



Trade Union

1. Name and Constitution

This Union shall be called European SOS Trade Union hereinafter referred to as the Union.

The name of the Union can be changed but this can only be done with the agreement of the entire Union membership by a majority vote.

The Union shall consist of an unlimited number of members, and every member shall, subject to the following rules, have an equal voice in all concerns of the Union and in administration of the property thereof.

2. Registered Office

The Registered Office of the union shall be at 130 Stumpacre North Bretton, Peterborough, PE3 8HU and shall not be altered except by the consent of the Biennial Congress or a Special Recall Delegate Conference. Notice of any change in the situation of the Registered Office shall be sent forthwith to the Certification Officer in the form prescribed by the Secretary of State's Regulations.

3. Objects of the Union

The objects of the Union shall be:

1. To regulate the relations between employees and employers, or between employee and employee, or the imposing of restrictive conditions on the conduct of the trade to enable its members to secure a fair remuneration for their labour, in any field of industry.
2. To render assistance to members when unemployed.
3. To give advice and render assistance to members meeting with accident whilst following their employment or who are in any way entitled to compensation for any disablement caused by following such employment, and to give advice and /or assistance to any member meeting with an accident whilst directly on their way to or from their home and place of employment.

4. Member

A 'Member' is a person:- who has completed an application for membership in such terms as may from time to time be determined by the National Executive Council and delivered the same to the General Secretary and; whose application has been accepted by the National Executive Council and for the avoidance of doubt the latter shall have power to accept or reject any applications as they see fit without assigning any reason for such acceptance or rejection but shall communicate their decision within 28 days of the receipt of the General Secretary of the Application Form and; who has not been expelled from the Union for misconduct or any other reason or who is not otherwise ineligible for membership and the term 'Members' shall include 'Member'.

5. Financial Member

Members shall not be nominated for any position in the Union unless they are also financial members as defined below.

A 'Financial Member' is a member who has been in the Union for 52 weeks and paid 52 contributions as per rules 51 and 63 and is clear on the books. To be entitled to the Benefits specified in Rule 63 below a Member must also be a Financial Member save that for death benefit only, one contribution gives a members dependants (as outlined in Rule 63) entitlement to such benefit.

In exceptional circumstances the National Executive Council may waive the first paragraph of this rule.

6. National Executive Council and its Duties

The Union shall be under the management of the National Executive Council composed of the General Secretary GS Assistant and three Trustees.

The Officials shall have the power to vote on all questions including the Head Office Pension Scheme. The Lay Representatives shall be elected 'Biennially', and shall take up office immediately following the first Biennial Conference held after such election. The National Executive Council shall meet at least once a quarter to transact the business of the Union in such a manner as directed in these rules and to give advice to members on all questions relative to the 'Objects of the Union'.

All investments and expenditure must be placed before the National Executive Council for its approval or otherwise, but it shall have power to delegate such powers as it deems appropriate.

The National Executive Council shall have the power to appoint from its members a Finance Committee and any other Committee deemed necessary, and to amend, rescind or adopt reports from such Committees.

In case any member of the National Executive Council shall die, resign, be removed or become unfit or incapable to act, the General Secretary shall issue nomination forms, to the general meeting, to make the necessary arrangements for the election of a member to fill the vacancy.

This election will be done via an exhaustive secret ballot of the individual meeting of members in attendance at the National Executive Council shall cause the General Secretary to convene all meetings of the Union on such requisitions as are herein mentioned.

The National Executive Council shall have power to expel any member who wilfully acts contrary to the Rules of the Union or the resolutions and directions of the National Executive Council. The member/s against whom such action is proposed by the National Executive Council shall be notified of the specific complaint/s made against him or them and shall be notified of the time, date and place of the hearing, at least 21 days prior to the date. He or they shall have the right to attend the hearing and/or have a representative to state his or their case.

7. Emergency Committee

In the case of any business arising of an urgent nature before the next meeting of the National Executive Council, the General Secretary shall have the power to call together the National Executive Council.

All the evidence bearing upon the said business must be laid before the National Executive Council.

8. Trade Committees

The National Executive Council shall have the power to sanction the appointment of a Trade Committee in any trade or branch of trade, for the purposes of formulating demands for alteration in wages or conditions, and to discuss matters appertaining to their own particular branch or trade.

9. Finance Committee

The Finance Committee shall consist of at least three members of the National Executive Council.

The duties of the Committee shall be those delegated to it by the National Executive Council relating to matters in connection with the Union's funds.

10. Trustees

There shall be three trustees elected. They shall act under the instructions of the National Executive Council.

If any Trustee refuses to act in accordance with such instructions the National Executive Council shall have the power to expel that Trustee from office.

The period of office of a Trustee shall be two years save in the case of a Trustee elected to fill a casual, temporary vacancy.

A Trustee shall have the right to resign.

The new trustee shall take up office following the ballot and shall serve for the remainder of the period of the person they replace.

The Trustees shall be authorised to sign cheques draw on the Bank and the Bank shall be instructed to honour cheques if signed by any one of such officials.

The Trustees must reside near the registered office of the Union.

The Trustees shall have the power where directed by the National Executive Council to do so, to invest, safeguard and keep all funds and property of the Union received by the union in such manner as it may from time to time be authorised by Act of Parliament for the investment of trust funds.

The Trustees shall have power on the direction of the National Executive Council to invest 50 per cent of the capital funds of the Union, in the stocks and shares of Industrial Companies, and/or Investment Unit Trust shares.

If so directed by the National Executive Council the Trustees shall have power to direct funds to be paid to any charitable project approved by the National Executive Council.

All the property belonging to the union shall be vested in trustees in trust for it, according to the Rule 21(1) of the trade union and labour relations act 1992.

All deeds, documents of title and securities for money of the Union, shall be held by the Trustees and they may take such measures for the safe custody and preservation thereof at the expense of the Union as they shall think fit and they shall be responsible for the safe custody of all such deeds, documents and securities as are placed in their hands or under their control and shall produce them for inspection when required by

the auditors or by a resolution of a General meeting or of the National Executive Council, but they shall not be under any personal liability further than such as is imposed on them by law.

The Trustees shall be persons to sue and be sued on behalf of the Union.

If any Trustee on being removed from office, refuses or neglects to assign or transfer any property of the Union as the National Executive Council may direct, such Trustee shall be expelled and cease to have any claim on the Union, without prejudice to any liability to prosecution.

No Trustees shall invest any part of the funds of the Union upon the security of their own property or otherwise than in accordance with these rules.

11. Salaries of Officials

All salaries of employees and officials shall be decided annually by the National Executive Council.

The National Executive Council shall have power to pay for what they consider extra work.

12. General Audit

Auditors shall be appointed and removed as per regulation 1992.

The General Accounts of the Union shall be audited by Chartered or Incorporated Accountants. They shall audit the accounts every twelve months or more often if required; they shall also examine the income and expenditure and see and examine all receipts for all money paid or received on behalf of the Union; also securities held by the Union, bank books and other documents and money held by the Trustees and sign the books if each audit is found correct.

The audit shall take place at the Registered Office or at such place as the National Executive Council may direct.

13. District Auditors

The books of each Branch shall be subject to examination at any time by a member appointed by the National Executive.

14. Branch Formation and Government

The National Executive Council shall have the power to form a new Branch provided that Lodge conforms to the general Rules of the Union. The National Executive Council shall have to power to close any branch when circumstances deem it necessary.

Each Branch shall be under the management of a General Secretary, GS Assistant and Auditors.

15. Duties of the Branch

The duties of the branch shall be to give a candid hearing to any member (in open branch) who may wish to present any complaint or seek advice. All business shall be conducted in accordance with these rules.

If any member is dissatisfied with the decision they may appeal to the National Executive Council but no case shall be considered by the National Executive Council which is not properly recommended by the Branch.

16. Members Acting Contrary to Rules

Members acting contrary to these rules or any instruction of the National Executive Council shall forfeit all claims to the financial benefits of the Union and shall be personally responsible for any illegal act they may commit. This Rule applies to members acting in a body.

17. Disputes between Employers and Employed

In case of any attempt being made to lower wages of any member of the Union, or the employer refusing to agree to any just demands that may be made by any member, such member must report the case either to the Branch or the National Executive Council shall have power to investigate such dispute. If following such investigation they consider no further good can result from its further continuance, they shall have power to close the dispute and cease paying.

18. Compensation and Legal Advice

Should any member be disabled while following their occupation or whilst going directly to or from their home and place of employment they shall cause the same to be reported (within seven days) to the General Secretary, who shall make investigation into such disablement (whether by accident or disease), and the National Executive Council may, with the consent of the member, take charge of such case, and see justice done to those of its members who are entitled to compensation either under the Employers' liability Act, 1880, or the National Insurance (Industrial Injuries) Act, 1946, Pneumoconiosis etc (Workers Compensation) Act 1979 or any statutory modification or re-enactment of the same or at Common Law. Members must be in the Union for 52 weeks and pay 52 weeks full contributions before being entitled to cash benefits. In the case of accident, immediate legal advice may be given.

Legal Advice may be given to members on such other matters as the National Executive Council shall determine from time to time.

19. Membership Discipline

19.1 A member may be charged with:

19.1.1 Acting in any way contrary to the rules or any duty or obligation imposed on that member by or pursuant to these rules whether in his/her capacity as a member, a holder of a lay office or a representative of the Union.

19.1.2 Being a party to any fraud on the Union or any misappropriation or misuse of its funds or property.

19.1.3 Knowingly, recklessly or in bad faith providing the Union with false or misleading information relating to a member or any other aspect of the Union's activities.

19.1.4 Inciting, espousing or practising discrimination or intolerance amongst members on grounds of race, ethnic origin, religion, age, gender, disability or sexual orientation.

19.1.5 Bringing about injury to or discredit upon the Union or any member of the Union.

19.1.6 Obtaining membership of the Union by false statement material to their admission into the Union or any evasion in that regard.

19.2 Disciplinary Hearings shall be organised and conducted under directions issued by the Executive Council. These directions ensure that the process is fair and conducted in accordance with the principles of natural justice.

19.3 A charge under this rule will be heard by a National Executive Council.

19.4 The National Executive Council may suspend a member charged under this rule from holding any office or representing the Union in any capacity pending its decision. A member shall be given written notice (or, if

the member was informed verbally confirmation in writing) of any such suspension as soon as is reasonably practicable.

19.5 The range of disciplinary sanctions shall include the following:

19.5.1 Censure;

19.5.2 Withdrawal of workplace credentials;

19.5.3 Removal from office;

19.5.4 Barring from holding office and

19.5.5 Expulsion.

19.6 The full range of disciplinary sanctions shall be available to the Executive Council.

19.7 Appeals

19.7.1 Member shall have the right to appeal against any disciplinary sanctions to the National Executive Council.

19.7.2 There shall be no further appeal from a decision of the National Executive Council.

19.8 A member may not be charged under this rule in respect of any alleged act or omission in connection with the performance of his/her duties as a full time officer and/or employee of the Union.

20. Vacancy Occurring

Should any Officer or authorised person entrusted with any of the property die or become insolvent, or in any way defraud the Union, or become incapacitated, the members of the National Executive Council shall be summoned to decide upon the case, and all books, papers, documents, money or any other property held by such officer or authorised person belonging to the Union, shall be delivered up to those whom the National Executive Council may appoint to receive them.

21. Balloting of members

21.1 A trade union shall secure

- a) That every person who holds a position in the union, does so by virtue of having been elected to it at an election satisfying the requirements of the Trade Union and Labour Relations (Consolidation) Act 1992.
- b) No person continues to hold such a position for more than five years without being re-elected at such an election

21.2 The positions to which it applies are

- a) Members of the executive
- b) Any position by virtue of which a person is a member of the executive
- c) President
- d) General secretary

21.3 This does not apply to the position of president or general secretary if the holder of the position

- a) Is not, in respect of that position, either a voting member of the executive or an employee of the union
- b) Holds that position for a period which under the rules of the union cannot end more than 13 months after he took it up

- c) Has not held either position at any time in the period of twelve months ending with the day before he took up that position

21.4 This does not apply to the position of president if

- a) The holder of the position was elected or appointed to it in accordance with the rules of the unions
- b) At the time of his election or appointment as president he held a position of Members of the executive, any position by virtue of which a person is a member of the executive or general secretary by virtue of having been elected to it at a qualifying election
- c) If no more than five years since
 - 1) He was elected or re-elected, to any position by virtue of which a person is a member of the executive which he held at the time of his election or appointment as a president, or
 - 2) He was elected to another position of any kind mentioned in the paragraph 21.2 at a qualifying election held after his election or appointment as president of the union, and
 - 3) He has, at all times since his election or appointment as president, held a position mentioned in subsections a, b or d of the paragraph 21.2 by virtue of having been elected to it at a qualifying election

21.5 Candidate

- 1) No members shall be unreasonably excluded from standing as a candidate.
- 2) No members shall be required, directly or indirectly, to be a member of a political party
- 3) A members of a trade union shall not be taken to be unreasonably excluded from standing as a candidate if he is excluded on the ground that he belongs to a class of which all the members are excluded by the rules of the union
But the rule which provides for such class to be determined by reference to whom the union chooses to exclude shall be disregarded.

21.6 Election addresses

- 1) The trade union shall
 - a) Provide the candidate with an opportunity of preparing an election address in his own words and of submitting it to the union to be distributed to the persons accorded entitlement to vote in the election; and
 - b) Secure that so far as reasonably practicable copies of every election address submitted to it in time are distributed to each of those persons by post along with the voting papers for the election
- 2) The trade union may determine the time by which an election address must be submitted to it for distribution; but the time so determined must not be earlier than the latest time at which a person may become a candidate in the election
- 3) The trade union may provide that election addresses submitted to it for distribution
 - a) must not exceed such length, not being less than one hundred words, as may be determined by the union, and
 - b) may, as regards photographs and other matters not in words, incorporate only such matters as the union may determine
- 4) The trade union shall secure that no modification of an election address submitted to it is made by any person in any copy of the address to be distributed, except
 - a) at the request or with the consent of the candidate, or
 - b) where modification is necessarily incidental to the method adopted for producing that copy

5) The trade union shall secure that the same method of producing copies is applied in the same way to every election address submitted and, so far as reasonably practicable, that no such facility or information as would enable a candidate to gain any benefit from

- a) The method by which copies of the election addresses are produced, or
- b) The modification which are necessary incidental to the method,

is provided to any candidate without being provided equally to all the others

6) The trade union shall, so far as reasonably possible, secure that the same facilities and the restrictions with respect to the preparation, submission, length or modification of an election address, and with respect to the incorporation of the photographs or other matters not in words, are provided or applied equally to each of the candidates

7) The arrangements made by the trade union for the production of the copies to be so distributed must be such as to secure that none of the candidates is required to bear any of the expense of producing the copies

8) No-one other than the candidate himself shall incur any civil or criminal liability in respect of the publication of the candidate's election address or of any copy required to be made for the purposes of this election

21.7 Appointment of independent scrutineer

1) The trade union shall, before the election is held, appoint a qualified independent person ("the scrutineer") to carry out

- a) The functions in relation to the election which are required under this section to be contained in his appointment, and
- b) Such an additional functions in relation to the election as may be specified in his appointment

2) A person is a qualified independent person in relation to an election if

- a) he satisfies such conditions as may be specified for the purposes of this section by order of the secretary of state or is himself so specified; and
- b) The trade union has no grounds for believing either that he will carry out any functions conferred on him in relation to the election otherwise than competently or that his independence in relation to the union, or in relation to the election, might reasonably be called into question

Any order under paragraph (a) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either house of Parliament

3) The scrutineer's appointment shall require him

- a) To be the person who supervised the production of the voting papers and their distribution and to whom the voting papers are returned by those voting;

aa) to-

- i) Inspect the register of names and addresses of the members of the trade union, or
- ii) Examine the copy of the register as an the relevant data which is supplied to him

22. Alteration to Rule

The Rules of the Union may be subject to a change by the resolution passed at a National Executive Council Conference. A resolution for alteration as stated above may be made by the National Executive Council at any Special Recall Delegate Conference.

23. Special Cases

Should any case be submitted to the National Executive Council where the Rules do not apply, the National Executive Council shall have power to determine and decide according to merits of the case.

24. Payments into the Union

Members shall pay the contributions set out below.

£12 per month on a specific day of each calendar month. This is also to be known as a membership or subscription fee.

25. Members to Obtain Copy of Rules

Each member must obtain a copy of Rules which may be obtained from the general secretary

26. Union Eligibility

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

27. Works Representatives

The National Executive Council shall have power to sanction or otherwise the appointment of Official Workplace representatives whose term of office will be for a period of 2 years commencing on the day hired, following their appointment.

28. Appeals

A member shall have the right of appeal against any disciplinary action including expulsion by the National Executive Council taken in accordance with the law.

Members who wish to appeal against such decisions must do so in writing and they shall be given at least 21 days notice in writing of the time, date and place of the hearing of the appeal.

All appeals will be heard by the Final Appeals Committee.

The Final Appeals Committee shall be comprised of one trustee and general secretary.

29. Dissolution of Union

The Union may at any time be dissolved by the resolution of the General National Council in accordance with the law. All the property and moneys after the dissolution of the union shall be donated to a charity.

30. Interpretation and Definitions

1. Any dispute regarding the interpretation of these rules or arising in a matter where these rules are silent shall be referred to the National Executive Council whose decision upon any matter of interpretation shall be final.

2. Words importing the masculine gender shall include the feminine and the neuter and words importing the singular number shall include the plural and vice versa.

3. References to any statute shall include any statutory extension or modification amendment or re-enactment of such statute and any regulations or orders made under such statute and any general reference to the statute or statutes includes any regulations or orders made under such statute or statutes.

Adopted on the 02nd February 2015

General Secretary

Signature

A handwritten signature in cursive script, appearing to read "A. Liniovas".

Mr Andrius Liniovas