by and from the industrial, occupational or professional sectors and the balance by and from the Regional Branch Conference and the Regional Equality Forums for that region.
- (4) The Regional Council shall endeavour to advance the effective implementation of the Union’s policies and the attainment of its objectives within the region. It shall receive reports from the Regional Secretary and other officers and staff on the Union’s activities within the region. The Council shall seek to initiate and co-ordinate activities relating to the recruitment and retention of members; education and training of workplace, safety and learning representatives; promotion of health and safety at work; and equalities issues.
- (5) Members of the Regional Council shall be elected for a period of 2 years. At the first meeting of the new Regional Council, it shall elect from among its members a Chair and 4 members each of whom shall have special responsibility for one of Finance, Health & Safety, Education or Equalities. Those 5 members of the Regional Council, together with such additional members elected by and from the Regional Council as the National Executive Council may approve, shall constitute the Regional Management Committee. At least one member of the Regional Management Committee shall be a woman. The retired member elected by the Retired Members Forum(s) as an observer shall not be eligible to vote or to be elected by the Regional Council to be a member of the Regional Management Committee or to any other position. The Regional Council may at any time remove a member of the Committee and elect a

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replacement and it shall do so if a member is unable or ineligible to continue to perform his/her duties as a member of the Regional Management Committee.

- (6) The Regional Council shall meet 6 times each year. The Regional Management Committee shall progress the decisions of the Regional Council between meetings of the Council and shall liaise with the Regional Secretary for that purpose. The Regional Management Committee shall meet between each Regional Council meeting. The Chair and the member of the Committee responsible for Finance may require that a special meeting of the Committee is convened if they both consider it necessary.
- (7) 2% of the annual contributions paid by members of branches in the Region shall be available for expenditure by the Regional Councils on the activities referred to in clause (4) of this rule and on grants to support charitable, educational or other worthy causes. No grant shall be made to individuals and no funds shall be used for political objects (which may only be financed from the Union's Political Fund). A grant may only be made to support industrial action if that action is lawful and the grant is in accordance with guidelines issued by the National Executive Council.
- (8) Each year the Regional Council shall prepare and submit to the National Executive Council for its approval an annual plan and budget for pursuing the activities and making the grants referred to in clauses (4) and (7) of this rule. The National Executive Council shall make funds available for all expenditure within the approved plan and budget. The Regional Council shall not incur or approve expenditure which is not provided for in the approved plan and budget for that year without the prior approval of the National Executive Council. The Regional Council shall provide the National Executive Council with a report on the expenditure incurred each year by reference to the approved plan and budget for that year.
- (9) The Regional Management Committee shall be responsible for ensuring that all expenditure of Regional Council funds is in accordance with the decisions of the Regional Council. Between meetings of the Regional Council, the Committee may approve such expenditure provided that it reports and seeks approval of such decisions at the next meeting of the Regional Council.
- (10) The National Executive Council shall issue model standing orders from time to time, to regulate the conduct of the meetings of the Regional Council and the Regional Management Committee and those standing orders may only be varied with the approval of the National Executive Council.
- (11) The Chair shall be responsible for ensuring that meetings of the Regional Council and Regional Management Committee are conducted in an orderly manner and in conformity with these rules and any standing orders. The Chair shall be entitled to vote on all matters but in no case shall he/she have a second or casting vote.
- (12) The Regional Secretary shall act as secretary and provide administrative and technical support to the Regional Council and Regional Management Committee and shall be responsible for communicating its decisions. When expenditure has been approved in accordance with these rules, the Regional Secretary shall ensure that the relevant funds are disbursed or the expenditure incurred.
- (13) The Regional Council may submit nominations to the Regional TUC and other bodies within the region, provided that a nomination of a full time officer or other employee of the Union shall require the approval of the National Executive Council.

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- (14) A member of the National Executive Council shall not be entitled to be a member of the Regional Council but if he/she is (or was last) employed by an employer in the region or is a member of a branch in the region he/she shall be entitled to attend and take part in the meetings of the Regional Council and Regional Management Committee but shall not be entitled to vote on any matter.

### **23. Policy Conference**

- (1) In 2005 and every second year thereafter, there shall be a Policy Conference which shall consist, so far as is reasonably practicable, of 1 delegate for each 1,000 paying members of the Union. After the number of delegates to be elected by and from the National Women's Conference has been decided not less than 75% of the remaining delegates shall be elected by and from the industrial, occupational or professional sectors. The balance of the delegates shall be elected by and from the Regional Branch Conferences, the Irish Conference or the National Equalities Conferences. A member who has been elected by a conference as a delegate to the Policy Conference shall not be eligible to be elected by any other conference as a delegate to the Policy Conference.
- (2) The Policy Conference shall be the supreme policy making body of the Union and its decisions shall be binding on the National Executive Council but subject to the powers of National Sector Conferences and Committees to decide the Union's policy and objectives for that sector and the provisions of these rules relating to a ballot of the members of the Union.
- (3) Motions to the Policy Conference shall be confined to the general policies of the Union and shall not deal with matters relating to the interpretation or amendment of rule or which are concerned solely with the Union's policy within an industrial, occupational or professional Sector.

### **Conference Arrangements Committee**

- (4) There shall be a Conference Arrangements Committee for the Policy Conference consisting of a member from each Region elected by and from the Regional Council. Delegates to the Policy Conference and members of the National Executive Council shall not be entitled to be members of the Conference Arrangements Committee. The Conference Arrangements Committee shall be responsible for drawing up the agenda and timetable for the Policy Conference and for proposing composites of motions or amendments whenever appropriate.
- (5) The National Executive Council shall in consultation with the Conference Arrangements Committee prepare standing orders which shall govern the conduct of the proceedings of the Policy Conference.
- (6) If an urgent issue of policy has arisen after the meeting of the National Sector Committee or Regional Branch Committee, a majority of the delegates from that body may submit an emergency motion on the issue. The Conference Arrangements Committee shall have complete discretion whether or not to refer that motion to the Policy Conference.
- (7) The National Executive Council shall be entitled to submit motions and amendments to motions to the Policy Conference (and if an urgent issue has arisen it may do so at short notice) and to nominate a member of the National Executive Council or a full time officer to move such motions or amendments or to reply to any debate. The National Executive Council shall submit a written report to the Conference on its conduct of the affairs of the Union since the previous Conference and the Policy Conference shall have an opportunity to debate

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that report and may vote on a motion to refer back any section of that report. The National Executive Council shall be entitled to submit such other business to the Policy Conference as it shall consider appropriate and may, if it considers it necessary, reconvene the Conference.

- (8) A member of the National Executive Council shall be entitled to attend the Conference by virtue of his/her membership of the National Executive Council but he/she shall not be eligible to be elected as a delegate to the Policy Conference.
- (9) The Policy Conference shall only consider such business as shall be referred to it in accordance with these rules.
- (10) Voting at the Policy Conference shall be by a show of hands or by such other method as may be provided for in the conference standing orders and a simple majority of those voting shall be required to approve a motion.

#### **Chair of Policy Conference**

- (11) The Chair of the NEC shall chair the Policy Conference. The National Executive Council may nominate another member of the National Executive Council or a delegate to the Conference to chair a specific session of the Conference. The Chair of the NEC shall be entitled to attend meetings of the Conference Arrangements Committee. The Chair of the NEC shall not be eligible to vote at any such meetings or the Policy Conference.

#### **24. Rule Amendments**

- (1) In 2005 and every 4 years thereafter there shall be a Rules Conference to consider and vote on motions to amend the rules of the Union. It shall be convened immediately after and constituted in the same way as the Policy Conference.
- (2) Each National Sector Conference, National Equality Conference and Regional Branch Conference and the National Women's Conference shall be entitled to submit a motion or motions to amend the rules of the Union. Proposals for such motions may be submitted to those bodies in the same way as motions on policy matters. The National Executive Council shall determine the number of motions that may be submitted by each body.
- (3) Each National Sector Committee, National Equality Committee and Regional Branch Committee and the National Women's Committee shall be entitled to submit an amendment to a motion to amend the rules.
- (4) The National Executive Council shall be entitled to submit motions and amendments to motions to amend the rules to a Rules Conference or motions to amend the rules to any Policy Conference of the Union and if an urgent issue arises, it may do so at short notice.
- (5) If in the opinion of the National Executive Council there is an urgent need to amend the rules between Policy Conferences, the National Executive Council may amend the rules by a resolution supported by not less than 75% of its members, provided that amendment shall cease to have effect at the end of the next Policy Conference unless it has been ratified by a resolution of that conference.
- (6) The business of the Rules Conference shall be conducted in the same manner as the Policy Conference. For the avoidance of doubt, this means that resolutions to amend the rules may be approved by a simple majority of those voting.

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- (7) Motions to amend the standing orders of the Policy Conference and amendments to such motions shall be dealt with in the same way as if they were motions to amend the rules.

#### **25. National Executive Council**

- (1) The government, management and control of the Union shall be vested collectively in the National Executive Council which may do such things consistent with the rules, objects and policy of the Union as it may consider expedient to promote the interests of the Union or any of its members. In particular, and without limiting the general powers conferred on it by these rules, the National Executive Council shall have the power to:
  - (a) Delegate to the General Purposes and Finance Committee such of its powers as it shall think fit.
  - (b) Decide its own procedures in all matters not expressly provided for in these rules.
  - (c) Institute special audits or examinations of any books or accounts of the Union or of any branch, region, sector, body or part of the Union.
  - (d) Appoint and remove the Union's auditor for which purpose the members of the National Executive Council shall act as the delegates of the members by whom they were elected.
  - (e) Institute or defend legal proceedings or give financial assistance to a member or his/her dependants to do so.
  - (f) Delegate to any person or persons the power to represent and to act on behalf of the Union.
  - (g) Decide any question relating to the meaning and the interpretation of these rules or any matter not expressly provided for by these rules which decision shall be binding upon all members of the Union.
  - (h) Decide questions of policy which may arise between Policy Conferences and which have not been decided by a previous decision of such a conference.
  - (i) Call such conferences or meetings of members as it shall think fit. Following the merger with the Transport and General Workers Union on 27th April 2007 the National Executive Council shall decide which conferences and forums covered elsewhere in these rules to convene before the single Unite the Union Rule Book takes effect. In each case where such a conference is not called, delegates, representatives and committees elected by the last such conference shall continue in office subject to their continued eligibility.
  - (j) Conduct a postal ballot of the members at any time on any question of policy or on any proposal to alter the rules of the Union. The outcome of such a ballot shall override any prior decision to the contrary and if the National Executive Council decides to conduct such a ballot, it may defer the implementation of a decision of the Policy Conference which could be varied by the result of that ballot.
- (2) The National Executive Council shall consist of 61 members. The National Executive Council in office on 1 October 2004 (or if later the date on which the transfer of engagements from GPMU to Amicus takes effect (the G.P.M. vesting date) shall consist of:
  - (a) 1 member elected prior to the G.P.M. vesting date by and from each of the 12 Regions of the Union;

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- (b) 4 female members elected prior to the G.P.M. vesting date by and from the members of all the industrial, occupational and professional sectors;
- (c) 45 members from the industrial, occupational and professional sectors consisting of 32 members elected by and from those sectors prior to the Unifi effective date, 7 former Unifi members and 6 members from the Graphical Paper and Media Sector. The former Unifi members shall consist of the Honorary President and Honorary Vice President and 5 other members selected by and from the members of the National Executive Council of Unifi immediately prior to the Unifi effective date. Each such member of the National Executive Council must be eligible to hold lay office in accordance with these rules. For 12 months from the G.P.M. vesting date, the 6 members from the Graphical Paper and Media Sector shall be selected by and from the members of the National Executive Council of the G.P.M.U. immediately prior to the G.P.M. vesting date. During that 12 month period, the members of the G.P.M. Sector shall elect 6 members of the Sector to be members of the National Executive Council of the Union from the end of that period. Each National Executive Council member from the G.P.M. Sector must be eligible to hold lay office in accordance with these rules.

For subsequent elections, the National Executive Council may adjust the number of seats reserved for female members to endeavour to ensure that the number of female members of the National Executive Council better reflects the gender balance of the members of the Union, provided that not less than 75% of the members of the National Executive Council shall be elected by and from the industrial, occupational or professional sectors or shall be positions reserved for female members.

The National Executive Council to take office on 1 January 2007 shall include the 6 members of the G.P.M. Sector elected during the 12 month period after the G.P.M. vesting date.

- (3) Before the election of a new National Executive Council, the National Executive Council shall allocate the number of seats to be elected by each industrial, occupational or professional sector and may, where appropriate, group sectors together for this purpose and shall endeavour to ensure that, so far as is reasonably practicable, the number of seats to be elected by each sector (or group of sectors) fairly reflects the number of members in that sector (or those sectors).
- (4) A sector whose membership is insufficient to justify being entitled to elect a National Executive Council member and which the National Executive Council considers is not appropriate to group with any other sector for that purpose shall be included in the general industries sector.
- (5) Where it considers it appropriate, the National Executive Council may divide a sector or sectors into geographic divisions for the purpose of electing National Executive Council members.
- (6) Members of the National Executive Council shall hold office for concurrent terms of 3 calendar years, save that the term of the National Executive Council who took office on 1st January 2004 be extended to 1st October 2008. If otherwise suitably qualified, members shall be eligible for re-election.
- (7) To be a candidate for a seat on the National Executive Council, an individual must be entitled to vote in the election for that position. A member who is not in work in the sector they seek to represent shall not be eligible to be a candidate.

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- (8) All elections of members of the National Executive Council for a new term of office shall be conducted in sufficiently in advance of the expiry of their term such that there will be at least 28 calendar days between the election of the incoming National Executive Council and the expiry of term of office of the outgoing National Executive Council. A member shall not be eligible to be a candidate in more than 1 such election. A member who has been nominated for more than 1 seat shall be entitled to choose in which seat to be a candidate.
- (9) A candidate to be elected by a geographic constituency shall require nominations from at least 5 branches in that constituency. A candidate to be elected by an industrial, occupational or professional sector shall require nominations from at least 5 workplace representatives employed at 3 different workplaces in that constituency. A candidate to be elected for a seat reserved for female members shall require nominations from at least 5 workplace representatives employed at 3 different workplaces and nominations from at least 5 branches in that constituency which are not all in the same region.
- (10) A member of the National Executive Council must maintain his/her eligibility to hold lay office and his/her membership of the constituency by which he/she was elected throughout the National Executive Council's term of office. A member of the National Executive Council who becomes a full time officer or other employee of the Union or of another union shall immediately cease to be a member of the National Executive Council.
- (11) If a seat on the National Executive Council becomes vacant during the first year of a National Executive Council term of office, a by-election shall be held to fill the seat for the balance of that term. If a vacancy arises during a subsequent year of the term, the National Executive Council shall have a discretion whether or not to hold an election to fill that vacancy.
- (11A) If there is a vacancy on the National Executive Council whose term of office expires on 31 December 2006 for a seat which was previously held by a former Unifi member, a replacement shall be selected by and from the Unifi members of the Finance Industry Committee. The former Unifi members shall not play any part in any by-election to fill a vacant seat on that National Executive Council.

#### **NEC Meetings**

- (12) The National Executive Council shall meet at least every 2 months. The General Secretary or a majority of the members of the General Purposes and Finance Committee may require that a special meeting of the National Executive Council is convened if he/she or they consider it necessary.
- (13) At the first meeting of a newly elected National Executive Council it shall elect 1 of its members to chair the Executive Council. He/she shall, when present, chair all meetings of the National Executive Council and the General Purposes and Finance Committee but shall not have a casting vote.
- (14) At the first meeting of a newly elected National Executive Council, after electing the Chair, it shall elect from among its members a General Purposes and Finance Committee consisting of the Chair and not more than 11 other members. At least one member of the General Purposes and Finance Committee shall be a woman. The former Unifi member who was the Honorary President of Unifi immediately before the Unifi effective date shall be an additional member of the General Purposes and Finance Committee of the National Executive Council whose term of office expires on 31 December 2006. The General Purposes and Finance

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Committee shall meet before each National Executive Council meeting and on such other occasions as the General Secretary, in consultation with the Chair, may consider appropriate.

At the meetings of the General Purposes and Finance Committee held in the 12 months from the GPM Vesting date, 1 member elected by and from the 6 members of the National Executive Council selected by and from the members of the Executive Council of the GPMU immediately prior to the vesting date will be an additional member of the General Purposes and Finance Committee. For the period after 12 months from the GPM vesting date until the 31 December 2009, the 6 lay members elected by and from the members of the GPM Sector shall elect one of their number to be an additional member of the General Purposes and Finance Committee.

- (15) The General Purposes and Finance Committee shall consider and make recommendations to the National Executive Council on:
  - (a) The number of delegates to the Policy Conference to be elected by the various bodies of the Union entitled to do so and the standing orders for that conference.
  - (b) The appointment and terms and conditions of employment of full time officers.
  - (c) The Union's budgeted and actual expenditure.
  - (d) Such other matters as may be referred to it by the National Executive Council or the General Secretary.
- (16) The National Executive Council may at any time decide to replace the Chair or any other member of the General Purposes and Finance Committee and elect a replacement.
- (17) If a newly elected National Executive Council considers that black and ethnic minorities are not represented on the National Executive Council, it may co-opt a member of the Black and Ethnic Minority National Equality Committee to attend meetings of the National Executive Council as an observer.
- (18) The minutes of National Executive Council meetings shall be circulated to the Regional Councils and published by such additional means as the National Executive Council may decide.
- (19) Only the National Executive Council, the General Secretary and such other full time officers as the National Executive Council may direct, may authorise or endorse the calling, organising, procuring or taking of industrial action of any kind whatsoever or the making of threats to call, organise, procure or take such action.
- (20) The National Executive Council shall delegate to the General Secretary the power to exercise between National Executive Council meetings such of the National Executive Council's powers as it may decide provided that he/she shall not act inconsistently with an existing National Executive Council decision without the approval of a majority of the members of the General Purposes and Finance Committee and shall report any such action to the next meeting of the National Executive Council.

## **26. General Secretary**

- (1) The General Secretary shall be responsible for the administration of the affairs of the Union; including convening the meetings and implementing the decisions of the National Executive Council, and such other duties as may be determined by the National Executive Council.

- (2) All employees of the Union shall be under ultimate control of the National Executive Council whose approval shall be required before changing their terms and conditions of employment or superannuation arrangements and before appointing any additional or replacement employees. Subject to that ultimate control the General Secretary shall be responsible for managing all the employees of the Union who, subject to their terms and conditions of employment, shall perform such duties and work from such locations as he/she may direct.
- (3) The General Secretary shall be under the control of and act in accordance with the directions of the National Executive Council.
- (4) The General Secretary may delegate to a full time officer or other employee of the Union such of his/her responsibilities as he/she may consider appropriate.
- (5) If the General Secretary is unable to perform his/her duties or if the position is vacant pending the election of a new General Secretary, the Deputy General Secretary or the Joint Deputy General Secretaries shall perform the duties of the General Secretary.
- (6) The General Secretary shall be entitled to attend all meetings of the Union and to take part in their deliberations but shall not have a vote.
- (7) The General Secretary shall be elected by a ballot of all the members of the Union who are eligible to vote for a term of office of 5 years. He/she shall if otherwise qualified be eligible for re-election.
- (8) The General Secretary shall retire on attaining age 65. If at the date the General Secretary's term of office would otherwise expire, he/she has completed 10 years' continuous service as a full time officer and is within 5 years of age 65, he/she shall be entitled to continue in office until retirement without further election.
- (9) A candidate for election as the General Secretary must be eligible to vote in the election; have 10 years' continuous adult membership of the Union; (unless he/she is seeking re-election) be less than 60 years of age at the date the term of office will commence; and have received nominations from at least 25 branches and from at least 25 workplace representatives employed at 15 different workplaces.
- (10) The National Executive Council shall appoint a Deputy General Secretary or two or more Joint Deputy General Secretaries who shall perform such duties as the General Secretary may delegate to him/her or them.

## **27. Election of National and Regional Full Time Officials**

All future/new National Officials and Regional Full Time Officials of the Union shall be elected by a ballot of all the members in the appropriate constituency who are eligible to vote.

To be eligible to stand for election as a National or Regional Official a member must be a member of a branch or in a workplace in the appropriate constituency.

The National Executive Council shall determine the rules for eligibility, nominations and period of office. They shall be generally consistent with the rules for election in rule 26.

All existing Full Time Officials from the date that this rule is adopted shall be entitled to continue in office until retirement or resignation, subject to provisions in their employment contract.

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## 28. Elections of NEC Members and the General Secretary

- (1) The election of members of the National Executive Council and the General Secretary shall be conducted in accordance with this rule.
- (2) The National Executive Council shall appoint an independent scrutineer to supervise the production, storage and distribution of voting papers, to receive and count the voting papers, to report on the election, to retain the voting papers for an appropriate period and to perform such other duties as the National Executive Council may specify.
- (3) The National Executive Council shall appoint a suitable, independent person to act as Election Commissioner to adjudicate on any complaints made under clause (17) of this rule relating to the conduct of the election.
- (4) Subject to the provisions of these rules and the powers of the independent scrutineer, the National Executive Council shall be responsible for calling, determining the timetable of and for the general control of an election including determining any questions which may arise during the conduct of that election.
- (5) The National Executive Council shall appoint a Returning Officer to deal with the conduct of the election between the National Executive Council meetings and may delegate to him/her its powers relating to the conduct of that election provided that the Returning Officer shall not act inconsistently with any decision of the National Executive Council and shall report to the next meeting of the National Executive Council all actions taken and decisions made in respect of that election.
- (6) A candidate in an election shall play no part in any deliberations of or decision by the National Executive Council which relates specifically to the conduct of an election in the constituency in which an individual is a candidate.
- (7) The National Executive Council shall call for nominations. Each branch in a geographic constituency; each workplace representative in a constituency based on an industrial, occupational or professional sector (including a constituency for a seat reserved for a female member); and each branch and each workplace representative in an election for general secretary; shall be entitled to make one nomination for each vacancy to be filled by that constituency. Before making a nomination a workplace representative shall convene a meeting of the members he/she represents and shall only make a nomination that is endorsed by that meeting.
- (8) A member who receives the requisite number of valid nominations shall be invited to confirm in writing that he/she accepts the nomination. Each member who does so and who is otherwise eligible shall be a candidate in the election for that constituency.
- (9) If the number of candidates does not exceed the number of vacancies to be filled by that constituency, the candidate(s) shall be declared elected. If there are more candidates than vacancies, the election shall be conducted by a secret postal ballot.
- (10) Each candidate shall be entitled to submit an election address of not more than 500 words which, provided it is received by the due date, shall be printed and circulated with the voting papers.
- (11) The voting papers shall list each candidate in alphabetical order (by surname) and shall record each candidate's name, branch and years of membership of the Union.

- (12) The National Executive Council may decide that members who have joined the Union after a prescribed date shall not be eligible to vote, provided the date shall not be more than one month before the first day on which voting is due to take place in that election.
- (13) Voting papers shall be distributed to members eligible to vote by post to their addresses recorded on the Union's register of members. A member who is eligible to vote in an election who does not receive a voting paper should contact the Union but the final decision on whether to issue a further voting paper to that member shall be a matter for the independent scrutineer.
- (14) Members shall be entitled to vote for as many candidates as there are vacancies to be filled from the constituency and the candidate(s) who receive(s) the most votes in that constituency shall be declared elected until all the vacancies are filled. The National Executive Council may decide that a different method of election shall be used.
- (15) Each candidate shall be entitled to attend as an observer the counting of the votes from the constituency in which he/she is a candidate.
- (16) The election shall not be concluded until the National Executive Council has received the independent scrutineer's report and declared which candidate(s) has been elected. This should take place as soon as reasonably practicable after the votes have been counted. If the Election Commissioner advises the National Executive Council that it should not declare the outcome of an election until he/she has adjudicated on a complaint, it shall comply with that request.
- (17) If at any stage during an election or within 28 days of the declaration of the outcome a candidate in an election or the National Executive Council considers that there has been a breach of these rules or of any other legal requirement relating to the conduct of the election or any other interference with the conduct of the election and that the breach or interference may materially affect or may have materially affected the outcome of the election; he/she or the National Executive Council may submit a complaint to the Election Commissioner.
- (18) If the Returning Officer or a member who is not a candidate considers that there are grounds for a complaint to the Election Commissioner, he/she should refer the matter to the National Executive Council.
- (19) A complaint to the Election Commissioner should be made as soon as is reasonably practicable. The Election Commissioner shall not consider any complaint made more than 28 days after the date on which the National Executive Council declared the outcome of the election.
- (20) A complaint to the Election Commissioner shall be made in writing addressed to the Election Commissioner care of the Returning Officer and accompanied by all the supporting evidence which the complainant wishes to be taken into account.
- (21) If when the Election Commissioner receives a complaint the independent scrutineer has not yet reported on the election and the Election Commissioner considers that the complaint raises matters which fall within the jurisdiction of the independent scrutineer, he/she shall refer the complaint (or the part thereof which raise such matters) to the independent scrutineer unless it is not reasonably practicable to do so. When the Election Commissioner has referred a complaint (or part thereof) to the independent scrutineer he/she shall not adjudicate on the complaint until the independent scrutineer has expressed a view on that complaint.
- (22) The Election Commissioner may adjudicate on a complaint on the basis of written material submitted with the complaint or, at his/her complete discretion, call for such further

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information as he/she shall think fit and/or conduct a hearing of the complaint. Subject to the provisions of this rule, the Election Commissioner shall decide his/her own procedures for investigating and adjudicating upon the complaint provided that he/she shall endeavour to adjudicate on the complaint as quickly as is reasonable practicable.

- (23) If after considering a complaint the Election Commissioner considers; that there has been a material breach of these rules or of any other legal requirement relating to the conduct of the election or any other material interference with the conduct of the election; and that the breach or interference may materially affect or has or may have materially affected the outcome of the election; the Election Commissioner may recommend that the National Executive Council should take one or more of the following measures:-
- (a) Declare the ballot and, if it has been declared, the outcome of the election void and call for a fresh ballot to be held;
  - (b) Disqualify a candidate or candidates and permit the remaining candidates to go forward in the ballot or in any fresh ballot that may be ordered; or
  - (c) Such other remedial measures as the Election Commissioner considers appropriate.
- (24) Subject always to any decision to the contrary by a courts, the Certification Officer or any other lawful authority, the National Executive Council shall give effect to any recommendation by the Election Commissioner made in accordance with clause (23) of this rule.
- (25) If an election is delayed as a result of action taken pursuant to a recommendation by the Election Commissioner, an order of a court, the Certification Officer or other lawful authority, a member who holds the office which is the subject of that election shall be entitled to continue in that office until the election is concluded.

## **29. Official Announcements**

The Union shall publish a magazine which shall be circulated to workplace, safety and learning representatives and to branches. It shall be the official means of making announcements to members on matters of general interest concerning the affairs of the Union.

## **30. Funds**

- (1) All the funds and other assets of the Union, including those available to, under the control of or otherwise at the disposal of branches, Regional Councils or any other body of the Union shall be vested in a limited company hereinafter referred to as the Trustee Company which shall hold the same in trust for the Union to be dealt with in accordance with these rules save for any local funds of a GPM Sector Category A Branch retained by the Category A Branch under the terms of the Instrument of Transfer between the Graphical Paper & Media Union and Amicus and, save for the funds and other assets of each GPM Sector Category B Branch, which shall be vested in the Trustees of those Branches.
- (2) The Trustee Company shall invest, dispense or otherwise deal with the funds and other assets of the Union in accordance with the instructions of the National Executive Council. Subject to the provisions of these rules, the National Executive Council shall have complete discretion how to instruct the Trustee Company to invest, dispense or otherwise deal with the funds and other assets of the Union.
- (3) The General Secretary and employees of the Union authorised by him/her shall subject to the endorsement of the National Executive Council have authority to open such bank accounts on behalf of the Union as he/she may consider appropriate.

- (4) The funds of the Union may be used in accordance with the provisions of these rules for the payment of provident benefits as defined by the Inland Revenue in accordance with Section 467 Income and Corporation Taxes Act 1988. Such provident benefits shall include the provision of legal advice and assistance.
- (5) There shall be a provident benefits fund which shall only be used for paying provident benefits expressly authorised by these rules.
- (6) The National Executive Council shall publish an annual financial report providing details of the Union's income and expenditure in the previous year.
- (7) Any books, effects, funds, property or other assets which immediately prior to 1 January, 2004 were held by, allocated to or were otherwise under the control of the AEUU or MSF Sections of the Union or any committee, council, branch, or other body of one of those sections shall be the property of the Union and shall be dealt with in accordance with the instructions of the National Executive Council.

## **31. Trustee Company**

- (1) The Directors of the Trustee Company shall consist of
  - (a) 3 Directors elected by the Policy Conference.
  - (b) 2 Directors appointed by and from the National Executive Council.
  - (c) The General Secretary.
- (2) A Director elected by the Policy Conference shall hold office for 4 years and shall not be eligible to be elected for more than 2 consecutive terms of office. A vacancy arising because of death, incapacity or resignation of a Director elected by the Policy Conference shall be filled by a replacement elected at the next Policy Conference for the balance of the original term. Pending the election of a replacement, the National Executive Council may temporarily appoint a Director to fill the vacancy.
- (3) A Director appointed by the National Executive Council may be replaced by the National Executive Council at any time.
- (4) The National Executive Council shall appoint and may at any time replace the secretary of the Trustee Company.
- (5) Property which immediately prior to 1 January, 2004 was vested in other trustees (whether individual or corporate) in trust for the Union shall on that date vest in the Trustee Company.
- (6) If for any reason and at any time it is expedient in the interests of the Union for an additional trustee to be appointed in respect of any property of the Union held by a Trustee Company then the General Secretary may act on behalf of the Union to appoint as an additional trustee either (at his or her discretion):
  - (a) a Deputy General Secretary; or
  - (b) any member of the National Executive Council.
- (7) Pending the first Policy Conference after 1 January, 2004 the vacancies for Directors elected by the Policy Conference shall be filled by directors elected by the Joint Conference convened by the Joint Executive Council in 2003 to consider the proposed new rules of the Union.

## **32. Ireland**

- (1) There shall be an Irish Executive Council which shall make decisions in matters of an industrial or political nature which arise out of and in connection with the economic or political condition of the Republic of Ireland or Northern Ireland and which are of direct

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concern to members of the Union resident in the Republic of Ireland or Northern Ireland and which do not affect members of the Union not so resident. Each member of the Irish Executive Council shall be resident in the Republic of Ireland or Northern Ireland.

- (2) The Irish Executive Council shall consist of a chair and not less than 16 other members who shall be elected by the delegates to the Irish Conference and shall hold office from the end of that conference until the end of the next Irish Conference. Not less than 75% of the members of the Irish Executive Council shall be workplace representatives employed in the Republic of Ireland or Northern Ireland. At least 2 members of the Irish Executive Council shall be women.
- (3) The Irish Executive Council shall take the place and have the powers, duties and responsibilities of both the Regional Council and Regional Management Committee for Ireland. The Regional Secretary shall act as secretary to the Irish Executive Council and shall be responsible for implementing its decisions.
- (4) Notwithstanding the provisions of clause (3) of this rule, both the first Regional Secretary for Ireland and the first National Officer for Ireland to hold those offices from 1 January, 2004 shall attend the meetings of the Irish Executive Council and they shall each be responsible for implementing such of its decisions as it shall determine. The first Regional Secretary for Ireland shall be responsible for managing the Union's officers and staff in Northern Ireland and the first National Officer for Ireland shall be responsible for managing the Union's officers and staff in the Republic of Ireland. This clause shall cease to apply when either the first Regional Secretary for Ireland or the first National Officer for Ireland shall cease to hold that office.
- (5) A member of the National Executive Council shall not be entitled to be elected as a delegate to the Irish Conference but if he/she is (or was last) employed by an employer in the Republic or Northern Ireland or is a member of a branch in the Republic or Northern Ireland he/she shall be entitled to attend the Irish Conference and shall, if otherwise suitably qualified, be entitled to be elected as a member of the Irish Executive Council. If he/she has not been elected as a member of the Irish Executive Council he/she shall be entitled to attend and take part in the meetings of the Irish Executive Council but shall not be entitled to vote on any matter.
- (6) The Irish Executive Council shall meet at least every 2 months. Between meetings of the Irish Executive Council, it may delegate its powers in connection with industrial action in the Republic of Ireland to the Regional Secretary and the National Officer for Ireland to be exercised in consultation with the chair of the Irish Executive Council.
- (7) In 2004 and every second year thereafter, the Irish Executive Council shall convene an Irish Conference consisting of:
  - (a) Delegates elected by and from the industrial, occupational or professional sectors who are workplace representatives employed in Ireland.
  - (b) Delegates elected by and from the branches in Ireland.
  - (c) Women delegates elected by and from the Regional Women's Conference (not less than 75% of whom shall be elected by and from the workplace, safety and learning representatives present at that conference).
  - (d) Delegates elected by and from the Regional Equality Forums.

The Irish Executive Council shall, subject to the approval of the National Executive Council,

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decide the size of the Irish Conference. After deciding the number of women delegates, it shall ensure that at least 75% of the remaining delegates shall be workplace representatives elected by and from the industrial, occupational or professional sectors and the balance should be elected from the branches and the Regional Equality Forums. The Irish Executive Council may group branches together for the purpose of electing delegates to the conference.

- (8) A member of the Irish Executive Council shall not be entitled to be elected as a delegate to the Irish Conference but he/she shall be entitled to attend the Irish Conference and shall, if otherwise suitably qualified, be entitled to be re-elected by the Irish Conference as a member of the Irish Executive Council.
- (9) Each body which is entitled to elect a delegate to the Irish Conference shall be entitled to submit a motion (or such number of motions as the Irish Executive Council may decide) to the Irish Conference.
- (10) The chair of the Irish Executive Council shall chair the Irish Conference.
- (11) The National Executive Council shall in consultation with the Irish Executive Council decide:
  - (a) The number of members of the Irish Executive Council, the constituencies and the method by which they shall be elected. For this purpose it may organise the delegates into separate constituencies both by reference to their industrial, occupational or professional sectors and their geographic area provided that all the delegates shall be entitled to elect the chair.
  - (b) The number of delegates to be elected by the Irish Conference to attend the Policy Conference of the Union, the Irish Congress of Trade Unions, the Northern Ireland Committee of the Irish Congress of Trade Unions, the Trade Union Congress, the Irish Labour Party, the British Labour Party and such other bodies as the National Executive Council may decide.
  - (c) The size and powers of the Irish Conference Arrangements Committee and the constituencies by which they shall be elected.
  - (d) In respect of each industrial, occupational or professional sector, whether to convene separate Sector Conferences for the Republic of Ireland and Northern Ireland instead of convening a Regional Sector Conference for the whole of Ireland. Policy decisions of a Sector Conference for the Republic of Ireland shall decide the Union's policy in the Republic for that sector provided they are not inconsistent with the general policy and objectives of the Union.
- (12) Resolutions of the Irish Conference concerning general policy matters affecting members employed in the Republic shall, provided they are not inconsistent with the general policy and objectives of the Union, constitute the policy of the Union in the Republic and shall be binding upon the Irish Executive Council.
- (13) The Irish Conference shall take the place and have the powers of the Regional Branch Conference to submit motions on general policy issues to the Policy Conference of the Union.
- (14) The delegates to the Policy Conference of the Union from the Irish Conference shall take the place and have the powers of the Regional Branch Committee to submit amendments to motions to the Policy Conference or to amend or substitute a motion submitted by the Irish Conference.

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- (15) The Irish Executive Council shall submit a report to the Irish Conference on the activities of the Union within Ireland and it shall be entitled to submit motions for inclusion in the conference agenda.
  - (16) The provisions of this rule shall apply in Ireland and shall override any other provision of the rules with which they are inconsistent.

### **33. Republic of Ireland – Strikes and Other Industrial Action**

- (1) The provisions of this rule shall apply notwithstanding any other provision contained in these rules.
- (2) In this rule the terms “strike” and “industrial action” shall have the same meaning as in the Industrial Relations Act 1990 of the Republic of Ireland.
- (3) In this rule the term “member” shall have the same meaning as elsewhere in these rules.
- (4) The provisions of this rule shall apply to the Republic of Ireland only.
- (5) The Union shall not organise, participate in, sanction or support a strike or other industrial action without a secret ballot, entitlement to vote in which shall be accorded equally to all members whom it is reasonable at the time of the ballot to believe will be called upon to engage in the strike or other industrial action.
- (6) The Union shall take reasonable steps to ensure that every member entitled to vote in the ballot votes without interference from, or constraint imposed by, the Union or any of its members, officials or employees and, so far as is reasonably possible, that such members shall be given a fair opportunity of voting.
- (7) The Irish Executive Council shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in clause (8) of this rule, favours such strike or other industrial action.
- (8) The Irish Executive Council shall not organise, participate in, sanction or support a strike or other industrial action against the wishes of a majority of the Union’s members voting in a secret ballot, except where, in the case of a ballot by more than 1 trade union, an aggregate majority of all the votes cast favours such strike or other industrial action.
- (9) Where the outcome of a secret ballot conducted by the Union or in the case of ballots conducted by the Union and any number of other trade unions which are affiliated to the Irish Congress of Trade Unions an aggregate majority of all the votes cast is in favour of supporting a strike organised by another trade union, a decision to take such supportive action shall not be implemented by the Union without the sanction of the Irish Congress of Trade Unions.
- (10) As soon as practicable after the conduct of a secret ballot the Union shall take reasonable steps to make known to the members of the Union entitled to vote in the ballot:
  - (a) the number of ballot papers issued
  - (b) the number of votes cast
  - (c) the number of votes in favour of the proposal

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- (d) the number of votes against the proposal, and
  - (e) the number of spoiled votes.

- (11) Nothing in this rule shall constitute an obstacle to negotiations for the settlement of a trade dispute nor the return to work by members of the Union party to the trade dispute, and any decision take in accordance with this rule to organise, participate in, sanction or support a strike or industrial action may be rescinded or amended without the necessity of a further ballot of the members concerned.

### **34. Trades Union Congress**

#### **Congress**

- (1) The Union shall be represented at the annual congress of the Trades Union Congress (TUC) by 2 delegates elected by and from each Regional Council, delegates elected by and from National Sector Conferences, female members elected by and from the National Women’s Conference, a delegate elected (in rotation) by and from one of the National Equalities Conferences, members of and nominated by the National Executive Council, the General Secretary, such other full time officers as may be nominated by the National Executive Council and any other member who has been nominated by the Union for election at that Congress to a body of the TUC provided that the National Executive Council shall ensure that the delegates elected by the Regional Councils, National Sector Conferences, the National Women’s Conference and the National Equalities Conference shall together constitute the majority of the Union’s representatives.

#### **Scottish, Welsh and Regional TUC**

- (2) The Union shall be represented at the Scottish, Welsh and Regional Conferences of the TUC by delegates elected by and from the appropriate Regional Council, members of and nominated by the National Executive Council, the Regional Secretary and such other full time officers as the National Executive Council may nominate.

#### **General Council**

- (3) The Union shall be represented on the TUC General Council by the General Secretary and such other full time officers or members as may be nominated by the National Executive Council.

#### **TUC Women’s Conference**

- (4) The Union shall be represented at the TUC Women’s Conference by delegates elected by the National Women’s Conference, female members of and nominated by the National Executive Council and such full time officers as the National Executive Council may nominate, provided that the delegates elected by the National Women’s Conference shall constitute the majority of the Union’s representatives.

#### **Other TUC Bodies**

- (5) The National Executive Council shall make appropriate arrangements for the Union to be represented on other TUC bodies.

### **35. Political Organisation and Representation**

- (1) The Union and any body or part of the Union shall not affiliate to or give support to the candidates of any other political party in Great Britain other than the Labour Party. Each branch of the Union in Great Britain shall be entitled to affiliate and elect delegates to Constituency Labour Parties.

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### **Regional Political Conferences**

- (2) There shall be an annual Regional Political Conference of branch delegates to Constituency Labour Parties and a delegate elected by and from the Labour Party members present at each Regional Sector Conference in each region of the Labour Party. The Conference shall be chaired by a delegate elected by and from the Conference. The National Executive Council shall nominate a full time officer to act as the Regional Political Officer to perform such political duties as the National Executive Council may decide and to act as Secretary to the Conference.
- (3) The Regional Political Conference shall elect from among its members delegates to; the Union's National Political Committee; the Labour Party Women's Conference; the Labour Party National Conference; and the Labour Party Regional Conference to be held in the next calendar year. Former employees of the Union or of any of its predecessors may only be a delegate from the Regional Political Conference with the approval of the National Executive Council. The National Executive Council shall specify the total number of delegates and the minimum number of female delegates to be elected and may, when necessary, make special arrangements to facilitate the election of the requisite number of female delegates to comply with the Labour Party constitution and/or the requirements of these rules.
- (4) The Union shall be represented at Labour Party Regional Conferences by the delegates elected by the Regional Political Conference, the Regional Political Officer and such other full time officers as may be nominated by the National Executive Council.

### **Regional Political Committees**

- (5) The delegates to the Labour Party Regional Conferences shall form the Regional Political Committee which shall meet as decided by the National Executive Council. The Committee shall be chaired by a delegate elected by and from the Committee. The Regional Political Officer shall act as Secretary to the Committee.

### **National Political Committee**

- (6) The National Political Committee shall meet at least twice each year and shall consist of the delegates elected by the Regional Political Conferences and delegates nominated by and from the National Executive Council. The Regional Political Officers, the National Political Officer and such other full time officers as the National Executive Council may nominate may also attend the meetings of the National Political Committee but they shall not have a vote. The National Political Officer shall perform such duties as the National Executive Council shall decide and act as secretary to the National Political Committee. The National Political Committee shall be chaired by a delegate elected by and from the Committee.
- (7) The Union shall be represented at the Labour Party National Conference by the delegates elected by the Regional Political Conferences, a delegate from Northern Ireland elected by the Irish Conference, delegates nominated by and from the members of the National Executive Council, the General Secretary, the National Political Officer, the Union's representatives on the Labour Party National Executive Committee and such other full time officers as may be nominated by the National Executive Council provided that the National Executive Council shall ensure that the delegates elected by the Regional Political Conferences and the Irish Conference shall constitute the majority of the Union's representatives.

- (8) The Union shall be represented at the Labour Party National Women's Conference by delegates elected by the Regional Political Conferences, delegates elected by the National Women's Conference, delegates elected by and from the members of the National Executive Council, the National Equalities officer, the Union's female representative(s) on the Labour Party National Executive Committee and such other full time officers as may be nominated by the National Executive Council provided that the National Executive Council shall ensure that the delegates elected by the Regional Political Conferences and the National Women's Conference shall constitute the majority of the Union's representatives.
- (9) Only members of the Union who contribute to the political fund shall be eligible to;
  - (a) be a delegate to a Constituency Labour Party or any other Labour Party meeting or body or to be a member of a Regional or National Political Conference or Committee; or
  - (b) vote in any ballot concerning the election of the leader of the Labour Party or any other matter concerning the Labour Party constitution or policy.
- (10) The Union shall maintain a panel of members whom it is prepared to support as Labour Party candidates for the Westminster, Scottish or European Parliaments or the Welsh Assembly. The National Political Committee shall select appropriate candidates after an interview and may establish a selection committee for this purpose. Any candidate selected by the National Political Committee must be endorsed by the National Executive Council. Full time officers and employees of the Union shall be eligible for inclusion in the panel but, if elected they shall thereupon cease to be a full time officer and/or employee of the Union.
- (11) The Union's decision on whether to affirm the reselection of the sitting candidate and the Union's and any branch's nomination in any selection process shall be decided by the Regional Political Committee and the National Political Committee, in conjunction with the branch delegate(s) to the relevant Constituency Labour Party. If the National Executive Council wishes to nominate a member on the Union's panel for selection as a candidate for the Westminster Parliament, it may submit a shortlist of members on the panel to the Regional Political Committee. The Regional Political Committee and the National Political Committee, in conjunction with the branch delegate(s) to the relevant Constituency Labour Party, shall after conducting interviews select the Union's nomination from the shortlist. If the Regional Political Committee and the National Political Committee fail for any reason to make a nomination or the National Executive Council considers that there is insufficient time to complete the above nomination process satisfactorily, the National Executive Council may make the nomination.
- (12) Members who seek nomination by Amicus for a Parliamentary Constituency, and are not selected as the Amicus candidate for that Constituency by the Regional Political Committee, National Political Committee or National Executive Council, must withdraw and not take part in any further Labour Party selection procedures in that particular Constituency.

The above requirements would also apply to any Amicus selection procedures for election to the Scottish Parliament and Welsh Assembly.
- (13) The decision on whether the Union shall enter into a Constituency Labour Party development agreement shall be made by the Regional Political Committee and the National Political Committee in consultation with the branch delegate(s) to the relevant Constituency Labour Party.

### 36. Political Fund

#### Other than in Northern Ireland

- (1) The objects of the Union shall include the furtherance of the political objects to which section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) applies, that is to say the expenditure of money:
- (a) on any contribution to the funds of, or on the payment of expenses incurred directly or indirectly by, a political party;
  - (b) on the provision of any service or property for use by or on behalf of any political party;
  - (c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the Union in connection with any election to a political office;
  - (d) on the maintenance of any holder of a political office;
  - (e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party;
  - (f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his/her attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.

In determining, for the purposes of paragraphs (a) to (f), whether the Union has incurred expenditure of a kind mentioned in those paragraphs no account shall be taken of the ordinary administrative expenses of the Union.

In these objects:-

“candidate” means a candidate for election to a political office and includes a prospective candidate;

“contribution”, in relation to the funds of a political party, includes any fee payable for affiliation to, or membership of, the party and any loan made to the party;

“electors” means electors at any election to a political office;

“film” includes any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;

“local authority” means a local authority within the meaning of section 270 of the Local Government Act 1972 or section 235 of the Local Government (Scotland) Act 1973; and

“political office” means the office of member of Parliament, member of the European Parliament or member of a local authority or any position within a political party.

- (2) Any payments in the furtherance of such political objects shall be made out of a separate fund of the Union (hereinafter called the political fund).
- (3) As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the Union the National Executive Council shall ensure that a notice in the following form is given to all members of the Union in accordance with this rule:-

#### Trade Union and Labour Relations (Consolidation) Act 1992

**A resolution approving the furtherance of political objects within the meaning of the above Act as an object of the Union has been adopted by a ballot under the Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the political fund of the Union but every member of the Union has a right to be exempt from contributing to that fund. A form of exemption notice can be obtained by or on behalf of any member either by application at, or by post from, the head office or any branch office of the Union or from the Certification Office for Trade Unions and Employers' Associations, Brandon House, 180 Borough High Street, London SE1 1LW.**

**This form, when filled in, or a written request in a form to the like effect, should be handed or sent to the secretary of the branch to which the member belongs.**

The notice shall be published to members by such methods as are customarily used by the Union to publish notices of importance to members and shall include the following minimum requirements. The notice shall be published in the Union's main journal which is circulated to members. A copy of the notice shall be posted up and kept posted up for at least 12 months in a conspicuous place, accessible to members at the office or meeting place of each branch of the Union. The secretary of each branch shall also take steps to secure that every member of the branch, so far as is reasonably practicable, receives a copy of the notice and shall supply a copy to any member on request. The National Executive Council shall provide the secretary of each branch with a number of copies of the notice sufficient for these purposes.

- (4) Any member of the Union may at any time give notice on the form of exemption notice specified in Clause (5) or by a written request in a form to the like effect, that he/she objects to contribute to the political fund. A form of exemption notice may be obtained by, or on behalf of, any member, either by application at, or by post from, the head office or any branch office of the Union, or from the Certification Office for Trade Unions and Employers' Associations, Brandon House, 180 Borough High Street, London SE1 1LW.
- (5) The form of exemption notice shall be as follows:-

#### Amicus

##### POLITICAL FUND EXEMPTION NOTICE

**I hereby give notice that I object to contributing to the political fund of the Union and am in consequence exempt, in the manner provided by Chapter VI of the Trade Union and Labour Relations (Consolidation) Act 1992, from contributing to that fund.**

Signature.....

Name.....

Address.....

Name of Branch.....

Membership No..... Date.....

- (6) Any member may obtain exemption by sending such notice to the secretary of the branch to which the member belongs and, on receiving it, the secretary shall send an acknowledgement of its receipt to the member at the address in the notice, and shall inform the General Secretary of the name and address of that member.
- (7) On giving such notice, a member shall be exempt, so long as his/her notice is not withdrawn, from contributing to the political fund of the Union as from either: (a) the first day of January next after notice by the member is given, or, (b) in the case of a notice given within one month after the notice given to members under Clause (3) or after the date on which a new member admitted to the Union is supplied with a copy of these rules under Clause (17), as from the date on which the member's notice is given.
- (8) The National Executive Council shall give effect to the exemption of members to contribute to the political fund of the Union by relieving any members who are exempt from the payment of part of any periodical contributions required from the members of the Union towards the expenses of the Union as provided and such relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment.  
  
For the purposes of enabling each member of the Union to know as respects any such periodical contribution what portion, if any, of the sum payable by him/her is a contribution to the political fund of the Union, it is hereby provided that a sum equal to 75% of the weekly contribution rate of a full time member payable in the first week of each quarter is a contribution to the political fund and any member who is exempt shall be relieved from the payment of the said sum and shall pay the remainder of such contribution only.
- (9) A member who is exempt from the obligation to contribute to the political fund of the Union shall not be excluded from any benefits of the Union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the Union (except in relation to the control or management of the political fund) by reason of his/her being so exempt.
- (10) Contribution to the political fund of the Union shall not be made a condition for admission to the Union.
- (11) If any member alleges that he/she is aggrieved by a breach of any provision of this rule for the political fund, being a rule made pursuant to section 82 of the Act, he/she may complain to the Certification Officer, and the Certification Officer, after making such enquiries as he/she thinks fit and after giving the complainant and any representative of the Union an opportunity of being heard, may, if he/she considers that such a breach has been committed, make such order for remedying the breach as he/she thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the Act, be enforced in the manner provided for in section 82(4) of the Act.
- (12) Any member may withdraw his/her notice of exemption on notifying his/her desire to that effect to the secretary of his/her branch, who shall on receiving it send the member an acknowledgement of receipt of the notification and inform the General Secretary of the name and address of that member.
- (13) The National Executive Council shall ensure that a copy of this rule is available, free of charge, to any member of the Union who requests a copy.

- (14) The National Executive Council shall, so far as possible, secure that each member of the Union receives a copy of this rule.
- (15) The National Executive Council shall also send to the secretary of each branch sufficient copies of this rule to satisfy any requests for a copy by members of the branch.
- (16) The secretary of each branch shall supply a copy of this rule free of charge to each member who requests a copy.
- (17) A copy of this rule shall also be supplied by the secretary of each branch to every new member on his/her admission to the Union.

**Northern Ireland Political Fund Rules**

- (18) Under Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 no Northern Ireland member of the Union shall be required to make any contribution to the political fund of the Union as defined by Clauses (1) and (2) of this rule unless he/she delivered, as provided in Clause (20), to the Head Office or some branch office of the Union, a notice in writing, in the form set out below, of his/her willingness to contribute to that Fund, and has not withdrawn the notice in the manner provided in Clause (19). Every member of the Union who has not delivered such a notice or who, having delivered such a notice, has withdrawn it in the manner provided in Clause (19), is to be deemed for the purpose of these rules to be a member who is exempt from the obligation to contribute to the political fund of the Union.

**The form of the notice of willingness to contribute to the political fund of the Union is as follows:-**

|  |            |
|--|------------|
| <b>Amicus</b>  |            |
| <b>POLITICAL FUND NOTICE - NORTHERN IRELAND</b>  |            |
| <b>I HEREBY give notice that I am willing, and agree, to contribute to the political fund of the Amicus, and I understand that I shall in consequence, be liable to contribute to that fund and shall continue to be so liable, unless I deliver to the head office or some branch office of the Union, a written notice of withdrawal. I also understand that after delivering such a notice of withdrawal I shall continue to be liable to contribute to the political fund until the next following first day of January.</b> |            |
| Signature.....   |            |
| Name.....  |            |
| Address.....   |            |
| Name of Branch.....  |            |
| Membership No .....  | Date ..... |

- 
- (19) If at any time a member of the Union, who has delivered such a notice as is provided for in Clause (18) gives notice of withdrawal thereof, delivered as provided in Clause (20), to the head office or at any branch office of the Union, he/she shall be deemed to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.
- (20) The notices referred to in Clauses (18) and (19) may be delivered personally by the member or by an authorised agent of the member, and any notice shall be deemed to have been delivered at the head or branch office of the Union if it has been sent by post properly addressed to that office.
- (21) The National Executive Council shall give effect to the exemption of Northern Ireland members to contribute to the political fund of the Union by relieving those members who are legally exempt from the payment of part of any periodical contributions required from the members of the Union towards the expenses of the Union as provided and such relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment.

For the purpose of enabling each Northern Ireland member, who has opted to pay to the political fund, to know as respects any such periodical contribution what portion of the sum payable by him/her is a contribution to the political fund of the Union, it is hereby provided that a sum equal to 75% of the weekly contribution rate of a full time member payable in the first week of each quarter is a contribution to the political fund and any member who is exempt shall be relieved from the payment of the said sum and shall pay the remainder of such contribution only.

- (22) Northern Ireland members who are statutorily exempt from the obligation to contribute to the political fund of the Union shall not be excluded from any benefits of the Union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the Union (except in relation to the control or management of the political fund) by reason of their being exempt.
- (23) Contribution to the political fund of the Union shall not be made a condition for admission to the Union.
- (24) If any Northern Ireland member alleges that he/she is aggrieved by a breach of any of the rules made pursuant to Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 he/she may complain to the Northern Ireland Certification Officer, 2-8 Gordon Street, Belfast, BT1 2LG, under Article 57 (2) to (4) of that Order.

If after giving the complainant and a representative of the Union an opportunity to be heard, the Certification Officer considers that a breach has been committed, he/she may make an order for remedying it as he/she thinks just in the circumstances. Under Article 69 of the 1995 Order an appeal against any decision of the Certification Officer may be made to the Court of Appeal on a question of law.

Additionally, if any Northern Ireland member alleges that he/she is aggrieved by a breach of the political fund rules made pursuant to section 82 of the Trade Union and Labour Relations (Consolidation) Act 1992 he/she may complain to the GB Certification Officer, Brandon House, 180 Borough High Street, SE1 1LW. If, after giving the complainant and representative of the Union an opportunity of being heard, the GB Certification Officer considers that a breach has been committed, he/she may make an order for remedying it as he/she thinks just in the circumstances. Any such order of the GB Certification Officer is subject to the right of appeal provided for by section 82 (4) of the 1992 Act.

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### Republic of Ireland Political Fund

- (25) Clauses (1) – (17) of this Rule shall have effect in the Republic of Ireland subject to the following modifications:
- (a) all references to statutory provisions therein shall be construed as references to the appropriate legislation in the Republic of Ireland.
  - (b) “political office” means the office of President, member of Dail Eireann, members of Seanad Eireann, member of the European Parliament, or any member of a local authority.
  - (c) Forms of exemption notice may be obtained at or by post from any Union office within the Republic of Ireland.
  - (d) A sufficient number of the forms of exemption notice shall be available at each office of the Union within the Republic of Ireland and any member shall be provided with a copy of such form on his/her request.

### 37. Obligations of Members

- (1) A member of the Union must comply with these rules and with any duty or obligation imposed on that member by or pursuant to these rules whether in his/her capacity as a member, a holder of a lay office or as a full time officer.
- (2) A member must not knowingly, recklessly or in bad faith provide the Union with false or misleading information relating to a member or any other aspect of the Union's activities.
- (3) A motion shall not be submitted by or on behalf of the Union or any group or body within the Union to an organisation or body outside the Union if that motion is inconsistent with existing Union policy.
- (4) When acting as a representative of the Union at a meeting of an organisation or body outside the Union a member shall speak and vote in accordance with the policy of the Union and with any decision taken by the Union's representatives at that meeting which is consistent with the Union's policy.

### 38. Discipline

- (1) A member may be charged by the National Executive Council with:
  - (a) Acting in any way contrary to the rules or any duty or obligation imposed on that member by or pursuant to these rules whether in his/her capacity as a member, a holder of a lay office or a representative of the Union.
  - (b) Being a party to any fraud on the Union or any misappropriation or misuse of its funds or property.
  - (c) Knowingly, recklessly or in bad faith providing the Union with false or misleading information relating to a member or any other aspect of the Union's activities.
  - (d) Inciting, espousing or practising discrimination or intolerance amongst members on grounds of race, ethnic origin, creed, gender, disability or sexual orientation.
  - (e) Bringing about injury to or discredit upon the Union or any member of the Union.
- (2) A member may not be charged under this rule in respect of any alleged act or omission in connection with the performance of his/her duties as a full time officer and/or employee of the Union.

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- (3) The member shall be given written notice of the charge referring the member to this rule, the sub-paragraphs of clause (1) under which he/she is being charged and the circumstances giving rise to this charge.
  - (4) A charge under this rule shall be heard by the National Executive Council.
  - (5) If the General Secretary is aware of circumstances which may lead to a member being charged by the National Executive Council under this rule, he/she may with the agreement of the Chair of the National Executive Council or, in his/her absence, 2 other members of the General Purposes and Finance Committee suspend that member from holding any office or representing the Union in any capacity until the end of the next National Executive Council meeting. A member shall be given written notice (or, if the member was informed verbally, written confirmation) of any such suspension as soon as reasonably practicable.
  - (6) The National Executive Council may suspend a member charged under this rule from holding any office or representing the Union in any capacity pending its decision on the charge by sending the member written notice to that effect.
  - (7) The National Executive Council may delegate all of its powers under this rule to a sub-committee consisting of not less than 3 members of the National Executive Council. It may also appoint a substitute or substitutes to take the place of any member of the sub-committee who is unable to fulfill his/her role on the sub-committee provided that a substitute shall not replace a member of the sub-committee after the hearing of a charge has begun unless the substitute has been present throughout the hearing.
  - (8) The National Executive Council shall not delay unreasonably before charging a member and it shall investigate, hear and adjudicate on a charge as quickly as is reasonably practicable.
  - (9) Written witness statements shall be prepared setting out the evidence on which the National Executive Council intends to rely. The National Executive Council shall send the member charged under this rule copies of all the witness statements and other documents to be relied upon in support of the charge. Within 28 days of being sent those documents, the member shall send to the National Executive Council copies of all additional witness statements and other documents on which he/she seeks to rely.
  - (10) At the hearing of the charge, the member shall be entitled to be accompanied and/or represented by another member of the Union who is not an employee of the Union. There shall be no right to legal representation on the hearing of a charge. If the National Executive Council considers that there are exceptional reasons which make legal representation appropriate, it may allow the member and the National Executive Council to be legally represented at the hearing.
  - (11) At the hearing of the charge, the National Executive Council shall be entitled to require the member charged to answer questions related to his/her conduct, which is the subject of the charge.
  - (12) The National Executive Council shall not take account of any allegations to which the member charged has not been given a fair opportunity to respond.
  - (13) Subject to the provisions of this rule, the National Executive Council shall decide its own procedures for investigating, hearing and otherwise dealing with a charge under this rule.

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- (14) A member against whom a charge is found proven shall be liable to one or more of the following penalties:
    - (a) Censure.
    - (b) Removal from all or any specified office(s) held in or on behalf of the Union.
    - (c) Disqualification from holding all or any such office for a specified period
    - (d) Expulsion from the Union.
  - (15) Within 28 days of the conclusion of the hearing of the charge, the member charged under this rule shall be notified in writing whether or not the charge has been found proven and if so, the penalty imposed and the member's right to appeal in accordance with this rule.
- Appeals**
- (16) A member against whom a charge is found proven may appeal against that decision and/or against the penalty imposed by giving written notice setting out the grounds of the appeal to be received by the General Secretary of the Union within 28 days of the date on which the written notice of the outcome of the charge was given or posted to the member.
  - (17) An appeal shall be heard by an independent Appeal Tribunal consisting of an individual nominated by the Chair of ACAS. The Appeal Tribunal shall hear and adjudicate on an appeal as quickly as is reasonably practicable.
  - (18) Unless and until annulled or varied by the Appeal Tribunal, the decision of the National Executive Council shall remain in full force and effect.
  - (19) The National Executive Council shall be entitled to nominate a member of the National Executive Council or an employee of the Union to present its case on the hearing of the appeal.
  - (20) At the hearing of an appeal the appellant shall be entitled to be accompanied and/or represented by any person of his/her choice who is not an employee of the Union but there shall be no right to legal representation. If the Appeal Tribunal considers that there are exceptional reasons which make legal representation appropriate, it may allow the appellant and the National Executive Council to be legally represented at the hearing.
  - (21) The Appeal Tribunal shall not consider any evidence which was not presented to the National Executive Council on the hearing of the charge unless the Appeal Tribunal is satisfied that it would have been unreasonable to expect the party seeking to rely on that evidence to have presented it at the hearing of the charge.
  - (22) Subject to the provisions of this rule, the Appeal Tribunal shall have the power to decide its own procedures for dealing with the appeal.
  - (23) The Appeal Tribunal shall have the power to annul the National Executive Council's decision that the charge was proven or to uphold that decision and either confirm or vary the penalties imposed pursuant to this rule.
  - (24) A member shall be informed in writing of the Appeal Tribunal's decision on his/her appeal.
  - (25) There shall be no further appeal from a decision of the Appeal Tribunal.

- (26) The National Executive Council shall comply with any decision of the Appeal Tribunal made in accordance with this rule.
- (27) If prior to 1 January, 2004 a member has been charged by the Joint Executive Council of the Union under the general rules of the Union or by the Executive Council of the AEEU Section under the rules of the AEEU Section or is the subject of a complaint under the disciplinary rule of the MSF Section that charge or complaint shall continue to be dealt with in accordance with the rules which applied immediately before 1 January, 2004 except that:
- (a) any references to the Joint Executive Council of the Union, the Executive Council of the AEEU Section or the National Executive Council of the MSF Section shall be construed as references to the National Executive Council of the Union; and
- (b) any appeal against a decision on a charge or a complaint shall be referred to the Appeal Tribunal constituted in accordance with the provisions of this rule and shall be dealt with in accordance with the provisions of this rule.
- (28) Penalties imposed pursuant to the rules of the Union prior to 1 January, 2004 shall remain in full force and effect.

### 39. Dissolution

- (1) The Union may be dissolved by a resolution supported by not less than 75% of votes cast in a postal ballot of all the members.
- (2) After discharging all debts and liabilities the remaining assets of the Union, if any, shall be distributed equally between the members at the date of dissolution unless the members when voting for dissolution shall have resolved to the contrary.

### 40. Transitional Provisions for Superannuation Schemes

The Union hereby adopts the Trust Deed and Rules of the AEU Full Time Officers and Staff Pension Scheme (1995) (formerly known as the AEU Officers 1986 Pension Scheme) and in particular retrospectively approves the amendments to the rules of the said Scheme contained in a Deed of Alteration dated 19 June 1995 provided that; references in the Trust Deed and Rules of the Scheme to the Amalgamated Engineering Union or any body, officer or employee of the Amalgamated Engineering Union and references to the AEU Section of the Union or any body, officer or employee of that Section shall be construed respectively as references to the Union or the equivalent body, officer or employee of the Union; and further provided that any consent required under the Trust Deed and Rules from the Rules Revision Meeting of the Union to an amendment to the Trust Deed of the Scheme shall be dispensed with and the Trustees of the Scheme may with the consent of only the National Executive Council of the Union exercise the powers to amend the Trust Deed and Rules contained therein.

### SCHEDULE OF BENEFITS

#### 1. Dispute Benefit

|          |                          |
|----------|--------------------------|
| Per Week | Per day of five day week |
| £60.00   | £12.00                   |

#### 2. Victimisation Benefit

At the National Executive Council's discretion.

#### 3. Legal Assistance

As appropriate.

#### 4. Permanent Disablement

|                      |       |
|----------------------|-------|
| Scale of disablement | Grant |
| 41-50%               | £550  |
| 51-60%               | £660  |
| 61-70%               | £770  |
| 71-80%               | £880  |
| 81-90%               | £990  |
| 91-100%              | £1100 |

#### 5. Fatal Accident Grant

£2200

#### 6. Other Benefits

At the National Executive Council's discretion.

### Appendix 1.

1. This appendix contains the byelaws of the Graphical Paper and Media Sector. In the event of any conflict between the rules of the Union and these byelaws, the byelaws shall prevail.

#### 2. SECTOR AUTONOMY

- 2.1 The Graphical Paper and Media Sector will have full industrial autonomy for matters relevant to the Sector including industrial, recruitment and organisational issues within the Sector. The National Sector Committee or National Officers of the Sector must obtain the authority of the General Secretary before authorising any industrial action.

#### 3. OFFICERS

##### National Officers

- 3.1 The National Officers of the Sector shall be the joint Deputy General Secretary and the Assistant General Secretary of the Union responsible for the Sector and six further National Officers. On the resignation, retirement or otherwise removal from office of the Joint Deputy General Secretary, he shall not be replaced. In the period of five years from the date on which the transfer of engagements from G.P.M.U. to Amicus took effect (the G.P.M. vesting date) the National Officers will be no fewer than six. Thereafter the number of National Officers will be determined by the National Executive Committee after consultation with the Graphical Paper and Media National Sector Committee.

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3.2 When a vacancy for a National Officer arises and the National Sector Committee considers a replacement necessary, the Committee will consider applicants and make a recommendation to the General Secretary regarding a replacement.

#### **Industrial Officers**

3.3 The Industrial Officers for the Sector shall perform such duties as may be allocated to them by the Assistant General Secretary responsible for the Sector.

3.4 On the resignation, retirement or otherwise removal from office of an Industrial Officer, that Industrial Officer's position shall cease to exist.

#### **Branch Officers**

3.5 In the event of the resignation, retirement or otherwise removal from office of an officer of a Category A Branch if the National Sector Committee considers a replacement is necessary it will consider applicants and make a recommendation to the General Secretary regarding a replacement. In deciding whether a replacement is necessary membership levels of the sector and branch shall be taken into account.

#### **General**

3.6 All officers of the Sector on the vesting date shall remain as officers of the Sector unless varied by mutual agreement between the officer involved, the National Sector Committee and the National Executive Council.

### **4. NATIONAL SECTOR COMMITTEE**

4.1 During a transitional period of 5 years from the vesting date ("the transitional period"):

4.1.1 The National Sector Committee shall consist of 22 members plus one young member and any additional women members necessary to ensure that the total number of women National Sector Committee members is representative of the proportion of the total female membership of the sector.

4.1.2 The chair person of the National Sector Committee shall be elected by and from the members of the Committee.

4.1.3 Branch Officers will be eligible for nomination to the National Sector Committee.

4.1.4 No member will be eligible for nomination to the National Sector Committee if he or she will reach the age of 65 years during the term of office of the committee.

4.1.5 The National Sector Committee shall meet a minimum of four times a year and as and when the Joint Deputy General Secretary and/or the Assistant General Secretary responsible for the Sector considers necessary.

### **5. ELECTION TO THE GRAPHICAL PAPER AND MEDIA SECTOR COMMITTEE**

5.1 The National Sector Committee to hold office in the period from the G.P.M. vesting date to 31st May 2006 shall consist of the members of the Graphical Paper and Media Union Executive Council in office immediately prior to the G.P.M. vesting date.

5.2. During the transitional period candidates for representation on the National Sector Committee shall be nominated by a proposer and seconder from their own branch prior to the termination of office of the sitting National Sector Committee. Such nominations are to

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be received at the Union's registered office at a date to be determined by the National Sector Committee. No branch may have elected, to the National Sector Committee, more than two of its members except where the number of branches in an electoral area is or falls below the number of seats available for that electoral area, or where the additional women's seats procedure is operated in that electoral area. In these circumstances a branch may have more than two of its members on the Sector Committee.

5.3 The National Sector Committee will determine such electoral areas as it shall consider appropriate.

5.4 In the event of there being more than the required number of candidates nominated in an electoral area, the election shall be decided by a ballot vote of the whole of the members of the Sector in the electoral area. The candidates receiving the highest number of votes to be declared elected; but should three or more candidates belonging to one branch be returned for an electoral area (except under the provisions of byelaw 5.2) only the two receiving the highest number of votes shall be declared elected. No more than one elected Branch Officer from an electoral area may serve on the National Sector Committee. Should two or more Branch Officers be returned for an electoral area, only the one receiving the highest number of votes shall be declared elected.

5.5 The National Sector Committee shall hold office for a period of two years. Should a vacancy occur through the resignation, disqualification, removal or death of an elected member, the candidate with the next highest number of votes in the electoral area affected at the previous election shall be co-opted to fill the vacancy.

5.6 When additional women members of the National Sector Committee are required to meet the requirements of byelaw 4.1.1 they shall be elected under the following procedure.

5.7 Additional women members must have stood for election to the National Sector Committee in the current election and will be elected from the existing ballot results on the basis that the female candidate receiving the highest number of votes, expressed as a percentage of the total votes cast in her electoral area would be elected. This procedure will be repeated until female representation on the National Sector Committee equals the proportion of women members of the sector as a whole. Where this calculation does not result in a whole number, a system of rounding up or down shall be adopted, such that 0.5 and over shall be rounded up and lower proportions rounded down to the next whole number. Not more than one additional woman member from any one electoral area can be elected under this procedure. If an electoral area has elected a woman under the normal election method then the additional seats procedure shall not operate in that electoral area.

5.8 Candidates for the position of young member representative on the National Sector Committee shall be nominated by branches. The young member representative will be elected by ballot vote of the whole of the membership of the sector and the candidate receiving the highest number of votes will be declared elected. Members reaching the age of 26 years on or before the date fixed for nomination shall be ineligible for nomination as the young member representative on the National Sector Committee. No elected Branch Officer will be eligible for nomination as young member's representative on the Sector Committee.

5.9 After the transitional period of five years from vesting date the National Sector Committee shall be elected in accordance with the rules.

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## **6. GRAPHICAL PAPER AND MEDIA IRISH SECTOR COMMITTEE AND CONFERENCE**

- 6.1 The Sector shall have an Irish Sector Committee.
- 6.2 It shall act at all times under the authority of the National Sector Committee, and shall keep the National Sector Committee fully informed and advised on any matters relating to its particular interests. It shall perform such other duties as are delegated to it by the National Sector Committee.
- 6.3 The Irish Sector Committee shall advise and make recommendations to the National Sector Committee on all matters appertaining to the sector in Ireland.
- 6.4 The Irish Sector Committee shall meet four times per year. The Chairperson shall be selected by and from the members of the committee.
- 6.5 For the transitional period of five years from the G.P.M. vesting date the seats on the Irish Sector Committee shall be elected from and by the members of the Sector in Ireland on the basis of one seat for every 600 paying members or part thereof within each branch. Retired, student and honorary members are not paying members. To ensure that women are represented in proportion to the total female membership of the Sector in Ireland, the balloting procedure shall be as described in byelaw 6.7. In addition, the National Sector Committee member for Ireland, shall also have a seat on the Irish Sector Committee. The Irish Sector Committee shall hold office to run concurrently with the period of office of the National Sector Committee.
- 6.6 Candidates for election to the Irish Sector Committee shall be nominated by a proposer and seconder from their own branch prior to the termination of office of the sitting Irish Sector Committee. In the event of there being more than the required number of candidates, nominations will be submitted to the Union's registered office through the medium of the appropriate Branch Secretary. The National Sector Committee will then make arrangements for a ballot to take place of the members of the Sector within the respective branch areas and the candidate receiving the highest number of votes in each of Dublin/Wicklow, Munster & District, or Allied Counties branches will be declared elected.
- 6.7 When additional women members of the Irish Sector Committee are required, in order to meet the requirement of byelaw 6.5 above, they shall be elected under the following procedure. Additional women members must have stood for election to the Irish Sector Committee in the current election and will be elected from the existing ballot results on the basis that the female candidate receiving the highest number of votes, expressed as a percentage of the total votes cast in her branch electoral constituency, would be elected. This procedure will be repeated until female representation on the Irish Sector Committee equals the proportion of women members of the Sector working in Ireland as a whole. Where this calculation does not result in a whole number, a system of rounding up or down shall be adopted such that 0.5 and over shall be rounded up, and lower proportions rounded down, to the next whole number. Not more than one additional woman member from any one branch can be elected under this procedure. If a branch has elected a woman under the normal election method, then the additional seats procedure shall not operate in that branch.
- 6.8 No member will be eligible for nomination to the Irish Sector Committee if he or she will reach the age of 65 years during the term of office of the Committee.
- 6.9 Should any member neglect or refuse to attend three consecutive ordinary meetings of the Irish Sector Committee, except in the case of sickness or a satisfactory apology being received,

the seat on the Irish Sector Committee shall be declared vacant.

- 6.10 In the event of a vacancy arising on the Irish Sector Committee the unsuccessful candidate with the highest number of votes at the previous election shall automatically fill the vacancy. In the event of such a candidate being unable or unwilling to accept the vacancy the succession principle shall apply. Full-time Officers in the region sit as ex-officio members on the Irish Sector Committee.
- 6.11 At the expiry of the transitional period the Graphical Paper and Media Irish Sector Committee shall consist of delegates elected in accordance with the rules of the Union.
- 6.12 An annual consultative conference of members of the Sector employed in Ireland shall be held. Representation at the conference shall be on the basis of one delegate from each branch of up to 600 paying members and an additional delegate for each complete 600 paying members or part thereof.

## **7. BALLOTS**

- 7.1 When a vote of the membership of the Sector is required on any industrial issue considered necessary by the National Sector Committee such ballot vote shall be conducted in a way determined by the National Sector Committee.

## **8. NATIONAL SECTOR CONFERENCE**

- 8.1 During the transitional period of five years from the G.P.M. vesting date representation at the National Sector Conference shall be on the basis of one delegate from each branch of up to 600 paying members and an additional delegate for each complete 600 paying members or part thereof. Candidates for representation at the National Sector Conference shall be nominated by a proposer and seconder from their own branch. In the event of there being more than the required number of candidates, nominations will be submitted to the union registered office through the medium of the appropriate Branch Secretary. The National Sector Committee will make arrangements for a ballot to take place of the members within the respective branch areas and the candidates receiving the highest number of votes will be declared elected. After the transitional period the National Sector Conference shall be convened in accordance with the rules of the Union.
- 8.2 The National Sector Conference will be attended by the Assistant General Secretary with responsibility for the Sector and by the National and Industrial Officers of the Sector.
  - 9.1 During the transitional period of five years from the G.P.M. vesting date:
    - 9.1.1 The G.P.M. branches shall be entitled to elect delegates and send motions to the National Sector Conference as though they were Regional Sector Conferences.
    - 9.1.2 There shall be no Regional Sector Conferences or Regional Sector Committees for the Sector. Branches in the Sector will instead be entitled to hold a maximum of four branch committee meetings and one annual general meeting in each year of the transitional period commencing on the G.P.M.U vesting date.
    - 9.1.3 G.P.M. branches shall not be entitled to send delegates to Regional Branch Conferences.
    - 9.1.4 The Sector shall be entitled to elect two members of the G.P.M. Sector in each Region to be members of the Regional Council. One of those members shall be appointed by the National Sector Committee to be a member of the Regional Management Committee. The National

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Sector Committee shall determine the method of electing the Sector members of each Regional Council.

#### **10. POLICY CONFERENCE**

- 10.1 During the transitional period the National Sector Conference shall be entitled to elect 100 delegates to the Policy and Rules Conferences convened in 2005, 2007 and 2009.
- 10.2 No full time branch official or other employee of the Union will be eligible to be elected to the Policy Conference.

#### **11 NATIONAL EXECUTIVE COUNCIL**

- 11.1 In the election held for representation of the Graphical Paper and Media Sector on the National Executive Council in the period of 12 months after the G.P.M. vesting date under Rule 25(2)(c) candidates shall be nominated by a proposer and seconder from their own branch. Such nominations are to be received at the Union's registered office at a date to be determined by the National Sector Committee. No branch may have elected, to the National Executive Council, more than one of its members except where the number of branches in an electoral area is or falls below the number of seats available for that electoral area.
- 11.2 The National Sector Committee will determine such electoral areas as it shall consider appropriate.
- 11.3 In the event of there being more than the required number of candidates nominated in an electoral area, the election shall be decided by a ballot vote of the whole of the members of the Sector in the electoral area. The candidates receiving the highest number of votes will be declared elected; but should two or more candidates belonging to one branch be returned for an electoral area only the one receiving the highest number of votes shall be declared elected.
- 11.4 In the election of members of the National Executive Council to take up office on 1st January 2010 and thereafter the G.P.M. Sector will be entitled to a minimum of six members on the National Executive Council subject only to maintaining membership of the sector.

#### **12. BRANCHES**

- 12.1 Each G.P.M. Branch is either a Category A or Category B Branch.
- 12.2 Subject to byelaw 12.3 the G.P.M. branch structure will be maintained for the transitional period.
- 12.3 During the transitional period, the National Sector Committee will draw up proposals for harmonising and integrating the sector's branch organisation with the structures prevailing within the rest of the Union. These proposals shall be finalised and, if appropriate, adopted in accordance with Rule 12 (13) to take effect at a date to be determined by the National Executive Council. No proposals for such integration may be adopted during the transitional period unless mutually agreed between the National Sector Committee and the National Executive Council.
- 12.4 In the transitional period G.P.M. branches shall be treated as Regions of Amicus and will not be entitled to incur or be reimbursed for expenditure under Amicus Rule 19(13).
- 12.5 The National Executive Council of Amicus in consultation with the G.P.M. National Sector Committee shall issue model rules for G.P.M. branches for adoption by those branches.

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12.6 A Category A branch shall be entitled to funds from the National Union in relation to salary, employment costs and all liabilities in respect of pensions, redundancy and severance payments and in relation to all costs and expenses of their branch premises

- 12.7 A Category A branch shall be entitled to incur expenditure in accordance with Amicus Rule 21(4) and to receive payment for such expenditure under Amicus Rule 21 (7).
- 12.8 A Category B branch shall not be entitled to any funds from the National Union. All expenditure and liabilities will be met from the assets of the branch. Employees of category B branches shall be employees of that Branch and shall not be employees of Amicus.
- 12.9 From the G.P.M. vesting date no local subscriptions, levies or other contributions to branch funds may be charged to members by any G.P.M. Branch. All contributions by members must be collected and remitted and/or dealt with in accordance with the instructions of the National Executive Council.

#### **13. Representation on Other Union Bodies**

- 13.1 From the G.P.M. vesting date the former G.P.M.U. members shall be entitled to be represented on such of the following bodies of the Union as shall meet after the vesting date:
- 13.1.1 National Equality Conferences and Committees (see Rule 17 (3) and (8)).
- 13.1.2 Regional Women's Committees (see Rule 18 (3)).
- 13.1.3 National Women's Conference (see Rule 18 (4)).
- 13.1.4 National Women's Committee (see Rule 18 (6)).
- 13.1.5 National Advisory Committee for Retired Members – (see Rule 19 (3)).
- 13.1.6 National Political Committee – (see Rule 35 (6))
- 13.1.7 Regional Political Committees – (see Rule 35(5))
- 13.1.8 Regional Political Conferences – (see Rule 35(2))
- 13.1.9 Irish Conference – see Rule 32)
- 13.2 Until the former G.P.M.U. members have an opportunity to take part in the election of the members of each of the bodies referred to in byelaw 13.1 above in accordance with the Rules:
- 13.2.1 The National Executive Council shall determine the number of representatives from the former G.P.M.U. members ("the G.P.M. representatives") on each of the bodies referred to in byelaw 13.1 and shall endeavour, so far as is reasonably practicable, to fix that number by reference to the proportion of the members who are represented by that body who are former G.P.M.U. members increased by 20 per cent.
- 13.2.2 The members of the National Sector Committee shall together determine the method of selecting the G.P.M. representatives.
- 13.2.3 Each of the G.P.M. representatives must have the same qualifications as would be required for him/her to be eligible to be elected to that body in accordance with the rules.

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## **Appendix 2.**

### **Revised List of Sectors**

The NEC revised the list of sectors at its meetings on 7 September 2005 and 22 March 2006 as follows:

- Aerospace
- Chemicals and Pharmaceuticals
- Civil Air Transport
- CMA
- Community and not for Profit
- Construction and Contracting (to include Heating and Ventilating)
- Education
- Electrical Engineering, Electronics and Information Technology
- Energy
- Federation of Professional Associations
- Finance and Business Services
- Food, Drink and Tobacco (to include Tobacco Workers Section)
- Foundry
- General Industries
- Graphical, Paper and Media
- Health Service (to include CPHVA)
- Local Authorities
- Metals
- MOD and Government Departments
- Motor Components
- Motor Vehicles
- Process
- Railways, Buses and Ferries
- Servicing
- Shipbuilding

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