



# UNISON2013

as amended at the 2013 conference



# RULEBOOK

# Contents

*Rules marked with \* are 2013 amendments*

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# **A** Introductory

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## **1 NAME OF THE UNION**

The name of the Union shall be UNISON-The Public Service Union, hereafter referred to as “the Union”. In Cymru Wales Region the union is also to be known by the Welsh name “UNSAIN”.

## **2 INTERPRETATION OF RULES**

- 1.** These rules shall, except where the contrary is stated, be interpreted in accordance with the definitions of certain expressions contained in Rule Q below.
- 2.** In the event of any question arising as to the interpretation of these rules, the question shall be referred to the National Executive Council, whose decision shall be conclusive and binding.

## **3 ANTI-DISCRIMINATION POLICY**

The Union shall seek to ensure that discriminatory acts are not committed against any persons by the Union, or by its organs, members, or officers, on grounds such as race, gender, sexuality, gender identity, disability, age, creed or social class.



# **B** Aims and objectives

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## **1 AT WORK AND IN THE COMMUNITY**

- 1.** To organise all those employed, directly or indirectly, within those areas of employment which provide services to the public whether in the public, private or voluntary sectors of the economy.
- 2.** To seek to ensure equality of treatment and fair representation for all members and to work for the elimination of discrimination on grounds of race, gender, sexuality, gender identity, disability, age or creed.
- 3.** To seek to protect the rights of all members to be treated with dignity and respect irrespective of race, gender, sexuality, gender identity, disability, age or creed.
- 4.** To improve the pay and conditions of members and promote their interests.
- 5.** To establish good relations between members and their employers, to secure the settlement of disputes arising from members' employment, and to participate in joint negotiating machinery.
- 6.** To promote and improve the health, safety and welfare of members in the workplace.
- 7.** To promote trade unionism.
- 8.** To work to achieve equal access to public services for all and to ensure that all users of public services are treated with dignity and respect, irrespective of race, gender, sexuality, gender identity, disability, age or creed.
- 9.** To promote greater employee, consumer and user involvement and representation in the delivery of public services, irrespective of race, gender, sexuality, gender identity, disability, age or creed.
- 10.** To work with all other interested parties, individuals and organisations to maintain and improve the quality of services to the public.
- 11.** To liaise with the United Kingdom Government, devolved administrations and all other levels of government on public services and related matters and to promote and monitor legislation for the benefit of members and the public.
- 12.** To promote and pursue environmental sustainability in all our work.

## **2 UNION DEMOCRACY**

- 1.** To promote, safeguard and improve the interests and status of members and the Union as a whole.
- 2.** To promote and establish a member-led union and to carry out and fulfil decisions made by members in a spirit of unity and accountability.
- 3.** To promote fair representation in all the Union's structures for women, members of all grades, black members, disabled members and lesbian, gay, bisexual and transgender members.
- 4.** To encourage solidarity and an effective working partnership between members, activists, representatives, officers and all staff in the service of the Union and its agreed policies.

5. To promote and safeguard the rights of members to have an adequate opportunity to participate in the initiation and development of policy making, through meetings, conferences, delegations or ballots, and to encourage the maximum democratic debate, together with the right to campaign to change policy, while at all times acting within the rules and agreed policy.
6. To foster good industrial relations with the Union's employees through their trade unions, to encourage and maintain good employment practices and to promote equal opportunities for all employees irrespective of race, gender, sexuality, gender identity, disability, age or creed.
7. To devolve to regions policy making responsibility in relation to devolved administrations while maintaining the integrity and unity of the union in accordance with the Protocol issued under Rule D.2.9.5.

### **3 SERVICE TO MEMBERS**

1. To provide minimum guaranteed standards of advice, representation and service.
2. To provide information and publications about the Union and its work on a regular basis and in language and design that can easily be understood, including languages other than English where appropriate.
3. To make provision for certain benefits to members as provided in these Rules.
4. To provide and maintain educational facilities and to encourage members to participate in them.
5. To promote, maintain and contribute to schemes and/or funds for the financial, physical and social welfare of members and their dependants.

### **4 GENERAL**

1. To maintain a political fund and the relationships which reflect the traditions of COHSE, NALGO and NUPE.
2. To assist and support other unions, organisations, charities or individuals as deemed appropriate locally, nationally and internationally.
3. To participate in international trade union activities and to foster appropriate international links.
4. To arrange amalgamations or transfers of engagements with other trade unions.
5. To perform such other duties and engage in such other business as a trade union may lawfully undertake.
6. To seek to ensure that members, activists, representatives and staff are treated with dignity and respect at all times when participating in the Union's democratic structures. Also that members, activists, representatives and staff seeking the Union's services provided by external suppliers are treated similarly by the providers of those services.

# C Membership

## **1 SCOPE OF REPRESENTATION**

**1** The Union shall seek to represent:

- 1.1** those employed by any body, authority, company or corporation which has a public, charitable, educational, or statutory function, including those employed in the local government service, the health services, the electricity supply industry, the gas, transport and water industries, the education services, the police and justice sectors and in the voluntary and community sectors.
- 1.2** those employed in such other areas of work and such other persons as may be provided for in these Rules, and as the National Executive Council may from time to time determine.

## **2 CATEGORIES OF MEMBERSHIP**

**2.1** Membership shall be open to any person employed in the provision of public services and in such other employment as may come within the meaning of Rule C.1 above.

### **2.2 SUBSCRIPTIONS**

According to their category of membership as set out below, members shall pay subscriptions as provided in Schedule A. Schedule A may be changed from time to time by the National Delegate Conference in accordance with Rule N. In addition members shall pay any local levy fixed by their branch in accordance with Rule H.

### **2.3 FULL MEMBERSHIP**

**2.3.1** Full members shall be eligible for full rights and benefits.

**2.3.2** Membership shall extend to persons who have previously been members of the Union in employment within the meaning of Rule C.1 and who are currently:

- .1** On unpaid maternity, paternity, adoption, medically approved compassionate leave or other unpaid leave from their employment.
- .2** On strike or locked out from their employment.

**2.3.3** Eligibility for full membership shall extend to persons whether or not previously members of the Union who are undertaking a course of training or study whether full-time or part-time designed to lead to becoming employed within the scope of Rule C.1.

### **\*2.4 UNEMPLOYED MEMBERS**

**\*2.4.1** Members dismissed or made redundant or having accepted a compromise agreement as an alternative to dismissal from employment within the meaning of C.1 who notify the branch secretary in writing within six months of loss of their employment may acquire unemployed membership for two years from the date of dismissal, redundancy or agreement. This entitles them to receive benefits from the Union for up to two years after that date, provided they remain unemployed.

**2.4.2** Unemployed members shall be entitled to attend branch meetings and to vote on issues not relating to pay and conditions of members in employment. They are not entitled to hold office in the union unless otherwise decided by the National Executive Council.

## **2.5 MEMBERS IN EDUCATION**

**2.5.1** This category of membership shall extend to persons not falling within Rule 2.3.3 above who are undertaking a course of education and were members of the Union in employment immediately prior to undertaking the course.

**2.5.2** Persons in this category of membership shall not be entitled to hold any office in the Union.

## **\*2.6 RETIRED MEMBERS**

**\*2.6.1** A member may apply at any time for retired membership if she/he has had at least two years' continuous membership immediately prior to their retirement from employment within those areas of work set out in Rule C.1 and who are retired.

**\*2.6.2** Retired members who return to paid employment, which falls within the scope of Rule C.1, will be obliged to pay the appropriate subscription rate to remain in UNISON membership. Such members will be able to resume retired member status on ceasing paid employment.

Retired members, who return to paid employment, which falls outside the scope of Rule C.1 will cease holding retired member status. Such members may apply to resume UNISON retired member status when they cease paid employment.

**2.6.3** Retired members shall be entitled to attend branch meetings and to vote on issues not relating to the pay and conditions of members in employment. They will be entitled to stand for office and vote only for positions in the Retired Members' Organisation unless otherwise determined by the National Executive Council or as otherwise provided for in these Rules.

## **2.7 HONORARY LIFE MEMBERS**

**2.7.1** Existing full members of the Union may be awarded honorary life membership in recognition of their service to the Union upon cessation of their normal membership. Such honorary life members must be nominated by their branch or by the National Executive Council, which body must approve all awards.

**2.7.2** Honorary life members shall be entitled to participate in the Retired Members' Organisation and be eligible for the same rights and benefits as retired members.

They will not be required to pay the fee for retired members set out in Schedule A(6).

**2.7.3** Existing life members of COHSE and NUPE and honorary members of NALGO shall become honorary life members of UNISON on Vesting Day.

## **2.8 HONORARY MEMBERS**

**2.8.1** A person is eligible to be an honorary member who is not otherwise eligible to be a member and who has rendered outstanding service to the Union, the Trade Union Movement, or society in general. Nominations will be considered and determined by the National Executive Council.

**2.8.2** An honorary member shall not be required to pay any subscription, and shall hold the membership for life, unless she/he resigns the membership or is deprived of it in accordance with Rule I.

**2.8.3** Honorary members are not entitled to hold any office, to act as delegate or representative on behalf of any branch, group or body of the Union, are not entitled to any benefit, and are not entitled to any vote.

**2.8.4** Honorary members of COHSE, NALGO and NUPE at Vesting Day shall be honorary members of the Union.

## **2.9 EMPLOYEES OF THE UNION**

**2.9.1** This category of membership shall extend to employees of the Union who shall pay contributions as provided in Schedule A(1). A central register of such members shall be maintained at Head Office. Except as specified below all such members shall be eligible for all the rights and benefits of membership.

**2.9.2** Members in this category shall be excluded from eligibility to:

- .1** seek or hold office in any lay structure of the Union
- .2** be in membership of any branch or of any Group or of any Region
- .3** participate as a delegate in any policy-making forum of the Union
- .4** participate as a member in any policy-making processes of the Union (excepting as set out below) or to vote for any lay member of the National Executive Council or any lay member of any Service Group Executive Committee
- .5** be recognised for the purposes of collective bargaining with the National Executive Council.

**2.9.3** Members in this category shall have the right to vote in any political fund ballot.

## **3 ALLOCATION TO CATEGORIES**

In the event of uncertainty as to which category of membership it is appropriate for a member or members to belong, the National Executive Council may allocate the member(s) to the category it deems most appropriate.

## **4 MEMBERS' BENEFITS**

**4.1** Subject to Rule C7.2 below a member is eligible for benefits in accordance with her/his category of membership, provided that she/he has paid the contributions required of her/him under these Rules.

**4.2** Details of members' respective eligibility to benefits are set out in Schedule B.

## **5 BECOMING A MEMBER**

**5.1** Every person wishing to become a member shall complete and sign a prescribed form of application for membership, using her or his full name and giving her or his address, and shall return it either to the branch secretary of the appropriate branch or to the office specified on the form. Any person who is, or has been, in membership of the Freemasons must declare this, in writing, at the time of completing the application form for UNISON membership.

**5.2** A member of a political party or organisation, whose constitution, aims or objectives is/are expressly or impliedly contrary to the equality objectives of UNISON set out in Rules A.3 and/or B1.2 and/or B1.3 of the UNISON Rule Book, shall not be eligible for membership of the Union. This specifically includes the British National Party, the National Front and similar parties or organisations as decided from time to time by the National Executive Council.

**5.3** Members shall be entitled to vote in statutory elections from the date of inclusion in the Union's central membership register or from the qualifying date for participation in an election as specified in regulations made by the National Executive Council.

**5.4** No person shall be a member of more than one branch of the Union at any one time.

**5.5** Where the branch has reason to believe an applicant may be ineligible for membership, the applicant shall be given notice in writing by the branch secretary of the proposal to exclude or expel him/her and the reasons for that proposal; the individual will be given a fair opportunity to make representations in respect of that proposal, and those representations will be considered fairly.

**5.6** Any person whose application for membership or transfer has been rejected has the right of appeal to a regional appeals committee against the decision of the Branch. The procedure to be adopted will be the same as in the case of a disciplinary hearing.

## **6 OBLIGATIONS OF MEMBERSHIP**

**6.1** Every member shall observe all the Rules of the Union.

**6.2** A copy of the current Rulebook shall be provided to each new member.

**6.3** Every member who changes her/his address shall notify the Union of the change in the prescribed way.

**6.4** It is the obligation of the member to ensure that her/his subscription is paid to the Union at the correct rate as set out in Schedule A, and on the date on which it is due. Payment may be made in cash or by cheque (to the member's Branch Secretary or to a Union Office as directed); by standing order; by direct debit; by check-off arrangements made through the member's employer; or by any other method acceptable to the National Executive Council.

## **7 CEASING TO BE A MEMBER**

### **7.1 LOSS OF ELIGIBILITY**

Any member ceasing to be eligible for membership within Rule C.1, and who does not fall within the classes of membership set out at Rule C.2, shall automatically cease to be a member unless:

**7.1.1** the National Executive Council decides otherwise; or

**7.1.2** she or he intends to be absent from the employment defined in Rule C.1 for a temporary period only, in which case she or he may be allowed by decision of her or his branch to retain membership.

### **7.2 ARREARS OF SUBSCRIPTIONS**

**7.2.1** Any person owing more than three months' subscriptions shall cease to be a member of the Union (unless the National Executive Council decides otherwise) and shall forfeit all that she or he has paid to the Union.

**7.2.2** Such a person may rejoin the Union. The National Executive Council shall require such a person to pay outstanding subscriptions or such other amount that it may determine.

### **7.3 RESIGNATION**

Any member may at any time resign her or his membership by submitting a written resignation to her/his Branch Secretary or to the General Secretary. Upon resigning, that member will forfeit any right to receive or continue to receive benefits or privileges of membership, and shall forfeit all that she or he has paid to the Union.

## **7.4** *SUSPENSION*

**7.4.1** The National Executive Council shall have the power in exceptional circumstances to suspend a member from office for a period of not more than 60 days (unless such a period is extended by agreement between the parties) if the member faces disciplinary charges under Rule I and the National Executive Council considers it appropriate in the interests of her or his branch or of the Union generally that she/he should be suspended until the charges are determined.

**7.4.2** In cases of alleged financial irregularities brought under Rule I and the member faces disciplinary charges related to such allegations arising from a Rule I investigation, the National Executive Council may suspend the member(s) from holding office until the conclusion of the disciplinary investigation, hearing or appeal.

## **7.5** *EXPULSION*

A member may be expelled from membership in accordance with the disciplinary procedure set out in Rule I. In such a case the member will forthwith forfeit any right to receive (or to continue to receive) the benefits and privileges of membership.

## **7.6** *TERMINATION*

Notwithstanding anything in these Rules the National Executive Council may, by giving six weeks' notice in writing, terminate the membership of any member, if necessary, in order to comply with a decision of the Disputes Committee of the Trades Union Congress.

# **D** Structure of the union at national level

## **1 NATIONAL DELEGATE CONFERENCE**

**1.1** The supreme government of the Union shall be vested in the National Delegate Conference, which shall meet annually for four days at such time and place as the National Executive Council shall determine.

### **1.2 SPECIAL DELEGATE CONFERENCE**

**1.2.1** A Special Delegate Conference may be convened by the National Executive Council.

**1.2.2** A Special Delegate Conference shall be convened on receipt by the General Secretary, within any two-month period, of requisitions to that effect, stating the business to be transacted, from branches representing not less than 25% of the Union's membership.

### **\*1.3 COMPOSITION**

The basis of representation by branches at the Conference shall be in accordance with a scheme to be drawn up by the National Executive Council and implemented by the Regional Committee and providing as follows:

**1.3.1** Where a branch's membership includes all the Union's members who are employed by a single authority in local government or the health service or at appropriate levels in other sectors of the Union membership (referred to here as a "lead employer branch"), the branch shall be represented by one delegate for every 1000 members or part thereof as at 30 September in the year preceding the conference.

**1.3.2** Branches which are not "lead employer branches" shall be grouped for purposes of Conference representation so that the joint membership of such branches shall be represented by one delegate per 1000 members or part thereof as at 30 September in the year preceding the conference.

**.1** Branches may not be grouped across service group boundaries (other than branches with members in more than one service group).

**\*1.3.3.1** Branches failing to submit annual returns in accordance with Rule G.10 shall not be entitled to attend National Delegate Conference and Service Group Conferences for the remainder of the financial year following the year to which the financial return applies, unless otherwise determined by the National Executive Council.

**.2** The National Executive Council shall determine procedures for considering appeals by branches who are disqualified under Rule D.1.3.3.(i) from attending National Delegate and National Group Conferences.

**.3** Branches which fail to submit annual returns by 15 March in the year following the financial year to which such returns apply may be subject to financial penalty under procedures determined by the National Executive Council.

**.4** Branches which are subject to a financial penalty under D.1.3.3 shall have a right of appeal in accordance with Rule H.5.



**1.3.4** No branch delegate may attend and speak at the Conference as a person in any of the categories set out in Rule D.1.7.

**1.4** ***PROPORTIONALITY AND FAIR REPRESENTATION***

The principles of proportionality and fair representation shall be observed in the election of delegates in accordance with guidelines drawn up by the National Executive Council.

**1.5** ***REPRESENTATION OF YOUNG MEMBERS***

Where a branch is represented by four or more delegates, branches shall strive to ensure that at least one is a young member.

**1.6** ***SHARED DELEGATES***

Where a branch or grouped branches have the right to be represented by only one delegate, the branch or grouped branches may, in order to promote proportionality, fair representation or equal opportunities elect two members to share the delegation between them. Where a branch or grouped branches have the right to be represented by more than one delegate, the branch or grouped branches may, in order to further promote proportionality, fair representation, or equal opportunities, elect two members to share one delegate seat allocated to the branch or grouped branches. The branch or the grouped branches shall be responsible for any extra costs of this arrangement.

**1.7** ***THE RIGHT TO ATTEND AND SPEAK***

The following persons shall have the right to attend the Conference and to speak, but not to vote, in not more than one of the following categories:

**1.7.1** all members of the National Executive Council (subject in the case of the three members who are also members of the Standing Orders Committee to the rules of that Committee below)

**1.7.2** the General Secretary, Deputy General Secretaries, Assistant General Secretaries and such other staff as the National Executive Council or General Secretary may determine

**1.7.3** two representatives of each Regional Council

**1.7.4** two representatives of each Self-Organised Group at the national level

**1.7.5** two representatives of each Service Group

**1.7.6** two representatives from the National Young Members' Forum and one representative from each of the Regional Young Members' Forums.

**1.7.7** 14 Representatives of the Retired members' organisation (two from the National Committee and one from each of the Regional Committees), each representative appointed by the appropriate committees

**1.7.8** one representative from each professional and sectional body formally associated with the Union and recognised for this purpose by the National Executive Council

**1.7.9** the chairperson of the Standing Orders Committee.

**1.8** ***STANDING ORDERS COMMITTEE***

**1.8.1** The Standing Orders Committee shall be present at the Conference but shall take no part in its proceedings and shall comprise

- .1 one representative of each Regional Council, not being a member of the National Executive Council; and
- .2 three members of the National Executive Council.

**1.8.2** The functions of the Standing Orders Committee shall be as contained in Rule P.

## **1.9 CONFERENCE TIMETABLE**

Before a National Delegate Conference, the National Executive Council shall adopt and publish within the Union a detailed timetable enabling the following steps to be taken not later than the time stated:

Procedure: Weeks before the first day of Conference

- .1 Submission of motions: 16 weeks
- .2 Publication of preliminary agenda: 13 weeks
- .3 Submission of amendments: 8 weeks
- .4 Publication of final agenda: 4 weeks

## **1.10 CONFERENCE QUORUM AND PROCEDURE**

**1.10.1** The quorum of the National Delegate Conference shall be one-third of the delegates registered to attend and vote.

**1.10.2** All motions and amendments for the agenda shall be of relevance to the Union as a whole rather than a Service Group.

**1.10.3** The National Executive Council shall have the right to submit to the National Delegate Conference reports, statements, motions, amendments to motions and amendments to Rule (including emergency motions and amendments).

**1.10.4** Each Branch may submit motions, amendments to motions and amendments to Rule. A Regional Council, a Self-organised Group, the National Young Members' Forum and the Retired Members' Organisation may each submit a total of two motions and/or amendments to Rule. A Regional Council, a Self-Organised group the National Young Members' Forum and the Retired Members' Organisation may also each submit a total of two amendments to motions

**1.10.5** The rules of procedure for the National Delegate Conference shall be those contained in Rule P.

## **2 NATIONAL EXECUTIVE COUNCIL**

### **2.1 FUNCTIONS AND AUTHORITY**

The general management and control of the Union between National Delegate Conferences shall be vested in the National Executive Council, which shall comprise representatives elected from the Regions and Service Groups plus four national black members' seats and a young members' seat. It shall have full power and authority to act on behalf of the Union in every respect and for every purpose falling within the objects of the Union. It shall not do anything that is inconsistent with these Rules or the policy of the Union as laid down by the National Delegate Conference.

### **2.2 REGIONAL REPRESENTATIVES**

Each Region shall be a constituency for the election of part of the National Executive Council, conducted in accordance with the Electoral Rules set out at Rule D.7 and Schedule C below.

**2.2.1** Each Region shall elect representatives according to the following table:

<b>Regional membership</b>	<b>No of representatives</b>	<b>Conditions</b>
Less than 100,000	2 + 1 low pay reserved seat (see Rule Q Definitions)	1 female, 1 male
100,000 or more and less than 150,000	3 + 1 low pay reserved seat (see Rule Q Definitions)	2 female, 1 male
150,000 or more	4 + 1 low pay reserved seat (see Rule Q Definitions)	At least 2 female, 1 male

**2.2.2** Only full members within the Region shall be eligible to vote in respect of seats in the Region.

**2.2.3** No member shall be a candidate unless she/he has been nominated by at least two branches within her/his Region. No member is entitled to be a candidate for election in a Region other than that of which she/he is a member.

**2.2.4** Any member elected to the National Executive Council shall remain in office only for the period for which she/he meets the requirements of the seat to which she/he was elected unless otherwise provided for in these Rules.

### **2.3 SERVICE GROUP REPRESENTATIVES**

**2.3.1** The members of each Service Group shall each constitute a separate section of the Union for the purpose of balloting for the National Executive Council and shall elect representatives according to the following table:

<b>Service Group membership</b>	<b>No of representatives</b>	<b>Conditions</b>
Less than 25,000	1	-
25,000 or more and less than 100,000	2	At least one female
100,000 or more and less than 300,000	3	** (see below)
300,000 or more	4	** (see below)

\*\* Such minimum number of female members as shall be determined in advance of the election by the National Executive Council in order to apply the principle of proportionality.

**2.3.2** Only full members of a Service Group shall be eligible to vote for seats for that Service Group.

**2.3.3** No member may be a candidate for election in respect of a Service Group unless she/he has been nominated by at least two branches from within that Service Group.

**2.3.4** No member may be a candidate in any Service Group other than that of which she/he is a member.

**2.3.5** No member may hold a Regional Seat and a Service Group Seat at the same time.

### **2.4 BLACK MEMBERS' SEATS**

There will be an additional four representatives (one male, two female and one reserved seat), elected from a national constituency of all Regions. No member shall be a candidate for

election to the additional seats unless she/he has been nominated by at least 2 branches or regional self-organised groups. The period of office shall be two years.

## **2.5 YOUNG MEMBERS' SEAT**

There will be an additional representative for young members elected from a national constituency of young members in all regions.

No member shall be a candidate for election to the young members' seat unless she/he:

- .1** will be aged 26 or under when the period of office ends as set out at Rule D.2.6.1
- .2** has received two nominations from any branches, or regional young members' forums or National Young Members' Forum.

## **2.6 ELECTIONS**

**2.6.1** The period of office of every representative shall be from the close of National Delegate Conference immediately following the declaration of the result of the election to the close of the National Delegate Conference two years later.

**2.6.2** Any intermediate vacancy arising more than six months prior to the general election of representatives of the category in which the vacancy arises shall be filled by a ballot of the appropriate electorate.

## **2.7 FREQUENCY OF MEETINGS**

The National Executive Council shall meet at least four times in every calendar year.

## **2.8 COMMITTEES**

The National Executive Council shall have the right to appoint such Committees from amongst its membership as it shall see fit, and shall have the power to delegate to such Committees any of its functions as it considers appropriate.

## **2.9 POWERS**

As part of its general power in Rule D.2.1 above, and without limiting the scope of that power, the National Executive Council shall have the following powers:

- 2.9.1** to provide for any case in which the Rules are silent;
- 2.9.2** to augment the Rules by making regulations subject to their approval by Annual Conference;
- 2.9.3** to interpret the Rules in event of doubt, conflict or dispute;
- 2.9.4** to bring or defend legal proceedings of any type;
- 2.9.5** to issue a protocol on devolved administration and union governance;
- 2.9.6** to give directions to the Trustees of the Union as to their management of the funds and property of the Union, including the power to give directions binding on the Trustees that, in the execution of any investment policy, the Trustees should have regard to considerations of Union policy irrespective of conflict with possible financial return;
- 2.9.7** to affiliate to any other appropriate body or council;
- 2.9.8** to approve the formal association with the Union of appropriate professional and sectional bodies;

- 2.9.9** to convene meetings, and in particular Delegate Conference meetings, if it should appear to the National Executive Council that there is a need;
- 2.9.10** to open or close any branch of the Union following consultation with the appropriate Regional Council, Service Group, branch or branches;
- 2.9.11** to allocate branches to appropriate Service Groups and Regions;
- 2.9.12** to issue a Code of Good Branch Practice;
- 2.9.13** to enter into, and approve, reciprocal membership arrangements with appropriate trade unions within the European Union;
- 2.9.14** to enter into a transfer of engagements from other organisations to the union and to make such arrangements as may be necessary for this purpose;
- 2.9.15** to take all such action as shall seem to them to be necessary to ensure that the income, property and funds of the Union are safeguarded, and the objects and purposes of the Union achieved.

## **2.10 EMPLOYMENT OF STAFF**

- 2.10.1** The National Executive Council (or the General Secretary acting on its behalf) shall have the power to engage or dismiss such staff as may be required for the conduct of the business of the Union.
- 2.10.2** The National Executive Council shall determine the pay and conditions of service of staff. The General Secretary shall be responsible to the National Executive Council for all remaining staffing matters.

## **2.11 POWER TO ACT BETWEEN MEETINGS**

- 2.11.1** The General Secretary shall have the power to act on behalf of the National Executive Council and its committees between meetings, where appropriate in consultation with the President or Chairperson of the relevant committee, and shall seek the endorsement of the National Executive Council or committee upon any exercise of that power.

## **2.12 PROPORTIONALITY AND FAIR REPRESENTATION**

- 2.12.1** The National Executive Council shall have the power to monitor, review and implement the principles of proportionality and fair representation throughout the Union.
- 2.12.2** "Proportionality" is the representation of women and men in fair proportion to the relevant number of female and male members comprising the electorate.
- 2.12.3** "Fair representation" is the broad balance of representation of members of the electorate, taking into account such factors as age and low pay, the balance between full time and part time workers, manual and non-manual workers, different occupations, skills, race, sexual orientation, disability and gender identity.

## **3 SERVICE GROUPS**

- 3.1.1** There shall be the following Service Groups within the Union:
 

Community	Energy
Health Care	Higher Education
Local Government	Police and Justice
Water, Environment and Transport.	

- 3.1.2** The National Executive Council shall have power to decide which sections of the membership of the union fall within the scope of each Service Group of the Union, and, amongst other matters, may take into account:
- .1** the employer of those members and the service delivered by that employer
  - .2** the collective bargaining arrangements
  - .3** the occupational and industrial boundaries of the work of those members
  - .4** the work group to which those members belong.
- 3.1.3** The National Executive Council shall have the power to authorise the creation of additional Service Groups or to vary the allocation of members to Service Groups, but shall do so only after consultation with the Service Group or Groups concerned.
- 3.1.4** Each Service Group shall have autonomy, on behalf of its members, to:
- .1** determine the Group's general policy
  - .2** negotiate:
    - .1** pay and conditions of service
    - .2** professional and occupational rules, standards, conditions and policy
    - .3** industrial and other relations with employers and to represent its members and participate in any joint negotiating machinery with powers in these matters
    - .4** the settlement of any disputes arising from the employment of its members.
- 3.1.5** The policies and activities of a Service Group shall at all times be subject to and consistent with the policy of the Union as laid down by the Union's National Delegate Conference or as applied by the National Executive Council and within the Rules of the Union.

## **3.2** *MEMBERSHIP*

Every member of the Union shall be a member of a Service Group, subject to the power of the National Executive Council in accordance with these rules to decide which is the appropriate Service Group in any case of doubt or dispute.

## **3.3** *NATIONAL STRUCTURES*

In each Service Group there shall be a Service Group Conference and a Service Group Executive.

## **3.4** *SERVICE GROUP CONFERENCE*

- 3.4.1** Each Service Group shall hold a Conference annually, for a period not exceeding three days.
- 3.4.2** The policies of a Service Group shall be determined by the Group's Conference.
- 3.4.3** Arrangements for the Conference shall be made by the Group's Executive in accordance with the Standing Orders.
- 3.4.4** Each Service Group shall have a Standing Orders Committee comprising either a panel of members of the Standing Orders Committee of the National Delegate Conference or two representatives from and nominated by the members of the Standing Orders Committee of the National Delegate Conference, together with representatives from the Service Group.
- 3.4.5** Delegates to the Conference shall be elected annually in accordance with a scheme to be drawn up by the Group's Executive and approved by the Group Conference.

**3.4.6** The following members shall have the right to attend the Conference and to speak, but not to vote:

- .1** All members of the Group's Executive (subject, in the case of the members who are also members of the Standing Orders Committee, to the rules of that committee).
- .2** The General Secretary, Deputy General Secretaries, head of group and such other staff as the National Executive Council, General Secretary, Group Executive, or head of group may determine.
- .3** One representative from each professional and sectional body.
- .4** The chairperson of the Group's Standing Orders Committee.
- .5** Two representatives of each Service Group Regional Committee.
- .6** Two representatives (being members of branches in the relevant Service Group) of each Self-Organised Group at national level.
- .7** Two representatives (being members of branches in the relevant Service Group) of the National Young Members' Forum.

**3.4.7** The Group's Standing Orders Committee shall be present at the Conference but, except as provided for, shall take no part in the Conference proceedings.

**3.4.8** In accordance with the rules of procedure each branch represented within the Service Group may submit motions and amendments to the Group's National Conference or any special conferences.

**3.4.9** Each Self-Organised Group at the national level may submit a total of two motions and two amendments to the Group's National Conference.

**3.4.10** The National Young Members' Forum may submit up to two motions and two amendments to the Group's National Conference.

**3.4.11** A special service group conference shall be convened on receipt, by the head of the service group, within any two month period, of requisitions to that effect, stating the business to be transacted, from branches representing not less than 25% of the service group membership.

### **3.5** ***SERVICE GROUP EXECUTIVE***

**3.5.1** Subject to the powers of the Group Conference, the overall control of the Group's policy, budget and the direction of the Group's operations shall be the responsibility of the Group Executive.

**3.5.2** The Group's Executive shall meet at least quarterly.

**3.5.3** The majority of members of the Group's Executive shall, except as provided below, be elected biennially by individual secret ballot of the members of the Group, voting in Regional constituencies.

**3.5.4** Where the National Executive Council has decided that a Service Group shall be organised on a non-Regional basis, the members of the Group's Executive shall be elected on that basis.

**3.5.5** Where a scheme for sector representation is established for a Group, representatives of the sector shall sit on the Group Executive up to an agreed maximum determined by the Group Executive and the Group Conference.

- 3.5.6** Any intermediate vacancy arising more than six months prior to the general election of representatives of the category in which the vacancy arises shall be filled by a ballot of the appropriate electorate.
- 3.5.7** Any member elected to a Group Executive shall remain in office only for the period for which (s)he meets the requirements of the seat to which (s)he was elected unless otherwise provided for in these Rules.
- 3.5.8** No member who holds a seat on the National Executive Council as a service group representative under Rule D.2.3 can hold any other seat on a service group executive at the same time.
- 3.5.9** Those members of the National Executive Council who are elected representatives of a Service Group shall be additional members of their Group Executive.
- 3.5.10** No member may be a candidate for election in respect of a Service Group unless she/he has been nominated by at least one branch from within the Regional Service Group or by a Regional Self Organised Group.
- 3.5.11** The maximum size of the Group Executive shall be decided by the National Executive Council, in consultation (except in the case where a Group's Executive has not yet been formed) with the Group's Executive.
- 3.5.12** The Chairperson and Vice-chairperson of the Group Executive shall be elected by the Executive at its first meeting, and thereafter on an annual basis, from among its members excluding the National Executive Committee representatives. They shall hold office until their successors are elected.
- 3.5.13** The Chairperson of the Group Executive, or in her/his absence the Vicechairperson, shall preside at meetings of the Executive and may preside at the Group's Conference.
- 3.6** ***REGIONAL STRUCTURE***
- 3.6.1** Except where the Service Group is organised on a non-Regional basis, or where the Service Group's Executive decides otherwise, there shall in each Region of the Union be a Service Group Regional Committee, elected in accordance with a scheme for representation adopted by the Service Group Executive.
- 3.6.2** The Service Group Regional Committee shall, subject to the national policies of the Union and of the Service Group, be responsible for representing the members of the Service Group in the region in respect of those matters that are within the functions of the Service Group.
- 3.6.3** Elected members of the Service Group Regional Committee shall serve for a one year period.
- 3.6.4** Those members of the Service Group Executive who are from the Region shall be additional members of the Service Group Regional Committee.
- 3.6.5** The Chairperson and Vice-chairperson of the Group's Regional Committee shall be elected by the Committee at its first meeting and thereafter on an annual basis, from among its membership, excluding the Service Group Executive representatives.
- 3.6.6** The principles of proportionality and fair representation as defined by these Rules shall apply to all elections held in relation to Service Groups.



### **3.7 SECTORS**

- 3.7.1** Subject to D.3.7.4 below, a Service Group has power (but is not required) to establish service sectors as the basis for policy formation, collective bargaining, and the representation of occupational and professional interests.
- 3.7.2** The organisation and structure of each sector shall be determined by the Service Group.
- 3.7.3** Any sector committee established shall be directly or indirectly elected according to the scheme of representation determined by the Service Group for the sector in question.
- 3.7.4** The National Executive Council shall have the power to establish cross service sectors representing members in two or more service groups as the basis for policy formation, collective bargaining and the representation of occupational and professional issues.
- .1** The organisation and scheme of representation for cross service group sectors shall be determined by the National Executive Council, after consultation with the service groups concerned.

### **3.8 POLICY FORMULATION**

The following principles shall be observed for policy formulation:

- 3.8.1** Routine motions which a branch wishes to raise shall in the first instance be submitted to the appropriate Service Group's Regional Officer, who shall deal with the matter as follows:
- .1** If the issue relates exclusively to functions of the Service Group, it shall be referred to the Service Group's Regional Committee and if necessary to the Service Group's Executive.
- .2** If the issue relates to functions of the Service Group but also has implications for other parts of the Union, it shall be referred to the Service Group's Regional Committee and it shall also be sent to the Union's Regional Council or Regional Committee for information or action as may be appropriate.
- .3** If the issue does not relate to functions of the Service Group, it shall be referred for action to the Regional Council or Regional Committee, and it shall also be sent for information to the Service Group's Regional Committee.
- 3.8.2** The National Executive Council shall issue guidelines covering these matters, and any dispute arising as to the application of these principles shall be resolved by the National Executive Council or on the National Executive Council's behalf by the General Secretary.

### **\*4 SELF-ORGANISED GROUPS**

- 4.1** The Union shall promote opportunities for the following groups to organise activities to meet the purposes set out below:
- .1** women members
- .2** black members
- .3** disabled members
- .4** lesbian, gay, bisexual and transgender members.
- \*4.2** The purposes of self-organisation shall be, within the framework of the Rules of the Union, to assist the union to:
- .1** promote the union's equalities and bargaining agenda

- .2** defend jobs, terms and conditions and services
- .3** build its density and have a strong and dynamic presence in the workplace.
- \*4.3** To this end, self-organised groups shall:
  - .1** meet to share concerns and aspirations, and establish their own priorities
  - .2** elect their own representatives to other levels of self-organisation and to other appropriate levels of the Union's organisation
  - .3** have adequate and agreed funding and other resources, including education and training access, publicity and communications
  - .4** work within a flexible structure to build confidence and encourage participation and provide opportunities for the fuller involvement of disadvantaged members
  - .5** work within the established policies, rules and constitutional provisions of the Union.
- 4.4** To further these purposes:
  - .1** The National Executive Council shall provide guidelines setting out the basis for operation of the self-organised groups and their representation, which guidelines shall include
    - (a)** the procedure by which the existence of particular groups may be recognised at branch, regional or national level
    - (b)** provision for a recognised group to receive funding at the appropriate level.
- 4.5** Where such recognised groups exist at branch level:
  - .1** they may elect representatives to the branch committee in accordance with branch rules
  - .2** they may formulate proposals, motions and other initiatives for branch meetings or the branch committee
  - .3** reports on their activities shall be included in the annual report of the branch
  - .4** the branch shall give them financial support within the Union's guidelines.
- 4.6** Where such recognised groups exist at regional level:
  - .1** a regional committee for each group may be created, consisting of representatives of each relevant group at branch level, and the regional women's committee shall also include women members of the Regional Committee
  - .2** a regional group may formulate proposals, motions or other initiatives to the Regional Council and Regional Committee
  - .3** a regional group shall be represented on the Regional Committee by a representative with full voting rights
  - .4** a regional group shall appoint one or more delegates to the Regional Council as may be approved by the National Executive Council
  - .5** a report on a regional group's activities shall be made to the annual meeting of the Regional Council
  - .6** the Regional Council shall give a regional group financial support within the Union's guidelines.

- 4.7** Where such a recognised group exists at national level:
- .1** the group may establish a national committee, as well as a national conference or national meeting of representatives from branch and regional groups
  - .2** a group's national committee shall consist of no more than two representatives per region, except where the distribution of members merits an additional representative
  - .3** the National Executive Council shall have the right to send women members of the National Executive Council to the national women's committee and conference
  - .4** a national committee or national conference may send motions, proposals or initiatives to the National Executive Council
  - .5** the group may, subject to the Union's rules, send delegates and motions to the National Delegate Conference and to each Service Group's National Conference
  - .6** the group shall provide an annual report of its activities to its Conference and the National Executive Council
  - .7** the National Executive Council shall give a national group financial support within the Union's guidelines.
- 4.8** The arrangements for self-organisation shall be regularly reviewed by the National Executive Council in consultation with the group concerned. In particular, the National Executive Council shall seek to promote the involvement of members and representatives of the groups in the activities of the Union, in the light of the principles of fair representation and proportionality.

## **5 YOUNG MEMBERS' ORGANISATION**

- 5.1** A Regional Young Members' Forum shall be created, consisting of representatives from branch level.
- .1** A Regional Young Members' Forum may formulate proposals, motions or other proposals to the appropriate Regional Council or Regional Committee.
  - .2** A Regional Young Members' Forum shall be represented on the appropriate Regional Committee by a representative with full voting rights.
  - .3** A Regional Young Members' Forum shall be eligible to send delegates to the appropriate Regional Council, or as otherwise determined by the National Executive Council.
  - .4** A report on the Regional Young Members' Forum's activities shall be made to the annual meeting of the appropriate Regional Council.
  - .5** The Regional Council shall give their Regional Young Members' Forum financial support within the Union's guidelines.
- 5.2** A National Young Members' Forum shall be established consisting of up to two representatives per region and the member elected to the young members' seat on the National Executive Council.
- .1** The National Young Members' Forum may send motions or proposals to the National Executive Council

- .2 The National Young Members' Forum may, subject to the Union's rules, send up to two delegates and two motions to the National Delegate Conference, each National Service Group Conference and each Self Organised Group's Conference.
- .3 The activities of the National Young Members' Forum will be reported to the NEC.
- .4 The National Executive Council shall give the National Young Members' Forum financial support within the union's guidelines.

## **6 RETIRED MEMBERS' ORGANISATION**

- 6.1 A retired member as defined in Rule C.2.6 may belong, at the member's option, either to the last branch of which she/he was a member or the branch which is based closest to her/his place of residence.
- 6.2 The retired members in any branch shall have the right to elect a Branch Retired Members' Secretary annually.
- 6.3 The Branch Retired Members' Secretary may attend and speak at all meetings of the Branch Committee as determined by the Branch Committee rules, and may vote on any issue or matter other than one which concerns the pay and conditions of work of members of the Union in employment.
- 6.4 The retired members of a Region shall be entitled to form a Regional Retired Members' Committee and elect a representative to attend and speak at all meetings of the Regional Council, and shall be entitled to vote on any issue or matter other than one which concerns the pay and conditions of work of members of the Union in employment.
- 6.5 The Regional Retired Members' Committee may formulate proposals, motions or other proposals to the appropriate Regional Council and Regional Committee. Such proposals or motions may be on any issue or matter other than one which concerns the pay and conditions of work of members of the union in employment.
- 6.6 The National Executive Council shall establish a Retired Members' National Committee composed of representatives of Regional Retired Members' Organisations which may hold an annual conference of retired members and may elect two representatives to attend the National Delegate Conference. The National Retired Members' Organisation may submit two motions to the National Delegate Conference.
- 6.7 The retired member delegates to the National Delegate Conference shall be entitled to speak on any issue which does not concern the pay and conditions of work of members of the Union in employment.

## **7 ELECTIONS**

All elections required to be held under these rules shall be conducted in accordance with Schedule C and any regulations made by the National Executive Council.

# E Principal Officers

## **1 PRESIDENT**

- 1.1** There shall be a President of the Union, who shall be the Senior Honorary Official of the Union.
- 1.2** The President shall be elected for a term of one year by the National Executive Council, from amongst the members of the National Executive Council.
- 1.3** The President will chair meetings of the National Executive Council, and will preside over the National Delegate Conference of the Union.

## **2 VICE-PRESIDENTS**

- 2.1** There shall be two Vice-Presidents, who shall be Honorary Officials of the Union.
- 2.2** The Vice-Presidents will hold office for one year, and will be elected by the National Executive Council, from amongst the members of the National Executive Council.
- 2.3** In the absence of the President, the Vice-Presidents will in rotation (one day at a time) chair the National Executive Council or National Delegate Conference, as the need arises.
- 2.4** The National Executive Council shall elect the President and Vice-Presidents at the same time provided that two of the three shall be women.

## **3 GENERAL SECRETARY**

There shall be a General Secretary of the Union who shall be the principal officer of the Union.

- 3.1** The General Secretary shall have the right to attend and speak at Conferences of the Union, meetings of the National Executive Council and meetings of national Service Group Executives. The General Secretary shall have duties, rights, powers and responsibilities commensurate with the post of principal officer, as approved by the National Executive Council. The General Secretary shall act under the direction of the National Executive Council.
- 3.2** The General Secretary shall be elected and shall hold office for the maximum period of time prescribed by law. Any candidate for the post of General Secretary must either have been a member of the Union or one of the predecessor Unions for at least five years, or have been employed by the Union or one of the predecessor Unions for at least five years immediately preceding her/his candidature, and be nominated by the National Executive Council, or by at least two national Service Group Executives, or by at least two Regional Councils, or by at least 25 branches.
- 3.3** The ballot for the post of General Secretary shall be a secret postal ballot of the membership, which shall include retired members, conducted by a Returning Officer independent of the Union. The electoral rules in Rule D.7 and Schedule C shall apply to such elections.

## **4 DEPUTY GENERAL SECRETARY**

- 4.1** There shall be a Deputy General Secretary of the Union who shall be appointed by the National Executive Council.
- 4.2** She/he shall be the senior paid official of the Union beneath the General Secretary and shall be responsible directly to the General Secretary for the exercise of her/his powers and duties.

**4.3** She/he shall deputise for the General Secretary on her/his instructions or in the absence or unavailability of the General Secretary.

# F Regions

## 1 LIST OF REGIONS

There will be 12 Regions as follows:

Eastern  
East Midlands  
Greater London  
Northern  
Northern Ireland  
North West  
Scotland  
South East  
South West  
Cymru/Wales  
West Midlands  
Yorkshire and Humberside.

## 2 ALLOCATION OF BRANCHES TO REGIONS

- 2.1 Every branch shall be included in a Region.
- 2.2 The National Executive Council shall have power to allocate branches to Regions.
- 2.3 If a branch considers that its allocation to a given Region will cause acute difficulties, the branch may request the National Executive Council to vary the allocation.
- 2.4 The branch's request shall be decided by the National Executive Council, after consultation where practicable with the Regional bodies concerned, and the National Executive Council's decision shall be final.
- 2.5 The National Executive Council shall have power from time to time to vary the allocation of branches to Regions after consultation with the Regional bodies concerned.

## 3 FUNCTIONS OF REGIONS

- 3.1 Each Region shall have the following functions, namely to:
  - .1 monitor the deployment of resources allocated to the Region to ensure that the objectives of the Union are being pursued in the most effective manner
  - .2 assist and advise the Regional service groups on issues relating to or of concern to the wider membership
  - .3 encourage the development and maintenance of a strong and flexible branch structure, in accordance with principles laid down by the National Executive Council
  - .4 assist in implementing national policy and developing campaign strategies, particularly relating to recruitment and retention within the Region
  - .5 consult with devolved administrations on public services and relevant economic, political and social issues.

- .6** ensure that appropriate education and publicity activities take place within the Region
- .7** advise the National Executive Council on matters of policy, outside the responsibility of the Service Groups, and assist in its development
- .8** assist in the administration and organisation of the Union's welfare and retired members' activities
- .9** discuss branch motions as appropriate for the National Delegate Conference agenda on issues outside the responsibility of Service Groups
- .10** assist branches in promoting proportionality and fair representation among conference delegates
- .11** ensure representation of the union on outside bodies including TUC Regional Councils.
- 3.2** Each Region may deal with any matters or issues referred to it by a Regional Service Group in accordance with Rule D.3.8.1.
- 3.3** Each Region shall have such authority in addition as the National Executive Council may from time to time determine.
- 3.4.** The activities of the Region shall be consistent with the rules and general policy of the Union.

#### **4 REGIONAL COUNCIL**

- 4.1** The Regional Council shall have power where relevant, in accordance with Rule B.2.7 to make policy at Regional level and to do such other things as may be reasonably necessary to carry out its functions.
- 4.2** Each Regional Council shall hold an Annual Meeting and such other meetings as may be determined where motions from branches will be debated and voted on.
- 4.3.1** Each branch may submit motions and amendments to the Regional Council.
- 4.3.2** The Regional Committee may place motions, amendments, proposals and statements on the agenda of the Regional Council.
- 4.3.3** Each Self-Organised Group and the Retired Members' Committee and Young Members' Forum may submit motions, amendments, proposals and statements on the agenda of the Regional Council. In the case of the Retired Members' Committee, such proposals or motions may be on any issue or matter other than one which concerns the pay and conditions of work of members of the union in employment.
- 4.3.4** All meetings will be subject to the Region's standing orders, which will be determined by the Regional Council and agreed by the National Executive Council.
- 4.4.1** All branches within the Region shall be eligible to send a delegate or delegates to the Regional Council.
- 4.4.2** Delegates will be elected annually, by branches.
- 4.4.3** Each Self Organised Group and the Retired Members' Committee and Young Members' Forum shall be entitled to send a delegate or delegates to the Regional Council
- 4.4.4** Delegates will be elected annually by the Self-Organised Group, Retired Members' Committee or Young Members' Forum.



**4.4.5** The Region's representatives on the National Executive Council shall be entitled to attend the Regional Council and shall be allowed to speak, but not vote.

**4.4.6** The Regional Council at its annual general meeting shall elect a Regional Convenor who shall become the Chair of the Regional Council and Committee.

## **5 REGIONAL COMMITTEE**

**5.1.** The Regional Committee shall meet at least quarterly, shall exercise the functions of the Regional Council between its meetings and shall be composed as follows:

- .1** The Region's representatives on the National Executive Council who shall be allowed to speak but not vote.
- .2** Representatives from each Service Group within the Region in accordance with National Executive Council guidelines.
- .3** Representatives from each self-organised group at Regional level in accordance with National Executive Council guidelines.
- .4** Representatives from the Regional Retired Members' Committee and Young Members' Forum.
- .5** The remainder of the Regional Committee shall be elected by the delegates at the Regional Council at its annual meeting as agreed in the Region's Standing Orders.

## **6 PROPORTIONALITY AND FAIR REPRESENTATION**

**6.1** The principles of proportionality and fair representation as defined in the Rules shall apply to all the above elections.

# **G** Branches

## **1 BRANCH ORGANISATION**

- 1.1** Every member, excluding employees of the Union, shall be in membership of a branch established under these Rules. Disputes concerning the branch to which it is appropriate for a member to belong will be determined by the National Executive Council.
- 1.2** Branches will be established in accordance with a scheme approved by the National Executive Council.
- 1.3** Each branch shall submit to the Regional Secretary current branch email and postal addresses for communications with the Union.

## **\*2 THE BRANCH COMMITTEE**

- 2.1** Each branch shall establish a Branch Committee, which shall consist of:
  - .1** where appropriate, taking into account the Code of Good Branch Practice, one or more stewards for each work group as the branch meeting may approve, considering the size of the membership in that work group; and the steward or stewards shall be elected annually by the members in that work group;
  - .2** such representatives of self-organised groups within the branch as the branch may determine;
  - .3** the Branch Chairperson, Secretary, Treasurer, Equality Officer(s), Welfare Officer and Health and Safety Officer and other officers elected in accordance with the Union's Rules.
- 2.2** The Branch Committee shall administer branch business in accordance with the branch rules and any guidelines issued by the National Executive Council, and in particular:
  - .1** shall co-ordinate local negotiations conducted by stewards in the branch;
  - .2** shall establish effective representation of members' interests by stewards in each work group;
  - .3** shall organise around workplace learning and co-ordinate the activities of learning representatives;
  - .4** shall recruit and organise members in all employers and workplaces within the scope of the branch;
  - .5** shall co-ordinate health and safety activities conducted by health and safety representatives;
  - .6** shall maintain a record of membership showing the work group in which each member is employed;
  - .7** shall ensure that the branch officers are properly exercising their functions;
  - \*.8** shall from 1 January 2014 maintain records of its financial transactions, assets and liabilities using the national online branch accounting system (OLBA);
  - \*.9** shall from 1 January 2014 develop an appropriate annual budget as part of the joint branch assessment process in accordance with the Union's objectives and priorities.

- 2.3** The Branch Committee shall meet as necessary.
- 2.4** Meetings of the Branch Committee shall be convened by the Branch Secretary or in her/his absence by the Branch Chairperson.
- 2.5** In addition to the elected branch officers, the Branch Committee may co-opt additional members for special purposes, but such members shall not thereby have the right to vote at Branch Committee meetings.

### **3 BRANCH MEETINGS**

- 3.1** All members of the branch shall be entitled to attend branch meetings.
- 3.2** Branches will hold an annual meeting in the January - March quarter. Additional meetings shall be held in line with the agreed branch rules or when summoned by the Branch Committee to discuss any matter affecting the branch.
- 3.3** The purposes of the branch meeting shall be to:
- .1** provide a means of communication between the Branch Officers and the membership
  - .2** enable the membership to take decisions on matters of branch policy
  - .3** ensure that the Branch Officers are accountable to the membership for conducting the affairs of the branch.
- 3.4** At the annual meeting of the branch, the following business shall be transacted:
- .1** the receiving of reports from the Branch Officers and the Branch Committee, including a report on the branch's finances and presentation of branch accounts;
  - .2** the election or confirmation of election of Branch Officers for the coming year;
  - .3** the election or confirmation of election of branch representatives to other levels of the Union and to external bodies;
  - .4** such other business as may be required by the branch rules.
- 3.5** Meetings of the branch shall be convened by the Branch Secretary or in her/his absence by the Branch Chairperson.
- 3.6** Branch meetings can be requisitioned by the appropriate number of members, in accordance with the Code of Good Branch Practice.

### **4 BRANCH OFFICERS**

- 4.1.1** General Branch Officers shall be the Chairperson, Secretary, Treasurer, Education Co-ordinator, Lifelong Learning Co-ordinator, Equality Co-ordinator(s), Health & Safety Officer, Communications Officer, International Officer, Membership Officer, Young Members' Officer, Welfare Officer and such other officers as approved by the Branch.
- 4.1.2** The Branch Officers shall be elected annually.
- 4.1.3** The Branch Chairperson shall preside at all meetings of the branch and the branch committee and shall ensure that business is properly conducted.
- 4.1.4** In the absence from a meeting of the Branch Chairperson, the members present shall elect one of their number to chair the meeting.

- 4.1.5** Each branch office may be shared between two or more members, subject to the approval of the branch meeting.
- 4.1.6** A member shall hold only one of the branch secretary or branch treasurer posts at any one time, unless otherwise determined by the National Executive Council.

## **4.2 THE BRANCH SECRETARY**

The Branch Secretary shall:

- .1** convene and attend all meetings of the branch and branch committee and shall arrange for the minutes and other branch records to be kept in a proper manner
- .2** co-operate with the Union's Head Office in keeping a record of all members' names, addresses and work groups and in communicating any changes in these matters to the Head Office
- .3** be responsible for communicating with members and with the Union's Regional and Head Offices on behalf of the branch
- .4** in conjunction with the Branch Committee, ensure that the branch observes Union rules
- .5** at the end of her/his appointment (and at any other time when so required by the General Secretary) deliver to the Branch Chairperson or to such person as the General Secretary may appoint all minute books, records and other property belonging to the Union.

## **4.3 THE BRANCH TREASURER**

The Branch Treasurer shall:

- .1** conduct the branch's financial business and keep accounts in accordance with the rules
- .2** at the end of her/his appointment (and at any other time when so required by the General Secretary) deliver to the Branch Chairperson or such person as the General Secretary may appoint all accounts, financial records and money belonging to the Union.

## **5 STEWARDS**

- 5.1** One or more stewards shall be elected annually for each work group or workplace by the members in that work group or workplace.
- 5.2** The election of each steward shall be reported to the branch for ratification and the issue of credentials.
- 5.3** The stewards shall:
- .1** represent the interests of members in their work group or workplace in any grievance, dispute or negotiations at the level of the work group or workplace
  - .2** establish and maintain Union organisation in their work group including the convening of workplace meetings
  - .3** where appropriate, in line with the Code of Good Branch Practice, attend meetings of the Branch Committee and of the branch membership

- .4** report to the Branch Committee all developments affecting members in their work group or workplace
- .5** carry out their duties in accordance with the Union's handbook for stewards.

## **6 LEARNING REPRESENTATIVES**

- 6.1** Learning representatives shall be selected for each work group or workplace in accordance with branch arrangements.
- 6.2** The selection of learning representatives shall be reported to the branch for ratification and issuing of credentials.
- 6.3** Learning representatives shall:
  - 6.3.1** carry out the function of a learning representative as set out in the ACAS Code of Practice;
  - 6.3.2** be accountable within branch arrangements to the members they represent and the branch committee;
  - 6.3.3** carry out their duties in accordance with UNISON's Rules, the Code of Good Branch Practice and the UNISON learning representatives handbook.

## **7 HEALTH AND SAFETY REPRESENTATIVES**

- 7.1** One or more health and safety representatives shall be elected annually for each work group or workplace by the members in that group or workplace in accordance with branch arrangements.
- 7.2** The election of each health and safety representative shall be reported to the branch for ratification and issuing of credentials.
- 7.3** Health and safety representatives shall:
  - 7.3.1** carry out the function of a safety representative as laid down by the Safety Representatives and Safety Committee Regulations;
  - 7.3.2** be accountable within branch arrangements to the members they represent and the branch committee;
  - 7.3.3** carry out their duties in accordance with UNISON's Rules, the Code of Good Branch Practice and the UNISON Health and Safety Representatives Guide.

## **8 EQUALITY REPRESENTATIVES**

- 8.1** One or more Equality representatives shall be elected annually for each work group or workplace by the members in that group or workplace in accordance with branch arrangements.
- 8.2** The election of each Equality representative shall be reported to the branch for ratification and issuing of credentials.
- 8.3** Equality representatives shall:
  - .1** be accountable within branch arrangements to the members they represent and the branch committee;

- .2 carry out their duties in accordance with UNISON's Rules, the Code of Good Branch Practice and the UNISON Equality Representatives' Guide.

## **9 VISITS BY EMPLOYED OFFICIALS TO BRANCHES**

- 9.1** An employed official of the Union may visit a branch at the request of either the branch or the official, provided that no such visit will be made without agreement of the Branch Committee or Branch Officers.
- 9.2** The National Executive Council or the General Secretary or other official acting with the authority of the National Executive Council is entitled to request an employed official to visit a branch where it is necessary to further the interests and policies of the Union.
- 9.3** An employed official is also entitled to visit a branch:
  - .1 for the purpose of financial checks and inspection
  - .2 in the event of industrial action
  - .3 where it appears to the General Secretary or the Regional Secretary that a branch may no longer be functioning effectively.

## **10 BRANCHES**

- 10.1** Each branch shall submit by 15 March an annual return of branch income, expenditure, assets and liabilities in respect of the previous financial year ended 31 December. The return shall be in a form prescribed by the National Executive Council.

# **H** Collection of subscriptions and financing of branches

## **1 RECORDS OF MEMBERS**

- 1.1** Records of the names, addresses and branches of members, together with such other information as the National Executive Council thinks appropriate, shall be kept and maintained at the Head Office or such other place as the National Executive Council shall decide.
- 1.2** The entirety of the subscription due in respect of each member shall be paid to the Head Office.

## **2 PAYMENT OF SUBSCRIPTIONS TO HEAD OFFICE**

- 2.1** It is the obligation of each member to ensure, so far as she/he is able, that her/his subscription is sent to and received by the Head Office.
- 2.2** It is the duty of each branch and the Branch Officers of that branch to ensure so far as they are able that subscriptions due in respect of the members of that branch are sent in their entirety to and received by the Head Office.
- 2.3** Members and their branches shall ensure so far as possible that the employer(s) in respect of the member and her/his branch remit(s) the member's subscription to the Head Office; and if this should not be reasonably practicable, that a standing order or direct debit authority in favour of the Head Office or a Head Office bank account designated for the purpose by the National Executive Council shall be established and maintained in respect of the member.

## **3 BRANCH'S RIGHT TO A "FLOAT"**

Each branch in respect of which satisfactory arrangements have been made for the payment of subscriptions due from members of the branch to the Head Office shall be entitled to receive a float equivalent to the total anticipated branch income due to the branch deriving from the subscriptions from its members during the forthcoming month.

## **\*4 PAYMENTS TO BRANCHES**

- 4.1** Each branch shall be entitled to receive such regular payments of such amounts as the National Delegate Conference thinks appropriate to ensure that the proper running, management and other expenses of the branch are met.
- \*4.2** With effect from 1 January 2014 such sums shall be remitted to branches in accordance with a timetable to be published to branches concerned by the National Executive Council and paid into a current account held in the name of the branch with Unity Trust Bank.
- 4.3** If branches are not paid the appropriate sums in accordance with the timetable, then the total interest, financing and bank charges incurred by the branch in consequence shall be paid by the Union and shall not be an expense resting upon the branch, throughout the entirety of the period until money is next remitted from Head Office to the branch in accordance with the timetable.

**4.4** Where the Head Office receives from the employers lists of members showing the amounts deducted in respect of subscriptions, a copy of this information may be requested by the branch to which those members belong. Head Office will supply branches requesting this information as quickly as possible, and within one calendar month of the request.

## **5 SUBSCRIPTION APPEALS COMMITTEE**

**5.1** The full amount that the Union is required to pay to a branch in accordance with Rule H.4.3 above or that a branch is required to pay under Rule D.1.3.3 shall in the event of any dispute arising between the branch and the Head Office or National Executive Council be determined by a Subscription Appeals Committee.

**5.2** Each Regional Council shall elect a member to serve upon the Subscription Appeals Committee, who shall not be a member of the National Executive Council.

**5.3** A paid officer of the Union shall be appointed by the General Secretary to assist and service the Subscription Appeals Committee.

**5.4** A quorum of the Subscription Appeals Committee shall be five.

**5.5** The Subscription Appeals Committee shall adjudicate upon any dispute arising between the National Executive Council and any branch in respect of any delay in the funding of that branch by remission from Head Office to the branch of the monies due to the branch, and any consequent cost suffered by the branch.

**5.6** The adjudication of the Subscription Appeals Committee shall be binding upon the Union.

**5.7** The nominee in respect of the Region of which the branch concerned is part shall not sit upon the Subscription Appeals Committee when it hears and determines the dispute relating to the branch.

## **6 LOCAL LEVIES**

**6.1** A branch may fix a rate of subscription for local purposes, in accordance with a scheme approved by the National Executive Council, provided that the following conditions are satisfied:

**.1** the rate of subscription fixed in relation to any member does not exceed one sixth of the basic subscription payable by that member under Schedule A, and

**.2** the decision to fix such a rate of subscription is made by a simple majority of those members voting in a ballot of all members of the branch.

**(a)** The proceeds of a local levy shall be accounted for separately and shall be disregarded for all purposes in connection with the calculation of branch funding.

**(b)** Political fund contributions paid in accordance with Rule J.8.11 shall not be included in the calculation of the rate of subscription fixed under Rule H.6.1.



# Disciplinary action

- 1** All members of the Union have a duty to follow the Rules of the Union.
- 2** Disciplinary action may be taken against any member who:
  - 2.1** disregards, disobeys or breaks any of the Rules or regulations of the Union applicable to her or him, or any instruction issued in accordance with the Rules;
  - 2.2** acts in a manner prejudicial or detrimental to the Union, her/his branch, Region or Service Group;
  - 2.3** commits
    - (i)** any act of discrimination or harassment on grounds of race, gender, marital status, sexuality, gender identity, disability, age, creed or social class; or
    - (ii)** any other discriminatory conduct which is prejudicial to the Aims and Objects set out in Rule B.1, B.2 and B.3.
  - 2.4** misappropriates any money or property belonging to the Union which is under her or his control, or fails properly to account for money which was, is or should be under her or his control or defrauds the Union in any way.
- 3** The National Executive Council shall have the power to exclude or expel, as the case may be, from membership of UNISON any individual who gives encouragement to, or participates in the activities of, or is a member of, a political party or organisation whose constitution, aims or objectives is/are expressly or impliedly contrary to the equality objectives of UNISON set out in Rules A3 and/or B1.2 and/or B1.3 of the UNISON Rule Book. This specifically includes the British National Party, the National Front and similar parties or organisations as decided from time to time by the National Executive Council.
- 4** Any disciplinary penalty imposed by any of COHSE, NALGO or NUPE shall continue in effect as if it had been imposed in the first instance by the Union.
- 5.1** Where there appear to be reasonable grounds to think that a member might be guilty of a disciplinary offence,
  - .1** the member's Branch Committee or Service Group Executive will investigate whether the charges are justified;
  - .2** the National Executive Council may appoint any of its number, or the General Secretary, to investigate whether the charges are justified.
- 5.2** It shall be open to the General Secretary to delegate all or part of the investigation to such person or persons as she/he thinks fit.
- 5.3** In any case, the body on whose behalf an investigation is undertaken shall consider the result of such investigation before deciding whether or not a charge should be brought.
- 6** Disciplinary charges may be brought against a member by the member's Branch, Service Group Executive or by the National Executive Council or the General Secretary acting on its behalf.
- 7** The following arrangements shall apply for the hearing of disciplinary charges:

- 7.1** a disciplinary charge brought by a branch shall first be heard by its Disciplinary Sub-Committee unless the member belongs to the Branch Committee in which Disciplinary action case it shall first be heard by a Disciplinary Sub-Committee of the National Executive Council;
- 7.2** a disciplinary charge brought by a Service Group Executive or the National Executive Council (or the General Secretary acting on its behalf) shall be heard first before a Disciplinary Sub-Committee of the National Executive Council; provided always that the Disciplinary Sub-Committees referred to at 1.7.1 and 1.7.2 above shall consist of no less than three members.
- 8** Where a disciplinary charge is proved against a member, any of the following penalties may be imposed:
- By the Branch
- .1** censure of the member;
  - .2** debarring the member from attending any branch meeting for a period not exceeding 24 months;
  - .3** referral of the matter to the National Executive Council for consideration of a more serious penalty including suspension or expulsion;
- By the National Executive Council
- .4** censure of the member
  - .5** debarring the member from holding any Union office for whatever period seems to it to be appropriate, up to a maximum of 36 months;
  - .6** suspension of the member from all or any of the benefits of membership for whatever period seems to it to be appropriate, up to a maximum of 36 months;
  - .7** expulsion of the member from the Union.
- 9.1** A member who is dissatisfied with the decision of the branch or National Executive Council in respect of charges against her or him may exercise the following rights of appeal, whichever is appropriate:
- .1** from a decision of a branch to a Disciplinary Sub-Committee of the National Executive Council;
  - .2** from a decision of the National Executive Council to the Union Appeals Committee.
- 9.2** The decision of the National Executive Council Disciplinary Sub-Committee or of the Union Appeals Committee as appropriate shall be final and binding upon the Union and the member concerned.
- 10.1** The Union Appeals Committee shall consist of three members drawn from an Appeals Panel.
- 10.2** Each Service Group Executive shall be entitled to elect two members of the Service Group Executive to the Appeals Panel in line with the Union's elections procedures.
- 10.3** None of the three members of the Appeals Panel chosen to hear an appeal may be from the same Service Group or from the same Region as the member whose appeal is to be considered.
- 11** The procedure to be adopted for disciplinary hearings and appeals shall be as set out in Schedule D.

# J The Political Fund

## **RULES FOR THE POLITICAL FUND**

- 1.1** The objects of UNISON-The Public Service Union (hereafter “the Union”) shall include the furtherance of the political objects to which section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 applies, that is to say, the expenditure of money:
- (a)** on any contribution to the funds of, or on the payment of any 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.
- 1.2** 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 her/his 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.
- 1.3** In determining, for the purposes of paragraphs (a) to (f) above, 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.
- 1.4** 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;
- 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) which shall consist of two distinct Sections to be known as
- (a)** the Former NALGO Political Fund Section (after 1 January 1996 to be known as the General Political Fund Section) and
  - (b)** the COHSE/NUPE Political Fund Section (after 1 January 1996 to be known as the Affiliated Political Fund Section).
- 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 cause a notice in the following form to be given to all members of the Union in accordance with this Rule: The notice shall be published to members by such methods as are customarily used by the Union to publish notices of importance to members. Insofar as they are not within such usual practice, the following requirements shall also apply. The notice shall be published in the Union's main periodical 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.

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 by application at, or by post from, the general office or any branch office of the Union or from the Certification Office for Trade Unions and Employers' Associations, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ. 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.

#### **4 EXEMPTION FROM CONTRIBUTING TO THE POLITICAL FUND (EXCLUDING NORTHERN IRELAND)**

- 4.1** A member of the Union may at any time give notice on the form of exemption notice referred to in rule J.4.2 below, or by a written request to like effect, that she/he 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, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ.
- 4.2** The form of exemption notice shall be as follows:

UNISON-The Public Service Union Political Fund Exemption Notice

I hereby give notice that I object to contribute to the political fund of UNISON and am in consequence exempt, in the manner provided by Chapter VI of Part 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 from contributing to that fund.

Signature . . . . . Name of Branch . . . . .

Address . . . . . Date . . . . .

**4.3** Any member of the Union 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 acknowledgment of its receipt to the member at the address upon the notice, and shall inform the General Secretary of the name and address of the member.

**4.4** On giving such notice a member of the Union shall be exempt, so long as her/his notice is not withdrawn, from contributing to the political fund of the Union as from the first day of January next after the notice is given, or, in the case of a notice given within one month after the notice given to members under Rule J.3 hereof or the date on which a new member admitted to the Union is supplied with a copy of these Rules under Rule J.4.11 hereof, as from the date on which the member's notice is given.

**4.5** 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 hereinafter provided, and such relief shall be given as far as possible to all members who are exempt on the occasion of their making the same periodical payment.

**4.6** For the purpose of enabling each member of the Union to know as respects any such periodical contribution what portion, if any, of the sum payable by her/him is a contribution to the political fund, it is hereby provided that from 1st January 1996 the contributions to the political fund shall be the amount calculated in accordance with Rule J.8.11. For the purposes of Rule J.4.5 the contribution to the political fund shall be the amount calculated in accordance with Rule J.8.11 paragraph (1) unless the exempted member expressly requests that the amount be calculated in accordance with Rule J.8.11 paragraph (2). Where the exempted member had previously been contributing to the COHSE/NUPE Political Fund Section or to the Affiliated Political Fund Section as appropriate it will be the amount calculated in accordance with Rule J.8.11 paragraph (2). The following provisions in this Rule J.4.6 shall be deemed to be deleted with effect from 31st December 1995.

For the period up to and including 31st December 1995 the following is the contribution to the political fund:

- 1** in the case of those members who were members of NALGO immediately before Vesting Day (hereafter referred to as "former NALGO members"), 22p in respect of each monthly payment of contributions or 5p in respect of each weekly payment of contributions is a contribution to the political fund;
- 2** in the case of those members:
  - (i)** who were members of NUPE immediately before Vesting Day (hereafter referred to as "former NUPE members") a quarterly contribution equal to the full amount of the last weekly payment of contributions due to the Union in that quarter;

**(ii)** who were members of COHSE immediately before Vesting Day (hereafter referred to as “former COHSE members”), an amount equal to 5 per cent of each full rate weekly contribution to the Union;

**3** in the case of those members joining the Union after Vesting Day, a contribution:

**(i)** as in Rule J.4.6.1 above if they become a member of a branch of the Union which immediately prior to Vesting Day was a branch of NALGO;

**(ii)** as in Rule J.4.6.2 (i) above if they become a member of a branch of the Union which immediately prior to Vesting Day was a branch of NUPE;

**(iii)** as in Rule J.4.6.2 (ii) above if they become a member of a branch of the Union which immediately prior to Vesting Day was a branch of COHSE;

**(iv)** at whichever of the rates in Rules J.4.6.1 and J.4.6.2 above (applicable to former NALGO members or former NUPE members or former COHSE members) the new member shall elect (in default of which election immediately upon joining, the National Executive Council shall determine which of the three rates of contribution shall apply and shall notify the said new member forthwith), if she/he becomes a member of a new branch or a merged branch; and any member who is exempt as aforesaid shall be relieved from the payment of any contribution set out in this Rule (being either the sum set out in the rule or a sum calculated in accordance with the Rule as the case may be, and which is applicable in her/his case), and shall pay only the remainder of her/his subscription.

**4.7** A member who is exempt from the obligation to contribute to the political fund 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 her/his being exempt.

**4.8** Contribution to the political fund shall not be made a condition for admission to the Union.

**4.9** If any member alleges that she/he is aggrieved by a breach of any of the rules for the political fund of the Union, being a rule or rules made pursuant to Chapter VI of Part I of the Trade Union and Labour Relations (Consolidation) Act 1992 (hereafter “the Act”), she/he may complain to the Certification Officer, and the Certification Officer, after giving the complainant and any representative of the Union an opportunity of being heard, may, if he considers that such a breach has been committed, make such order for remedying the breach as he 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.

**4.10** Any member may withdraw her/his notification of exemption on notifying her/his desire to that effect to the secretary of her/his branch, who shall thereupon send such member an acknowledgment of receipt of the notification and inform the General Secretary of the name and address of the member so withdrawing.

**4.11** The National Executive Council shall cause to be printed, as soon as practicable after the approval of these rules for the Political Fund, a number of copies thereof having at the end a copy of the certificate of approval, sufficient for the members of the Union, and a further number for new members, and shall send to the secretary of each branch a number of copies

sufficient for the members of the branch. The secretary of each branch shall take steps to secure that every member of the branch, so far as is practicable, receives a copy of these rules, and shall supply a copy to any member at her/his request. A copy thereof shall also be supplied forthwith to every new member following her or his admission to membership of the Union.

## **5 NORTHERN IRELAND**

**5.1** 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 unless she/he has delivered, as provided in Rule J.5.4, to the Head Office or some branch office of the Union, a notice in writing, in the form set out in Rule J.5.2, of her/his willingness to contribute to that Fund, and has not withdrawn the notice in the manner provided in Rule J.5.3. 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 Rule J.5.3, 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.

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

Form of political fund contribution notice - Northern Ireland

I hereby give notice that I am willing, and agree, to contribute to the political fund of UNISON, 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 still continue to be liable to contribute to the political fund until the next following first day of January.

Name: . . . . .

Name of Branch: . . . . .

Address: . . . . .

. . . . .

Payroll or Membership Number: . . . . .

Date: . . . . .

**5.3** If at any time a member of the Union, who has delivered such a notice as is provided for in Rules J.5.1 and J.5.2, gives notice of withdrawal thereof, delivered as provided in Rule J.5.4, to the Head Office or at any branch office of the Union, she/he shall be deemed to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.

**5.4** The notices referred to in Rules J.5.1, J.5.2 and J.5.3 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 Office or branch office of the Union if it has been sent by post properly addressed to that office.

**5.5** The National Executive Council shall give effect to the statutory exemption of Northern Ireland members to contribute to the political fund of the Union by making a separate levy of

contributions to that fund from those Northern Ireland members who have provided written consent of their willingness to contribute:

- .1** in the case of members who contribute to the General Political Fund Section an amount equal to 3 percent of their contribution to the Union.
- .2** in the case of members who contribute to the Affiliated Political Fund Section an amount equal to 6.5 percent of their contribution to the Union.

No moneys of the union other than the amount raised by such separate levy shall be carried to the political fund.

- 5.6** 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.
- 5.7** Contribution to the political fund of the Union shall not be made a condition for admission to the Union.
- 5.8** If any Northern Ireland member alleges that she/he 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 (as amended) ("the 1995 Order") she/he may complain to the Northern Ireland Certification Officer: 10-12 Gordon Street, Belfast, BT1 2LG, under Article 57(2) to (4B) of the 1995 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 may make an order for remedying it as he thinks just in the circumstances. Under Article 70(4)(b) 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.
- 5.9** Additionally, if any Northern Ireland member alleges that she/he 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 she/he may complain to the GB Certification Officer: 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ.

If, after giving the complainant and a representative of the Union an opportunity of being heard, the GB Certification Officer considers that a breach has been committed, he may make an order for remedying it as he 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 1992 Act.

## **6 PAYMENTS FOR POLITICAL OBJECTS**

- 6.1** Any payments in the furtherance of the Union's political objects shall during the period from Vesting Day until the 1st January 1996 (hereafter referred to as "the interim period") be governed by Rules J.7.1 - J.7.5 below.
- 6.2** A ballot shall be held on a date during 1995 to be decided by the National Executive Council to determine whether the Union shall continue to have political objects.
- 6.3** If the majority of members voting in the ballot supports the continuance of political objects as being amongst the objects of the Union, then from the end of the interim period any payments in the furtherance of such political objects shall be governed by Rules J.8.1 - J.8.11 below.



- 6.4** Both during the interim period and thereafter, for so long as such political objects are amongst the objects of the Union, all officers, members and representative bodies of the Union shall ensure that the right of every member to be exempt from contributing to the political fund is fully respected, in accordance with Rules J.4 and J.5 above.

## **RULES FOR THE ADMINISTRATION OF THE POLITICAL FUND**

### **7 INTERIM PERIOD**

- 7.1** During the interim period, any payments made in furtherance of the political objects defined in Rule J.1 above shall be made out of a separate fund of the Union (hereinafter called the political fund) which shall consist of two distinct sections to be known as (a) the Former NALGO Political Fund Section and (b) the COHSE/NUPE Political Fund Section.
- 7.2** administration of each section of the political fund shall be the responsibility of the National Executive Council which shall delegate this responsibility to the exclusive control of two separate committees which shall consist of members of the National Executive Council who in accordance with these Rules are contributors to the relevant section of the fund.
- 7.3 THE FORMER NALGO POLITICAL FUND SECTION**
- 7.3.1** On Vesting Day, the property of the political fund maintained by NALGO shall constitute the Former NALGO Political Fund Section and shall be subject to these Rules.
- 7.3.2** The contributions to the political fund by former NALGO members shall be paid into the former NALGO Political Fund Section and into that alone.
- 7.3.3** Where a new member joins the Union after Vesting Day and becomes a member of a branch which was immediately before Vesting Day a branch of NALGO, her/his contributions to the political fund shall be paid into the former NALGO Political Fund Section and into that alone on the same basis as other members of the branch.
- 7.3.4** Payments from this fund shall be made to promote the Union's political objects, provided that no contribution from this fund shall be made to the funds of a political party.
- 7.4 THE COHSE/NUPE POLITICAL FUND SECTION**
- 7.4.1** On Vesting Day, the property of the political funds maintained by COHSE and NUPE shall be merged to constitute the COHSE/NUPE Political Fund Section and shall be subject to these Rules.
- 7.4.2** The contributions to the political fund by former members of COHSE or NUPE shall be paid into the COHSE/NUPE Political Fund Section and into that alone.
- 7.4.3** Where a new member joins the Union after Vesting Day and becomes a member of a branch which was immediately before Vesting Day a NUPE or COHSE branch, or a branch formed by the merger of a former NUPE branch with a former COHSE branch, her/his contributions to the political fund shall be paid into the COHSE/NUPE Political Fund Section and into that alone on the same basis as other members of the branch.
- 7.4.4** Payments from this fund shall be made to promote the Union's political objects, provided that no expenditure from this fund shall be made on behalf of or in the interests of any candidate or any representative who has not been officially adopted by the Labour Party (or, in the case of the Isle of Man, the Manx Labour Party).

## **7.5 OTHER NEW MEMBERS OF THE UNION**

Where a new member of the Union after Vesting Day joins a new branch or a branch which is formed by bringing together former members of NALGO and former members of COHSE and/or NUPE, she/he may elect to contribute at the appropriate rate in accordance with Rule J.4.6.3 or, from 1 January 1996, Rule J.8.11, either to the Former NALGO Political Fund Section at the rate applicable to former NALGO members or to the COHSE/NUPE Political Fund Section at one of the rates applicable to former COHSE members or former NUPE members; and shall make known her/his election on a form approved for the purpose by the National Executive Council. In default of election, the National Executive Council shall determine to which fund the relevant contribution shall be allocated.

## **8 AFTER THE INTERIM PERIOD**

- 8.1** Any payments made in furtherance of the political objects defined in Rule J.1 above shall be made out of a separate fund of the Union (hereinafter called the political fund) which shall consist of two distinct sections known as (a) the General Political Fund Section and (b) the Affiliated Political Fund Section.
- 8.2** The administration of each section of the Political Fund shall be the responsibility of the National Executive Council which shall delegate this responsibility to the exclusive control of two separate Committees which shall, in the case of the General Political Fund, consist of members of the National Executive Council who in accordance with these rules are contributors to the General Political Fund and, in the case of the Affiliated Political Fund, consist of 12 members of the National Executive Council elected by members of the National Executive Council who in accordance with these Rules are contributors to the Affiliated Political Fund and one representative from each Region (save for Northern Ireland) elected by members in Branches in that Region who in accordance with these rules are contributors to the Affiliated Political Fund, such Committee to be called the National Affiliated Political Committee, all members of which must be contributors to the Affiliated Political Fund and paid up individual members of the Labour Party.
- 8.3** Payments from the General Political Fund Section shall be made to promote the Union's political objects, provided that no contribution from this fund shall be made to the funds of a political party
- 8.4** Any branch with members contributing to the General Political Fund Section shall be eligible to apply for financial support from this section of the fund. The same shall apply to any Service Group, Self-organised Group, Sector or Region having members contributing to the General Political Fund Section.
- 8.5** Payments from the Affiliated Political Fund Section shall be made to promote the Union's political objects, provided that no expenditure from this section of the fund shall be made on behalf of or in the interests of any candidate or any representative who has not been officially adopted by the Labour Party (or, in the case of the Isle of Man, the Manx Labour Party).
- 8.6** At the end of the interim period, the balance in the Former NALGO Political Fund Section shall be transferred to the General Political Fund Section and the balance in the COHSE/NUPE Political Fund Section shall be transferred to the Affiliated Political Fund Section.
- 8.7** At the end of the interim period, the contributions to the political fund by those members

whose contributions were formerly paid into the Former NALGO Political Fund Section shall henceforth be paid into the General Political Fund Section, and the contributions to the political fund by those members whose contributions were formerly paid into the COHSE/NUPE Political Fund Section shall henceforth be paid into the Affiliated Political Fund Section.

- 8.8** Where a member joins the Union on or after 1 January 1996, she/he may elect whether to be able to contribute to the General Political Fund Section or the Affiliated Political Fund Section or to both and shall make known her/his election on a form approved for the purpose by the National Executive Council. In default of election, the National Executive Council shall determine to which fund the relevant contribution shall be allocated.
- 8.9** On and after 1 January 1996, any member of the Union shall be entitled to elect whether to be able to contribute to the General Political Fund Section or the Affiliated Political Fund Section or to both, and shall, if this election involves any change in the contribution to the political fund made by the member, make known her/his choice on a form approved for the purpose by the National Executive Council.
- 8.10** In the case of a member who under either of the preceding Rules J.8.8 and J.8.9 elects to contribute to both the General Political Fund Section and the Affiliated Political Fund Section, she/he shall from the date on which her/his election takes effect select to which Section of the fund s/he wishes to have her/his contribution made by deduction from her/his subscription. Any contribution to the other Section of the political fund shall be made by way of an additional levy to be paid annually or at shorter intervals as the National Executive Council shall determine and shall in any event be equal to the annual value of the contributions required to be made to that particular Section of the fund by reference to Rule J.8.11.
- 8.11** The rates of contribution to the Union's political fund shall be:
- .1** in the case of members who contribute to the General Political Fund Section an amount equal to 3 per cent of their contribution to the Union.
  - .2** in the case of members who contribute to the Affiliated Political Fund Section an amount equal to 6.5% of their contribution to the Union.
- In either case such contribution to the political fund to be rounded up to the nearest whole penny.

# **K** Legal assistance

- 1.1** The National Executive Council shall have the power in its absolute discretion to grant legal assistance to members who qualify under Rule K.2 below in respect of:
- (i)** injuries or any other matter requiring legal assistance arising out of or in the course of their employment, or in proceeding to or from their place of employment, or whilst on Union duties or injuries arising out of a non work related matter
  - (ii)** in exceptional circumstances any other matter.
- 1.2** The National Executive Council shall also have the power in its absolute discretion to grant legal assistance to family members of members who qualify under Rule K.2 in respect of:
- (i)** injuries suffered by the family member arising out of a non work related matter.
  - (ii)** In exceptional circumstance any other matter.
- 1.3** Legal assistance may include advice and/or representation. Where legal assistance is provided by a solicitor and/or counsel instructed by the Union the National Executive Council shall indemnify the member (or member's family if appropriate) in respect of any liabilities incurred on the National Executive Council's authority up to the date of withdrawal of support.
- 1.4** The National Executive Council shall have the power in its absolute discretion to provide legal assistance to the financial dependants or next of kin of a deceased member whether or not they are members of the Union in respect of any matter arising out of the deceased member's employment or any matter in respect of which legal assistance could have been granted to the member under this Rule.
- 1.5** In all cases the conditions of Rules K.3 to 7 inclusive below should be satisfied however the National Executive Council can grant legal assistance notwithstanding that some or all of these conditions are not met.
- 1.6** In all cases the National Executive Council has absolute discretion as to whether or not to grant, continue or withdraw legal assistance. The National Executive Council shall have the power to delegate, continue or withdraw legal assistance to the relevant committee under Rule D.2.8 or to a lay or full time officer of the Union.

## **\*QUALIFICATIONS**

- \*2** The following shall apply:
- \*(i)** The member must have been in membership of the union for at least 4 weeks prior to the incident or occurrence that leads to her/him seeking legal assistance from the Union.
  - (ii)** The member must not be in arrears of contribution.
  - (iii)** The National Executive Council or the relevant committee, lay or full-time officer to whom the power to grant legal assistance has been delegated may in its absolute discretion grant legal assistance notwithstanding that sub clauses 2(i) and 2(ii) above or either of them are not satisfied.

## **CONDITIONS**

- 3** The member seeking legal assistance shall seek assistance in a manner prescribed by the National Executive Council.
- 4** The member is not entitled to assume that her/his application for legal assistance is effective until this is determined in writing by the Union.
- 5** The member must continue to pay contributions in accordance with Schedule A whilst her/his case is proceeding unless she/he has obtained dispensation from the National Executive Council or relevant committee acting on its behalf.
- 6** Every grant of assistance shall be on the understanding that the National Executive Council in its discretion may withdraw legal assistance if the member does not follow the advice of the Union or its appointed solicitors, fails to pay contributions at the correct rate as set out in Schedule A, or if in its view the continuance of legal assistance is unreasonable. The National Executive Council may, in determining whether or not to continue legal assistance, take into account the policy of the Union.
- 7** The Union shall not be accountable for any costs, charges or other payments in connection with legal assistance either incurred or made on behalf of members (or member's family if appropriate) without the consent of the National Executive Council.

# **L** Members' benefits

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- 1** Members shall be entitled to benefits in accordance with Schedule B to these Rules.
- 2** The National Executive Council shall take all steps necessary to ensure that the charity UNISON Welfare is adequately funded to meet its responsibilities. Within the Constitution and Rules of UNISON Welfare a range of services may be provided as determined by the Board of Trustees, including support, advice and financial assistance to UNISON members and/or their dependants who are in need. Help is delivered through a network of branch welfare officers.
- 3** The Union shall provide educational and training programmes at national and regional level for members, stewards, branch officials, full-time officers and others as determined by the National Executive Council. The Union shall also make available grants and endowments, including scholarships to members and to colleges and institutions having among their objects the education and training of trade unionists.
- 4** Members who were members of COHSE, NALGO or NUPE on Vesting Day shall retain entitlement to any financial benefits of membership of their former Union which are not otherwise provided for in these Rules, providing that they continue to remain in membership of UNISON. Any former member of COHSE, NALGO or NUPE who, for whatever reason, ceases to be a member of UNISON, shall forfeit any such entitlement.
- 5** Only one rule book benefit will be paid in respect of any one accident, illness or death. This will be the rule book benefit with the highest monetary value.

# M Financial and legal

## **1 TRUSTEES OF THE UNION**

### **1.1 ELIGIBILITY FOR APPOINTMENT**

A member shall be eligible to be appointed as Trustee if she/he has been a member of the Union or one of the predecessor Unions for the two years preceding the date of the appointment.

### **1.2 DISQUALIFICATION FROM APPOINTMENT**

Any disciplinary penalty imposed by any of COHSE, NALGO or NUPE shall continue in effect as if it had been imposed in the first instance by the Union.

**1.2.1** A member shall be disqualified from being or becoming a Trustee if she/he shall:

- (a)** become bankrupt or enter into any composition with her/his creditors; or
- (b)** become legally incapable of carrying out her/his duties as Trustee; or
- (c)** cease to be eligible to be a Trustee under Rule M.1.1 above;
- (d)** cease to be an ordinary member of the Union.

**1.2.2** A Trustee who refuses or neglects to carry out any lawful direction of the National Executive Council in accordance with the provisions of Rule 2 below within 14 days of being requested in writing to do so by the National Executive Council shall be disqualified from being a Trustee.

### **1.3 FIRST TRUSTEES**

**1.3.1** So soon as may be possible on or after the Vesting Day the National Executive Council shall appoint three persons to be the first Trustees of the Union ("the first Trustees") by an instrument in writing, and upon such appointment the property of COHSE, NALGO and NUPE shall vest in the first Trustees in accordance with Section 5(1) of the Trade Union (Amalgamations, etc) Act 1964.

- .1** The first Trustees shall hold office until a new Trustee or Trustees shall be appointed in accordance with the provisions of this Rule.

### **1.3.2 APPOINTMENT OF TRUSTEES**

There shall be three Trustees of the Union who shall be appointed by the National Executive Council in accordance with this Rule by an instrument in writing.

**1.3.3** A Trustee shall hold office for two years and upon the expiry of this period the National Executive Council shall either re-appoint the Trustee or shall appoint a new Trustee to be Trustee in her/his place.

**1.3.4** If a Trustee wishes to retire as Trustee or dies, the National Executive Council shall appoint a new Trustee to be a Trustee in her/his place.

**1.3.5** If a Trustee becomes disqualified from being a Trustee, the National Executive Council shall nominate her/him for removal from office and shall at the same time elect a new Trustee in her/his place.

**1.3.6** In any case where the National Executive Council elect a person to be a Trustee who is not already a Trustee, or nominate a person for removal from office, the General Secretary, on

behalf of the National Executive Council, shall appoint such a person as Trustee, or remove her/him from office as the case may be, by an instrument in writing whereupon all property of the Union, real or personal, shall vest in the new or continuing Trustees.

#### **1.4 TRUSTEES OF WELFARE FUND**

The UNISON Welfare Board of Trustees shall include NEC members who shall comprise no less than 50% of the membership elected by that body in such manner as it sees fit. Any vacancy in the Board of Trustees may be filled by the National Executive Council as prescribed in the charity's Constitution and Rules. Election of other members of the Board of Trustees of Welfare shall be made in accordance with the charity's Constitution and Rules. The Constitution sets out the powers of the Board in relation to the property of the charity.

### **2 DUTIES OF THE TRUSTEES**

- 2.1** All property of the Union shall subject to Rule M.2.4 below be vested in the names of the Trustees.
- 2.2** The Trustees shall not in any way sell transfer or otherwise deal with the property of the Union or part with any document relating thereto except under the direction of the National Executive Council, evidenced by a minute to that effect, a copy of which, signed by the General Secretary, shall be supplied to each of the Trustees.
- 2.3** The Trustees shall obey all lawful directions of the National Executive Council so evidenced and shall sign all documents and do all acts and things which may be necessary to carry out those directions.
- 2.4** If the National Executive Council shall so direct, the Trustees shall make, transfer or hold any investment or other property belonging to the Union in the name or under the control of any persons or person, companies or company as nominees or nominee of the Trustees.

### **3 INVESTMENTS AND PROPERTY OF THE UNION**

#### **3.1 POWERS OF INVESTMENT**

- 3.1.1** The Trustees shall invest any funds of the Union for the time being available for investment in such shares stocks funds securities land (whether freehold or leasehold) buildings chattels or other investments or property of whatever nature and wherever situated and whether producing income or not as the Trustees may think fit and as if they were an absolute beneficial owner of the property moveable or immovable or in any other investments authorised by the National Executive Council and may vary any such investments for any others authorised by this Rule.
- 3.1.2** The Trustees shall obey any directions of the National Executive Council as to investment made in accordance with Rule M.2.2 above
- 3.1.3** The Trustees may with the written consent of the National Executive Council and shall if the National Executive Council shall so direct in accordance with Rule M.2.2 delegate to any persons or companies for any period and on such terms including terms as to remuneration as they shall think fit the powers given to them by this Rule in connection with the investment of the funds of the Union.

#### **3.2 OPENING OF BANK ACCOUNTS**

The National Executive Council shall have power to open and maintain such bank accounts as



it shall think fit and to determine the signatories to cheques or other documents required to be signed in connection with those accounts.

### **3.3** *BOOKS, PAPERS AND DOCUMENTS*

All books, papers and documents belonging to the Union shall be kept in the custody of the General Secretary.

### **3.4** *LAND AND BUILDINGS*

The Union may, in the names of the Trustees, purchase, take on lease or otherwise acquire any land or buildings ("Union Land").

### **3.5** *POWER OF NATIONAL EXECUTIVE COUNCIL TO DIRECT TRUSTEES*

**3.5.1** The National Executive Council may direct the Trustees in accordance with Rule M.2.2 above to effect any transaction concerning or affecting any Union Land.

**3.5.2** For the purposes of this Rule, "transaction" includes any sale exchange grant lease surrender reconveyance release reservation mortgage charge or other disposition and any purchase or other acquisition and any covenant contract licence option or right of pre-emption and any compromise partition insurance or other dealing or arrangement; "effect" has the meaning appropriate to the particular transaction; and references to Union Land include references to restrictions and burdens affecting Union Land.

### **3.6** *USE OF FUNDS FOR MAINTENANCE, ETC OF LAND*

The National Executive Council may direct the Trustees in accordance with Rule M.2.2 above to apply any funds of the Union in maintaining repairing cleaning decorating making structural alterations to or improvements in or demolishing and re-building any Union Land.

## **4 THE UNION'S AUDITORS**

**4.1** The Union's accounts shall be audited each year by a professional auditor appointed by the National Executive Council and who thereafter shall continue to hold office until replaced by the National Delegate Conference.

**4.2** The audited accounts and balance sheet for the previous financial year shall be presented to the National Delegate Conference for approval and adoption.

**4.3** The rules of financial procedure adopted by the National Executive Council shall include provision for the audit of the Union's accounts at Regional and at Branch level.

## **5 INDEMNIFICATION OF MEMBERS OF THE NATIONAL EXECUTIVE COUNCIL AND STAFF**

The National Executive Council may, out of the funds and property of the Union, indemnify

**(a)** any member of the National Executive Council

**(b)** any member of a national committee

**(c)** any Trustee

**(d)** any Regional official

**(e)** any branch official

**(f)** any member of staff

including any former holder of any of the positions specified in (a) and (f) above from and against all costs and charges, damages and expenses whatsoever, which she/he shall sustain, or be put to, by reason of her/his accepting office or acting in execution or intended execution of her/his functions under these Rules, unless the same shall happen through that person's lack of good faith, or wilful neglect or default.

## **6 DATA PROTECTION ACT POLICY**

- 6.1** No branch, or any member thereof, may use any automatic data processing equipment for a purpose connected with the administration of the branch or any section of it, unless the Branch Secretary has notified the General Secretary that the branch or any of its members are so using such equipment, the purpose for which it is being used, and the nature of the information recorded.
- 6.2** For the avoidance of doubt, each branch and its members must abide by the data protection principles embodied in the Data Protection Act 1998 so far as these principles apply to activities undertaken by them on behalf of the branch or a section of it.
- 6.3** Upon receiving a written request for such information from the General Secretary, a branch and any of its members must supply such information as is reasonably practicable to facilitate the registration of the Union under the Data Protection Act and the compliance by the Union with the data protection principles.
- 6.4** A member seeking to enforce her/his rights under the Data Protection Act must apply to the General Secretary.

## **7 SERVICE OF NOTICES**

- 7.1** Service of any notice upon a member may be effected personally or by the General Secretary sending it through the post in a prepaid letter addressed to such member, at her/his last-known address.
- 7.2** Any notice if served by post shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course of post, and it shall be sufficient proof of service that the letter containing the notice was properly addressed and posted.
- 7.3** A member whose last-known address was not within the British Isles shall not be entitled to any notice, and all proceedings may be had and taken without notice to such member in the same manner as if she/he had had due notice as is provided herein.
- 7.4** Where in these Rules or any regulations made under them provision is made for returns, remittances, motions, amendments, voting papers or any other notification or information to be submitted to or received by the General Secretary or other official by a certain date, then when that date falls on a Saturday, Sunday, Christmas Day, Good Friday, public or bank holiday or a day appointed for public thanksgiving or mourning, there shall be substituted the first day thereafter which is not one of those days.

## **8 GENERAL**

All property, books and funds held by or for any branch, Region, Service Group, any committee and any other body provided for or under these Rules, are the property of the Union and in the event of a dissolution or secession of any of the above bodies shall be delivered or paid over to such person or body as the National Executive Council directs.

# **N** Amendment of rules

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- 1** Rules shall not be amended except by a resolution passed at a National Delegate Conference by two-thirds majority of those delegates voting in favour or, in the case of a card vote, at least two-thirds of the votes cast.
- 2** Schedules to these rules may be altered by a resolution passed at National Delegate Conference by a simple majority of those delegates voting being in favour or, in the case of a card vote, a majority of the votes cast.
- 3** In any case, a motion to amend these Rules shall be voted on by the National Delegate Conference only where notice of the motion is included in the agenda circulated to delegates in accordance with these Rules.

# 0 Industrial action

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- 1** Only the National Executive Council or the General Secretary on behalf of the National Executive Council shall have the power to authorise strike or other industrial action and payment of strike benefit.
- 2** The National Executive Council may appoint a sub-committee, officer or member to act on its behalf in issuing any particular instructions to take industrial action.
- 3** No such instruction shall be issued unless the members who are the subject of that instruction have first had the opportunity to vote upon the proposal to take industrial action in a ballot.
- 4** The National Executive Council shall draw up a Code of Conduct applicable either generally to all industrial disputes or in relation to any particular dispute. All members shall observe the Code during the disputes.
- 5** Dispute benefit and other costs and expenses arising from and connected with the dispute will be paid under regulations drawn up by the National Executive Council from a fund specifically maintained for these purposes.

# P Standing Orders for conferences

## 1 APPLICATION OF STANDING ORDERS

- 1.1** These Standing Orders shall apply to all meetings of the National Delegate Conference and Special Delegate Conference held under Rule D.1 and of the Service Group Conferences held under Rule D.3.4.
- 1.2** In the case of a Special Delegate Conference or a Service Group Conference, the appropriate Standing Orders Committee shall have power (but is not required) to decide at the request of the National Executive Council or the Service Group Executive respectively that it is necessary that certain Standing Orders shall not be applicable to the Conference.
- 1.3** In application to Service Group Conferences, these Standing Orders shall apply, subject to the following modifications:
- .1** “the Standing Orders Committee” shall mean the Standing Orders Committee referred to in Rule D.3.4.4;
  - .2** “the President” shall mean the Chairperson or Vice-chairperson of the Service Group Executive under Rule D.3.5.12 or such other person as the Service Group Executive or the Service Group Conference may have appointed to preside at the Conference;
  - .3** “the National Executive Council” shall mean the Service Group Executive;
  - .4** “the General Secretary” shall mean the Head of the Group;
  - .5** Rule P.3.1 shall not apply. The bodies who may propose motions and amendments for the Conference shall be: each branch represented within the Service Group; the Service Group Executive; Service Group Regional Committees and (where these are established) Sector Committees. Self- Organised Groups at the national level and the National Young Members’ Forum may submit a total of two motions and two amendments to the Conference.
  - .6** Standing Orders Committees for Service Group Conferences, in exercising powers in accordance with Rule P.2.3, shall have regard to the national negotiating machinery in devolved administrations. The Standing Orders Committee may make recommendations to restrict voting to representatives of members covered by that machinery which shall be subject to ratification by Conference in accordance with Rule P.2.4.

## 2 STANDING ORDERS COMMITTEE

- 2.1** The members of the Standing Orders Committee shall hold office from the end of one National Delegate Conference until the end of the next National Delegate Conference.
- 2.2** At its first meeting after it takes office, the Committee shall elect a Chairperson and a Deputy Chairperson from amongst its members .
- 2.3** The functions of the Committee shall, subject to these Standing Orders, be to:
- 2.3.1** ensure that the Union’s Rules and Standing Orders relating to the business of Conferences are observed, and notify the President of any violation that may be brought to the Committee’s notice

- 2.3.2** draw up the preliminary agenda and final agenda of Conference business, and the proposed hours of business, to be circulated in accordance with the timetable stated in Rule D.1.9.
- 2.3.3** determine the order in which the business of Conference shall be conducted, subject to the approval of Conference
- 2.3.4** consider all motions and amendments submitted for consideration by Conference and, for the purpose of enabling Conference to transact its business effectively the Committee shall:
  - .1** decide whether such motions and amendments have been submitted in accordance with the Rules
  - .2** group together motions and amendments relating to the same subject, decide the order in which they should be considered and whether they should be debated and voted on separately or debated together and voted on sequentially
  - .3** prepare and revise, in consultation with the movers of motions and amendments, composite motions in terms which in the opinion of the Committee best express the subject of such motions and amendments
  - .4** refer to another representative body within the Union a motion or amendment which in the opinion of the Committee should properly be considered there; the mover shall be informed of the reason for so doing
  - .5** have power to do all such other things as may be necessary to give effect to these Standing Orders.
- 2.4** Any decisions of the Committee which are to be reported to Conference shall be announced by the Chairperson of the Committee and shall be subject to ratification by Conference.

### **3 MOTIONS AND AMENDMENTS-PRE-CONFERENCE**

#### **3.1 PROCEDURE**

Motions, amendments and other appropriate business may be proposed for the Conference by the bodies set out in Rules D.1.10.3 and D.1.10.4.

- 3.2** Motions and amendments shall be sent to the General Secretary in order that the Standing Orders Committee may consider them for inclusion in the preliminary agenda.
- 3.3** The date and time by which motions and amendments to be considered for the Conference shall be received by the General Secretary shall be stated in the timetable to be published under Rule D.1.9.

#### **4-7 CONDUCT OF CONFERENCES**

- 4.1** The National Delegate Conference shall meet in public session, except that by direction of the National Executive Council or by resolution of the Conference the whole or any part of a Conference may be held in private. In addition to the elected delegates and those who under Rule D.1.7 have the right to attend and speak at Conference, the only persons permitted to attend a private session of a Conference shall be
  - 4.1.1** such members of the staff as have been authorised by the National Executive Council or the General Secretary to attend Conference
  - 4.1.2** such other persons as the President may determine.

- 4.2** The agenda for the National Delegate Conference shall be arranged so that the first session of the Conference shall be in public, subject to Rule P.4.1 above.
- 5** Apart from the elected delegates and those persons who have the right to speak at the National Delegate Conference under Rule D.1.7, no other person shall speak except by permission of the Standing Orders Committee.
- 6** Any questions of procedure or order raised during a Conference shall be decided by the President whose ruling shall be final and binding.
- 7.1** Upon the President rising during a Conference session, any person then addressing Conference shall resume her/his seat and no other person shall rise to speak until the President authorises proceedings to continue.
- 7.2** The President may call attention to continued irrelevance, tedious repetition, unbecoming language, or any breach of order on the part of a member and may direct such a member to discontinue his or her speech.
- 7.3** The President shall have power to call any person to order who is causing a disturbance in any session of Conference and if that person refuses to obey the President, she/he shall be named by the President, shall forthwith leave the Conference Hall, and shall take no further part in the proceedings of that Conference.

## **8 VOTING**

- 8.1** The method of voting shall be by a show of hands of the delegates present, unless a card vote is called by the President or immediately after the result of the show of hands has been declared by at least 10 per cent of the delegates registered at the Conference.
- 8.2** On a card vote, the delegate or delegates of a branch or group of branches shall be entitled to cast a total number of votes in accordance with the card issued to them in respect of their branch membership as at 30 September in the year preceding the conference and such votes will be cast as a single block or may be divided in line with a branch mandate.
- 8.3** In the event of a card vote being called or demanded, the card vote shall be taken immediately after it has been demanded, but no business shall be suspended pending the declaration of the result of the vote except that which in the President's opinion may be directly affected by that result.

## **9 TELLERS**

- 9.1** Conference shall appoint delegates to act as tellers for the duration of the Conference.

## **10 WITHDRAWALS OF MOTIONS AND AMENDMENTS**

- 10.1** A motion or amendment which is shown on the final agenda may not be withdrawn without the consent of the Standing Orders Committee, whose decision shall be reported to Conference.

## **11 MOTIONS AND AMENDMENTS NOT ON AGENDA**

- 11.1** A motion or amendment which is not shown on the final agenda may not be considered by Conference without the prior approval of the Standing Orders Committee and the consent of Conference, which shall be governed by the following rules:
- 11.2** Such motion or amendment shall be in writing, signed by the Secretary and Chairperson of the

branch or branches on whose behalf it is submitted and shall be sent to the Standing Orders Committee at least five working days before the commencement of Conference, except if it relate to events which take place thereafter. It will state at which meeting it was debated and adopted.

- 11.3** For Service Group Conferences, the Service Group Regional Committee may submit 'Emergency Motions' in writing, signed by the Secretary and Chairperson and sent to the Standing Orders Committee at least five working days before the commencement of the Conference, except if it relates to events which take place thereafter. It will state at which meeting it was debated and adopted.
- 11.4** If the Standing Orders Committee gives its approval to the motion or amendment being considered, copies of the motion or amendment shall be made available for delegates at least one hour before Conference is asked to decide whether to consent to the matter being considered.
- 11.5** An emergency motion will not be given priority over other motions and amendments on the agenda except where the Standing Orders Committee decide that the purpose of the motion in question would be frustrated if it were not dealt with at an earlier session of the Conference.

## **12 PROCEDURAL MOTIONS**

The following procedural motions may be moved at any time without previous notice on the agenda:

- 12.1** that the question be now put, provided that:
- .1** the President may advise Conference not to accept this motion if in her/his opinion the matter has not been sufficiently discussed
  - .2** if the motion is carried, it shall take effect at once subject only to any right of reply under these Standing Orders.
- 12.2** that the Conference proceed to the next business
- 12.3** that the debate be adjourned
- 12.4** that the Conference (or any part thereof) be held in private session provided that:
- 12.5** a motion under Rules P.12.1, P.12. 2, and P.12.3 shall be immediately put to the vote without discussion and no amendment shall be allowed
- 12.6** the President may at her/his discretion permit a motion under Rule P.12.4 to be discussed and amendments moved.
- 12.7** no motion under Rules P.12.2 or P.12.3 shall be moved by a person who has spoken on the motion or amendment in question.

## **13 AMENDMENTS TO A MOTION**

- 13.1** When an amendment to a motion is moved, no further amendment may be moved until the first one is disposed of, subject to Rule P.16.
- 13.2** When an amendment is defeated, a further amendment may be moved to the original motion.
- 13.3** When an amendment to a motion is carried, the motion, as so amended, shall become the substantive motion, to which a further amendment may be moved.



**13.4** A delegate shall not move more than one amendment to any one motion, nor shall the mover of a motion move any amendment to such motion.

## **14 LIMIT OF SPEECHES**

**14.1** The mover of a motion or an amendment shall not be allowed to speak for more than five minutes and each succeeding speaker for not more than three minutes, except where the Standing Orders Committee have decided otherwise.

**14.2** No person shall speak more than once on a question, except that the mover of the original motion may exercise a right of reply for not more than three minutes, introducing no new material.

## **15 POINTS OF ORDER**

**15.1** A delegate may at any stage in a Conference raise a point of order if she/he considers that the business is not being conducted in accordance with the Union's Rules and Standing Orders.

**15.2** Such a point of order must be raised as soon as the alleged breach occurs or at the earliest practicable moment thereafter.

**15.3** The President's ruling on the point of order is final.

## **16 GROUPED DEBATES AND SEQUENTIAL VOTING**

**16.1** Where, in the view of the Standing Orders Committee, separate debates on specified motions and/or amendments dealing with the same subject matter would lead to undue repetition in the debates, a grouped debate and/or sequential voting may be adopted by Conference.

**16.2** The following procedure will be followed:

- .1** The President will advise Conference of the order of business and of the sequence in which motions and amendments will be moved and voted on following a general debate, and of the effect of certain proposals on others.
- .2** All motions and amendments included in the debate shall be moved.
- .3** The general debate shall take place.
- .4** The President shall again state the order of voting and shall advise Conference which, if any, motions or amendments will fall if others are carried.
- .5** Voting will take place on motions, preceded by relevant amendments, in the order in which they were moved.
- .6** A debate being conducted under this procedure may not be adjourned until after all the motions and amendments have been moved.

## **17 REPORTS BY NATIONAL EXECUTIVE COUNCIL**

**17.1** After the opening of Conference the National Executive Council shall present its report for the past year. The items of the report shall be discussed on a subject basis and in conjunction with any motion on the agenda which bears directly upon any part of the report.

**17.2** If the National Executive Council presents a report to Conference which contains proposals or recommendations requiring approval and adoption by Conference, the Executive shall submit it under a motion seeking such approval and adoption.

## **18 REFERENCE OF OUTSTANDING ITEMS TO THE NATIONAL EXECUTIVE COUNCIL**

**18.1** If at the end of the National Delegate Conference, the business of the Conference has not been concluded, all motions and amendments then outstanding shall stand referred to the National Executive Council. The National Executive Council in turn shall then report back to the appropriate branch or body its decision on these matters. All such motions and amendments shall be responded to at least one month before the deadline for submission of motions and amendments to the following year's Conference.

## **19 SUSPENSION OF STANDING ORDERS**

**19.1** Any one or more of these Standing Orders may be suspended by a resolution of Conference in relation to a specific item of business properly before that Conference and to the proceedings thereon at that Conference, provided that at least two-thirds of the delegates present and voting shall vote for the resolution, or in the case of a card vote at least two-thirds of the votes cast are for the resolution.

# Q Definitions

Except where the context indicates to the contrary, all words denoting one gender shall be deemed to include the other gender and all words denoting the singular number shall be deemed to include the plural, and vice versa, and the following expressions shall have the following meanings:

**ADDRESS** means the usual place at which a member is expected to receive postal communication.

**CODE OF GOOD BRANCH PRACTICE** means a set of guidelines drawn up by the National Executive Council which it considers desirable for branches to follow.

**DEVOLVED ADMINISTRATIONS** means the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Legislative Assembly.

**FAIR REPRESENTATION** is the broad balance of representation of members of the electorate, taking into account such factors as age and low pay, the balance between full time and part time workers, manual and non-manual workers, different occupations, skills, race, sexual orientation, disability and gender identity.

**FINANCIAL YEAR** means the period from 1 January to 31 December in any calendar year.

**HEAD OF GROUP** means the paid officer appointed to act as principal paid officer of a Service Group.

**HEAD OFFICE** means that office designated by the National Executive Council as the principal administrative office of the Union in respect of any particular member.

**INCOME FROM EMPLOYMENT** for the calculation of a member's subscription band means basic pay, contractual enhancements and payments from contractual overtime. It excludes voluntary occasional overtime payments.

**INDUSTRIAL ACTION** shall have the meaning attributed to it under the Employment Protection (Consolidation) Act 1978 or any statutory successor of that Act.

**INSTRUMENT OF AMALGAMATION** means the Instrument of Amalgamation between the predecessor Unions which brought the Union into being.

**INTERMEDIATE VACANCY** means a vacancy arising in the membership of a body, provided for by these Rules, during the term of office for which the members of that body are appointed/ elected to serve.

**LAY STRUCTURE** means a body that does not consist of employees of the Union.

**LAY MEMBER** means a member who is not also an employee of the Union.

**MEMBER** means a person falling within any of the categories of membership set out in Rule C.

**MEMBER'S PARTNER** is a person cohabiting with a member where the home of the partnership comprises a single family unit.

**OCCUPATIONAL GROUP** means a group of members that share an occupational or professional identity, and/or work in similar services or employer types.

PREDECESSOR UNION(S) means COHSE, NALGO and NUPE.

PROFESSIONAL AND SECTIONAL BODY means a body recognised as such by the National Executive Council.

PROPORTIONALITY means the representation of women and men in fair proportion to the relevant number of female and male members comprising the electorate.

PUBLIC SERVICES means those employments comprised in Rule C.1, and includes services to the public which may not be publicly owned nor provided by any public body.

REGIONS means the organisational structure between branches and the National Executive Council based on the union's administrative regions of England, Northern Ireland, Scotland and Wales.

RESERVED LOW PAY SEATS are seats reserved for women members who earn below a defined basic hourly rate. This rate is uprated annually by the increase in median earnings, as defined by the Annual Survey of Hours and Earnings in the October immediately preceding the election. The rate is currently £8.93 (20 June 2013). The rate excludes all supplements, e.g. London Weighting Allowance, recruitment supplements, overtime, etc. Each member shall continue to occupy her reserved seat notwithstanding that her pay may increase to a rate above the said basic hourly rate, provided that the increase does not arise as a result of the member choosing to change her job.

SECTOR means a group with one of the following:

- a. common bargaining machinery with direct or indirect powers
- b. shared bargaining characteristics and general approaches to pay bargaining.

STATUTORY ELECTIONS are those elections the Union is required to hold by virtue of any provision of statute if it is not to contravene the law.

VESTING DAY means the day that the Instrument of Amalgamation came into effect.

COMMUNITY AND VOLUNTARY ORGANISATIONS include those providing services to local communities or campaigning organisations whose primary object is not that of making or securing financial profit.

WORK GROUP means members who are employed in the same industry or service working at or from the same workbase.

YOUNG MEMBER means a member aged 26 or under.

# Schedule A: rates of subscription

## 1 FULL MEMBERS

There shall be eleven income bands, each with different subscription rates as follows effective from 1 October 2003:

Income from Employment	Weekly Subscriptions	Monthly Subscriptions
£	£	£
BAND A: 0-2,000	0.30	1.30
BAND B: 2,001-5,000	0.81	3.50
BAND C: 5,001-8,000	1.22	5.30
BAND D: 8,001-11,000	1.52	6.60
BAND E: 11,001-14,000	1.81	7.85
BAND F: 14,001-17,000	2.24	9.70
BAND G: 17,001-20,000	2.65	11.50
BAND H: 20,001-25,000	3.23	14.00
BAND I: 25,001-30,000	3.98	17.25
BAND J: 30,001-35,000	4.68	20.30
BAND K: over 35,000	5.19	22.50

- 1.1 Subscription will be fixed for a year at a time, beginning 1st October each year, or as determined by the National Delegate Conference.
- 1.2 The level of income upon which subscriptions will be based for the year will be that of the member as at 1st October.
- 1.3 The Regional Secretary has the power to make an initial determination of the appropriate income band for any member. If that member wishes to dispute the Regional Secretary's decision, she/he must produce satisfactory evidence to the Regional Secretary to support her/his contentions. The Regional Secretary then has power to make a new determination of the appropriate income band for that year.
- 1.4 The Regional Secretary also has the power during the course of a year to adjust the income band if the actual income of a member varies so greatly from that anticipated that it would be unfair to the member, or unreasonable, to require her/him to continue to pay subscriptions based upon her/his anticipated income.
- 1.5 Any member who remains dissatisfied with the Regional Secretary's decision shall have the right of appeal to the Regional Council, whose decision shall be final.

**1.6** Transitional arrangements for subscriptions following a transfer of engagements may be agreed between the transferor body and the National Executive Council, and members transferred under an Instrument of Transfer shall pay subscriptions in accordance with such transitional arrangements, if any.

## **2 FULL MEMBERSHIP IN ACCORDANCE WITH C 2.3**

### **2.1 *Full Pay***

A member in receipt of full pay should continue to pay the full subscription rate in accordance with Schedule A.1.1 and 1.2, unless otherwise provided for in this Schedule.

### **2.2 *Reduced Pay***

A member whose salary is reduced for any reason for a period of one or more complete calendar months should pay the appropriate subscription based on and only during the continuance of such reduced salary, provided that the branch secretary is notified of the reduction and resumption of salary, or change of membership status.

### **2.3 *Maternity, Paternity, Parental, Adoption, Dependant Care, Compassionate Leave and other unpaid leave***

The member will not pay subscriptions in cases where the leave is unpaid provided that all subscriptions due to the date of cessation of paid leave have been made and the branch secretary is immediately notified of when the member resumes receipt of pay or change of membership status.

### **2.4 *Disability Leave***

The member will not pay subscriptions in cases where the leave is unpaid provided that all subscriptions due to the date of cessation of paid leave have been made and the branch secretary is immediately notified of when the member resumes receipt of pay or change of membership status.

### **2.5 *Long-term Sick Leave***

The member will not pay subscriptions in cases where the long-term sick leave is unpaid provided that all subscriptions due to the date of cessation of paid sick leave have been made and the branch secretary is immediately notified of when the member resumes receipt of pay or change of membership status. If the member becomes medically retired, they should pay the retired members' subscription, or if their employment is terminated and they are not in any other paid employment, they should pay the unemployed members' subscription.

### **2.6 *Members undertaking training or study***

Full members in accordance with Rule C.2.3.3 will pay £10 per year.

## **3 UNEMPLOYED MEMBERS**

Members who are unemployed in accordance with Rule C.2.4 will pay £4 per year.

## **4 MEMBERS IN EDUCATION**

Members in Education in accordance with Rule C.2.5 will pay £10 per year.

## **5 ONGOING LEGAL CASES**

**5.1** Retired Members who have an ongoing legal case will pay the retired members' subscription.

- 5.2** Ex-members who are in employment outside of UNISON's sphere of organising must continue to pay subscription band A in accordance with Rule K where UNISON is providing representation in an ongoing legal case. In cases where an award is gained full back subscriptions must be paid to the union at the appropriate rate.

## **6 RETIRED MEMBERS**

Retired Members (other than those who were retired or life members of COHSE, NALGO or NUPE on Vesting Day) £15 life membership.

### **6.1 *Life Members of COHSE on Vesting Day***

No subscription is payable.

### **6.2 *Retired Members of NALGO on Vesting Day***

No subscription is payable.

### **6.3 *Retired Members of NUPE on Vesting Day***

Those entitled to a free union card shall not be required to pay a subscription. All others who have been members for at least 10 years prior to retirement shall be entitled to pay a reduced rate subscription of 5p per week (22p per month) if they wish to retain death benefit only; in which case they shall not be entitled to any other benefit.

From 1 July 2003, members who are entitled to death benefit as a result of paying the reduced subscriptions due under the paragraph above will continue to be entitled to death benefit without the need to make any further subscription payments after that date.

## **7 VARIATION OF RATES**

These rates may be varied by a simple majority vote at National Delegate Conference upon a Resolution proposing a variation of any or all of the rates set out.

# Schedule B: members' benefits

## **1 SCOPE OF MEMBERS' BENEFITS**

The Union provides three distinct areas of assistance to support members.

- 1.1** Rule book benefits listed in paragraph 2.1.1 are intended to provide a one off responsive service within a set range of criteria.
- 1.2** Grants for education and training as detailed in paragraph 3.
- 1.3** UNISON WELFARE is the union's own registered charity providing services that include, advice, support and financial assistance to members and their dependants at times of special need covering a range of different circumstances as detailed in paragraph 4.

## **2 RULE BOOK BENEFITS**

### **2.1 Benefits of Full Membership**

**2.1.1** A full member, as set out in Rule C. 2.3, shall be entitled to:

- a) death benefit;
- b) accident benefit;
- c) fatal accident benefit;

and any other benefits determined from time to time by the National Executive Council in accordance with the conditions detailed below.

- 2.1.2** Benefits are available as an entitlement to all members who are not in arrears with their subscriptions and satisfy the qualifications for benefit detailed below but are otherwise available at the absolute discretion of the National Executive Council. Members receiving benefit shall continue to pay subscriptions to the Union, unless otherwise decided by the National Executive Council.
- 2.1.3** For the purpose of establishing qualifications for benefit, completed continuous years of membership of either COHSE, NALGO or NUPE as well as UNISON shall be counted as reckonable membership.
- 2.1.4** Only one rule book benefit will be paid in respect of any one accident, illness or death. This will be the rule book benefit with the highest monetary value.
- 2.1.5** The rule book benefit rates will be monitored and reviewed on a regular basis.

### **2.2 BENEFITS OF RETIRED MEMBERS**

Retired members are not entitled to the benefits of full membership with the exception of those listed in Schedule B para 2.6.4(iv). A retired member shall be entitled to apply to UNISON Welfare for assistance at times of need

### **2.3 BENEFITS OF MEMBERS IN EDUCATION**

A member, undertaking a course of training or study, shall be entitled to the benefits of full membership as set out in Schedule B Rule 1 above.



## **2.4 APPLICATIONS FOR BENEFIT**

Applications for a benefit or benefits shall be made in a manner prescribed by the National Executive Council. It shall be the duty of the member or her/his representatives, to supply any documentation or evidence required by the National Executive Council in support of the claim.

## **2.5 DISCRETION OF NATIONAL EXECUTIVE COUNCIL**

The General Secretary has the power to act for the National Executive Council in exercising its discretion in respect of benefits at all times, subject to reporting any action to the National Executive Council as soon as it is reasonably practicable.

## **\*2.6 DEATH BENEFIT**

### **2.6.1 Qualification**

- (i) Membership for at least 4 weeks prior to death
- (ii) No arrears of contribution.

### **\*2.6.2 Entitlement**

As from 1 July 2013 the death benefit shall be:

Completed years of continued membership	£
Under 5 years	123
Over 5 and less than 15	247
Over 15 and less than 25	369
Over 25	494

### **2.6.3 Retail Price Index**

The above benefit will rise in line with the Retail Price Index (RPI) immediately after the National Delegate Conference each year. However if the RPI falls into a minus percentage the above benefit will not be reduced.

### **2.6.4 Conditions**

- (i) The death must occur whilst the member is in full membership.
- (ii) The death benefit must be claimed within 12 months of the death by the personal representative of the deceased.
- (iii) The benefit will be paid to the partner of the deceased; if no surviving partner, to any dependant or dependants of the deceased in equal shares; if none, to the estate of the deceased.
- (iv) Ex members of NUPE who retire after 1 July 1993 and hold five years service will have their entitlement to death benefit protected providing they maintain retired member status.

## **\*2.7 ACCIDENT BENEFIT**

### **2.7.1 Qualification**

Membership for at least 4 weeks prior to suffering the accident on which the claim is based.

### **\*2.7.2 Entitlement**

£4.05 per day, £20.25 per week maximum during the whole period in which the member is unable to work by reason of the accident up to a maximum of 30 days or £121.50 in any calendar year.

### **2.7.3 Retail Price Index**

The above benefit will rise in line with the Retail Price Index (RPI) immediately after the National Delegate Conference each year. However if the RPI falls into a minus percentage the above benefit will not be reduced.

### **2.7.4 Conditions**

The accident must happen in the course of the member's employment, or whilst travelling to or from work or upon Union business.

## **\*2.8 FATAL ACCIDENT BENEFIT**

### **2.8.1 Qualification**

Membership for at least 4 weeks prior to suffering the accident on which the claim is based.

### **\*2.8.2 Entitlement**

Completed years of continued membership	£
Under 5 years	2,165
Over 5 and less than 15	4,330
Over 15 and less than 25	6,495
Over 25	8,660

### **2.8.3 Retail Price Index**

The above benefit will rise in line with the Retail Price Index (RPI) immediately after the National Delegate Conference each year. However if the RPI falls into a minus percentage the above benefit will not be reduced.

### **2.8.4 Conditions**

(i) The fatal accident must happen in the course of the member's employment, or whilst travelling to or from work or upon Union business.

(ii) The member must be survived by a partner, or at least one dependant.

(iii) Only one sum shall be paid: if more than one person is entitled under the Rule, the sum shall be paid to the surviving partner; or if there is no surviving partner, to the dependant or dependants of the deceased in equal shares.

## **2.9 MAXIMUM SUM ASSURABLE**

The union shall not have the power to assure for any personal provident benefits amounting to more than £4,000 per annum by way of a gross sum of £825 per annum by way of annuity.

## **3 GRANTS FOR EDUCATION AND TRAINING**

### **3.1 Qualification**

(i) Membership for at least 4 weeks prior to the member applying for the grant concerned.

(ii) No arrears of subscriptions

### **3.2 Entitlement**

(i) To be considered for a grant by the National Executive Council itself, or by a sub committee or other body of the union appointed for the purpose by the National Executive Council.

(ii) To receive any grant that the National Executive Council or other appointed body considers in its absolute discretion it is appropriate to award.

### **3.3 Conditions**

(i) The member continues to pay all membership subscriptions required from her/him by these rules throughout the time that he/she is in education or training supported by the grant, unless the National Executive Council dispenses with this requirement in her or his case.

(ii) The grant is for a course of study or training which the National Executive Council reasonably considers may have some relevance to trade unionism and be of benefit to the member and the union.

## **4 UNISON WELFARE BENEFITS**

Subject to the provisions of Rule L2 the following shall be entitled to make application to UNISON Welfare:

### **4.1 Eligibility**

Any member of UNISON, or someone who at the time of their retirement either on the grounds of age or ill health, was a fully paid up member of NALGO. Their dependants may also apply.

**4.2** Assistance may be given in a variety of ways that may include:

**4.2.1** Direct financial assistance through emergency grants and grants to relieve distress;

**4.2.2** Help to recuperate after illness and family holidays;

**4.2.3** Help where there are other special needs;

**4.2.4** Advice on a range of issues and other sources of help.

### **4.3 Application**

Application for financial benefit shall be made through the member's branch or direct to UNISON Welfare in accordance with the regulations laid down by UNISON Welfare from time to time. For advice on specific welfare issues and other sources of help enquiries may be directed to UNISON Welfare.

# Schedule C: elections

- 1** All elections for the post of General Secretary, and for election to the National Executive Council, and to a Service Group Executive shall be conducted in accordance with the following rules. Any election to any other post or body will be subject to these rules if the National Executive Council so decide.
- 2** At least three months prior to the election, the National Executive Council will appoint a Returning Officer independent of the Union, and will publish the name of that person and a timetable (agreed with the Returning Officer) setting out:
  - (1)** the dates between which nominations for election will be received;
  - (2)** the dates when ballot papers will first be sent to members entitled to vote;
  - (3)** the dates by which completed ballot papers will have to be returned;
  - (4)** the date upon which the result of the election will be announced.
- 3** Nominations will be made in writing to the General Secretary.
- 4** The election will be by postal ballot of those entitled to vote. So far as reasonably practicable, all members entitled to vote in an election shall be sent ballot papers at their address in the Union records; and shall be enabled to vote without expense to them individually, and without interference or constraint by any other member of the Union.
- 5** Candidates nominated for the election will be given the opportunity of preparing an election address, to be no longer than a maximum specified by the National Executive Council and approved by the Returning Officer, which will be sent (free of charge to the candidates) to all members entitled to vote together with the ballot paper. Candidates must not choose to make election addresses which contain statements contrary to Rule B Aims and Objectives. Furthermore election addresses must not contain statements of a discriminatory, disparaging, racist or sexist nature or that make false accusations against members, or staff, of the Union and it shall be treated as a disciplinary offence contrary to Rules I. 2.1 and 2.2 to do so. This provision is subject to any relevant statutory provision.
- 6** The Returning Officer shall determine the validity of any complaint made to her/him about the conduct or fairness of the election, and shall have the right to require an election to be held again in whole or in part if not satisfied that the election complies with the requirements of law and these Rules, and if the Returning Officer considers it reasonable to exercise the right.
- 7** The National Executive Council shall have the power to determine any matter of procedure or organisation or administration of or relating to the election, including the power to determine the method of voting (whether to be by simple majority; by single transferable vote; by multi-transferable vote; or by some other system) provided that the person(s) securing the greatest number(s) of votes according to the system employed shall be the person(s) declared elected, so long as they are and remain eligible for election.

# Schedule D: disciplinary procedures

The following procedures shall be adopted for the hearing of any disciplinary charge by a Branch Disciplinary Sub-Committee, a Regional or Service Group Disciplinary Sub-Committee, or the National Executive Council or its Disciplinary Sub-Committee or any other body as decided by the National Executive Council:

- 1** No later than 21 days before the disciplinary hearing the member shall be sent a written notice of the charge, stating the sub-paragraph(s) of Rule I.2 under which she/he is charged and stating briefly how and when the member is said to have broken the sub-paragraph(s) concerned. At the same time the member shall be sent copies of any written material and correspondence to be considered in relation to the charge, together with the report of any investigation, and shall be told the date, time and place at which the charge against her or him is to be heard.
- 2** The member shall be allowed to submit, not later than 7 days prior to the hearing, any written material in support of her/his case.
- 3** The member shall be entitled to be represented at the hearing by another person of her/his choice (subject to the approval of the sub-committee, such approval not to be unreasonably refused).
- 4** The Committee hearing the charge will ensure that the charged member's rights are protected in that the provisions of Rule I and Schedule D.1 been scrupulously applied.
- 5** In the event that the provisions of Rule I and Schedule D.1 have not been properly applied the charge will be referred back to the body which brought the disciplinary charge.
- 6** At the hearing, the member shall be asked whether she/he admits or denies the charge. If she/he admits it, the Committee hearing the charge shall then consider whether and to what extent they should exercise any of the disciplinary powers conferred by Rule.
- 7** If she/he denies the charge, the representative of the Branch, Regional Committee, Service Group Committee, National Executive Council or General Secretary as appropriate (who is called "Union Representative" in this Schedule) shall state the case against the member in the presence of the member and any representative of the member, and may call witnesses. She/ he will produce any documents which she/he claims support the charge.
- 8** The member or the member's representative shall have the opportunity to ask questions of the Union Representative and the witnesses.
- 9** The members of the Committee hearing the charge may ask any questions they think appropriate of the Union Representative and of any witnesses, and may question the member concerned about the charge.
- 10** The Union Representative shall have the opportunity to re-examine her/his witnesses on any matter about which they have been questioned by the member charged, her/his representative, and by members of the Committee hearing the charge.
- 11** The member or her/his representative shall put her/his case in the presence of the Union Representative, may call witnesses, and may produce any document she/he wishes that is relevant to the charge.

- 12** The Union Representative shall have the opportunity to ask questions of the member or the member's representative and witnesses.
- 13** The members of the Committee hearing the charge shall have the opportunity to ask questions of the member, or her/his representative, and witnesses.
- 14** The member or the member's representative shall have the opportunity to re-examine her/his witnesses on any matter about which they have been questioned by the Union Representative and/or by members of the Committee hearing the charge.
- 15** No written material or documents shall be submitted which do not comply with the provisions of existing rule numbers D.1, D.2, D.5 and D.9 of this schedule.
- 16** No new charge may be raised at the hearing.
- 17** After all witnesses have been heard and documents produced, the Committee hearing the charge (i) may ask the person presenting the charge to sum up the case; and (whether she/he does so or not) (ii) must then permit the member charged, or her/his representative, to address them. The member or her/his representative shall have the right to speak last. In summing up no new matters may be introduced.
- 18** At any time during the procedure set out above, members of the Committee hearing the charge may seek clarification of any statement made, and may enquire of either party as to the evidence that is to be called.
- 19** The Committee hearing the charge has an absolute discretion to adjourn the hearing to allow either party to produce further evidence, or for any other reason.
- 20** The Committee hearing the charge shall then consider in private whether the charge is proved to their satisfaction, or not, on the evidence presented before them. All members of the Committee taking part in the discussion must have been present throughout the entirety of the hearing. No new matter can be raised against the member concerned. If any point of uncertainty arises, the Committee may recall both parties to clear the point. In such a case, both parties shall return notwithstanding that only one is concerned with the point giving rise to doubt.
- 21** If the Committee decides that the charge is not proved, they shall dismiss it.
- 22** If the Committee decides that the charge is proved, they shall then decide what, if any, action to take. Before determining its decision, the Committee may consider anything that the member wishes to submit in mitigation.
- 23** The Committee hearing the charge may inform the member of their decision orally, but it shall in any event be confirmed to the member in writing within 14 days of the conclusion of the hearing. Where the charge is found proved, the member shall be notified in writing of (a) her/his right of appeal, (b) the body to whom the appeal should be directed, and, (c) the date on which the four-week time limit for appealing expires.
- 24** Any penalty imposed on a member will not take effect until the expiry of the time limit within which the member can submit an appeal or, if an appeal has been submitted, until such time as the appeal has been determined.

- 25** No person who is a witness, or who has investigated the charge prior to its being brought, shall sit on the Committee hearing the charge or any appeal.
- 26 (1)** If a member intends to appeal, she/he must exercise her/his right to do so by writing to the Secretary of the appropriate Committee within four weeks of her/his being notified in writing of the decision subject to the Appeal.
- (2)** At least three weeks' notice shall be given to the member of the date, place and time at which the appeal is to be heard.
- (3)** A member may appeal upon any or all of the following grounds:
- (a)** that the provisions of Rule I and Schedule D were not complied with at or before the original hearing, and/or;
  - (b)** that the Committee's decision to find a charge or charges proven was unreasonable, and/or;
  - (c)** the sanction imposed by the Committee was unreasonable.
- (4)** Where an appeal is submitted in accordance with Schedule D26(3)(a), whether or not it is also submitted on other grounds, the Appeal Committee shall consider this ground of appeal first of all. The member or her/his representative shall present their case on this point in accordance with Schedule D.11, D.12, D.13 and D.14. The union representative shall then put forward their case on this point in the same way. The Appeal Committee shall then deliberate on this point in private. If the Appeal Committee finds that Rule I and Schedule D were complied with they shall dismiss this ground of appeal and proceed to hear any other grounds of appeal. If the Appeal Committee finds that Rule I and/or Schedule D were not complied with they shall refer the charge(s) back to the body which brought the disciplinary charge.
- (5)** Where an appeal is submitted in accordance with Schedule D26(3)(b), whether or not it is also submitted in accordance with Schedule D26(3)(c), the appeal shall take the form of a rehearing of the charge, in accordance with the procedure set out above for the initial hearing. No material that was not before the initial hearing may be introduced, unless it is material evidence which could not reasonably have been available to either party at the time of the initial hearing. The appeal hearing shall not reopen consideration of any charge(s) which were dismissed at the initial hearing. If the Appeal Committee decides that a charge is not proved they shall dismiss that charge. If the Appeal Committee decides that one or more charges are proved, they shall then decide whether to uphold the sanction imposed at the initial hearing, or to substitute a lesser sanction.
- (6)** Where an appeal is submitted in accordance with Schedule D26(3)(c), the Committee shall consider anything that the member or her/his representative wishes to submit in mitigation. The Appeal Committee shall then decide whether to uphold the sanction imposed at the initial hearing, or to substitute a lesser sanction.

# Schedule E: Political Fund Ballot

## **RULES FOR BALLOT TO MAINTAIN A POLITICAL FUND**

### ***UNISON***

### ***PARTIAL ALTERATION OF RULES***

Rules for a ballot under section 74 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended).

### **GENERAL**

- 1.** The executive shall be responsible to the Union for securing that the ballot which is held to maintain a political fund is conducted in accordance with these rules. This overall responsibility cannot be delegated, even where the responsibility for carrying out a particular duty falls upon a person not subject to the rules of the Union.

Administration tasks for the conduct of such a ballot may be delegated in accordance with the rules or practice of the union.

### **INTERPRETATION**

- 2.** In these ballot rules, unless the context otherwise requires:

“the Act” means the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended);

“the Certification Officer” means the Certification Officer for Trade Unions and Employer’s Associations whose address is Brandon House, 180 Borough High Street, London SE1 1LW.

“dispatch envelope” means the envelope (in the form required by these rules) in which the voting paper and return envelope are dispatched to the member;

“executive” means the National Executive Council;

“independent person” means the person or persons appointed to act as the independent person or persons in respect of the ballot under the provisions of section 77A of the Act and these rules;

“person” in relation to the position of an independent person or a scrutineer, includes an unincorporated or incorporated body of persons;

“proper address” in relation to any member means his/her home address or other address which he/she has requested the Union in writing to treat as his/her postal address under Section 24(5) of the Act;

“return envelope” means an envelope in the form required by these rules;

“scrutineer” means the independent person appointed by the Union to that position in relation to the ballot under section 75 of the Act and these rules;

“the period specified before disposal” means the end of the period of one year beginning with the day of the announcement by the Union of the result of the ballot or, if within that period an application is made under section 80 or 81 (complaint of failure to comply with the ballot



rules) of the Act, until the Certification Officer or the court authorises him/her to dispose of the papers or, as the case may be, records;

“voting paper” or “ballot paper” means a voting paper in the form required by these rules.

### **PURPOSE OF THESE RULES**

3. These rules are adopted for the purposes of a ballot under section 73 of the Act and apply only to such a ballot.

### **COPIES OF THESE RULES TO BE AVAILABLE TO MEMBERS**

4. The executive shall ensure that a copy of these rules is supplied, free of charge, or on payment of a reasonable charge to any member of the Union who requests a copy.

### **APPOINTMENT OF A SCRUTINEER WHERE THE SCRUTINEER ACTS AS THE INDEPENDENT PERSON**

5. Before the ballot is held, a scrutineer shall be appointed to carry out the functions in relation to the ballot as are required under the Act, to act as the independent person both (under section 77A of the 1992 Act) in relation to the ballot and to carry out such additional functions as are specified in the appointment.
6. A person is eligible for appointment as scrutineer if:
  - (a) the person satisfies the conditions which are for the time being specified by the Secretary of State pursuant to section 75 (2) of the Act or is a person specified in an order made under that section (the conditions and the persons specified by the Secretary of State were, at the time of the adoption of these rules, contained in The Trade Union Ballots and Elections (Independent Scrutineer Qualifications) Order 2002 (SI 2002/2267) - available at [www.hms.gov.uk](http://www.hms.gov.uk)); and
  - (b) there are no grounds for believing that the person in question will carry out any function conferred on him/her in relation to the ballot otherwise than competently; or that his/her independence in relation to the Union or in relation to the ballot might reasonably be called into question.

### **TERMS OF THE APPOINTMENT**

7. The terms of the appointment shall require the scrutineer:
  - (a) to supervise the production of the voting papers and to undertake the storage and distribution of the voting papers and the counting of votes cast;
  - (b) to be the person to whom the voting papers are returned by those voting;
  - (c) to inspect the register of names and addresses of members of the Union or to examine the copy of the register as at the relevant date which is supplied to him/her in accordance with section 75(5A)(a) of the Act whenever it appears to him/her appropriate to do so and in particular where the conditions specified in section 75(3A) of the Act are satisfied;
  - (d) take such steps as appear to be appropriate to the scrutineer for the purpose of enabling him/her to make a report under these rules;
  - (e) to make that report to the Union as soon as is reasonably practicable after the last date for the return of voting papers;

- (f) to retain custody of and keep secure in a safe place all voting papers returned for the purposes of the ballot, together with the relevant copy of the register of names and addresses of members entitled to vote and supplied to him/her by the Union for the period specified before disposal; as defined in rule 2;
- (g) to carry out such other functions in relation to the ballot as are required of him/her under these rules or otherwise, as the executive considers appropriate;
- (h) to store in a secure place any unused voting papers or voting papers which are returned undelivered until disposal;
- (i) to respect the duty of confidentiality in respect of the register; and
- (j) to carry out these tasks in a manner which minimises the risk of any contravention or requirements imposed by or under any enactment of these rules or the occurrence of any unfairness or malpractice.

### **NOTICE OF APPOINTMENT**

8. Before the scrutineer begins to carry out any of these functions either:
- (a) a notice stating the name of the scrutineer shall be sent to every member of the Union to whom it is reasonably practicable to send such a notice; or
  - (b) all such other steps for notifying members of the Union of the name of the scrutineer as it is the practice of the Union to take when matters of general interest to all its members need to be brought to their attention.

Such notice or notification may invite members to inform the union of any change of address and advise members of the dates between which the ballot will be held.

### **UNION'S DUTY TOWARDS THE SCRUTINEER**

- 9. Nothing in the terms of the scrutineer's appointment (including any additional functions specified in the appointment) shall be such as to make it reasonable for any person to call into question the scrutineer's independence in relation to the Union.
- 10. The union shall ensure that there is no interference with the scrutineer in carrying out the functions imposed on him/her by the terms of the appointment which would make it reasonable for any person to call into question the scrutineer's independence in relation to the Union.
- 11. All reasonable requests made to the Union by the scrutineer for the purpose of or in connection with the carrying out of the functions of the scrutineer shall be complied with.

### **DISPATCH ENVELOPES**

12. The dispatch envelope:
- (a) shall be addressed to the member entitled to vote;
  - (b) shall state that if the envelope is undelivered to the member it should be returned to the scrutineer and give his/her name and address;
  - (c) shall bear a postage stamp or other stamp or mark allowing it to be delivered at no cost to the member; and

- (d) in the event of the envelope containing material other than the material relating to the ballot, the envelope shall have printed on it prominently the words “ballot paper” or “voting paper”.

### **VOTING PAPERS**

13. Every voting paper shall be in or substantially in accordance with the form set out in appendix 1 to these rules and:
- (a) shall clearly specify the name of the scrutineer, the address to which, and the date by which, it is to be returned;
  - (b) shall be marked with one of a series of consecutive whole numbers, every one of which is used in giving a different number (in that series) to each voting paper printed or otherwise produced for the purposes of the ballot;
  - (c) may have printed on it the logo or emblem of the Union;
  - (d) may have printed on it or attached to it an explanatory statement.

### **RETURN ENVELOPES**

14. Every return envelope:
- (a) shall be capable of being sealed;
  - (b) shall be addressed to the scrutineer;
  - (c) shall bear a postage stamp or other stamp or mark showing that the envelope may be returned to the scrutineer by post without direct cost to the voter; and
  - (d) may have printed on it:
    - (i) the name of the Union;
    - (ii) the logo or emblem of the Union; and
    - (iii) the words “voting paper” or “ballot paper”.

### **DATE OF BALLOT**

15. The executive shall determine the date:
- (a) by which the voting papers shall be sent to members, which shall be a date not less than three weeks before the last date on which voting papers may be returned to the scrutineer;
  - (b) of the last date for receipt of completed voting papers by the scrutineer; and
  - (c) on which the counting of votes is to commence.

### **CONDUCT OF THE BALLOT**

16. Entitlement to vote in the ballot shall be accorded equally to all members in Great Britain. Those members of the Union who are overseas members for the purposes of the Act shall not be accorded entitlement to a vote.
17. The ballot shall be conducted so as to secure that, so far as is reasonably practicable, those voting do so in secret.
18. So far as is reasonably practicable, every member who is entitled to vote in the ballot shall, in accordance with these rules:

- (a) be sent a voting paper by post in such time as to be received on or before the opening day of the ballot; and
  - (b) be given a convenient opportunity to vote by post.
- 19. Every member who is entitled to vote in the ballot shall:
  - (a) be allowed to vote without interference from, or constraint imposed by, the Union or any of its members, officials or employees; and
  - (b) so far as is reasonably practicable be able to do so without incurring any direct cost to the member.
- 20. Every member who is entitled to vote in the ballot shall have sent to him/her in a sealed dispatch envelope, at his/her proper address, by post:
  - (a) a voting paper; and
  - (b) a return envelope addressed to the scrutineer.
- 21. When it is not practicable for a particular member to be sent a voting paper and return envelope by the date determined in accordance with these rules, a voting paper and return envelope may be sent to that member as soon as is reasonably practicable after that date, so as to give that member a convenient opportunity to vote by post.
- 22. The name of each member to whom a voting paper is sent shall be recorded in some form or record of members but not so as to make it reasonable for any person to call into question the secrecy of the ballot. This record shall be kept by the scrutineer for the period specified before disposal, as defined in rule 2.

### **MANNER OF VOTING**

- 23. Every member who wishes to vote must return his/her voting paper to arrive at the address of the scrutineer on or before the date determined in accordance with these rules.
- 24. The scrutineer shall store in a secure place any voting papers returned to him/her undelivered and shall keep a record of any voting paper so returned.
- 25. The scrutineer shall be responsible for the safe custody and security of all returned envelopes and voting papers during the period of the ballot and for the period specified before disposal, as defined in rule 2. The scrutineer shall at all times take all reasonable steps to secure their safe custody so as to minimise the risk of any contravention of the requirements imposed by or under any enactment of these rules or the occurrence of any unfairness or malpractice.

### **COUNTING OF THE BALLOT**

- 26. The ballot shall be conducted so as to secure that the votes are fairly and accurately counted by the scrutineer. Any inaccuracy in counting is to be disregarded for the purpose of this rule if it is accidental or on a scale which could not affect the results of the ballot.
- 27. The scrutineer shall before counting begins:
  - (a) place the unused voting papers in a secure place; and
  - (b) keep a record of the number of voting papers so stored and a record of any voting papers issued under rule 21.

- 28.** No person may be present at the count other than:
- (a)** the scrutineer;
  - (b)** those acting under the supervision of the scrutineer; and
  - (c)** those present with consent of the scrutineer.
- 29.** At the date appointed for the commencement of the counting of the votes, the scrutineer shall undertake the opening of the return envelopes received and the counting of votes.
- 30.** The scrutineer or if more than one of them the majority of them shall decide whether any voting paper shall be rejected as being invalid and shall mark each such voting paper “rejected”.
- 31.** Those voting papers which are not rejected shall be counted.
- 32.** After the count the scrutineer shall retain custody of all of the voting papers returned for the purpose of the ballot for the period specified before disposal, as defined in rule 2.

### **SCRUTINEER’S REPORT**

- 33.** As soon as is reasonably practicable after the last date for the return of voting papers the scrutineer shall make a report (“the scrutineer’s report”) to the Union in accordance with these rules. The scrutineer’s report shall state:
- (a)** the number of voting papers distributed for the purposes of the ballot;
  - (b)** the number of voting papers returned to the scrutineer by the members;
  - (c)** the number of valid votes cast in the ballot for and the number of valid votes cast against the resolution;
  - (d)** the number of spoiled or otherwise invalid voting papers returned;
  - (e)** the fact that the scrutineer was appointed as the independent person or persons;
  - (f)** whether the scrutineer:
    - (i)** is satisfied that there are no reasonable grounds for believing that there was any contravention of a requirement imposed by or under any enactment of these rules in relation to the ballot;
    - (ii)** is satisfied that the arrangements made (whether by him/her or another person) with respect to the production, storage, distribution, return or other handling of the voting papers used in the ballot, and the arrangements for counting the votes, included all such security arrangements as were reasonably practicable for the purpose of minimising the risk that any interference or malpractice might occur;
    - (iii)** is satisfied that he/she has been able to carry out his/her functions without any interference as would make it reasonable for any person to call his independence in relation to the union into question; and
    - (iv)** has inspected the register of names and addresses of members of the Union or has examined a copy of the register supplied to him/her under these rules.
- 34.** If the scrutineer has inspected the register in accordance with these rules or has been requested to do so by a member, the report shall state:

- (a) whether the register has been inspected; in the case of each inspection whether it was at the request of a member of the union or at his/her own instance, and say, if appropriate, whether he/she declined to act on such a request; and
- (b) whether any inspection of the register or any examination or copy of the register reveals any matters which he/she considers should be drawn to the attention of the union in order to assist in securing that the register is accurate and up-to-date, but shall not state the name of any member who has requested this inspection or examination.

### **COPY OF THE SCRUTINEER'S REPORT TO BE SENT TO THE CERTIFICATION OFFICER**

- 35.** A copy of the scrutineer's report shall be sent by the Union to the Certification Officer as soon as is reasonably practicable.

### **PUBLICISING THE RESULT OF THE BALLOT**

- 36.** The result of the ballot shall not be published until the Union has received the scrutineer's report.
- 37.** Within three months from the date on which the union receives the scrutineer's report the executive shall:
- (a) send a copy of the report to every member to whom it is reasonably practicable to send such a copy; or
  - (b) take all such other steps for notifying the contents of the report to the members whether by publishing the report or otherwise as it is the practice of the union to take when matters of general interest to all its members need to be brought to their attention.
- 38.** The union shall ensure that any notification given under rule 37(b) is accompanied by a statement that the union will on request supply the member with a copy of the report either:
- (a) free of charge; or
  - (b) on payment of such reasonable fee as may be specified in the notification, and ensure that a member who makes such a request to the union is supplied with a copy on payment of such a fee (if any) as has been notified to him/her.

# Appendix 1

## VOTING PAPER ON RETENTION OF A POLITICAL FUND

Ballot paper number: [ ]

UNISON

THE RESOLUTION is that the political objects set out in section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (reproduced overleaf) be approved as an object of the Union.

Do you vote in favour of the Resolution?

YES [ ]

NO [ ]

You must place a cross on one, and only one, of the boxes provided.

Place the voting paper in the addressed envelope (no stamp required) and return it to the Scrutineer to arrive before the.....A voting paper received after this date will not be counted.

Please do not sign or make any other mark on the paper [or include anything else with your voting paper]

Name of scrutineer.....

Address to which voting paper is to be sent .....

### Appendix 1 (Reverse of the voting paper)

#### *Section 72 of the Trade Union Labour Relations (Consolidation) Act 1992.*

This section applies to the following political objects:

The expenditure of money -

- (a) on any contribution to the funds of, or on the payment of any 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 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) above, whether the trade 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.



# Appendix 2:

## **UNISON policy and procedure for dealing with harassment at work of UNISON employees**

### ***UNISON NATIONAL EXECUTIVE COUNCIL***

#### ***REGULATION: 97/1***

#### **1.0 PREAMBLE**

**1.1** This regulation was made by resolution of the National Executive Council on February 14, 1997. It will be reported to the National Delegate Conference and will have the force of rule unless, and until, it is not approved by a majority vote at Conference.

#### **2.0 PURPOSE OF THE REGULATION**

**2.1** This regulation establishes the procedure to be used for investigating allegations of harassment of a UNISON employee by a UNISON member, for determining whether a UNISON member is guilty of such harassment, whether the harassment constitutes a breach of rule, and if so, gives the National Executive Council Disciplinary Panel power to decide what penalty or penalties to impose.

**2.2** This procedure is to be adopted when such allegations are made because the National Executive Council is of the view that the Disciplinary Action Rule I, and the Disciplinary Procedures (schedule D), which govern the behaviour of members to each other and to the union, are not appropriate when its obligations as an employer have to be considered.

**2.3** UNISON employees have the right not to be harassed by UNISON members. The National Executive Council shall issue a policy Statement, which, for the purposes of this regulation, shall define harassment.

**2.4** A member who commits an act of harassment will be guilty of an offence as defined by Rule I.2.3. The member will also be in breach of Rules A.3, B.2.4 and B.2.6, which are also offences as defined by Rule I.2.1 and I.2.2.

#### **3.0 INVESTIGATION PROCEDURE**

**3.1** The manager shall, within seven working days, report the matter to the General Secretary.

**3.2** The General Secretary, upon receipt of the allegation and within seven working days, shall: notify the Director of Staffing and Personnel, and appoint an Investigation Team.

**3.3** The Investigation Team shall consist of a minimum of two and a maximum of three members, at least one of their number shall be a woman, and all shall have had training in how to conduct such an investigation.

**3.4** The Investigation Team shall be able to conduct its investigation in whatever way it considers is appropriate, given the nature of the allegation(s).

**3.5** The General Secretary, after consultation with the President and the Chair of the Staffing Committee, or the Investigation Team acting on their behalf, may require the member concerned not to come into contact with the employee while the investigation is proceeding, and until any consequent Disciplinary Hearing or Appeal Hearing is concluded.

- 3.6** The Investigation Team will be expected to complete its investigation within 28 days of its appointment. In the event that the Investigation Team believes that more time is needed to complete its work, the General Secretary, in consultation with the President and the Chair of the Staffing Committee, shall have the power to extend the investigation period for a further, and final, period of time, not exceeding 28 days.
- 3.7** Where there appear to be reasonable grounds to believe that a member of UNISON or any other person can give relevant evidence, or has witnessed the alleged harassment, then the Investigation Team shall request an interview with that member or person. The member or person will be invited to produce any document, printed material, recording or photographic image that he/she or the Investigation Team considers might be relevant with a view to assisting the inquiries of the Team. A friend or colleague may be present at the interview. The Investigation Team shall give an undertaking to the member or person that the information received by the Team will be received in confidence.
- 3.8** A request to give evidence to the inquiry may be treated as an instruction of the union issued in accordance with the rules and this regulation. In the event of a member unreasonably refusing to respond to the request, then evidence of that refusal may be treated as evidence of disregarding a regulation of the union. It shall be open to the National Executive Council to take action against any such member under Rule I.
- 3.9** Strict confidentiality will apply to all aspects of the investigation, evidence will be invited and received on the basis that it is to be treated in strictest confidence. In the most exceptional of circumstances it may be necessary to disclose evidence to a person(s) outside the Investigation Team. Examples of exceptional circumstances are a real risk of physical harm if evidence is not disclosed, or when a third party may have witnessed the harassment, and not be aware of it.
- 3.10** The Investigating Team shall prepare a report for the General Secretary, summarising the evidence and will conclude either that: there are reasonable grounds to believe that the member is guilty of harassing the employee, or there are no reasonable grounds to believe that the member is guilty of harassing the employee.
- 4.0** ***DISCIPLINARY PROCEDURE***
- 4.1** In the event that their conclusion is that there are reasonable grounds to believe that the member is guilty of harassing the employee, a Disciplinary Panel shall be established.
- 4.2** The Disciplinary Panel shall consist of a minimum of two and a maximum of three members, at least one of whom shall be a woman, drawn from the National Executive Councils Disciplinary Committee members who have received training in harassment. The Secretary to the Disciplinary Panel, who shall also be trained, shall be a senior officer of the union.
- 4.3** The member shall be charged with committing an act (or acts) of harassment in respect of one or more named employees of the union, contrary to Rule I.2.3(i), and the policy of the union as set out in the National Executive Council statement Harassment of UNISON Employees by UNISON Members. The member shall also be notified of the nature of the harassment, how and when it was allegedly committed.
- 4.4** No later than 21 days before the disciplinary hearing the member shall be sent a written notice of the charge. At the same time the member shall be sent copies of any material to

be considered in relation to the charge, together with the report of the Investigation Team, and shall be told the date, time, and place at which the charge against him or her is to be heard. The date for the hearing of the charge shall be set by the Disciplinary Panel. They shall have the power to postpone the hearing only if one of their number, or the member is ill.

- 4.5** The member must submit, not later than seven days prior to the hearing, any material in support of his/her case.
- 4.6** The member shall be entitled to be represented at the hearing by another person of his/her choice (subject to the approval of the Disciplinary Panel such approval not to be unreasonably refused).
- 4.7** At the hearing the member shall be asked whether he/she admits or denies the charge. If he/she admits it, the Panel shall then consider whether to impose a penalty or penalties on the member, after considering anything that the member and/or his/her representative may wish to say or submit in mitigation, with the exception of character references.
- 4.8** If he/she denies the charge, the Panel shall consider the evidence gathered by the Investigation Team, and any further evidence presented by the complainant and/or the member. The Disciplinary Panel shall have absolute discretion to decide the procedures to be used during the hearing. It shall be for the Panel to decide which witnesses shall be called, and whether, and to what extent, cross examination and re-examination of any witness will be allowed. The Panel shall also have the power to decide who shall be present during the examination of any witness. Guidance as to the conduct of the procedure, and the exercise of the Disciplinary Panel's discretion shall be issued by the National Executive Council.
- 4.9** Strict confidentiality will be maintained throughout the hearing, and any evidence or material considered by the Panel will also be confidential.
- 4.10** The Panel will have absolute discretion to adjourn the hearing to allow for further evidence to be produced or for any other reason.
- 4.11** The Panel shall consider in private whether the charge is proved to its satisfaction, or not, on the evidence presented before them. All members of the Panel taking part in the discussion must have been present throughout the entirety of the hearing. No new matter can be raised against the member concerned. If any point of uncertainty arises, the Committee may reconvene the hearing to hear further evidence.
- 4.12** If the Panel decides that the charge is not proved, they shall dismiss it.
- 4.13** If the Panel decides that the charge is proved, they shall decide what, if any, penalty to impose. The Panel may impose any or all of the penalties under Rule 1.8(4)-(6).
- 4.14** Before determining its decision, the Panel may consider anything that the member and/or his/her representative may wish to say or submit in mitigation, with the exception of character references.
- 4.15** The Panel may inform the member of its decision orally, but it shall in any event be confirmed to the member in writing within 14 days of the conclusion of the hearing. Where the charge is found proved, the member shall be notified of his/her right of appeal, and the date on which the four-week time limit for appealing expires.

- 4.16** No person who is a witness, or who has investigated the charge prior to its being brought, shall sit on the panel hearing the charge or any appeal.
- 4.17** If the member intends to appeal, he/she must exercise his/her right to do so by writing to the Secretary of the Panel within four weeks of his/her being notified in writing of the decision subject to the appeal.
- 5.0** ***APPEAL PROCEDURE***
- 5.1** At least three weeks notice shall be given to the member of the date, place, and time at which the appeal is to be heard.
- 5.2** The appeal will be heard by a minimum of two, and a maximum of three members, at least one of whom shall be a woman, of the National Appeals Committee. Each member shall have received training in hearing harassment cases.
- 5.3** The appeal will consist of a review of the procedures used in the investigation, and in the disciplinary hearing. If the Appeals Committee determines that inadequate procedures were used, then it shall review the evidence considered, and in addition, consider any evidence that was not available to the Disciplinary Panel due to the operation of the inadequate procedure.
- 5.4** The Appeal Panel will have the absolute discretion to establish whatever procedure it considers appropriate to hear the appeal. Guidance as to the exercise of the discretion of the Appeal Panel may be issued by the National Executive Council.
- 5.5** The Appeal Panel shall have the power to confirm or vary any part of the decision of the Disciplinary Panel, or of the penalty or penalties imposed. The Appeal Panel may inform the member of its decision orally, but it shall in any event be confirmed to the member in writing within 14 days of the conclusion of the hearing.



# UNISON2013

as amended at the 2013 conference



# RULEBOOK