



Rules

2019 / 2020

1.0 Name

- 1.1 The name of union shall be the “CWOATA Trade Union” (CTU).

2.0 Aims and Objectives

- 2.1 To protect and promote the interests, terms and conditions, professionalism and effectiveness of members and employers working in the UK construction Industry.
- 2.2 To facilitate employee relations between CTU members and their employer through collective bargaining and/or personal representation.
- 2.3 To advance equality for all by ensuring all our actions and work support and advance the celebration of the diversity of the United Kingdom for the benefit of all regardless of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age or other status or personal characteristic.
- 2.4 To support and enhance the notion of society both collectively and cohesively based on a firm remit of a productive and efficient Public Service via ownership by the Public for the Public.
- 2.5 These aims and objectives will be pursued and practised independently of any and all political affiliation, connection or otherwise with any and all political parties, grouping or factions
- 2.6 To regulate the quality of individuals entering the construction industry
- 2.7 To standardize how government’s section 106 recruitment, training, and employment service targets are met across the UK
- 2.8 To regulate members to ensure they are adhering to employment law and the standards set by the CTU

3.0 Governance

- 3.1 The management and control of the CTU is vested in The National Executive Committee (NEC). The NEC shall conduct itself in accordance with the Rules of the CTU.
- 3.2 The NEC will consist of the President, General secretary, Treasurer and any Senior Full Time Officers as required or directed.
- 3.3 The President, General Secretary and any other Senior Full Time Officers will be appointed by the President and Treasurer.

4.0 Fulltime Senior Officers

- 4.1 The Full Time Senior Officers (FTSOs) will consist of the President, General Secretary, and Treasurer.
- 4.2 The FTSOs are the senior negotiating officers of the CTU. They are required and bound by the rules pertaining to negotiator posts (Appendix 4) and are required to report to the NEC.
- 4.3 They are required to ensure the CTU operates effectively, efficiently and in accordance with the rules of the CTU.
- 4.4 They will attend any meeting of the CTU as required with concurrent rights as required.
- 4.5 They have been appointed for a term of five years by the President of the CTU and the NEC will set their terms and conditions of employment.
- 4.6 They may take any actions required to ensure the good governance of the CTU as required in pursuant of these rules and as they see fit with the agreement of the Trustees or the NEC.

5.0 Organisation

- 5.1 The CTU will be organised on a national basis.
- 5.2 All Senior Officers work out of the CTU Leyton Head Office.

6.0 Trustee Board

- 6.1 The Trustees are responsible for the financial affairs of the CTU and shall ensure that any money spent is in accordance with the aim and objectives of the CTU.
- 6.2 The Trustee Board shall comprise of CTU President, Treasurer and General secretary. The NEC will appoint them.
- 6.3 The role of the Trustees shall be to: (a) Ensure that the CTU finances operate efficiently and effectively; (b) Prepare the CTU Annual Report detailing activities, finances and other information which is required under current legislation.
- 6.4 Trustee meetings shall meet not less than three times a year. Additional meetings may be called at the discretion of the President.
- 6.5 Trustee meetings shall only proceed if a quorum of at least fifty per cent of the Trustees is present throughout. Minutes of all meetings shall be kept.
- 6.6 Any member of the Trustee Board, who fails to attend two consecutive meetings, without tendering apologies to the President or fails to provide satisfactory reasons for their absence, shall be considered to have resigned.

7.0 Membership

Ordinary Membership

- 7.1 A person employed in Construction at any level, Apprentice, Trades or Management is eligible to be a member of the CTU.
- 7.2 A person can apply in writing or through relevant online processes to join to the CTU completing all the relevant sections of the application. Failure to complete the relevant sections may invalidate the application.
- 7.3 All members shall upon application agree to join CTU and observe all the rules of the CTU.
- 7.4 All members shall upon application authorise the deduction of the relevant online subscription each week of an amount, which may be fixed from time to time by the NEC.
- 7.5 Any person failing to continue their financial subscription shall cease to be a member of the CTU.
- 7.6 The NEC reserves the right to refuse any person from being a member of the CTU should they believe that the person is/may not be acting in the best interests of the membership or is/may contravene any section of these rules.

Associate Membership

- 7.7 New members will remain Associated Members until they have completed their probationary employment period.
- 7.8 Any member who has retired, resigned or been made redundant from their employment within Construction or is full time employee of the CTU may apply to retain their full membership.
- 7.9 Applications for Associate membership will conform to Principal Rules 7.2 to 7.6 inclusive.
- 7.10 Associate membership will cease when a person qualifies for full membership.
- 7.11 An Associate member cannot vote or hold an office
- 7.12 Life Membership can be conferred at the decision of the NEC and can be proposed by the NEC.

Resignation of Membership

- 7.13 A member is required in normal circumstances to give at least twenty-eight days' notice of their intention to resign their membership by email to: **admin@cwoata.co.uk**
- 7.14 Other rules on membership in these rules will apply.
- 7.15 The NEC has ability to terminate membership where any part of these rules has been contravened by a person or persons.

8.0 Subscriptions

- 8.1 Subscription rates are set annually by the NEC and must be published to members at least one month before being changed.
- 8.2 Arrears of subscriptions of more than one week will immediately be notified to the member by CTU. Failure to pay all the arrears in full within 14 days of notice being issued will terminate membership.

9.0 National Executive Committee

- 9.1 In addition to section 3 of these rules section 10 applies to the NEC.
- 9.2 The senior officers and ordinary members of the NEC will be elected bi-annually by a ballot of the whole membership.
- 9.3 The NEC has the power to: (a) Make, vary, suspend or rescind rules governing the conduct of the business of the CTU where applicable and pursuant to their duties. (b) Fill any casual vacancy. (c) Require the attendance at its meetings of any Full-time Officer, member of staff, or member of the Union, to provide factual information or technical or professional advice. (d) Appoint such subsidiary NEC Committees as required. (e) Engage Full-time Officers, determine their pay and terms and conditions of employment, and enter into any agreement with them it considers appropriate. (f) Undertake any actions it considers necessary for the good conduct and running of the CTU regardless of whether those actions are stated implicitly or implied in these rules but only where consistent with section 2 of these rules.
- 9.4 All members of the NEC may speak and vote where required
- 9.5 All members of the NEC are negotiating officers.
- 9.6 The NEC may set up such advisory committees and local Trade Union committees (LTUS) as it sees fit.
- 9.7 The NEC will meet quarterly.

10.0 President

- 10.1 The president and general secretary will be appointed for the first 5-year term, and will be elected through ballot there after for a minimum 5 years
- 10.1 The President shall preside at all NEC meetings and take such action as required for the good governance of the NEC. A decision of the President shall be complied with immediately.
- 10.2 The President may attend any meeting of members to consider Union business and take such action as required for the governance of the meeting and CTU as required.
- 10.3 In the President's absence, the Treasurer shall act with the authority of the President.
- 10.4 The President and General Secretary will be the Chair of the Trustee Board.

11.0 Finance

- 11.1 The CTU, acting through the Trustee Board, shall be empowered, in pursuit of its Aims and Objectives, to open bank accounts, lend monies, invest monies, borrow monies and do all other things as are necessary for the prudent conduct of its financial affairs and in the interests of its members. The Trustee Board, in exercising these rights, shall be subject to no other restrictions except those contained within these rules.
- 11.2 A copy of the CTU budget and audited accounts shall be produced annually for inspection. The financial year of the CTU shall be 31st December.
- 11.3 All property of the CTU will be vested in the names of the Trustees in accordance with s12 of the Trade Union and Labour Relations (Consolidation) Act 1992. (TULRCA)
- 11.4 The CTU may, in the name of the Trustees, purchase, take or lease or otherwise acquire any land and buildings on behalf of the CTU.
- 11.5 The Trustees shall not in any way sell, transfer or otherwise deal with, property of the union or part with any document relating thereto except under the direction of the NEC, evidenced by a

minute or clear written instruction to that effect, a signed copy of which, shall be supplied to each of the Trustees.

- 11.6 The Trustees shall carry out all lawful directions of the NEC and shall sign all documents and do all acts and things, which may be necessary to carry out those directions.
- 11.7 The NEC shall ensure that the Union's finances are conducted in accordance with the Union's Rules and any direction given or decision made under them. The Treasurer, subject to the direction of the NEC, shall manage the Union's finances.
- 11.8 The NEC may authorise the payment of any monies required to carry on the Union's affairs. There shall be a General Fund, which shall be credited with all subscriptions and is to be used for the general purposes of the Union, and debited with all associated expenses. The Fund may be used for any purpose that the NEC considers to be appropriate with these rules.
- 11.9 Cheques or other payments drawn on the Union's bank account shall require 2 signatures, the President and the Treasurer. No person may act as both first and second signatory in respect of the same payment.
- 11.10 The auditors of the Union's accounts shall be chartered accountants appointed by the NEC.

12.0 Indemnity

- 12.1 Every NEC member, or person(s) approved to make decisions on behalf of the CTU, shall not be entitled to be indemnified out of the assets of the CTU against all losses or liability which they may incur in the execution of their office or otherwise in relation thereto. All NEC members or persons as above shall be liable for any loss, damage, or misfortune, which may happen to, or be incurred by, the CTU in the execution of their duties.
- 12.2 The indemnity in clause 12.1 shall not extend to liability for the consequences of any negligent or unlawful act.

13.0 Rules

- 13.1 All members are bound by the Union's Rules. A copy shall be supplied to any member free of charge on application to the CTU office.
- 13.2 The President or the NEC shall determine any question as to the interpretation of the Union's Rules including any question as to whether or not the Rules are silent.
- 13.3 These Rules cannot be changed unless a motion for change has been passed by a two-thirds majority of the Annual Delegates Meeting and the motion is approved by two-thirds of the NEC.

14.0 Dissolution

- 14.1 The Union may be dissolved by the President and Treasurer. After discharging all debts and liabilities the remaining assets of the Union, if any, shall be distributed equally between the members at the date of dissolution on the basis of their complete years of membership, each year comprising one share, unless the members when voting for dissolution shall have resolved to the contrary.

Appendix 1: Disciplinary Rules

- A1.1 a written complaint is required to be received from an individual member or the NEC to the General Secretary where it is proposed that an individual, or group of individuals, have prejudiced the CTU and/or are in breach of these rules.
- A1.2 The President will consider whether there is enough evidence to suggest that a formal Disciplinary Investigation should be undertaken. Where it is considered that the actions are prejudicial or contravene the Rules of the CTU then a disciplinary panel will convene.
- A1.3 The Disciplinary Panel will consist of 3 Senior Officers. The NEC will appoint an Investigating Officer(s) and will receive a report from the Investigating Officer(s), and the NEC

will convene a hearing where the report and evidence will be heard along with witnesses, and report to the NEC on the outcome of their findings

- A1.4 The NEC will: Consider the Disciplinary Panel, report and decide on what action to take. The NEC will Issue their decision within 7 days
- A1.5 An appeal may be submitted to the General Secretary within 14 days of the notification of the decision. The President will consider the appeal and make a final non-appealable decision.

Appendix 2: Annual Delegates Meeting

- A2.1 There shall be an Annual Delegates Meeting (ADM) of the CTU.
- A2.2 The Standing Orders will be proposed for the FIRST ADM by the NEC and issued to all members within SIXTEEN weeks of the date of the ADM. They will be the first order of business at the ADM and once agreed, will be included in this Appendix.

Appendix 3: Regional / Branch draft constitution

- This appendix will be supplied as required at the discretion of the NEC and published when applicable.

Appendix 4: Ballots

- A5.1 Membership Ballots shall be held either at the discretion of the NEC or where so agreed by an Annual delegates Conference. They will be conducted on the following principals: Each member will be given an equal opportunity to vote Each member's vote is not conditional on attendance at a meeting Each member's vote is secret. Each member will be balloted individually and not required to use any form of "workplace ballot" to have their vote recorded. All members are eligible to vote
- A5.2 Ballots will be divided into three sections: Elections, Consultative, Industrial Action
- A5.3 Election ballots require no minimum percentage of participation to be recognised and acted upon.
- A5.4 Consultative ballots require 30% of membership participation to be recognised and acted upon.
- A5.5 Industrial Action ballots require 50% of membership participation to be recognised and acted upon.
- A5.6 All elections will be administered in accordance to the 1992 Act.