

# **RBA RULE BOOK**

**26 November 2020**

**The Retail Book, Stationery and Allied Trades Employees' Association**

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## **Rule 1**

### **Name and Address**

The Association formed under these Rules shall be known as **"The Retail Book, Stationery and Allied Trades Employees' Association"** hereinafter called 'The RBA' and shall carry on its business at a Central Office, which shall be its registered office, situated at **PO Box 3855, Swindon. SN4 4EB** or at such other place as may be determined by the Executive Council.

## **Rule 2**

### **Objectives**

The objectives of The RBA shall be:

- 1 To improve the economic and social well-being of the members and to regulate relations between members and employers.
- 2 To watch over, promote and protect the common and individual interests of the members, irrespective of ethnic origin/nationality, creed, religion, sex, colour, disability, age, and sexual preference.
- 3 To obtain redress for all broken contracts and to provide for financial or other assistance to members who may be the victims of unfair, wrongful or unlawful dismissal from their employment, such assistance at the discretion of the President on behalf of the Executive Council.
- 4 To obtain representation on various national and local organisations with similar objectives to ensure that the interests of the members are advanced and protected.
- 5 To provide financial or other assistance to members who have withdrawn their labour, with the authority of the Executive Council, or who are locked out as a result of a dispute with their employers.
- 6 To provide financial or other assistance, subject to the current insurance liabilities, to members who may be injured, disabled or killed (in which case, their dependents) by accident in the course of following their employment or on RBA business.
- 7 To provide members with such benefits as shall hereinafter be defined and provided for by these rules.

### **Rule 3 Constitution Membership**

1 The RBA shall consist of persons employed in the retail, wholesale, distributive and allied trades or any branch thereof and being not less than 16 years of age (henceforth referred to as serving members”) and those retired members detailed in Rule 23 of these rules.

WHSmith Members fall into the General Division and all other members into the Non-General Division.

### **Annual Delegates’ Conference**

2 The Annual Delegates’ Conference shall consist of all Delegates and shall be the supreme governing body of The RBA. The President will be the Chairperson of the Annual Delegates’ Conference.

### **Executive Council**

3 Between each Annual Delegates’ Conference, the Executive Council shall be the governing body of The RBA, and shall work within the policy set by the Annual Delegates’ Conference. The President will be the Chairperson of the Executive Council.

### **Rule 4 Representation**

1 For the purpose of electing representatives of the serving members, the membership of the RBA will be divided into: **divisions**, according to the nature of the employment undertaken; and **sections** to take account of the member’s status. There will be two divisions, i.e. General Division and Non-General Division. The General Division will be divided into three sections, i.e. staff, supervisors/team leaders and managers. The Non-General Division will be divided into two sections i.e. staff and management. The numbers of delegates are shown in the table inside the back cover of these Rules. The Executive Council may make such alterations and adjustments to the divisions and sections as it may deem necessary in the interests of The RBA and in order to secure equality of representation, but the number of delegates shall be determined by the Annual Delegates’ Conference.

2 The basic unit for staff members (Rule 9.2) of The RBA is the Branch (i.e. the Workplace). In the Branch, staff members will be represented by the Branch Representative.

### **3 Election of Branch Representatives**

The general election of Branch Representatives will be every 3 years in March. Branch Representatives will hold office for 3 years or (until the next general election of Branch Representatives) when they will be eligible for re-election if they wish.

### **4 Election of Staff Delegates**

The staff members in the General Division and Non-General Division will, every 3 years (or until the next general election of Delegates), in July, elect Delegates from their number, in accordance with the table at the end of these rules.

The position of Staff Delegate cannot be filled by a member in a role higher than a Sales Assistant\Senior Sales Assistant located in Store.

### **5 Election of Post Office Operations Manager Delegate**

The Post Office Operations Manager members in the General Division will, every 3 years (or until the next general election of Delegates), in July, elect Delegates from their number, in accordance with the table at the end of these rules.

The position of Post Office Operations Manager Delegate cannot be filled by a member in a role higher than a Post Office Operations Manager located in Store.

### **6 Election of Supervisor/Team Leader Delegates**

The supervisor/team leader members in the General Division and Non-General Division will, every 3 years (or until the next general election of Delegates), in July, elect Delegates from their number, in accordance with the table at the end of these rules.

The position of Supervisor/Team Leader Delegate cannot be filled by a member in a role higher than a Supervisor/Team Leader located in Store.

## **7 Election of Manager Delegates**

The manager members in the General Division and Non-General Division will, every 3 years (or until the next general election of Delegates), in July, elect Delegates from their number, in accordance with the table at the end of these rules.

The position of Manager Delegate cannot be filled by a member in a role higher than a Store Manager/Cluster Manager located in Store.

## **8 Eligibility to Vote**

Only serving members are eligible to vote in elections.

## **9 Election of Members to the Executive Council**

*i* Only elected Delegates may stand for the office of Executive Councillor.

*ii* For the purpose of electing Executive Councillors all Delegates will be grouped into sections and the number of Executive Councillors will be in accordance with the table shown in the table at the end of these rules. The number of Executive Councillors representing each section may be altered by the Annual Delegates' Conference in order to secure equality of representation.

*iii* High Street Staff members will elect Executive Councillors from High Street Staff Delegates;

Post Office Staff members will elect Executive Councillors from Post Office Staff Delegates;

Travel Staff members will elect Executive Councillors from Travel Staff Delegates;

Subject to the criteria the Waterstones Staff Delegate can be invited by the President to become an Executive Councillor and to be ratified at the next Executive Council meeting;

Supervisor members will elect Executive Councillors from Supervisor Delegates;

Team Leader members will elect Executive Councillors from Team Leader Delegates;

Subject to the criteria the Post Office Operations Manager Delegate can be invited by the President to become an Executive Councillor and to be ratified at the next Executive Council meeting;

High Street Manager Members will elect Executive Councillors from High Street Manager Delegates; and

Travel Manager Members will elect Executive Councillors from Travel Manager Delegates;

Subject to the criteria the Waterstones Manager Delegate can be invited by the President to become an Executive Councillor and to be ratified at the next Executive Council meeting.

in the two months following the general election of Delegates.

## **10 Nominations Procedure**

*i* At the appropriate time, Central Office will call for nominations for the office of Branch Representative/Delegate/Executive Councillor, by notifying the members of the relevant office that is vacant for each, Branch or Section, and will request members on or before a stated date, to nominate and second, by signature, candidates to serve as Branch Representative/Delegate or Executive Councillor until the next general election of Branch Representatives/Delegates and Executive Councillors. It is the nominee's responsibility to ensure the fully completed form is returned to the relevant address by the closing date; late nominations will be discarded.

*ii* In order to be eligible for election to the office of Delegate the member must be a serving member, in compliance, with a minimum of two years' continuous membership.

*iii* In order to be eligible for election to the office of Executive Councillor the Delegate must be a serving Delegate, in compliance, with a minimum two years' current continuous service in the role of Delegate.

*iv* In exceptional circumstances the two years' membership/service requirement may be waived, in the case of a Delegate, by the President.



*v* Any official of The RBA who retires from/or leaves business life for any reason shall not be allowed to continue to hold office, and an election shall be held to fill the vacancy in accordance with these Rules.

*vi* Members nominated for election as a representative of The RBA must indicate that they are willing to stand, and their nomination must be proposed and seconded by completing the appropriate form by two members entitled to vote in the election. If there are insufficient members to propose and/or second within the Section the President can authorise the nomination. This will then be ratified at the next Executive Council meeting.

*vii* Where more than the required number of nominations are received by the date fixed for the return of nominations, Central Office will organise a ballot, as soon as possible.

*viii* Members standing for the office of Delegate or Executive Councillor may supply an election address to Central Office where they will be typed, duplicated and supplied to all members who are entitled to vote.

*ix* Where only the required number of nominations are received by the date fixed for the return of nominations, the candidate(s) shall be elected unopposed.

## **11 Election of Delegates and Executive Councillors**

*i* Where there is a need for a ballot, Central Office shall have the election addresses and nominations listed according to Branch or Section. This shall cause each nomination list to be printed in the form of a ballot paper, on which shall also be printed the number of members to be elected to represent the Branch or Section, and the date by which the ballot paper must be returned.

*ii* In the election of Delegates or Executive Councillors an independent scrutineer, appointed by the Trustees, in accordance with statute, shall supervise the production and distribution of voting papers and act as a returning officer.

*iii* A ballot paper, and an envelope printed with the address of Central Office or an Independent Scrutineer, shall be distributed to those entitled to vote in the particular election.

*iv* For the purpose of electing a Delegate or Executive Councillor, ballot papers will be sent to the private address or under personal cover to the workplace of those entitled to vote.

*v* Where appropriate, each member may vote for any of the candidates listed on the ballot paper, in accordance with the instructions issued by Central Office stated on the ballot paper.

*vi* Having completed their ballot paper the member shall place it in the envelope provided and post it to Central Office/Independent Scrutineer.

*vii* In the election of Delegates or Executive Councillors, Central Office will, as soon as possible after the date fixed for the return of ballot papers, arrange for them to be counted by an independent scrutineer.

*viii* The members nominated for the office of Delegate or Executive Councillor who obtain the highest number of votes shall be elected to serve until the next general election of Delegates or Executive Councillors. In the event of more than the required number of candidates having an equal number of votes, the tied candidates shall be voted upon again, and the one with the greater number of votes shall be elected.

*ix* The result of the ballot will be communicated to the members as soon as practicable after the election, but not later than 21 days. In the event of any question arising as to the accuracy of the figures or any dispute as to the legality of the election, the returned ballot papers may be available for examination and recount. Any such question or dispute must be notified in writing to the Executive Council, and received at Central Office within two weeks of the result of the ballot being declared.

*x* All ballot papers shall be preserved for a period of one year to comply with audit requirements.

## **Rule 5 Confidentiality**

1 Delegates attending all meetings will be required to respect the need for confidentiality of any of the business discussed at each meeting, verbal or written, deemed to be sensitive by the President.

## **Rule 6 The Annual Delegates' Conference**

1 All RBA Delegates will meet annually at The RBA Annual Delegates' Conference, (hereinafter called the Delegates' Conference).

*i* An Interim Conference may be called by the Executive Council, if necessary.

*ii* The Delegates' Conference will be the supreme governing body of The RBA.

*iii* The President of The RBA will chair the Delegates' Conference.

*iv* The quorum shall be 51% of the total number of Delegates eligible to attend. Delegates who do not attend ADC may be deemed by the President as ineligible to attend that particular Conference as a result.

## **2 Duties of The Delegates' Conference**

*i* The Delegates' Conference shall be the policy forming body of The RBA.

*ii* While in session the Delegates' Conference shall ensure that a properly audited statement of accounts, certified by an approved Auditor or Chartered Accountant, relating to all the financial affairs of The RBA is presented, and may ask for all or any documentation relating thereto to be presented for its inspection.

*iii* The Delegates shall elect two Trustees from among their number. In order to stand as Trustee, a member must be a serving Executive Councillor with two current consecutive years' service as Executive Councillor, and shall retain the office of Trustee only so long as they continue to be an Executive Councillor. Upon death, resignation, removal or retirement of the Trustee, the Executive Council shall, at its next meeting, appoint another from its number to fill the vacancy until the next Delegates' Conference. (see Rule 13.1)

*iv* The President together with the Vice-President and the two Trustees shall form the Finance sub-committee (hereafter called "The Trustees")

*v* The Delegates shall elect such sub-committees as they deem necessary.

## **3 Separate Management and Staff Section Meetings, held during the Delegates' Conference**

*i* During the course of the Delegates' Conference there may be separate meetings of the Staff Delegates of the General Division, and the

Manager/Supervisor/Team Leader/Post Office Operations Manager Delegates of the General Division, and of the Non-General Division.

*ii* These meetings will be chaired by Delegates elected for that purpose at these meetings in the previous year. These meetings will consider those matters which are particular to the members of the section that they represent.

*iii* All policy proposals arising from these meetings will be placed before the Delegates' Conference for discussion and decision, provided that it receives the support of that section.

*iv* At these meetings each section shall elect from relevant Delegates the following permanent sub-committees, unless an alternative provision for election of such sub-committees has been made and approved by the Executive Council.

*v* A General Purposes sub-committee and any other permanent sub-committee or working party as required shall comprise of, where possible, one Delegate from each relevant section, at least one of whom must be an Executive Councillor. A Pay and Conditions sub-committee shall comprise of at least two Delegates from the relevant Section, at least one of whom must be an Executive Councillor.

*vi* All sub-committees shall be responsible to the Executive Council, and must report findings and recommendations to the Executive Council for endorsement.

*vii* Sub-committees shall consist of permanent sub-committees (eg. Finance, General Purposes, Pay and Conditions, Communications) plus temporary sub-committees or working parties set up as and when required by the Executive Council.

*viii* Where practical each sub-committee will have an Official/Officer in attendance.

*ix* Each section shall consider any outstanding resolutions and matters put forward by the membership and passed at a Section or Branch meeting, in accordance with the rules governing such meetings.

*x* If the majority of Delegates present vote in favour of any such resolutions or proposals they shall be passed to an appropriate sub-committee or working party or to the Delegates' Conference for further action.

## **Rule 7**

### **Duties and Powers of the Executive Council**

1 The Executive Council shall at all times adhere to current policy as determined by the Delegates' Conference.

2 The day-to-day administration of funds shall be undertaken by the Finance sub-committee, but the Executive Council shall retain the right to instigate, approve, or otherwise, all items of capital expenditure in the pursuance of the property of The RBA.

3 The Executive Council may order reports to be submitted to it in respect of any dispute between members and/or employers and may take action as it sees fit to secure the speedy settlement of any dispute.

4 The Executive Council shall have the power to call for official industrial action by the membership only after a ballot of the members likely to be involved has taken place and a majority of 60% or more of those entitled to vote is in favour of such action.

5 After consultation with the members involved, the Executive Council has absolute discretion as to when to order an end to official industrial action.

6 The Executive Council shall have the power to authorise the institution of legal proceedings where it appears to it that legal action on behalf of The RBA may be appropriate.

7 The Executive Council shall have power to negotiate and enter into arrangements with other societies and federations of societies which may seem calculated directly or indirectly to advance the interests of The RBA.

8 The Executive Council shall have power to support or take action in co-operation with other trades councils, congresses and bodies representing the interests of labour, in furthering the interests of The RBA.

9 The Executive Council shall have power to insure any Officer or representative of The RBA against accident while travelling or engaged on business on behalf of The RBA.

10 The Executive Council shall have power to insure or indemnify against the loss of RBA property or funds, occasioned by loss, error or theft whether by outside agents or those with direct access.

11 The Executive Council shall have power to take such action as it sees fit to attain the objects of The RBA whether specifically mentioned in these rules or not, (provided that it is not inconsistent with these rules). Such action shall be ratified by the next Delegates' Conference.

12 *i* The Executive Council shall meet at least once a year, subject to the meeting being quorate, and at such other times as any member of the Executive Council shall deem necessary subject to the approval of the President.

*ii* Any member of the Council failing to attend any meeting must communicate an explanation of their absence.

*iii* In the event of the death, retirement, or removal of a member of the Executive Council, the Council may require the Section concerned to elect a successor, until the general election of the Executive Councillors, and the election shall take place as soon as possible.

*iv* The meetings of the Executive Council shall be held at Central Office or such other place as the Executive Council finds most convenient. At the first meeting of any financial year, the order of business shall be as follows:

*v* On the chair being taken, the roll shall be called. The financial statement shall then be submitted, after which the notes of the last meeting recorded shall be placed before Council for their acceptance as a true record of the meeting and matters arising therefrom discussed.

Thereafter other business on the agenda shall be considered and decided. All other meetings of the Executive Council shall be held at such times and at such places as it shall decide, and after the roll has been called, the business at these meetings shall be taken in the order that the President/Chairperson shall decide.

### **13 Voting Procedures at Executive Council and Delegates' Conference.**

*i* 51% of the members of the Executive Council/Delegates entitled to vote at any meeting shall form a quorum. The quorum must be reached before the commencement of the meeting and, should the attendance fall below this number, the meeting/conference shall be adjourned until

such a time as a quorum shall be present. Failing to reach 51% at the reconvened meeting then 40% of the members of the Executive Council/Delegates entitled to vote shall form a quorum. Every Delegate/Executive Councillor shall, unless otherwise provided in these rules, be entitled to one vote on all questions submitted for the decision of the Conference/Council, and in the event of an equality of votes the Chairperson shall have a vote, which is the casting vote.

*ii* The method of voting will normally be by show of hands but, at the request of any Executive Councillor/Delegate, a secret ballot shall take place.

*iii* Two tellers shall be appointed for the purpose of counting ballot papers.

14 Central Office shall prepare an agenda of all business to be placed before each Conference/Executive Council meeting, which will be sent to all Delegates/Executive Councillors at least one week prior to the meeting. All applications, appeals, resolutions or other matters put forward by the membership in accordance with these rules must be received at Central Office not later than 2 weeks before the date of any meeting for inclusion on the agenda.

15 No Delegate/Executive Councillor shall be permitted to introduce any additional matter or question to the agenda without the permission of the Chairperson.

16 Any Delegate/Executive Councillor may move an amendment to a resolution submitted to the meeting.

17 Central Office shall arrange for notes to be taken of proceedings at the Delegates' Conference and Executive Council Meetings and shall arrange for these to be issued to all members of the Conference/Executive Council without undue delay.

18 No person attending an Executive Council meeting shall absent them self from the meeting without the permission of the Chairperson.

19 Any person (present at the meeting) who refuses to obey the ruling of the Chairperson after being called three times to order shall be suspended for as long as the meeting shall decide.

## **Rule 8**

### **The President**

1 There shall be a President of The RBA who shall be elected by ballot of the serving members, who shall act as Trustee. They shall hold office for a period of five years or until they retire, resign, die or are dismissed, as provided for in these Rules. The position of President cannot be filled by a member in a role higher than a Store Manager/Cluster Manager.

2 The Presidency shall be considered as a full-time position. The President will be wholly employed by the RBA. A salary review will take place annually.

3 They shall have authority over, and be responsible to the Executive Council for, the administration of the affairs of The RBA.

4 They shall preside over the meetings of the Executive Council and the Delegates' Conference and also at any general meeting called by either of these bodies. At such meetings the President shall have a casting vote, in the event of a tie, but otherwise shall not vote on any matter under consideration.

They shall be an ex-officio member of all sub-committees and working parties.

5 They shall have power to act in any emergency, such action to be subject to ratification at the next meeting of the Executive Council.

6 They shall be paid such expenses as agreed by the Finance sub-committee.

7 Should the President wish to resign, they may do so at any properly convened meeting of the Executive Council. In the event of the Executive Council by resolution deciding that the President has been guilty of any act or omission inconsistent with their duties, or of incompetence, they shall be liable to disciplinary action by resolution of the Executive Council. Should the President feel unjustly dealt with, they shall have a right of appeal (Rule 26). Ultimately the President may put their case to the membership and a ballot of all serving members will be held.

8 In the event of the office of President becoming vacant, whether by death, resignation, dismissal or retirement, the Vice-President shall fill the office until the election of a new President which will be arranged at the earliest possible opportunity.



9 Upon the office of President becoming vacant, the Vice President shall, on behalf of the Executive Council, without delay notify all serving members of The RBA calling for nominations to fill the vacancy.

10 Only serving members with at least two years' current membership of the Executive Council, and the Vice-President, may stand for the office of President. In the event of no Executive Council member, or the Vice-President, being prepared to stand, a Delegate with at least four years' current service may stand.

11 No person shall be elected to the office of President who is judged by the Executive Council to have violated any of the principles of The RBA, or who has at any time been guilty of deliberately acting against the interests of The RBA. Any member so accused has a right of appeal (Rule 24).

12 Members nominated for the office of President must indicate that they are willing to stand and their nomination must be proposed and seconded in writing by two serving members.

13 Where only one legitimate nomination has been received, by the date fixed for the return of nominations, the candidate shall be elected unopposed.

Central Office will inform the candidate and the membership as soon as possible.

14 If more than one legitimate nomination has been received then as soon as possible after the closing date for the return of nomination papers, Central Office will inform the nominees and organise a ballot to be held.

15 Where more than one legitimate nomination has been received for the office of President the nominees may supply election addresses to Central Office where they will be typed, duplicated and supplied with the ballot papers to the private address or under personal cover to the workplace of those entitled to vote.

It is the nominee's responsibility to ensure the fully completed nomination form is returned to the relevant address by the closing date; late nominations will be discarded.

16 All serving members are eligible to vote in the ballot for the office of President.

**Rule 9**  
**Admission of Members**

1 Persons employed in the retail, wholesale, distributive and allied customer-related trades or any branch thereof and being not less than 16 years of age are eligible for membership of The RBA

2 For the purpose of representation there will be up to three categories of members, namely:

- a) Staff Members
- b) Supervisor/Team Leader/  
Post Office Operations Manager Members
- c) Manager Members

As defined by the Executive Council, in order to fulfill their representational needs.

No pre-existing issues will be covered when joining.

New Members will not be eligible for representation for 3 months after becoming a member and at least 3 months consecutive month's contributions have been received.

New Members will not be eligible for any legal advice for 6 months after becoming a member and at least 6 months consecutive month's contributions have been received.

**Rule 10**  
**Evidence of Membership**

1 Membership of the Association shall be certified by the issue from Central Office of a card, to be retained by the member.

2 Any member may inspect their membership record by prior arrangement with Central Office.

**Rule 11**  
**Subscriptions**

1 Membership subscriptions shall be graded according to basic wage/salary, and/or service to be provided, and reviewed annually by

the Trustees. In the event of a member having additional jobs only the primary job will be covered. However, any member wishing to cover their additional employment will need to pay an additional monthly subscription which will be 50% discount of the appropriate rate for the additional job(s). In the event of any question arising as to the amount of the earnings of any members, Central Office will investigate the matter fully and report any findings to the Trustees.

2 The Delegates' Conference shall have the sole power to alter general membership subscriptions.

3 The Trustees shall have the power to set subscription rates for any new categories of member, subject to ratification at the next Delegates' Conference.

4 Where facilities exist, subscriptions will be deducted by the Employer and, forwarded by the Employer to Central Office monthly.

5 Where such facilities do not exist, the member shall be responsible for the payment of subscriptions direct to RBA Central Office.

6 Serving members who fail to make payment of their subscription within one month of the date on which they are due will have the question of their future membership raised by the Office Manager, who will contact the member to arrange payment, failing which, membership will lapse four weeks after contact has been initiated. The Office Manager will keep the Trustees informed.

7 In the event of a member being on maternity leave or unemployed by reason of sickness or other causes beyond their control, their subscriptions may be entitled to a payment holiday if requested by the member and authorised by the President.

8 Members shall also pay to the RBA all levies and fines imposed under the provisions of these Rules.

9. All members shall pay subscriptions according to the current scales. Those members who pay by bank standing order who fail to increase their subs when requested to do so after being contacted by Central Office will not be eligible for benefits of their membership until the difference from the amount of subs they are currently paying to the amount of subs they should be paying is paid. The union will only claim up to a maximum of 12 months of the difference in subs.

10 If in the event a member decides to leave membership they must inform Central Office before the 10<sup>th</sup> of the month in order to be actioned in that month. If subs are paid by check-off Central Office will then inform the appropriate payroll unit to stop the payments. If subscriptions are made by bank standing order the member needs to contact Central Office and their bank/building society to cease payments; failing to contact Central Office and/or bank/building society will result in subscriptions continuing.

## **Rule 12**

### **Accounts and Finance**

1 All funds acquired by The RBA shall without any deduction whatsoever, be remitted to Central Office or be deposited with the bankers of The RBA.

2 These funds shall be for the purpose of attaining the objectives of The RBA as defined in the Rules.

3 All funds, documents and other property belonging to The RBA shall be held by the Trustees for the sole benefit of The RBA.

4 All benefits and expenses shall be paid from Central Office.

5 Accounts should be prepared for the Association's financial year in a form suitable for submission to the Certification Officer.

6 The Association's financial year will be from the 1<sup>st</sup> January to 31<sup>st</sup> December each year, or such other period as approved by the Executive Council, and agreed with the Certification Officer.

7 The Accounts for the Association will be considered for approval by the Delegates' Conference.

8 The accounts will be audited by an auditor eligible for appointment as a company auditor under Section 25 of the Companies Act 1989, and in accordance with Section 34 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended).

9 The Delegates' Conference will deal with the appointment and re-appointment of auditors in accordance with Section 35 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended).

10 The Executive Council is authorised to arrange for the preparation and distribution of the summary financial statements in respect of each financial year of the Association, and for the completion and distribution of such statements and returns that the Trade Union and Labour Relation (Consolidation) Act 1992 (as amended) may require.

11 A Financial Report, will be prepared and sent to Members after the Accounts have been approved by the Trustees.

12 The Trustees of the Association are authorised to sign the audited accounts, and returns submitted to the Certification Officer, as appropriate.

13 Each member of The RBA shall be entitled to receive a copy of the accounts without payment, on application to Central Office. Each member should also be entitled to receive free of charge such information as the Association is required to make available under the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended).

14 The Trustees will arrange for interim accounts to be drawn up to the 30th June each year, or to such other date as they might agree. The interim accounts will be presented to The Executive Council at the next meeting following the preparation of the accounts.

### **Rule 13 Trustees**

1 The Trustees of the RBA shall comprise:

The President; the Vice-President; and two Trustees (one management and one staff Trustee) elected biennially by the Delegates' Conference for a two year term.

2 The Trustees of the Association, with the exception of the President and Vice-President (Rule 8 para 4 and Rule 15 para 8), shall hold non-voting positions on the Executive Council, unless they have also been elected to the Executive Council.

3 The Trustees shall be responsible for the real and personal property of The RBA.

4 On the death, resignation, removal or retirement of the Vice-President, an election shall be held as soon as possible.

5 On the death, resignation, removal or retirement of either of the other Trustees, the Executive Council shall, at its first meeting, thereafter, elect another to fill their place until the Delegates' Conference.

6 The Trustees are empowered and indemnified to enter into agreements with lenders where it is considered necessary and appropriate to borrow funds for any purpose. The amount of borrowing for which the Trustees are able to apply shall not be limited to a percentage of the General Fund, however, all such arrangements will be subject to ratification by the Executive Council and reported in Accounts to Delegates' Conference.

7 On the death, resignation, removal or retirement of a Trustee all previous documentation, such as Land Registry documents, signed on behalf of the RBA shall be updated where appropriate.

8 In respect of monies drawn by Trustee's cheques and other payments, these must be validated by signatures of any two of the following, the President; another Trustee or one other individual nominated by the Trustees.

9 The funds of The RBA not immediately required for use or to meet accruing liabilities shall upon the direction of the Executive Council be invested by and in the names of the Trustees, as allowed within The Trustees Investment Act 2000 and thereafter any subsequent versions.

10 The Trustees shall appoint the Officers of The RBA with the approval of the Executive Council.

11 The Trustees shall be paid such honorarium as the Executive Council shall from time to time determine.

#### **Rule 14**

##### **Indemnification**

The RBA and every member thereof jointly and separately shall keep the Trustees and the Officers/Officials of The RBA and their estates indemnified at all times from all actions, proceedings, claims or demands by any person, persons or organisations whatsoever in respect of any investment made by the Trustees of The RBA for the time being in accordance with the Rules and against all costs, damages or other

expenses which the Trustees of The RBA or the Officers/Officials may pay, sustain or incur by reason or in consequence of any such investment or the discharge of their duties under the Rules of The RBA or otherwise in relation to the duties of their office. This is, however, limited to cases where the loss occurs through circumstances other than default or neglect by the Trustees or Officers/Officials.

## **Rule 15**

### **Vice-President**

1 The Vice-President shall be elected by a postal ballot of serving delegates, for a period of five years.

2 In order to be eligible for the office of Vice-President a member must be a current serving Delegate or Executive Councillor for two current consecutive years, with the exception of the current incumbent, and be proposed and seconded by serving Delegates. The position of Vice-President cannot be filled by a member in a role higher than a Store Manager/Cluster Manager. If the current incumbent is promoted to a role above Store Manager/Cluster Manager they will need to relinquish the position of Vice-President.

3 It is the nominee's responsibility to ensure the fully completed nomination form is returned to the relevant address by the closing date; late nominations will be discarded.

4 If only one legitimate nomination is received for the post of Vice-President, that person shall be elected unopposed.

5 Where more than one legitimate nomination has been received for the office of Vice-President the nominees may supply election addresses to Central Office where they will be typed, duplicated and distributed with a ballot paper to all serving delegates.

6 In addition to their duties as Trustee, the Vice-President will, in the absence of the President, temporarily assume the Presidential responsibility.

7 It is the duty of the Vice-President to advise and assist the President at all times.

8 The Vice-President shall attend all Executive Council meetings but shall not have a vote unless acting as chairperson, when they shall have the casting vote.

9 The Executive Council shall have the power, subject to appeal in accordance with Rule 24, to take disciplinary action against the Vice-President on grounds of incompetence, failure to comply with the duties of their office or misconduct.

10 The Vice-President shall not hold office as Delegate or Executive Councillor for the period that they are elected.

11 In the event of the office of Vice-President becoming vacant whether by death, resignation, removal or retirement of the Vice-President an election shall be held as soon as possible.

## **Rule 16**

### **Entitlements to Benefits**

1 No member who is out of compliance shall be entitled to the benefits provided by The RBA or to hold office or vote at any meeting of The RBA. A member may be deemed to be out of compliance if subscriptions are not maintained, or if found to be in breach of any Rule.

2 Any member not in compliance may submit to the Executive Council any explanation or evidence in mitigation of their failure to comply with the Rules that the failure was not deliberate or wilful. This should be given in writing and sent to Central Office. Such cases shall in the first instance be investigated by the Trustees (Rule 11).

3 Any dispute concerning a member who is considered to be out of compliance shall be placed before the Executive Council and the appeals procedure invoked (Rule 26). The decision of the Appeal Court shall be final as to entitlement to benefits.

4 Any serving member who owes The RBA more than two months contributions without good cause will not be entitled to benefits. Entitlement to benefit will recommence four weeks after the member's contributions are paid up to date.

5 Any member who is paid benefit to which he is not entitled shall be required to refund this amount to The RBA.

6 Delegates will not be eligible to join the relevant RBA's Group Life Assurance Scheme until the next renewal date of the scheme.



## **Rule 17 Disputes**

1 In the event of a situation arising either between employer and member or between members and members which might in any way lead to a stoppage of work, arrangements will be made for representatives of The RBA to interview the employer and their representative and/or the members concerned with a view to reaching an amicable settlement. If a settlement cannot be reached then the facts shall without delay be reported to The Executive Council, via Central Office.

2 No member or members of The RBA are permitted to take industrial action without the prior authority of the Executive Council.

## **Rule 18 Strike and Lockout Benefit**

1 In the event of a properly authorised strike or of a lockout by the employer, members affected shall be entitled to payment of strike or lockout benefit of such sum as shall be determined at that time by the Executive Council. Any member continuing to work without the consent of the Executive Council during a strike or lockout to which they are party shall not be entitled to further payment of benefit.

2 A member may appeal against the decision of the Executive Council (Rule 26).

3 The period of payment of benefit shall commence from the first day of the strike or lockout and payment will continue until work officially resumes.

4 Any member who refuses to strike when instructed to do so by the Executive Council or who refuses to discontinue a strike when so instructed may be liable to a fine and/or expulsion from The RBA.

5 The Executive Council shall decide all claims for lockout benefit but members shall only be deemed to be locked out if one or more of the following conditions exist:

*i* If an employer refuses to allow any member or members to continue normal working because they or they refuse, with the approval of the

Executive Council, to accept the employer's terms as to wages or conditions of employment;

*ii* If a dispute occurs between the employer and members of another Union or similar organisation in the particular business where members of The RBA are employed and the employer in consequence of the dispute closes the business and thereby prevents such members of The RBA from following their employment.

*iii* If the employer refuses to allow any member or members to continue normal working because of a dispute between other members and the employer;

*vi* If the employer refuses to allow any member or members to continue normal working with the object of assisting directly or indirectly another employer who may be engaged in a dispute with the members of The RBA;

6 The Executive Council shall have power to afford support and assistance at its discretion to any member, whether in compliance or not, in the event of a withdrawal from normal working.

## **Rule 19**

### **Benevolent Grants**

1 RBA Benevolent Grants shall be supported as determined by the Executive Council. The Executive Council may, at its discretion, vote grants from the Current Account to be used for benevolent purposes.

2 Applications for benefit must be directed in confidence to the Trustees at Central Office.

## **Rule 20**

### **Death Benefit**

1 Only serving members, and retired members who have been accepted prior to the 25th March 1987, are entitled to Death Benefit.

2 Benefits shall be payable on the death of the member to their dependents or the legal personal representative or nominee lawfully appointed by the member (Rule 21), to the current maximum of £500.

3 The Trustees will review the Death Benefit annually.

4 All applications for payment of this benefit must be made to Central Office within 26 weeks of the date of decease, together with a proper certificate of death.

5 In the event of an application not being lodged within the time stated and there being reasonable cause or excuse for the omission or neglect, the Trustees shall have absolute and final discretion as to the payment of benefit, but no claim shall be entertained after a period of 12 months from the date of decease.

## **Rule 21 Nomination and Intestacies**

1 Any member may, by writing to Central Office, nominate any person not being an Officer or servant of The RBA (unless such Officer or servant is related to the member by birth or marriage) to whom any money payable on their death shall be paid as soon as reasonably possible after the death. The member may, from time to time, revoke or vary such nomination by writing to Central Office and on receiving satisfactory proof of death of a nominator The RBA shall pay to the nominee the amount due in respect of the death of the nominator.

2 If any member entitled to receive funds from The RBA dies intestate, such money shall be payable to their estate or to the person responsible for the cost of their funeral arrangements.

3 All payments by the Executive Council under the provisions of these Rules shall be valid and conclusive with respect to any demand by any other person as a dependant or as next-of-kin, or as legal personal representative, or person claiming to be such of a deceased member against The RBA.

## **Rule 22 Legal Assistance**

1 Any member in compliance, shall be entitled to receive legal assistance as and if deemed appropriate by The President on behalf of the Executive Council as follows, subject to applicable legislation:

*i* Upon the happening of any event which would entitle or reasonably appear to entitle the member or their dependants to claim against their employer compensation or damages under any rule of law statutory or otherwise.

*ii* No legal assistance will be provided if the President on behalf of the Executive Council believes that such a claim has no reasonable prospect of success. For a claim to have reasonable prospects of success it must in the opinion of the President or the external lawyers appointed by the President (to assess the merits of the claim), have prospects of 51% or more, and that the estimated costs will be reasonably and proportionately incurred given the likely value of the member's claim. If such a claim has less than 51% prospects of success and/or the estimated costs are not reasonable and proportionate given the likely value of the member's claim, then the provision of legal assistance will be at the absolute discretion of the President. Costs may go no further than the initial assessment of the case. Any member wishing to challenge the decision of the President or the decision of the external lawyers appointed by the President on prospects of success should refer to Rule 26.

*iii* To prosecute or defend proceedings in respect of any act or omission on the part of an Official of The RBA carried out during the course of their duties as an official of The RBA.

*iv* Where there is reasonable ground for suspecting that a member has been dismissed from their employment because they have taken an active part in the affairs of The RBA.

2 The member or his representative or dependants shall as soon as possible after the event notify Central Office, and supply all particulars required.

3 Upon notification The RBA shall take whatever steps it considers appropriate to secure representation in any proceedings arising from a fatal accident to a member.

4 Any member or Officer receiving legal assistance under this Rule shall at all times give all information/assistance within their power.

5 The RBA shall not be liable to act under this Rule or for payment of any legal or other expenses if there has been any neglect or failure to notify the facts to Central Office as required.

6. The acceptance by the RBA of liability for legal assistance under this Rule, or for payment of any legal or other expenses, shall be strictly subject to observance by the member or his representative of the following conditions:-

*i* That the negotiations or legal or other proceedings appropriate to the case shall be wholly carried out or instituted or defended by the RBA or by its legal agents employed or retained for that purpose.

*ii* That should the member exercise their right to appoint a legal representative of their choosing, the chosen legal representative shall be appointed subject to them accepting the RBA's Solicitor Terms of Appointment and any costs incurred outside the RBA's Solicitor Terms of Appointment remain the sole responsibility of the member.

*iii* That should the member exercise their right to appoint a legal representative of their choosing, that the opinion of the external lawyers appointed by the President is that the member's case has prospects of success of 51% or more, and that the estimated costs will be reasonably and proportionately incurred given the likely value of the member's claim.

*iv* That should the member exercise their right to appoint a legal representative of their choosing then that the legal representative can only be appointed once legal proceedings have started.

*v.* That from and after the date of notification should a member or his representative or dependents employ or engage any legal or other assistance or make any arrangements or settlement without the consent of the, the Trustees and reported to the Executive Council at their next meeting, the member or his beneficiaries shall be liable to indemnify The RBA for whatever costs The RBA may have incurred in the matter.

7 The RBA shall have no liability whatsoever in respect of any case where any member or their beneficiaries have taken proceedings on their own account independently of The RBA, nor in respect of any case where the events giving rise to the application for assistance have happened prior to the date of the member's entry to membership of The RBA.

8 In the event of a member or his beneficiaries failing to act upon advice given by the President on behalf of the Executive Council or its agents, The RBA shall not accept any liability for further assistance.

9 Any member called as a witness in any legal proceedings taken or supported by The RBA shall be paid expenses and an allowance as

determined from time to time by the Executive Council, subject to set off against any payment of expenses or allowances from any other source.

### **Rule 23**

#### **Retired Members**

1 Retired Members shall comprise of those members of The RBA who have been accepted as such by The RBA prior to 25th March 1987, having joined The RBA as a serving member before the age of 50 and having continuous membership since their date of entry.

2 Retired members shall be entitled to Death Benefit in accordance with Rule 20.

3 Retired Members may also be eligible for additional benefits as determined by the Trustees.

### **Rule 24**

#### **Disciplinary Penalties**

1 Any member found to have breached or wilfully violated any rule or properly recorded decision of The RBA may be liable to have disciplinary action taken against them or penalty imposed against them.

2 In particular, any member found to be guilty of the following offences may be liable to a caution, fine, and suspension of any entitlement to benefits, suspension or removal from office, expulsion or dismissal from The RBA:

*i* Insulting or abusing or making a frivolous, malicious or unjustifiable charge against a fellow member or RBA employee.

*ii* Not carrying out an instruction of the Executive Council.

*iii* Advocating and forwarding within The RBA views that call for discrimination on grounds of race, sex, colour, creed, religion or sexual preference.

*iv* Behaving in a manner such as might injure or discredit The RBA.

v Disorderly conduct at a meeting of The RBA after a warning from the person presiding at the said meeting.

vi Failure to pay RBA fines or subscriptions within two months of the date on which they are due.

vii While at work, acting contrary to the provision of any instructions or decision of the Executive Council for the regulation and control of members' wages and conditions.

viii During authorised industrial action or lockout of other RBA members, not withdrawing labour when instructed to do so, carrying out work prohibited by the Executive Council or failing to carry out any instruction or decision of the Executive Council.

ix Making false statements or falsifying documents in relation to RBA membership or business or elections.

x Improperly disposing or seeking to dispose of any of the property of The RBA.

xi Failing to observe any other rule of The RBA where no specific penalty is laid down.

## **Rule 25 Social Media**

1 Central Office will control all Social Media postings as governed by GDPR.

## **Rule 26 Grievance, Disciplinary and Appeals Procedure**

1 Where any matter arises that can result in the penalising or disciplining of a member or official the following procedure must be followed:

*i* Such action can only be taken when there has been a breach by a member or official of a relevant rule or of a properly recorded decision of a constituent part of The RBA.

*ii* Where disciplinary action is to be considered a hearing by the Executive Council shall take place. The member must be informed in writing of the time and place of the hearing, the nature of the alleged

offence and the possible penalties which could arise from the charge, at least two weeks before the hearing. At the same time the accused person must be told in writing that they can, if desired, attend the hearing with expenses paid, submit any written or verbal evidence and be represented by one other person of their choice.

*iii* No Executive Council member having a personal interest or connection with the matter may hear the complaint.

*iv* The decision of the Executive Council and the reasons for it must be communicated to the accused person in writing and, if the decision is adverse to that person, that person should at the same time be advised of the procedure for appeal.

*v* All appeals shall be heard by the RBA's appeal court which shall consist of three independent Executive Councillors/Delegates, each of whom has at least two years' membership and service of The RBA, and no personal interest or connection with the case to be heard. The appeal court members shall be appointed at random as and when required.

*vi* Written notice detailing the grounds of appeal must be submitted by the accused person within two weeks of receiving the Executive Council's decision.

*vii* Central Office shall notify the appellant in writing at least two weeks before the appeal court hearing of the time and place of the hearing, the composition of the court, and of the right to attend with expenses paid, to submit written or verbal evidence and be represented by one other person of their choice.

*viii* If for any unavoidable reason either side cannot attend the appeal court hearing or present their case they must submit an immediate written request for postponement. Such postponement is not to extend beyond two weeks except when due to certified sickness of either the appellant or the person presenting the opposing case.

*ix* No disciplinary penalty shall be implemented until after the appeal court has heard and determined the appeal or the time for making such an appeal has expired.

*x* The appeal court may allow, reject, or alter any previous decision in the case as it sees fit or may confirm the previous findings and may vary the penalty as it sees fit.

*xi* The appeal court may reach a majority decision.



*xii* All written notices referred to in this rule will be deemed to have been properly served if handed in person to the accused and this being witnessed by one other member, or by delivery to the address registered with The RBA as that person's address for correspondence purposes.

2. There may be times when a member believes that they have a grievance against another member or Officer of the RBA and may request an interview to air their grievance.

*i.* Any such request for a grievance interview should be referred in the first instance to the Office Manager, RBA Central Office, giving basic details of the grievance.

*ii.* The Office Manager will select 3 Delegates/Executive Councillors at random to form a grievance committee, and will ensure that those selected are available and do not have an interest in the business of the grievance.

*iii.* The Grievance Committee will meet within 12 working days (or will explain the reasons why if later) to hear the grievance.

*iv.* The member bringing the grievance may be represented or supported by a person of their choice, who must be another member or, where appropriate, Officer of the RBA.

*v.* The Grievance Committee will hear and investigate the grievance as necessary and decide whether there is a case to answer. The Committee will inform the aggrieved member in writing within 7 days advising them of the decision.

*vi.* If the Grievance Committee believes that there is no case to answer, it will advise the aggrieved member and include details of the right of appeal, within the appeals procedure laid out in Rule 26. The Committee will also advise the Executive Council at the next routine meeting that the Grievance Committee had met.

*vii.* If the Grievance Committee believes that there is a case to answer it must advise the aggrieved member and decide upon the appropriate course of action.

*viii.* The Executive Council will decide upon any further action to be taken in accordance with Rules.

*ix.* Any Executive Councillor who has an interest in the business of the grievance, or who has sat on the Committee which heard the grievance and referred it forward will not be involved in further hearings which deal with the business of the grievance.

## **Rule 27**

### **Alteration to Rules**

1 Subject to the provisions of this Rule the Rules of The RBA may be rescinded, added to or amended as and when necessary.

2 Amendments to the Rules may be proposed by members at Branch or Section Meetings in accordance with Rule 30 governing such meetings.

3 The Executive Council may order consideration of a general alteration or revision of the Rules and shall appoint a Rules Revision sub-committee for this purpose.

4 The Rules Revision sub-committee shall be required to submit its proposals to the Delegates' Conference, not less than 21 days before the date of the meeting at which they are to be discussed.

5 A vote to alter these Rules may be taken either by a ballot of all members of The RBA or by a vote taken by the Delegates' Conference. Any proposal to so alter the Rules of The RBA must be approved by a majority of not less than 51% of the members voting, if a ballot of the serving membership is involved, or 80% where Delegates only are involved.

6 Delegates' Conference may at its absolute discretion vote to accept or reject all or any of the sub committee's proposals or may decide to put the matter to the entire membership.

7 In the event of a ballot of the membership, copies of the proposals together with ballot forms shall be sent to every member not less than 21 days before that on which the ballot papers are to be returned to Central Office. The following day, tellers appointed by the Executive Council shall count the votes received, and Central Office will inform the membership of the result within 21 days.

## **Rule 28**

### **Supply of Copies of the Rules**

1 Members may apply to Central Office for a copy of the Rules which shall be supplied free of charge.

## **Rule 29 Branch Meetings**

1 Staff members may hold branch meetings and submit proposals for discussion by the Executive Council, or Delegates' Conference.

2 Any such proposals must receive the support of the majority of those voting.

3 Branch meetings will be chaired by the Branch Representative/Delegate/Official, as determined by the President, who will forward the proposals passed by the meeting to Central Office without delay.

## **Rule 30 Section Meetings**

1 Each section shall hold meetings of members, if the appropriate member(s) so request, at least once per year (AGM) plus any additional meetings as may be deemed necessary.

2 The meetings shall be chaired by the President/Vice-President or by a Delegate/Executive Councillor.

3 It is the responsibility of Central Office to arrange meetings of members. Central Office shall give all appropriate members in the section reasonable notice of the date, time and place of the meeting, The Chairperson shall record the minutes and all resolutions passed and as soon as practical thereafter forward them, or a report, to Central Office.

4 Resolutions must be proposed and seconded and receive the support of 51% of those voting, before being taken forward.

5 Only members, Officers and appointed speakers may attend the meetings.

6 Members may also attend other RBA meetings provided that they are appropriate to their section.

**Rule 31**  
**Expenses When On RBA Business**

1 All RBA Representatives, including The President, The Vice-President, Delegates, Executive Councillors and Officers shall have their reasonable expenses paid when on RBA business, including the cost of room hire where previously agreed through Central Office. This will include second class rail fares or RBA car mileage. Hotels and air fare must be booked through Central Office.

2 All such expenses must be claimed on the official claim form and submitted, with receipts, to Central Office for payment.

**Rule 32**  
**Representation of individual Divisions, Sections and Sub-Sections**

1 The Executive Council may establish separate sub committees and procedures in respect of Divisions, Sections and Sub-Sections where the Executive Council deems that this would be in the best interests of The RBA and the members concerned.

2 All such Divisions, Sections and Sub-Sections within The RBA have the right to bring matters for discussion to the Executive Council or Delegates' Conference if they so wish in accordance with the procedures defined in these Rules.

**Rule 33**  
**Interpretation and Definition of Rules**

Any queries or definitions as to the Rules of The RBA shall be referred to the Executive Council for clarification and to the next Delegates' Conference for ratification.

**Rule 34**  
**Dissolution**

1 The RBA shall not be dissolved except with the consent of three quarters of the members of The RBA obtained by means of a postal ballot.

2 In the event of the required proportion of members deciding to dissolve The RBA all debts and liabilities incurred by or on behalf of the Trustees shall first be fully discharged. Outstanding payments due to employees of The RBA shall take priority and the remaining funds divided among the members.

## **Number of Delegates**

Staff:            8    WHS High Street  
                     8    WHS Travel  
                     2    WHS Post Office  
                     1    Waterstones

Supervisors:    5    WHS High Street

Team Leaders:  5    WHS Travel

Post Office Operations Manager: 2 WHS Post Office

Managers:       6    WHS High Street  
                     6    WHS Travel  
                     1    Waterstones

## **Number of Executive Councillors**

Staff:            4    WHS High Street  
                     4    WHS Travel  
                     1    WHS Post Office  
                     1    Waterstones

Supervisors:    2    WHS High Street

Team Leaders:  2    WHS Travel

Post Office Operations Manager: 1 WHS Post Office

Managers:       3    WHS High Street  
                     3    WHS Travel  
                     1    Waterstones

