

An inaugural meeting of this trade union held in London June 5th 2011 elected the following Board Members, with authority to adopt Rules and a Constitution for the union. This Board has by unanimous vote promulgated the following Rules and Constitution for the union, and under rule 33, and in the absence of a National Conference, or until such time as a National Conference is convened, also has exclusive authority to agree, amend and re-issue the Rules and Constitution, provided any such revisions agree with the principles and obvious intentions of the inaugural meeting, and are deemed as acceptable to the membership.

Rules and Constitution:

Inauguration, management, purposes and objectives:

1. The Union is known as Employees Representatives.
2. The Union is constituted as an association, with an intention to apply to the Certification Officer for recognition as a trade union.
3. The executive arm of the Union will be known as "The Board" and is the most senior policy unit within the union, until a National Conference is convened.

Ordinary members are entitled to appeal against any decision of the Board affecting their interests and/or standing within the Union to an internal appeal tribunal, under protocols to be set.

Functionality

4. The Union is not yet functional as a national union and members are only admitted if they work or reside within, or in the environs of, the M25 boundary of London.

Other geographical areas may follow as the union widens its UK base.

Also this union is not yet functional as a national union in respect of trade sectors:

that sector in the public transport industry formerly known as the London Bus Division, comprising drivers and engineers, and those employed by bus companies or suppliers, within the area administered by Transport for London (TFL) regulations, and also infrastructure staff, with ancillary services, in any yard or office, in the general area of, and within or close to, the M25, is the first sector open for recruitment.

Other occupational sectors may also open, subject to the authorisation of the Board.

5. The object of the Union is to regulate relations between workers and employers, between workers and workers and to assist unemployed Members.

It will promote the furtherance of a safe, fair and equitable workplace.

The Union will promote the fullest equal opportunity regardless of sex, sexual orientation, marital status, creed, colour, race, age or ethnic origins.

The finances of the union will be used to continually improve and expand the level of service and benefit of the members.

6. Our aim is to provide employees with representation services offering the best possible compromise between
(a) quality of the (representation) services

(b) cost of providing the services
and

(c) consequences for an employee of success v failure of the representation service.

This Union strives to negotiate the best possible outcome for an employee as far as it is reasonably compatible with the intention of maintaining a good relationship between the employer and employee.

This Union does not support claims which are unethical, non credible &/or bring the reputation of the union into disrepute.

The securing of negotiating rights with employers is a legitimate but secondary objective, on hold until such time as the membership base in any bargaining unit is considered broad enough for the Union to seek recognition to be entitled to conduct collective bargaining.

7. It is presently anticipated that the Union will use mostly experienced part-time volunteers for the majority of representation duties

Qualified legal professionals charging full fees would very seldom be used – and then only for occasional expert advice.

8. The services of pro-bono lawyers and/or trainee law students is encouraged. Cooperation with other trade unions, and with charities etc is encouraged.

9. The Union seeks as many members as possible, but recruitment must relate to the Union's ability to service members.

10. The Union aims to keep administrative costs and overheads as low as possible, by a strict control of expenses, good auditing practices, openness in its administrative practices, and the avoidance of financially onerous commitments to the union's employees/representatives.

11. The Union is party politically neutral.

12. We do not affiliate or contribute funds to TUC, to other unions, to charities, or to political parties.

The Union will seek to make a profit, i.e. have more income coming in, than going out in administrative and representation costs, but the intent is for the profits to be returned to the members.

Fund transfers are only permitted in respect of services provided based on arms-length negotiated terms.

These rules incorporate democratic accountability and administrative efficiency.

We do not burden the administration with duties to call all-member meetings for widely scattered members.

Elected officials are expected to communicate by skype, phone, text and emails and the union will institute a system for recording/issuing their decisions without a need to meet at one place and at one time.

But the above does not exclude the convening of regular meetings of the Board.

A meeting of the full Board will be convened atleast every three months.

Between such full Board meetings there will be regular meetings of the five principal officers: the President, Executive Directors, the Hon General Secretary, and the Hon Treasurer.

All decisions of these Officers (known henceforth as “the Five”) will be ratified by the full Board, even if already implemented.

The Five deal with all major decisions relating to union policy and administration.

Unanimous agreement will be sought on all issues.

Should it be unable to obtain unanimous agreement a simple majority will suffice, in the case of an urgent decision.

All meetings both of The Board and of “the Five” will need to be quorate.

In the case of “the Five” three members will need to be present, including at least one of the Executive Directors, and in the case of the full Board, five of the eight members, including one of the Executive Directors.

Both “the Five” and the full Board will construct their own standing orders.

13. In accordance with the provisions of the Sex Discrimination Act 1975, all references in these Rules to the male gender shall also apply to the female gender.

The Union shall function with its member’s best interests paramount; its officers shall always remember that their first duty is to serve the membership.

14. The funds of the Union are to be safeguarded.

Those who spend the Union’s money shall accept responsibility for such expenditure and will be expected to demonstrate best practice in obtaining both value for money and excellence in the service the Union provides.

15. All officers of the Union at every level agree to avoid drugs and alcohol during business hours and whilst conducting formal business.

Expenses to union officers shall be reimbursed if justified and accompanied by a full and concise breakdown of any claim, as well as full supporting receipts, tickets, bills etc as required.

16. Members shall conduct themselves in the best traditions of the Trade Union Movement at all times.

These Rules shall apply, and be seen to apply to all members.

Dissolution of the Union

17. The Union may only be dissolved or amalgamated by a vote being taken and carried by at least five-sixths of the whole of the Membership.

Considering dissolution they will be required to testify their instruction by signing an instrument of dissolution.

This instrument shall provide for the exact and detailed means by which any remaining assets of the Union shall be disposed of.

Head Office

18. Head Office is at the location as specified by the Board.

Should the location of Head Office be changed the Certification Office for Trade Unions will be advised within four weeks of the relocation

19. All communications and notices connected with the business of the Union are to be directed to the appropriate officers at the nominated or correspondence address.

20. All materials, data, files (electronic or otherwise), records and reports etc within Head Office or at any Branch (if established) remain at all time the property of the Union and must not be removed, defaced nor destroyed without the sanction of The Board.

21. All employees of Employees Representatives have a vested interest in this union and accordingly this will be acknowledged at all times. They are part of this union not secondary to it and all staff Members will be afforded the right to become member of Employees Representatives.

Members of Head Office staff will be afforded the same rights under the Employees Representatives rulebook.

Membership

22. All applications for membership are required to be presented to the Head Office or Membership Office by post, or electronically via the union e mail address or web site: www.employeesrepresentatives.com

The Board has the right to refuse an application, if the Board has reason to believe that processing the application will be to the detriment of the Union.

The Five can place a stay on recruitment if resources are not able to meet the likely demand on the services.

If a stay is announced this will be announced on the union web site.

Every member admitted to the Union has the right to receive a printed copy of these rules.

23. The new member will make arrangements to pay contributions by the agreed method.

24. Any Member who has exhausted sick pay from their employer will be excused from making further contributions to the General Fund whilst remaining off duty.

25. Any member who allows arrears in contributions to accrue to a level exceeding 12 weeks shall no longer be deemed a member of the Union and has no claim on the Union whatsoever.

26. Members who leave the work force in any sector covered by Employees Representatives due to redundancy or as a result of ill health may continue their membership of the Union by continuing to pay contributions at half of the normal rate. Should such Members be re-employed then they shall, from the date of reemployment, revert to the full rate.

27. Retiring members who are clear on the branch books on retirement will become Honorary Members and retain membership rights.

Industrial Action

28. The Board is empowered to inaugurate proposed industrial action in the interests of the members.

No branch or group of branches may enter into an agreement with any other trade union or other organisation for the purpose of negotiating any movement or withdrawal of labour unless sanctioned by the Board.

Unless proposals for industrial action are submitted to the Board and receive its sanction, no benefits or payments from the Unions funds will be allowed.

Election Procedure

29. Elections will be conducted in accordance with the Union rules and all relevant statutory obligations at such times as the Board agrees.

The candidate(s) that receives the highest vote shall be elected.

At such time the Board deems appropriate an Electoral Commission will be established to agree all procedures relevant to any pending election(s), subject to the Board's approval of all of its decisions.

An independent Election Scrutineer will be appointed by the Board on the recommendation of the Electoral Commission to certify the legitimacy of the election(s) procedures and the election(s) result(s).

Duties of the Board

30. The Board will consist of the Executive Directors, the President, the Vice President, the Hon Treasurer, the Hon General Secretary, and one or more Open Members. The Trustee(s) will also be entitled to attend Board Meetings but will not vote, save in the case of equal votes for any proposal.

The Board has authority to appoint two Trustees.

31. The principal five officers of the union (The Five) shall work in co-ordination with, and enjoy the confidence of, the rest of the Board.

The Five shall keep all documents, accounts and papers belonging to their office in any such manner as the Board shall direct.

32. No member of the Board shall write any circular, letter or any other document to members or take part in any meeting which in express opposition to Board policy.

33. Every Board member shall at all times uphold the authority of the Board and the confidentiality of its deliberations and carry out its instructions.

The Board has the authority to issue Rules and a Constitution for this Union, and/or to re-issue such, and/or to amend the Rules or Constitution, subject to a unanimous vote provided any such revisions agree with the principles and obvious intentions of the inaugural meeting.

No Board member shall be expelled from the Board, unless with the unanimous vote of all other Board members, as ratified by The National Conference (should it have been convened or is in session.)

Board members shall attend Conference and all meetings of the Board as far as is reasonably practicable.

34. The President, the Executive Directors and the Hon General Secretary and Hon Treasurer (the Five) shall be responsible for, and have sole charge of the Union's Head Office and its administration for which they will answer to the full Board and to Conference.

They shall transact all business and conduct the general correspondence of the Union and keep copies of all letters written and received for such periods that are deemed necessary or any relevant statutory obligation requirement and in any case for a minimum of 10 years.

They shall be in charge of all expenses.

They shall produce to the Union's appointed auditors all books and papers belonging to this office on demand.

35. The Board shall comply with all requirements of the Certification Officer.

The Board shall keep the Association's accounting records in the form and for such a period that comply with any relevant statutory obligations.

Every year, and before the first day of June, an Annual Report (AR) and a complete Financial Statement (FS), together with a copy of the Rules in force during the period covered by the AR and FS will be sent to the Certification Officer. The AR and FS will be accessible to members via the web site,.

The Hon Treasurer shall also provide the Board with a sufficient number of printed copies of the AR and FS, and it shall be his duty to supply printed copies to every member or to any person interested in the funds of the Union upon application, subject to any fees levied by him for the printing.

The AR and FS will contain full information of any wages, fares and other expenses of the Board and Trustees incurred in connection with union activities.

These details to be comprehensive and detailed

36. The Board shall keep a register of all members' names and addresses stating where and when admitted, or re-admitted, age, and employer and employer's address.

37. The Board shall make available to members and other persons, records of the Union in accordance with any relevant statutory obligations.

38. Potential employees, or those assisting Employees Representatives on a free lance or consultancy basis, will be interviewed and selected by the Board

39. The Board shall ensure that all assets of the Union are listed and that those lists are kept up to date.

40. The Board consists of 7 members, who will offer themselves for election at the appropriate time, as decided by The Board, but only when the union's income is sufficient to sustain the cost of the election without diminishing other services.

The Board has the right to co-opt members but only after a unanimous vote.

Co-opted members will also need to be elected @ the same time.

41. The term of office for Board members is indefinite, unless voted off by a unanimous vote of all the other Board members and the Trustee(s) and/or by the membership in a democratic election.

42. No one can stand in an election in opposition to any Founding Board Member unless they have two years consecutive membership of the Union and are clear on the books.

43. In the event of any member of the Board being accused of misconduct, or having violated any of these rules, then the Board will convene as an Investigatory Tribunal where the accused member will hear the charges against him or her and then be allocated the right of reply.

Should the charges be upheld an automatic right of appeal is allowed.

Should the Board consider it necessary for the protection of the Union's Funds it may investigate any Union Member, or employee, or any other person, who is alleged in any way to have defrauded the Union.

44. If any Trustee, employee, Board Member or any member fails to sign or deliver up to any person appointed by the Board to receive the same, any bank books, cheques, other documents or writings which may be in their care, possession or control, and/or which require their signature/s then enforcement action shall be taken and the Board shall institute legal proceedings on behalf of the Union and take any other lawful steps they may consider proper in order to enforce decisions of the Board and the Trustees (who will be consulted and their views recorded prior to the institution of such proceedings).

45. The Board may determine anything upon which the Rules are silent, however, any such decision shall be referred to Conference or any Extraordinary Conference (whichever is first) for ratification or otherwise.

The Board shall have power to make an order upon any individual member or branch for moneys to discharge any bills or debts contracted by or on account of the Union by such an individual or branch.

46. Should any individual member or branch or branches refuse to remit moneys upon an order of the Board directing such remittance the Council may suspend such an individual member, branch or branches.

Trustees

47. There are two Trustees as nominated by the Board.

The Trustees shall be able to invest or withdraw the funds of the Union as instructed by the Board subject to such instructions not being in contravention of any relevant statutory obligation, and the Rules of the Union.

They may also take action, with the consent of the Board to bring or defend, or cause to be brought or defended, any action, suit, prosecution or complaint, in any court of law or equity, touching or concerning the property, right or claim to the property of the Union.

Any Trustee having been removed from such office who refuses, or neglects to convey, assign, or transfer or otherwise deliver up any property of the Union to the Union shall be dealt with under Rule including referral to the legal process.

On the day that finance matters are discussed at Conference, one Trustee will attend and have the right to speak and reply to questions asked.

Annual Returns, qualifications, appointments, removal and functions of Auditors

48. All accounts, books, vouchers, deeds, etc relating to the funds of the Union at Head Office shall be examined by professional auditors who have the qualifications required under any relevant statutory obligations.

They are to be appointed by The Board as ratified by Conference or Extraordinary Conference as applicable and when convened.

Auditor's reports will be included in the papers made available to the delegates attending any Union Conference.

The Auditors shall prepare the Unions AR and FS and in doing so shall carry out such investigations as will enable them to form an opinion on the following matters:

Whether proper records have been kept by Head Office

That Head Office has maintained a satisfactory system of controlling its transactions.

Whether the accounts that are referred to in the balance sheet are in agreement with the accounting records.

The Auditors shall append a fully detailed report on those investigations to the AR and FS.

Auditors may only be removed from Office by a decision of the Board as ratified by Conference.

Biannual Conference powers and duties, etc

49. The Union shall be under the full control of the National Conference which shall meet in June or July of each year and every two years subsequent to the first National Conference, subject to the membership and the organisation of The Union being, in the unanimous view of The Board, sufficiently large to justify the holding of such a Conference. All union members will be entitled to attend any such Conference and the rules and procedures, including procedure for election(s) for the Conference will be decided by the Board,

Every Conference may propose to make, alter, amend or rescind any rules in the Constitution on a four-fifths majority of the delegates in a secret ballot independently administered.

Conference may approve or reject the AR and FS of the Board and remove appointed Auditors from office and to appoint replacements.

Legal Assistance to Members & dependants.

50. The Union shall have the power to grant legal assistance to members in connection with all matters arising out of their employment, and/or termination of employment. In the granting of legal assistance the term legal assistance shall be construed as understood by the usual practice of the Union and as set out in Rules 7 and 8.

Misapplying Funds.

51. All moneys received on account of contributions, levies, donations, or otherwise, will be applied towards carrying out the objects of the Union in accordance with the Rules. Should any officer or other person take any sum of money from the funds of the Union, and appropriate the same to his own use, or otherwise dispose of it without authority, or commit an offence against

any relevant statutory obligations, he shall be dealt with by the Board under Rule, taking all necessary legal actions.

Any member attempting to obtain or obtaining by fraudulent representation, or demanding any allowance, benefit, or money from the funds of the Union, or who knowingly receives or continues to receive any such benefit or money after his claim or just right thereto has ceased, shall be subject to disciplinary action by the Board under Rule taking all necessary legal actions.

Unofficial Circulars.

52. No Member, or Members may issue or cause to be issued any circular, real or electronic, that bears the title of the Union, or a purported branch of the Union without having previously received sanction of the Board.

Material that is by its presentation or content clearly not originating from Head Office, or by a Union Officer acting in an official capacity, shall be deemed as an 'unofficial circular'

Members Contributions

53. Standard Contributions for members is set at £8 per month and will remain so until varied by the Board, or by any Conference or Special Conference.

The Standard Contributions of part time members, or those earning less than £17,000 a year, is £5 a month.

Retired members are exempt from contributions, in accord with their status as Honorary Members (Rule 27).

54. The Union will act in accord with principles applicable to an ethical insurance company.

That is the union will offer these standard terms to those who join but who have no immediate employment crisis or difficulty (no pre- existent condition).

Those who apply to join in response to an employment crisis, or problem, may also be admitted, but only after scrutiny and individually negotiated special terms, fair both to the existing membership and the applicant.

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