



2022 Energy and Water, Environment & Transport Conferences

Guidance on Submitting Motions, Amendments and Emergency Motions and Composition of Branch Delegations

1 GENERAL

The procedures governing service group conferences are set out in UNISON Rules, mainly in Sections D and P.

It is the responsibility of the Business and Environment Standing Orders Committee (SOC) to ensure the union's Rules and standing orders relating to the business of the conference are observed (Rule P.2). This includes compiling the agenda.

This guidance should be read in conjunction with similar advice sent to branches regarding the National Delegate Conference.

2 SUBMITTING BODIES

Those entitled to submit motions and amendments - submitting bodies - are those bodies within the union which have the right under Rule P.1.3.5 to submit items for the agenda of a service group conference.

3 TIMETABLE AND SUBMISSION PROCEDURE

Conference Dates:

- WETSunday 12 June 2022
- Energy.....Monday 13 June 2022

The timetable for the submission of motions and amendments is specified in the Rule Book (Rule D.1.9). The deadlines are as follows:

- i) MotionsTuesday 22 February 2022
- ii) Amendments.....Tuesday 19 April 2022
- iii) Emergency motionsTuesday 7 June 2022

It is helpful if items could be submitted as early as possible. Submitting bodies are advised not to schedule meetings too close to the deadlines.

4 ONLINE CONFERENCE SYSTEM

Motions and amendments are submitted via the Online Conference system (OCS). As well as supporting UNISON's environmental policy by moving away from a paper-based system, it provides transparency and accuracy in all submissions.

Using the OCS, motions/rule amendments can be authorised at branch level by either the branch secretary or chair. The other will receive email copies of the item as soon as it is submitted. At regional level, the regional secretary will be authorised to submit the item, with the regional convenor receiving an e-mail copy. The process is replicated at national level for national bodies and their relevant secretaries and chairs.

Other features within the OCS will make it easier to submit items that meet the agreed criteria as the submission will not be able to take place without supplying key data, such as the date of the meeting at which the motion was agreed, contact details, etc. All items will be time and date stamped by the system to ensure there is no dispute about the date and time of submission.

All correspondence between the Standing Orders Committee and submitters will be via OCS and you will be advised of procedures at the appropriate time.

5 BEST PRACTICE ON WRITING MOTIONS AND AMENDMENT

When writing motions and amendments branches should:

- i) Write clear, succinct motions and amendments that include specific proposals for action
- ii) Any quotations from other source documents must be identified with quotation marks
- iii) Links to websites are not appropriate in motion text
- iv) Wording should avoid language which may cause offence

Each motion and amendment is considered by the whole SOC and decisions are made collectively. General advice is available from SOC members on:

- i) Drafting motions and amendments, prior to deadlines
- ii) Guidance and assistance on procedures and standing orders

However, receiving advice from individual committee members does not guarantee acceptance on to the agenda.

6 SUBJECT MATTER AND CITIZENSHIP ISSUES

All motions, amendments and emergency motions for the conference must be relevant to the service group. Motions may instruct the Service Group Executive but may not commit the union nationally to a particular policy or campaign. Motions that are relevant to the union as a whole should be sent to National Delegate Conference.

Some issues may be relevant to the service group, such as utility charges, may also be of relevance to the whole Union. These are called "citizenship issues". This is because members experience them not just as workers but also as members of the public. Such motions when submitted to National Delegate Conference can instruct the whole union to adopt a policy or campaign.

The same subject matter may be appropriate for debate at both a Service Group Conference and National Delegate Conference. However, a motion should only be debated in one arena, depending on its content, what action it calls for, and which part of the union can deliver that action.

A motion will be deemed a citizenship issue, and not admitted to a Service Group Conference agenda, if:

- i) It is beyond the remit of a service group
- ii) It is of relevance to the whole union
- iii) The outcomes can only be achieved by the union as a whole
- iv) It calls for action that only the whole union can act on

7 COMPETENCY OF MOTIONS

Branches are often disappointed when motions are ruled out of order by the SOC because of a technicality, for example the contents of the motion conflict with the Rule Book. The SOC members and officers are available to offer advice and assistance to branches in advance of the deadlines. They are also available to offer general guidance and assistance on procedures and standing orders.

8 AMENDMENTS

Amendments should not be used to promote essentially alternative motions, to negate a motion or be a substitute for voting against a motion. Amendments are likely to be ruled out of order (as wrecking amendments) if they:

- i) Introduce a direct negative into the motion
- ii) Reduce a motion to a restatement of existing policy
- iii) Change fundamentally the purposes of the motion

Branches cannot submit amendments to their own motions.

9 CALLS v INSTRUCTS

Branches should be aware that the SOC sees a distinction between motions that call on another body or part of the union to do something and one which instructs them. When using 'instruct' submitters of motions should be clear that service group conference does indeed have the power to instruct the body concerned, and in addition that the body being instructed has the power to undertake or ensure the action. Even when using 'call' or 'seek to ensure' submitters should still check that the Conference has the power to call on this body and the body has the power to undertake or ensure the action.

10 STAFFING

Motions which deal directly or indirectly with staffing matters will need to bear in mind that the National Executive Council and the General Secretary have responsibility for the employment and terms and conditions of UNISON staff, including legal obligations under employment law (Rules D 2.10.1 and D 2.10.2). As such the conditions of existing post holders cannot be changed or challenged by conference.

11 DEVOLUTION

In accordance with Rule P.1.3 the SOC can take into account the effect of a motion with regard to the national negotiating machinery of devolved administrations (in Scotland, Wales and Northern Ireland). The SOC can make recommendations to the conference to restrict voting to on such a motion to representatives covered by that machinery. Any such recommendation by the SOC has to be approved by the conference.

12 AFFILIATED POLITICAL FUND/LABOUR LINK

Issues that are internal to the functioning of matters affecting the Labour party, both in relation to internal issues and in respect of matters to be pursued at Labour party conference are dealt with by the Affiliated Political Fund (Labour Link), not the service group conference or the National Delegate Conference.

The SOC's approach is that motions which seek to give instruction or direction in relation to Labour Party matters are ruled out of order, while motions which ask, urge or call on are not.

13 "UNISON SPONSORED MPS"

The term 'UNISON sponsored MP' is inaccurate as it is illegal to 'sponsor' MPs to undertake advocacy. A motion or amendment which uses this term will be ruled out of order. Submitters of motions and amendments may refer to UNISON's parliamentary group of MPs or the relevant group in the devolved institutions or the European Parliament.

14 THE GOVERNMENT

Motions can be submitted on the policy or actions of the government and motions relating to UNISON's relationship with the government. When using the phrase 'Labour', motions must be clear if they are referring to past or future Labour governments or the Labour Party.

15 INDUSTRIAL ACTION AND UNLAWFUL ACTION

The National Executive Council has exclusive power to authorise industrial action (Rule O). To be lawful, industrial action must relate to a trade dispute as defined by s.218 of the Trade union and Labour Relations (Consolidation) Act 1992. Motions calling for industrial action over privatisation or over 'the cuts' do not fall within the legal definition of a trade dispute and so must not be debated as this would put the union in legal jeopardy. Any motions relating to industrial action must not contravene Rule O which relates to industrial action or Rule B 4.5 which requires the union to act lawfully.

Motions or amendments must not describe previous or current disputes as being 'against privatisation' or similar such words, as this could leave the union open to legal challenge.

16 LEGAL PROCEEDINGS

The principle applied by the SOC is that the conference cannot compromise existing or potential legal proceedings for either party in a case. Proceedings include potential, past or current disciplinary issues.

If there is a possibility that a motion may prejudice proceedings, the SOC will seek legal advice. If the advice is that a motion either directly or indirectly refers or could lead to reference to a particular case either expressly or by implication, or if a decision at Conference could be used in a case by any party, the SOC will rule the motion out of order.

On some very limited occasions it may be necessary to rule a motion out of order not because of its content but because it would be impossible to debate the motion without the details of a particular legal case arising. For this reason, motions relating to equal pay will not be put on the agenda.

Motions that call on the union to break the law are not competent.

17 LEGAL JEOPARDY

Motions may also be ruled out of order due to a number of legal reasons:

Legal Jeopardy - a motion which places the union at risk of legal action from a third party. The Standing Orders Committee do not enter into protracted legal arguments on whether or not this third party would have a strong case, but rather will take the decision not to place the union at risk. Legal jeopardy will also apply when the motion refers to or is relevant to current legal proceedings against UNISON or individuals acting in a UNISON capacity.

Other legal reasons might be due to the motion being in breach of UNISON rules - for example, it may breach our values outlined in Rule B or our rules on legal representation in Rule K.

18 PENSION SCHEMES

Individual occupational pension schemes are normally debated as bargaining issues at service group conferences but there are circumstances where National Delegate Conference can debate general public sector pension policy and the finance and administration of the schemes without straying into individual bargaining issues. Submitters are reminded, if doing so, that the Local Government Pension Scheme has membership across more than one UNISON service group.

19 EMERGENCY MOTIONS

Motions and amendments not on the agenda (emergency motions and amendments) should be submitted in accordance with Rule P.11 (see paragraph 12 below).

The SOC will ensure the strict application of the criteria for submitting these items, to ensure that only matters of a real emergency to the service group are admitted on the agenda.

The same requirements apply to these items as for motions and amendments submitted within the normal deadlines, even those referring to events which take place after the deadline for emergency motions - normally 5 working days before the start of the conference (Rule P.11.2). The SOC will not take into account delegated powers within branches.

Attention is drawn to important criteria that will be taken into account by the SOC when deciding if an item constitutes an emergency - that the subject cannot be dealt with through other channels, rather than at the conference.

The emergency item must be considered by a meeting of the branch or branch committee, in accordance with the rules.

Branches that submit emergency items during conference will have to provide the SOC with details of their branch rules covering advance notice for convening meetings and branch quorum.

The branch will have to show:

- i) The matter couldn't be raised in debate on the agenda.
- ii) The action called for is not covered by another motion, amendment or composite.
- iii) The facts giving rise to the subject matter have occurred since the closing date for the submission of amendments to motions. It is not sufficient that the branch was not aware of the facts until after the closing date.
- iv) The subject cannot be dealt with through normal channels other than the conference.

The motion or amendment should be accompanied by an explanation for the reasons for the item not being submitted in accordance with the normal procedures and deadlines.

20 AMENDMENTS TO EMERGENCY MOTIONS

Amendments to emergency motions can be considered for admission to the agenda by the SOC. However, the same criteria that applies to the submission of emergency motions must be adhered to. Also, any amendments must meet the same criteria as other amendments submitted to the agenda.

21 UNISON RULES GOVERNING EMERGENCY MOTIONS

Standing Orders for Conferences Rule P.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 relates to events which take place thereafter. It will state at which meeting it was debated and adopted.

11.3 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.

11.4 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.

22 ROLE OF THE STANDING ORDERS COMMITTEE

The business and conduct of the conference is the responsibility of the Standing Orders Committee (SOC). It comprises 6 members, made up as follows:

- 2 each from the Energy and WET service groups
- 2 from the National Delegate Conference SOC

The composition of the SOC ensures it is an impartial body responsible only to the conference. It is serviced by a member of staff from the Business and Environment Section at UNISON Centre and meets in the run up to the conference and at the conference itself.

The SOC is responsible for the preparation of the agenda, the order of business and ensuring that the motions and amendments are in order and in accordance with UNISON rules. It also ensures everyone is treated equally and fairly.

At the conference itself the SOC is responsible for the running of the conference business, decides whether or not emergency motions can be admitted to the agenda, and generally is available to anyone who wishes to raise questions about any aspect of the conference.

The chairperson of the SOC delivers regular reports from the SOC to the conference. These reports include such items as the proposed order of business, withdrawals and emergency motions.

23 BEFORE CONFERENCE STARTS

Occasionally, before the conference starts delegates may be asked to see the SOC. The SOC tries to help conference business by, for example:

- i) Composite Motions: Where there are several motions and amendments dealing with the same subject and following a similar line, the Committee may propose that a 'composite' motion be formulated and submitted. The composite can only use words from the original motions and amendments concerned. The delegates involved choose from among themselves someone who will move the composite.
- ii) Finalising the timetable: The Committee makes any last minute adjustments to the timetable in the light of any developments.

24 ADVICE

It is the responsibility of the submitting body to ensure that forms are properly completed and the criteria set out in this guidance note are met. If you need help or advice please contact a member of the SOC, or an SOC officer.

25 CHALLENGES TO SOC DECISIONS

If the SOC rules your motion or amendment out of order, a letter will be sent by the SOC with the reasons why. If you are not happy with the decision and want the SOC to reconsider, you must contact us in writing. Please remember that it is not possible to reword a motion after the deadline, to make it competent.

Composition of Branch Delegations

26 SIZE OF BRANCH DELEGATIONS

Each Energy and WET branch is entitled to two delegates for the first 250 members or part thereof, and one additional delegate for each additional 250 members or part thereof.

In calculating the number of delegates a branch is entitled to send to the conference the branch membership is based on members employed in the Energy/WET service group including employees of subsidiary/associate companies or companies or organisations that have direct or indirect links with the main company or employing organization.

All delegates must be employed in the Energy/WET service group including employees of subsidiary/associate companies or organisations that have direct or indirect links with the main company or employing organisation.

Where a branch has members covered by another service group, those members shall be discounted for the purpose of determining the size of the delegation and the size of card votes.

Representation is based on membership as at **30 September 2021**.

27 COMPOSITION OF BRANCH DELEGATIONS: PROPORTIONALITY AND FAIR REPRESENTATION

In 2009 the NEC introduced new arrangements governing the composition of conference delegations, concerning proportionality and fair representation.

UNISON's Rules (D 1.5) require that "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."

All service groups must abide by the principles in the guidelines, within the context of the specific scheme of representation for each individual Group.

The principles as they apply to the Energy and WET service group conferences are set out in the Conference bulletin, but basically, they are as follows:

- up to 250 members: 2 delegates based on gender make-up of branch
- between 251 and 500 members: 1 delegate based on gender make-up of branch
- over 500 members: 1 delegate, a low paid woman
- over 750 members: 1 delegate, a young member
- each subsequent 250 members: see Conference circular

Some branches have had difficulty in meeting the criteria. Set out are the steps they might take should they have problems with the composition of their delegations.

Should branches be unable to meet the criteria, and the composition of their delegation challenged, there is an appeals process in each UNISON region. For an appeal to succeed branches must demonstrate the steps they have taken to meet the requirements of proportionality and fair representation. By way of illustration, this would include:

- Letters, newsletters, e-mails etc inviting members to be part of the conference delegation
- Details of the gender and age composition of the branch/workforce
- Local pay rates
- Meetings seeking to recruit/identify delegates
- Steps taken to include: disabled members; lesbian, gay, bisexual and transgender members; black members; full-time and part-time members, manual and non-manual members; different occupations and skills
- Any other steps branches have taken to meet proportionality and fair representation in the composition of their conference delegations
- Any other relevant local circumstances

Your attention is drawn to the requirement that branches must include black members in their delegations in proportion to the workforce profile of the employers covered by the branch.

If your branch has problems meeting these criteria, it would be helpful when you submit your conference forms you include a covering letter explaining the steps you have taken to meet them, as illustrated above. This can be taken into account in the regional appeals process, should that be required.
