

DECISIONS OF THE CERTIFICATION OFFICER ON APPLICATIONS MADE UNDER SECTION 80 OF THE TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992

**IN THE MATTER OF COMPLAINTS AGAINST
THE CIVIL AND PUBLIC SERVICES ASSOCIATION**

DATE OF DECISIONS

10 SEPTEMBER 1998

DECISIONS

1.1. Under section 80 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") a person having sufficient interest who claims that a trade union has either-

- (a) held a ballot on a political resolution otherwise than in accordance with political ballot rules approved by the Certification Officer, or
- (b) failed in relation to a proposed ballot on a political resolution to comply with political ballot rules so approved,

may apply to me for a declaration to that effect. After having made such enquiries as I think fit, I may make or refuse to make the declaration asked for.

1.2. Whether I make or refuse to make a declaration, I am required, under section 80(5) of the Act to give written reasons for my decisions. If I make a declaration, I am required to specify in it the provisions with which the trade union has failed to comply.

1.3. On 27 February 1998 I received a faxed letter from a member of the Civil and Public Services Association (CPSA) complaining about the ballot of the union held between 5 and 26 November 1997 on a resolution that the union should adopt political objectives and establish a political fund. The complainant alleged that:

- in failing to send out a notice notifying members of the name of the scrutineer before the scrutineer began to carry out his functions the union breached Rule 9 of the political ballot rules approved by me (complaint 1) and;
- in failing to publish the scrutineer's report within the period of three months after it was received, the union breached Rule 46 of the political ballot rules approved by me (complaint 2).

1.4. In subsequent correspondence a third complaint was clarified as that:

1.5. I investigated all the complaints in correspondence with the complainant, his representative and the union and, in that way, have reached decisions on all the complaints made to me.

Declarations

1.6. For the reasons which follow:

“I declare, that the Civil and Public Services Association, in failing either to send a copy of the scrutineer’s report to every member of the union or taking all such other steps for notifying the contents of the report to the members within the period of three months after the union received the report (complaint 2), the union was in breach of Rule 46 of the political ballot rules approved by me.”

1.7. Also for the reasons that follow I decline to make declarations in the other complaints relating to the notification to members of the name of the scrutineer before the scrutineer began to carry out his functions (complaint 1) and in respect of ensuring entitlement to vote in the ballot was accorded equally to all members of the union (complaint 3).

Background to the Applications

1.8. By virtue of section 71 of the Act, the funds of a trade union shall not be applied in the furtherance of the political objects to which Chapter VI of the Act applies unless the union has in force, in accordance with that Chapter, a resolution (a political resolution) approving the furtherance of those objects as an object of the union, and that there are in force certain specific rules regarding the political fund. Section 73 of the Act

requires a political resolution to be passed by a majority of those voting in a ballot of the members of the union in accordance with Chapter VI of the Act. The Act requires that I must approve the union's political ballot rules and, if the resolution is passed, the rules of the political fund.

1.9. The union's previous political fund resolution had expired on 12 February 1997. The union, during 1997 sought to re-establish a political fund resolution and, on the 24 October that year the political ballot rules of the union were approved. The political resolution ballot was held between 5 and 26 November 1997. The result, announced on 26 November 1997 and certified by Hard Dowdy, Chartered Accountants and independent scrutineers of the ballot, showed that the members voted against the resolution. The status quo continued with the union unable to spend money on political objects.

1.10. On the 10 March 1998 the CPSA merged with the Public Services Tax and Commerce Union (PTC) to form the Public and Commercial Services Union (PCS). As a result of the merger the CPSA ceased to exist and the complaints have been dealt with by the PCS who, following the merger, did not have a political fund.

74.-(1) A ballot on a political resolution must be held in accordance with rules of the trade union (its "political ballot rules") approved by the Certification Officer.

(3) The Certification Officer shall not approve a union's political ballot rules unless he is satisfied that the requirements set out in -

section 75 (appointment of independent scrutineer),

section 76 (entitlement to vote),

section 77 (voting),

section 77A (counting of votes etc. by independent person) and

section 78 (scrutineer's report),

would be satisfied in relation to a ballot held by the union in accordance with the rules.

The approved political ballot rules were in accordance with these requirements.

2. Political ballot rule 9 provided that:

“Before the scrutineer begins to carry out any of these functions the executive shall either:

- (a) send a notice stating the name of the scrutineer to every member of the union to whom it is reasonably practicable to send such a notice; or
- (b) take 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.”

1.13. Political ballot rule 21 provided that:

“Entitlement to vote in the ballot shall be accorded equally to all members. No member shall be entitled to more than one vote.”

1.14. Rule 46 of the political ballot rules provided that:

“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 is the practice of the union to take when matters of general interest to all its members needs to be brought to their attention.”

With reference to the contents of the scrutineer's report rules 41 and 42 of the political ballot rules provided that:

"41. 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 distributed under rule 29 and the number of voting papers (if any) so distributed after the date on which counting began but before the last date for receipt of completed voting papers by the scrutineer;
- (c) the number of voting papers returned to the scrutineer as undelivered;
- (d) the number of voting papers not used;
- (e) the number of voting papers returned to the scrutineer by the members;
- (f) the number of valid votes cast in the ballot for and the number of valid votes cast against the resolution;
- (g) the number of spoiled or otherwise invalid voting papers returned;

- (h) the fact that the scrutineer was appointed as the independent person or persons;
- (i) 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 or 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; 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.

42. If the scrutineer has inspected the register under 41 (i)(iv) the report shall state whether:-

- (a) he/she has inspected the said register whether in the case of each inspection or examination he/she was acting on a request by a member of the union or at his/her own instance, and say whether he/she declined to act on such a request; and
- (b) 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.”

1.16. That then is the background. I now set out the arguments put by the parties on each of the complaints and the reasons for my decisions.

Complaint 1 (that the union failed to send out a notice notifying members of the name of the scrutineer before the scrutineer began to carry out his functions)

The Complainant's Case

2.1. The complainant sent to me an undated notice relating to the political fund ballot which, he states, he received on 19 November 1997. The A5 size notice had the union's logo and address and was addressed "Dear Member" and headed

"POLITICAL FUND BALLOT 5 - 26 NOVEMBER 1997". It went on to state that "Red Tape" (the union's magazine issued to members) "this month carries details of the above ballot. Formal notice is hereby given that the scrutineers for this ballot will be:

Hard Dowdy & Company
23 -28 Great Russell Street
LONDON WC1B 3NG"

The notice then went on to explain when ballot papers would be issued, the date they should be returned by and gave details of the purpose of the ballot. Finally it stated that "Any member can, upon request, have a copy of the ballot rules free of charge."

The notice was signed by the union's general secretary Barry Reamsbottom but was undated.

- 2.2. In response to the union's comment that the notice was issued on Monday 27 October, the complainant's representative commented that Mr Reamsbottom failed to identify "...any particular individual who can substantiate his allegation that the said notice was issued prior to 28 October 1997." The complainant's representative went on to assert that "... as a consequence of prior complaints made in respect of merger ballots, notice of the identity of the scrutineer for the political fund ballot was issued in haste, belatedly, when the requirement to do so was realised after 27 October last. The notice does not specify any addressee and, moreover, it was deliberately not dated in order to avoid drawing recipients members' attention to the fact of its lateness."

The Union's Response

- 2.3. The union stated that the notice enclosed by the complainant with his complaint was sent out as an enclosure in the November edition of "Red Tape" and that "Our printers confirm that this was issued on Monday, 27 October" and that no other notice was sent.
- 2.4. The union confirmed that the scrutineer started to carry out his functions on Tuesday, 28 October 1997, when he visited CPSA headquarters "...to receive a copy of the ballot register and to carry out various checks which he is required to do as part of his scrutineering duties."

Reasons for my Decision

- 2.5. Rule 9 of the political ballot rules was quite specific on what the requirements on the trade union were before the scrutineer begins to carry out his functions (see paragraph 1.12). It did not require the union to address the notice to individual members nor was there any requirement for the notice to be dated.
- 2.6. The issue to be decided is therefore.
- a) Did the union inform members of the name of the scrutineer before the scrutineer began his functions? and;
 - b) Did the method of informing members satisfy the statutory requirements?

2.7. The complainant in his original letter of complaint acknowledged that it was "... the practice of the CPSA to use the national news magazine "Red Tape" when details of this kind needs full distribution within the membership..". Moreover as "Red Tape" is distributed to all members individually and as the notice was issued within the "Red Tape" magazine, I am satisfied that the method used by the union was that specified in rule 9 (ie a notice to every member).

2.8. It is clear, from his correspondence, that the complainant did receive the notice which named Hard Dowdy & Company as the scrutineers of the ballot. He states he received the notice on 19 November 1997. The requirements of rule 9 on the union were to notify members of the name of the scrutineer before the scrutineer begins to carry out his functions. The union stated that the scrutineer began his functions on 28 October 1997 and that the notice, informing members of his name, was issued on 27 October 1997. This was done by including the notice in the mailing that day of the union's magazine "Red Tape" to members. The union stated to me that their printers had confirmed the 27 October 1997 as the date of posting of the November edition of "Red Tape". I am therefore satisfied that the notice had been sent before the scrutineer began his functions. The requirement in the rules does not require the members to receive the notice before the scrutineer starts work, only that the notice has been sent. In this case, I find that, as a matter of fact, the union posted the issues of "Red Tape" to all of its members on the day before the scrutineer started to carry out his functions and there was therefore no breach of rule 9.

2.9. For these reasons I dismiss Complaint 1.

Complaint 2 (that the union failed to publish the scrutineer's report within the period of three months after it was received by the union)

The Complainant's Case

2.10. The complainant's original argument, in his faxed letter received 27 February 1998, was that, as far as he was aware, the only notification of the result of the political fund ballot published, was a union circular "NAT/GEN/12/97" dated 5 December 1997. He added that "...it is the practice of the CPSA to use the national news magazine "Red Tape" when details of this kind needs full distribution within the membership, yet the contents of the relevant scrutineer's report were not published in the December 1997 edition, nor any edition since."

2.11. The circular NAT/GEN/12/97 enclosed with the complainant's letter was headed "News from the General Secretary" and contained a number of issues, one of which related to the political fund ballot. This item was the General Secretary's comment on the result of the ballot and finished with the words:

"For your information the result of the ballot was:-

For the resolution: 11,907

Against the resolution: 17,400"

No other details from the scrutineer's report were given in this circular.

2.12. In correspondence, the union stated that in addition to the key details concerning the result of the ballot contained in the circular, further information concerning the ballot

result was published in the February edition of "PCS the magazine for CPSA and PTC members". In response the complaints's representative argued that Mr Reamsbottom had not specified the "Key details" alleged to have been contained in the circular to CPSA officials and neither had he specified the information alleged nor where it is to be found in that publication (ie PCS the magazine for CPSA and PTC members). He added "I object to having to scan the poor quality comic known as the PCS Magazine and masquerading as a trade union journal, in order to ascertain whether there is, in fact, any relevant information."

The union's response

- 2.13. The union stated that key details concerning the result of the ballot were contained in a circular, NAT/GEN/12/97, issued by the general secretary to all branches, sub-branches (offices) and circulating agents of the union, and was dated 5 December 1997. In addition, further information concerning the ballot result was published in the February edition of "PCS the magazine for CPSA and PTC members".
- 2.14. The union stated that it had initially intended to publish the full scrutineer's report in the journal but had restricted the information printed relying on my judgement in an earlier case (CO/1964/16) which I decided on the 13 December 1997 with reasons published on 19 December 1997.

Reasons for my decision

- 2.15. In this complaint there are three questions for me to consider.

- (a) Did the method of distributing the notice of the scrutineer's report satisfy the requirements of rule 46? (see para 1.14)
- (b) Was the scrutineer's report published to the members within the time limit set in rule 46? and;
- (c) Did the contents of the notice satisfy rules 41 and 42? (see para 1.15)

The method and timing questions

- 2.16. Apart from the nature of the information that must be made known to members the requirements of the political ballot rules in respect of notifying members of the name of the scrutineer and of the report of the scrutineer on the ballot were identical. The union published the result of the ballot first in circular NAT/GEN/12/97 issued 5 December 1997 and although addressed "To: All Members" the union confirmed distribution as in paragraph 2.13. It then issued details of the scrutineer's report by publishing them in the February edition of "PCS the magazine for CPSA and PTC members". This magazine had replaced the CPSA journal "Red Tape" as the magazine sent to all CPSA members as a prelude to the union's merger with the PTC to form the Public and Commercial Services Union (PCS) which was completed on 10 March 1998. The February edition was the first. It carried on page 30, the result and other details of the ballot.
- 2.17. The union circular contained comment on the political fund ballot result by the union's general secretary and ended by giving the numbers voting for and against the

resolution. It is clear to me that this was not the notification to members of the scrutineer's report on the ballot as required by the political ballot rules and I discount that aspect. The report in the union's February 1998 magazine clearly was the union's notification to members of aspects of the scrutineer's report and indicated that a copy of the full scrutineer's report was available, from the union, on payment of a fee. The magazine was issued by the union in February 1998 and I received a copy, to comply with the union's political ballot rules, on 12 February 1998. This was within the period of three months after the union received the report, as specified in rule 46 of the political ballot rules and went to all members. I am therefore satisfied, on the question of method and timing of distribution of the scrutineer's report that the rules were not breached.

The content question

- 2.18. On the question of content, the union published details of the scrutineer's report in the magazine but excluded all information except that relating to the number of voting papers issued, returned, votes for and against and the number of invalid votes. In correspondence with me the union quoted my previous decision (CO/1964/16) and stated that its decision to issue the report as it did, was based on that decision.
- 2.19. In CO/1964/16 I ruled that there was no obligation to publish certain elements of the scrutineer's report that (to paraphrase) were of no material significance. At the time the union issued the scrutineer's report in the present case it believed my previous ruling to be a correct interpretation of the law. However, at that time it was also known that my ruling was being challenged in an appeal to the EAT. In a judgement

(EAT 25/98) delivered on 2 March 1998 the EAT found that my ruling on the issue in CO/1964/16 was wrong and that the union should have provided its members with information of the contents of the report, either by providing them with an accurate summary of the full terms of the report, or by sending them a copy of it.

2.20. I have to decide this complaint on the basis of the law as it now stands. I was in error in that earlier case and I am now bound by the EAT decision. I therefore uphold Complaint 2 that, in failing to publish the full details of the scrutineer's report within the period of three months after it was received, the union breached rule 46 of the political ballot rules.

Remedies

2.21. I have no power to order the union to rectify the breach I have found under section 80. However, under section 80(4) where the union agrees to take steps to remedy the failure I am to specify those steps. The PCS has agreed that should I find for the complainant the PCS will publish the scrutineer's report in full in a future edition of its journal.

Complaint 3 (that the union had failed to ensure entitlement to vote in the ballot was accorded equally to all members of the union)

The Complainant's Case

2.22. In correspondence this complaint was clarified with the complainant's representative. He argued that entitlement to vote in the political fund resolution ballot had not been accorded equally to all members of the union.

- 2.23. The main argument put forward to me was in the difference between the total membership figures provided as part of the union's annual return to me under Section 32 of the Trade Union and Labour Relations (Consolidation) Act 1992, the numbers balloted in the ballot in question and the numbers balloted in the union's ballot on amalgamation with the PTC held some six weeks prior to the political fund ballot.
- 2.24. Figures were produced showing that 102,267 members were balloted in the political fund ballot, that 101,606 members had been balloted on the amalgamation while the union gave a figure of 116,681 as being the union's membership figure provided to me for the union's annual return for the year ended 31 December 1996. This the complainant argued supported his view that the union had excluded groups of members from voting in the political fund ballot.

The union's response

- 2.25. The union stated that 102,267 voting papers had been issued in the political fund ballot and that the union's full membership was given in its financial report as 111,000 as at 31 December 1997. The difference in these two figures, it stated, included some 4,580 members on the union's "B List" (ie those for whom the union did not hold a registered ballot address), and some 1,640 life, associate and honorary retired members whom the union did not ballot. This left a difference of approximately 2,400 which it accounted for as being the recruitment over the nine week period and a delay in processing pay tape information received from pay centres over the Christmas and New Year period.

Reasons for my decision

- 2.26. There is a certain amount of common ground between the complainant and the union. Both agree that the number of ballot papers issued for the political fund ballot was 102,267, both also agree that for the merger ballot held some six weeks previously, the number of ballot papers issued was 101,606. The difference of only 661 in these two sets of figures I feel can be discounted as being part of the normal ebb and flow of any large union's membership at any one time.
- 2.27. Where the complainant and the union differ is in the total membership of the union. The complainant stated the membership given to me as part of the union's annual return was 116,681 as at 14 March 1997 and that in a union report to the national executive council of PCS on 19 March 1998 the total number of ordinary members was quoted as 111,657. The union stated that the full membership at that time was "some 111,000". The figure of 116,681 was provided to me as part of the union's annual return for the year ending 31 December 1996. The date of 14 March 1997 was given by the union as the date to which the "B-List" members, (amounting to 3,752 and included in the annual return for the year ended 31 December 1996), related.
- 2.28. A membership figure of 111,657 was provided to me as part of the union's annual return for the year ending 31 December 1997 which also showed, included in that total,

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|-----------------------|------------------|---------|
| Membership | 31 December 1996 | 116,606 |
| Membership | 31 December 1997 | 111,657 |
| Merger ballot | October 1997 | 101,606 |
| Political Fund Ballot | November 1997 | 102,267 |

2.29. The figures given for the merger ballot (101,606) and the political fund ballot (102,267) show a difference of only 661 over some six weeks or so and I have already discounted the difference in these two sets of figures. The difference between the political fund resolution ballot and the year ended 1997 figure is 9390. This figure includes those members on the "B list" and Honorary life, Associate and Honorary retired members. I am therefore satisfied that, on the evidence available to me, that only two groups were apparently excluded from the political fund ballot. These were:

- i) B-List members
- ii) Life, Associate and Honorary Retired members

and it is to these two groups that I now turn. In doing so I note that the complainant did not argue directly that members of these groups should have been given a vote.

The union's "B-list"

2.30. Unions are required by the legislation to have a register of the names and addresses of their members and to ensure, so far as is reasonably practicable, that the register is accurate and up-to-date. The address is required to be the member's home address or

another address which the member had requested the union in writing to treat as his postal address. The relevant legislation is in Section 24.-(1) and 24.-(5) of the Trade Union and Labour Relations (Consolidation) Act 1992.

- 2.31. In the CPSA the names of those members for whom no such registered address was held, was maintained on what the union called the "B-list". As previously stated, the union reported to me, as part of its year ending 31 December 1996 annual return, that at 14 March 1997 the "B-list" comprised some 3752 members. At the time of the ballot in question the union stated to me that there were 4580 on the list.
- 2.32. Before the requirements for postal ballots were introduced CPSA, like many unions, did not systematically hold members' home addresses. Communication with members and ballots were conducted largely through workplace representatives. The CPSA told me, and from my own experience I accept this, that one of the main reasons it was unable to secure home addresses for many members was that some union activists, for reasons of their own, would not co-operate with the union's endeavours to obtain means of directly communicating with, or balloting, members. The union was thus faced with the situation that, despite its best efforts, there was a group of members for which it did not hold a proper address. The experience of the Prison Officers

2.33. Both the statute and the union's political ballot rules required that entitlement to vote should be accorded equally to all members (see para 1.13). In addition rule 26 of the union's political ballot rules provided that:

“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 and (unless rule 29 applies) by the date determined under rule 19(a).

(a) a voting paper; and

(b) a return envelope addressed to the scrutineer.”

Rule 29 in turn provided that:

“When in particular circumstances relating to a member it is not or is no longer reasonably practicable for him/her to be sent a voting paper and return envelope by the date determined in rule 19(a), a voting paper and return envelope may be sent to him/her as soon as is reasonably practicable after that date (but before the date specified in 19(b), so as to give him/her a convenient opportunity to vote by post.”

2.34. In determining this particular complaint it is also necessary to take into account rule 20 of the union's political ballot rules which provided that:

“The executive shall secure so far as is reasonably practicable that notice of the ballot is given to its members in such a manner (whether in the union’s journal or report or otherwise) as notices are usually given by the union to its members. The notice shall state:-

- (a) that a ballot will take place on the question whether the furtherance of political objects within the meaning of section 72 of the Act shall be an object of the union and that the union will on request supply any member with a copy of these ballot rules free of charge;
- (b) the date before which the completed voting paper must reach the scrutineer; and
- (c) the date by which voting papers will be sent to the members.”

(Rule 19 is not relevant to this case.)

5. In this ballot the union was faced with a situation where it had a group of members for whom it had no proper address. It could have sent ballot papers to these members at their workplace but that would have been contrary to rule 26 of the political ballot rules (reflecting section 77(4)(a) of the 1992 Act). It would also have run the risk of prejudicing the integrity of the ballot mentioned in para 2.32. The union therefore relied on the process required under rule 20 of carefully notifying all members of the forthcoming ballot and telling them who to contact for the issue of a ballot paper if

they did not get one at the appropriate time. This information was included in the notification of the appointment of the scrutineer sent to all members under rule 9. In addition rule 29 permitted the despatch of ballot papers after the normal despatch date where it was not reasonably practicable to send them on the determined date. In this way “B list” members were not excluded from the ballot but like other members were required to provide a proper address before a ballot paper was sent to them. I have seen no evidence to suggest that the union failed to send a ballot paper to any member for whom it had a proper address (as required under rule 26).

- 2.36. For these reasons I am satisfied that, in not sending ballot papers to members for whom it had no proper address, the union did not breach its political ballot rules.

Honorary life, Associate and Honorary retired members

- 2.37. It is common ground that the union did not ballot honorary life, associate and honorary retired members (some 1640).

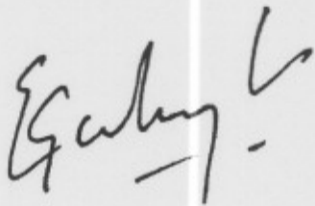
- 2.38. Political ballot rule 21 provided that:

“Entitlement to vote in the ballot shall be accorded equally to all members. No member shall be entitled to more than one vote.”

The union’s rules relating to membership rights (4.2 to 4.4) established that these categories of membership had no voting rights within the union.

- 2.39. There was here an apparent conflict between the legislation and the union's approved political ballot rules on the one hand and the union's own rules on the "Rights and Duties of Members" (rule 4) on the other. The Act is no help in this respect as "member" is not defined.
- 2.40. The EAT (*National Union of Mineworkers (Yorkshire Area) v Millward* [1995] IRLR 411) has said that, in the absence of a relevant defined term or statutory set of criteria for determining membership, it is left to me, the EAT and the appellate courts to determine the scope of the voting provisions and its application to the facts of particular cases as and when they arise. The EAT also stated that the correct approach is "...to examine the relationship between each class of members and the Union and with other members." The EAT indicated that that "...relationship is prima facie defined by the constitution or rules of the union as the body or organisation of members." I have followed that approach in this case.
- 2.41. The union's approved political fund ballot rule 21, could only have meant the same as Section 76 of the Act, and therefore, according to the EAT, can only be interpreted in the light of the union's rules as a whole. The political ballot rules were also based on proforma draft rules published by my Office. The union's main rules relating to honorary life, associate and honorary retired members (union rules 3 and 4) made it clear that none of these classes had any voting rights within the union. The union also informed me, that when the union had a political fund resolution in force (from 1987 to 1997) none of these categories of members was expected or required to make any contribution to the union's political fund. In light of this I have therefore decided that

IT IS FOR THESE REASONS THAT I HAVE DISMISSED COMPLAINT 5.

A handwritten signature in black ink, appearing to read 'E G Whybrow'. The signature is written in a cursive style with a large initial 'E' and a long horizontal stroke at the end.

E G WHYBREW

Certification Officer