



UNITED AND INDEPENDENT UNION

CONSTITUTION AND RULES

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CONSTITUTION AND RULES

RULE 1

1. INTRODUCTORY

1.1 Name of the Union

The Name of the Union shall be The United and Independent Union, hereafter referred to as "the Union".

1.2 Interpretation of Rules

In the event of any question arising as to the interpretation of these rules, the question shall be referred to the Executive Council of the Union, whose decision shall be final and binding.

1.3 Equal Opportunities Policy

The Union shall seek to ensure that all members are treated equally regardless of race, gender, sexuality, disability, age, creed and social class.

RULE 2

2. AIMS AND OBJECTIVES

2.1 At Work and in the Community

2.1.1 To organise all those employed, directly and indirectly within those areas of employment, which provides services whether in the public, private or voluntary sectors of the economy.

- 2.1.2 To seek to ensure equality of treatment and fair representation for all members and to work for the elimination of discrimination on the grounds of gender, race, disability, religion, belief, sexuality or age.
- 2.1.3 To seek to protect the rights of all members to be treated with dignity and respect irrespective of gender, race, disability, religion, belief, sexuality or age.
- 2.1.4 To improve the pay and conditions of members and promote their interests.
- 2.1.5 To establish good relations between members and their employers, to secure the settlement of disputes arising from members employment, and to participate in joint negotiating machinery.
- 2.1.6 To work to achieve equal access to services for all and to ensure that all users of services are treated with dignity and respect, irrespective of gender, race, disability, religion, belief, sexuality or age.
- 2.1.7 To promote greater employee, consumer and user involvement in representation and the delivery of public services irrespective of gender, race, disability, religion, belief, sexuality or age.
- 2.1.8 To liaise with all levels of government on public services and related matters and to promote and monitor legislation for the benefit of members and public.

2.2

Union Democracy

- 2.2.1 To promote, safeguard and improve the interest and status of members and the Union as a whole.
- 2.2.2 To promote and establish a Union to carry out and fulfil decisions made by members in a spirit of unity and accountability.
- 2.2.3 To promote, via representation in all the Union structures, equal representation for all members regardless of gender, race, disability, religion, belief, sexuality or age.
- 2.2.4 To encourage solidarity and an effective working partnership between the members, activists, representatives, officers and all staff in the service of the Union.
- 2.2.5 To promote and safeguard the rights of members to have an adequate opportunity to participate in the initiation and development of policy making, through meetings, conferences, delegations or ballots, and to encourage the maximum democratic debate together with the right to campaign to change policy, while at all times acting within the Rules.
- 2.2.6 To foster good employment relations with the Union's employees through their Trade Unions, to encourage and maintain good employment practices and to promote equal opportunities for all employees irrespective of gender, race, disability, religion, belief, sexuality or age.

2.3 **Service to Members**

- 2.3.1 To provide minimum guaranteed standards of advice, representation and service.
- 2.3.2 To provide information and publications about the Union and its work on a regular basis and in language and design that can be easily understood, including languages other than English where appropriate.

2.4 **Alteration and Amendment of Rules**

No new Rules shall be made, or any of these Rules altered, amended or rescinded, unless agreed to by a 2/3 majority vote of the Executive Council.

2.5 **Dissolution**

The Union may be dissolved by a vote of 5/6^{ths} of the Executive Council.

RULE 3

3. **MEMBERSHIP**

3.1 **Scope of Representation**

The Union shall seek to represent workers:

- 3.1.1 employed in the public or private sectors and
- 3.1.2 such other persons as may be provided for in these Rules, and as they may vary from time to time.

3.2 Subscriptions

According to their category of membership as set out below, members shall pay subscriptions as provided in SCHEDULE A. SCHEDULE A may be changed from time to time by the Executive Council in accordance with Rule 2.4.

3.3 Full Membership

3.3.1 Full members shall be eligible for full rights and benefits.

3.3.2 Memberships shall extend to persons who have previously been members with the Union and employment within the meaning of Rule 2.1, who are currently:

- (a) On unpaid maternity, paternity, adoption or medically improved compassionate leave from their employment.
- (b) On strike or locked out from their employment.

3.3.3 Eligibility for full membership shall extend to persons whether or not they were previously members of the Union who are undertaking a course of training or study whether full time or part time designed to lead to becoming employed within the scope of Rule 3.1.

3.4 Unemployed Members

3.4.1 Members dismissed or made redundant from employment within the meaning of

Rule 3.1 who notify the branch secretary in writing within 6 months of loss of their employment may acquire unemployed membership for 2 years from the date of dismissal or redundancy. This entitles them to receive services from the Union for up to 2 years after that date, provided they remained unemployed and to attend meetings of the branch at which they were previously employed.

3.4.2 Unemployed members shall be entitled to attend branch meetings and to vote on issues not related to paying conditions of members in employment. They are not entitled to hold office in the Union unless otherwise decided by the Executive Council.

3.5 **Members in Education**

3.5.1 The category of membership shall extend to persons not falling within Rule 3.3.3 above who are taking a course of education and for members of the Union in employment immediately prior to undertaking the course.

3.5.2 Persons in category of membership shall not be entitled to hold any office in the Union.

3.6 **Retired Members**

3.6.1 Retired Membership shall extend to persons who have at least 2 years continuous membership immediately prior to retirement and who are in receipt of a

pension or who have reached state retirement age and are not in any other paid employment.

3.6.2 Retired members shall be entitled to [attend branch meetings and vote on issues not relating to the pay and conditions of members in employment]. They will be entitled to stand for office and vote only for positions in the retired members' organisation unless otherwise determined by the Executive Council or as otherwise provided for in these Rules.

3.7 **Employees of the Union**

3.7.1 This category of membership shall extend to employees of the Union who shall pay contributions to the Union as provided in SCHEDULE A (1). A central register of such members shall be maintained. Except as specified below, all such members shall be eligible for all Union services. Members in this category shall be excluded from eligibility to;

- (a) Seek or hold office in any lay structure of the Union (except as a member of the Executive Council,
- (b) Be in membership of any branch or of any group or of any region,
- (c) Participate as a delegate in any policy making form of the Union,

- (d) Participate as a member in any policy making processes of the Union (except as in set out below).

3.8 **Becoming a Member**

3.8.1 Every person wishing to become a member shall complete and sign a prescribed form of application for membership, using his/her full name and giving his/her address, and shall return it either to the branch secretary of the appropriate branch or to the office specified in the form.

3.8.2 Providing that (a) the applicant is eligible for membership within these Rules and has not previously been expelled or barred from membership of the Union or has not previously ceased to be a member whilst disciplinary charges against him/her were outstanding and, (b) the branch or branch committee at its next meeting does not refuse the applicant membership, he/she shall become a member of the appropriate branch following receipt of his/her properly completed application form by the branch or head office and from the date on which the first contribution is made.

3.8.3 Members shall be entitled to vote in the Statutory Elections from the date of inclusion in the Union Central Membership Register on the qualifying date for participation in an election

specified in Regulations made by the Executive Council.

- 3.8.4 No person shall be a member of more than one branch of the Union at any one time.
- 3.8.5 Any person whose application for membership or transfer has been rejected have the right of appeal to the Executive Council. The procedure to be adopted will be the same as in the case of a disciplinary hearing.

3.9

Obligations of Membership

- 3.9.1 Every member shall observe all the Rules of the Union.
- 3.9.2 A copy of the current Rule Book shall be provided to each new member.
- 3.9.3 Each member who changes his/her address shall notify the Union of the change in the prescribed way.
- 3.9.4 It is an obligation on the member to ensure that his/her subscription is paid to the Union on the date on which it is due. Payment may be made in cash or by cheque (to the member's branch secretary or to a Union office as directed); by standing order; by direct debit; by check-off arrangement made through the member's employers, or by any other method acceptable by the Executive Council.

3.10 **Ceasing to be a Member**

3.10.1 Loss of eligibility

- (a) Any member ceasing to be eligible for membership within Rule 3, and who does not fall within the classes of membership set out at Rule 3 shall automatically cease to be a member unless:
- (b) The Executive Council decide otherwise; or
- (c) He/she intends to be absent from the employment defined in Rule 3.1 for a temporary period only, in which case he/she may be allowed by decision of the Executive Council to retain membership.

3.11 **Arrears of Subscriptions**

- 3.11.1 Any person owing 8 weeks of subscriptions to the Union shall cease to be a member of the Union (unless the Executive Council decide otherwise) with effect from the day after payment of the 3rd overdue subscription was due ("the Default Date") and shall forfeit all that he/she has paid to the Union. All benefits shall be forfeited with effect from the Default Date.

- 3.11.2 Such a person may rejoin the Union. The Executive Council shall require such

person to pay outstanding subscriptions or such other amount that it may determine and may request future subscriptions to be paid in advance of the usual date for payment.

3.12 **Resignation**

Any member may at any time resign his/her membership by submitting a written resignation to his/her branch or secretary or to the Secretary. Upon resigning, that member will forfeit any right to receive or continue to receive benefits and privileges of membership, and shall forfeit all that he/she has paid to the Union.

3.13 **Suspension**

3.13.1 The Executive Council shall have the power in exceptional circumstances to suspend a member from office for a period of not more than 60 days (unless such a period is extended by agreement between the parties). If the member faces disciplinary charges under Rule 3.10 and the Executive Council considers it appropriate in the interests of his/her branch or if the Union genuinely believe that he/she should be suspended until the charges are determined.

3.13.2 In cases of alleged financial alleged irregularities brought under Rule 3.10 and the member faces disciplinary charges related to such allegations arising from a Rule 3.10 investigation, the Executive Council may suspend the member(s) from holding office until the conclusion of the

disciplinary investigation, hearing or appeal.

3.14 Expulsion

A member may be expelled from membership in accordance with the disciplinary procedure set out in Rule 3.10. In such a case the member will forfeit any right to receive (or continue to receive) the benefits and privileges of membership.

3.15 Termination

Notwithstanding anything in these Rules the Executive Council may, by giving 6 weeks notice in writing, terminate the membership of any member.

RULE 4

4. UNION STRUCTURE

4.1 Executive Council

4.1.1 The supreme authority of the Union, including its conduct and control will be vested in the Executive Council. The Executive Council shall be composed of two Officer Members and two Lay Members. It shall have full power to transact any business of the Union falling within the Union's aims and objectives. The business to be transacted and the manner in which it is transacted shall be consistent with these Rules and the Rules from time to time in force. The decisions of the Executive Council will be binding on all Members.

- 4.1.2 The Executive Council shall meet at least once every three months and additionally, if necessary. One half of the total membership shall form a quorum.
- 4.1.3 The Executive Council meetings shall elect a Chair.
- 4.1.4 The Executive Council shall appoint auditors for the examination of any accounts of the Union or any of its Branches.
- 4.1.5 The three General Trustees shall be elected by the Executive Council and may be removed at any time and a successor appointed.
- 4.1.6 The Executive Council shall have the power to:-
- (a) Establish new sections of the Union;
 - (b) Disband or suspend sections of the Union who act contrary to the Rules of the Union;
 - (c) Appoint committees for the transaction of specific parts of its business; and
 - (d) Determine any matters not provided for in these Rules.

4.2 Branches

Branches will be established in accordance with a scheme approved by the Executive Council.

RULE 5**5. PRINCIPAL OFFICERS****5.1 Chair**

5.1.1 There shall be a Chair of the Union.

5.1.2 The Chair will be elected from amongst the members of the Executive Council and will chair meetings of the Executive Council.

5.2 Secretary

5.2.1 There shall be a Secretary of the Union who shall be the principal officer of the Union.

5.2.2 The Secretary shall have the right to attend and speak at conferences of the Union, and meetings of the Executive Council and all other meetings relating to Union business. The Secretary shall have duties, rights, powers and responsibilities coming with the post of Principal Officer as approved by the Executive Council.

5.2.3 The Secretary shall be elected and hold office for the maximum period prescribed by law.

5.2.4 The ballot for the post of Secretary shall be a secret postal ballot of the membership, which shall include retired members, conducted by a returning officer independent of the Union.

5.3 **Officer Members**

5.3.1 There shall be three Officer Members sitting on the Executive Council. Each Officer Member shall be elected in such manner as the Executive Council determines from time to time and shall hold office for a period of three years.

5.3.2 Only Union members who are Full Time Officers may be elected Officer Members.

5.3.3 At the expiry of each Officer Member's tenure, elections will take place to nominate a new Officer Member.

5.3.4 Officer Members are eligible for re-election on the expiry of the three year term referred to.

5.4 **Lay Members**

5.4.1 There shall be three Lay Members sitting on the Executive Council. Each Lay Member shall be elected in such manner as the Executive Council determines from time to time and shall hold office for a period of three years.

5.4.2 Only Union members who are not Full Time Officers may be elected as Lay Members.

- 5.4.3 At the expiry of each Lay Member's tenure, elections will take place to nominate a new Lay Member.
- 5.4.4 Lay Members are eligible for re-election on the expiry of the three year term referred to.

5.5 **General Trustees**

- 5.5.1 There shall be three General Trustees. They will be elected in such manner as the Executive Council determines from time to time and for such period as the Executive Council shall decide.
- 5.5.2 Trustees must be members of the Union.
- 5.5.3 The Trustees will carry out the functions delegated to them by the Executive Council.
- 5.5.4 The Executive Council may remove any General Trustee at any time and appoint a successor.

5.6 **Resignation and Termination of appointment of Principal Officers**

- 5.6.1 Any of the Principal Officers named above may resign their position at any time by giving notice in writing to the Union.
- 5.6.2 The Executive Council, on behalf of the Union, may give three months' notice in writing of the termination of the appointment of any of the Principal Officers.

RULE 6**6. BRANCHES****6.1 Branch Organisation**

- 6.1.1 Every member, excluding employees of the Union, shall be in membership of a branch established under these Rules. Disputes concerning the branch to which it is appropriate for a member to belong will be determined by the Executive Council.
- 6.1.2 Branches will be established in accordance with the scheme approved by the Executive Council.

6.2 The Branch Committee

- (a) Each branch shall establish a branch committee, the constitution of which shall be determined by the Executive Council from time to time.
- 6.2.2 The branch committee shall meet as necessary;
- 6.2.3 Meeting of the branch committee shall be convened by the branch secretary and/or in his/her absence by the branch chairperson;
- 6.2.4 In addition to the elected branch officers, the branch committee may co-opt additional members for special purposes with the consent of the Executive Council, but such members shall not thereby have

the right to vote at branch committee meetings.

6.3 Branch Meetings

- 6.3.1 All members of the branch shall be entitled to attend branch meetings.
- 6.3.2 Branches will hold an annual meeting at a time to be determined by the Executive Council. Additional meetings shall be held online with the agreed branch as in the Rules summoned by the branch committee to discuss any matter affecting the branch.
- 6.3.3 The purposes of the branch meeting shall be to:
- (a) Provide a means of communication between the branch officers and the membership.
 - (b) Enable the membership to take decisions on matters of branch policy.
 - (c) Ensure that the branch officers are accountable to the membership for conducting the affairs of the branch.
- 6.3.4 At the annual meeting of the branch, the following business shall be transacted:
- (a) The receiving of reports from the branch officers and the

branch committee, including reports on the branches finances and presentation of branch accounts;

- (b) The election or confirmation of election of branch officers for the coming year;
- (c) The election or confirmation of election of branch representatives to other levels of the Union and to external bodies.
- (d) Such other business as may be required by the branch Rules.

6.3.5 Meetings of the branch shall be convened by the branch secretary or in his/her absence by the branch chairperson.

6.3.6 Branch meeting shall be requisitioned by the appropriate number of members, in accordance with code of good branch practice.

6.4 **Branch Officers**

6.4.1 General branch officers shall be the chairperson, secretary, treasurer, education co-ordinator, equality officer, health and safety officer, communications officer, membership officer and such other officers as approved by the branch.

6.4.2 The branch officers shall be elected annually.

- 6.4.3 The branch chairperson shall preside at all meetings of the branch and the branch committee and shall ensure that business is properly conducted.
- 6.4.4 In the absence of the branch chairperson, the members present shall elect one of them to chair the meeting.
- 6.4.5 Each branch office may be chaired between two or more numbers subject to the approval of the branch meeting.

6.5 **The Branch Secretary**

6.5.1 The branch secretary shall:

- (a) Convene and attend all meetings of the branch and branch committee and shall arrange for the minutes and other branch records to be kept in a proper manner.
- (b) Cooperate with the Union's head office in keeping a record of all members' names, addresses and work groups and communicating any changes in these matters to the head office.
- (c) Be responsible for communicating with members and the Union's regional head offices on behalf of the branch.
- (d) In conjunction with the branch committee, ensure that the

branch observes the Union Rules.

- (e) At the end of his/her appointment (and at any other time when so required by the Secretary) delivers to the branch chairperson or to such person as the Secretary may appoint all minute books, records and other property belonging to the Union.

6.6 **The Branch Treasurer**

6.6.1 The branch treasurer shall:

- (a) Conduct the branches financial business and keep accounts in accordance with the Rules.
- (b) At the end of her/his appointment (and at any other time when so required by the Secretary) deliver to the branch chairperson or such person as the Secretary may appoint all accounts, financial records and other money belonging to the Union.

6.7 **Stewards**

- 6.7.1 One or more stewards shall be elected annually for each work group or workplace by the members in that workgroup or workplace.

6.7.2 Election of each steward shall be reported to the branch for ratification and the issue of credentials.

6.7.3 The stewards shall:

- (a) Represent the interest of members in their workgroup or workplace in any grievance, dispute or negotiations at the level of the workgroup or workplace.
- (b) Establish and maintain Union organisation in their workgroup including the convening of workplace meeting.
- (c) Where appropriate, in line with the code of good branch practice, attend meetings of the branch committee and of the branch membership.
- (d) Report to the branch committee all developments in their workplace and workgroup.
- (e) Carry out their duties in accordance with their Union's handbook for stewards.

6.8 **Visits by employed officials to branches.**

6.8.1 An employed official of the Union may visit a branch at the request of either the branch or the official.

- 6.8.2 The Executive Council or the Secretary or other official acting with the authority of the Executive Council is entitled to request an employed official to visit a branch where it is necessary to further interests and policies of the Union.
- 6.8.3 An employed official is also entitled to visit a branch:
- (a) For the purpose of financial checks and inspection.
 - (b) In the event of industrial action.
 - (c) Where it appears to the Secretary that a branch may no longer be functioning effectively.

6.9 Branches

Each branch shall submit an annual return of branch income, expenditure, assets and liabilities in respect of the previous financial year ended 31 December. The return shall be in a form prescribed by the Executive Council.

RULE 7

7. DISCIPLINARY ACTION

- 7.1 All members of the union have a duty to follow the rules of the union.
- 7.2 Disciplinary action may be taken against any member who:

- 7.2.1 Disregards, disobeys or breaks any of the rules or regulations applicable to her or him, or any instruction issued in accordance with the rules;
- 7.2.2 Acts in a manner prejudicial or detrimental to the union, his/her branch, region or service group;
- 7.2.3 Commits
- (a) Any act of discrimination, harassment on grounds of race, gender, marital status, sexuality, disability, age, creed or social class; or
- (b) Any other discriminatory conduct which is prejudicial to the aims and objects set out in Rules 2.1, 2.2 and 2.3.
- 7.2.4 Misappropriates any money or property belonging to the Union which is under his or her control, or fails properly to account for the money which was, is or should be under his or her control or defrauds the union in any way.
- 7.3 The Executive Council shall have the power to exclude or expel, as the case may be, from membership of the Union any individual who gives encouragement to, or participates in, the activities of any fascist organisation, faction or grouping whose policies or aims are expressed or imply promotion of white supremacy or racial hatred at their core.

- 7.4 Any disciplinary penalty imposed by any previous union shall continue in effect as if it had been imposed in the first instance by the Union.
- 7.5 Where there appear to be reasonable grounds to think that a member might be guilty of a disciplinary offence:
- 7.5.1 The member's Branch Committee or Service Group Executive will investigate whether the charges are justified; and
- 7.5.2 The Executive Council may appoint any of its number, were the Secretary, to investigate whether the charges are justified.
- 7.6 It shall be open to the Secretary to delegate all or part of the investigation to such person or persons as he/she thinks fit.
- 7.7 In any case, the body on whose behalf an investigation is undertaken shall consider the results of such an investigation before deciding whether or not a charge should be brought.
- 7.8 Disciplinary charges may be brought against a member by the member's Branch, Service Group Executive or by the Executive Council or the Secretary acting on its behalf.
- 7.9 The following arrangements shall apply for the hearing of disciplinary charges:-
- 7.9.1 A disciplinary charge brought by a branch shall first be heard by its Disciplinary Sub-Committee unless the member belongs to the Branch Committee in which case it

shall first be heard by a Disciplinary Sub-Committee of the Executive Council.

7.9.2 A disciplinary charge brought by a Service Group Executive or the Executive Council (or the Secretary acting on its behalf) shall be heard first before a Disciplinary Sub-Committee of the Executive Council; provided always that the Disciplinary Sub-Committee referred to at Rules 7.9.1 and 7.9.2 shall consist of no less than three members.

7.10 Where a disciplinary charge is proved against a member, any of the following penalties may be enforced:

7.10.1 By the branch :

- (a) Censure of the member;
- (b) Debar the member from attending any branch meeting for a period not exceeding 24 months;
- (c) Referral of the matter to the Executive Council for consideration of the more serious penalty including suspension or expulsion.

7.10.2 By the Executive Council:

- (a) Debarring the member from holding any union office for whatever period seems to it to be appropriate;

- (b) Suspension of the member from all or any of the benefits of membership for whatever period seems to it to be appropriate;
 - (c) Expulsion of the member from the union.
- 7.11 Any member who is dissatisfied with the decision of the branch or Executive Council in respect of charges against him or her may exercise the following rights of appeal, whichever is appropriate :
- 7.11.1 From the decision of a branch to a Disciplinary Sub-Committee of the Executive Council;
 - 7.11.2 From the decision of the Executive Council to the Union Appeals Committee.
- 7.12 The decision of the Executive Council Disciplinary Sub-Committee or of the Union Appeals Committee as appropriate shall be final and binding upon the union and the member concerned.
- 7.13 The Union Appeals Committee shall consist of three members drawn from the appeals panel.
- 7.14 None of the three members of the Appeals Panel chosen to hear an appeal may be from the same service group or from the same region as the member whose appeal is to be considered.
- 7.15 The procedure to be adopted for disciplinary hearings and appeals should be set out in Schedule D.

RULE 8**8. LEGAL ASSISTANCE**

8.1 The Executive Council shall have the power in its absolute discretion to grant legal assistance to members who qualify under Rule 8.2 below in respect of Rule 8.1.1:-

8.1.1 Injuries or any other matter requiring legal assistance arising out of or in the course of their employment, or in proceeding to or from their place of employment, or whilst on union duties or injuries arising out of a non-work related matter;

8.1.2 In exceptional circumstances or any other matters.

8.2 The Executive Council shall also have the power in its absolute discretion to grant legal assistance to family members of members who qualify under Rule 8.7 in respect of:-

8.2.1 Injuries suffered by the family member arising out of non-work related matters.

8.2.2 In exceptional circumstances any other matter.

8.3 Legal assistance may include advice and/or representation. Where legal assistance is provided by a solicitor and/or council instructed by the Union the Executive Council shall indemnify the member (or member's family if appropriate) in respect of any liabilities incurred on the Executive Council's authority up to the date of withdrawal of his support.

8.4 The Executive Council shall have the power in its absolute discretion to provide legal assistance to the financial dependents or next of kin of a deceased member whether or not they are members of the Union in respect of any matter arising out of the deceased member's employment or any matter in respect of which legal assistance could have been granted to the member under this rule.

8.5 In all cases the condition of Rules 8.8 to 8.12 inclusive below should be satisfied. However the Executive Council will grant legal assistance notwithstanding that some or all of these conditions are not met.

8.6 In all cases the Executive Council has absolute discretion as to whether or not to grant, continue or withdraw legal assistance. The Executive Council has absolute power to delegate, continue or withdraw the legal assistance to the relevant committee or to a lay or full-time officer of the Union.

8.7 **Qualifications**

8.7.1 The following shall apply:-

- (a) The member must have been in membership of the Union for a minimum of 13 weeks prior to the member known that she/he had need of legal assistance and seeks legal assistance from the union.
- (b) The member must not be in arrears of contributions.

- (c) The Executive Council or the relevant committee, lay or full-time officer, to whom the power to grant legal assistance has been delegated may in its absolute discretion grant legal assistance notwithstanding that Rules 8.2.1 and 8.2.2 above or either of them are not satisfied.

8.8 **Conditions**

The member seeking legal assistance shall seek assistance in a manner prescribed by the Council.

8.9 The member is not entitled to assume that his/her application for legal assistance is effective until this is determined in writing by the union.

8.10 The member must continue to pay contributions in accordance with Schedule A whilst his/her case is proceeding unless he/she has obtained dispensation from the Executive Council or relevant committee acting on its behalf.

8.11 Every grant of assistance shall be an understanding that the Executive Council in its discretion may withdraw legal assistance if the member does not follow the advice of the Union or its appointed solicitors, fails to pay contributions or if in its view the continuance of legal assistance is unreasonable. The Executive Council may, in determining whether or not continuing legal assistance, take into the account the policy of the Union.

8.12 The Union shall not be accountable for any costs, charges or other payments in connection with legal assistance either incurred or made on behalf of

members (or member's family if appropriate) without the consent of the Executive Council.

RULE 9

9. BALLOT VOTING

9.1 The Executive Council may in matters which in their opinion affect the interest of the Union, take a ballot vote of the members of the whole Union. The Executive Council may also take a ballot vote of the territorial region or trade group whose particular interests are concerned.

9.2 Only members possessing not less than 13 weeks' membership, having paid 13 weeks' contributions, not being more than 13 weeks in arrears, shall be entitled to vote.

9.3 In all ballots of the Union to which this rule applies, the method of voting shall be by the marking of a ballot paper by the person voting and the election shall be organised and conducted with the directions from time to time of the Executive Council.

- 1.3 The level of income which subscriptions will be based for the year will be that of the member as at 1 October.
- 1.4 Transitional arrangements for subscriptions following a transfer of engagements may be agreed between the transferor body and the Executive Council, and members transferred under an Instrument of Transfer shall pay subscriptions in accordance with such transitional arrangements, if any.

2. **FULL MEMBERSHIP IN ACCORDANCE WITH RULE 3**

2.1 **Full Pay**

A member in receipt of full pay should continue to pay the full subscription rate in accordance with SCHEDULE A 1.1 and 1.2, unless otherwise provided for in this schedule.

2.2 **Reduced Pay**

A member whose salary is reduced for any reason for a period of one or more complete calendar months should pay the appropriate subscription based on and only during the continuance of such reduced salary, provided that the branch secretary is notified of the reduction and resumption of salary, or change of membership status.

2.3 **Maternity, Paternity, Paternal, Adoption, Dependant Care and Compassionate Leave**

The member will not pay subscriptions in cases where the leave is unpaid provided that all subscriptions due to the date of cessation of paid

leave have been made and the branch secretary is immediately notified of when the member resumes receipt of pay or change of membership status.

2.4 **Disability Leave**

The member will not pay subscriptions in cases where the leave is unpaid provided that all subscriptions due to the date of cessation of paid leave have been made and the branch secretary is immediately notified of when the member resumes receipt of pay or change of membership status.

2.5 **Long Term Sick Leave**

The member will not pay subscriptions in cases where the long term sick leave is unpaid provided that all subscriptions due to the date of cessation of paid sick leave have been made and the branch secretary is immediately notified of when the member resumes receipt of pay or change of membership status. If the member becomes medically retired, they should pay the retired members' subscription, or if their employment is terminated and they are not in any other paid employment, they should pay the unemployed member's subscription.

2.6 **Members undertaking training or study**

Full members in accordance with Rule 3.3.3 will pay £10 per year.

3. **UNEMPLOYED MEMBERS**

Members who are unemployed in accordance with Rule 3.4.2 will pay £4 per year.

4. MEMBERS IN EDUCATION

Members in Education in accordance with Rule 3.5.2 will pay £10 per year.

5. ONGOING LEGAL CASES

5.1 Retired Members who have an ongoing legal case will pay the retired members' subscription.

5.2 Ex-members who are in employment outside of the Union's sphere of organising must continue to pay subscription band A1 in accordance with Rule K where the Union is providing representation in an ongoing legal case. In cases where an award is gained full back subscriptions must be paid to the union at the appropriate rate.

6. RETIRED MEMBERS

There shall be two subscription rates as follows:-

6.1.1 Retired members £0.80 per quarter

6.1.2 Retired members No charge
 who, since
 reaching
 retirement age,
 have 10 years'
 membership

7. VARIATION OF RATES

These rates may be varied by a simple majority vote of the Executive Council.

SCHEDULE B**Elections**

1. All elections for the post of Secretary, and for election to the Executive Council shall be conducted in accordance with the following rules. Any election to any other post or body will be subject to these rules if the Executive Council so decide.
2. At least three months prior to the election, the Executive Council will appoint a returning officer independent of the union, and will publish the name of that person and a timetable (agreed with the Returning Officer) setting out:
 - 2.1 the dates between which nomination for election will be received;
 - 2.2 the dates when ballot papers will first be sent to members entitled to vote;
 - 2.3 the dates by which completed ballot papers will have to be returned; and
 - 2.4 the date upon which the result of the election will be announced.
3. Nominations will be made in writing to the Secretary.
4. The election will be by postal ballot of those entitled to vote. So far as reasonably practicable, all members entitled to vote in an election shall be sent ballot papers at their address in the Union records; and shall be enabled to vote without expense to them individually, and without interference or constraint by any other member of the union.

5. Candidates nominated for the election will be given the opportunity of preparing an election address, to be no longer than a maximum specified by the Executive Council and approved by the returning Officer, which will be sent (free of charge to the candidates) to all members entitled to vote together with the ballot paper. Candidates must not choose to make election addresses which contain statements contrary to Rule 2 "Aims and Objectives". Furthermore, election addresses must not contain statements that make false accusations against members, or staff, of the Union and it shall be treated as a disciplinary offence to do so. This provision is subject to any relevant statutory provision.
6. The Returning Officer shall determine the validity of any complaint made to him/her about the conduct or fairness of the election, and shall have the right to require an election to be held again in whole or in part if not satisfied that the election complies with the requirements of law and these Rules, and if the Returning Officer considers it reasonable to exercise the right.
7. The Executive Council shall have the power to determine any matter of procedure or organisation or administration of or relating to the election, including the power to determine the method of voting (whether to be by simple majority; by single transferable vote; by multi-transferable vote; or by some other system) provided that the person(s) securing the greatest number(s) of votes according to the system employed shall be the person(s) declared elected, so long as they are and remain eligible for election.

SCHEDULE C**Disciplinary Procedures**

The following procedures shall be adopted for the hearing of any disciplinary charge by a Branch Disciplinary Subcommittee, a Regional or Service Group Disciplinary Subcommittee or any other body as decided by the Executive Council:

1. No later than 21 days before the disciplinary hearing the member shall be sent a written notice of the charge, stating the sub-paragraph(s) of Rule 1.2 under which he/she is charged and stating briefly how and when the member is said to have broken the sub-paragraph(s) concerned. At the same time the member shall be sent copies of any written material and correspondence to be considered in relation to the charge, together with the report of any investigation, and shall be told the date, time and place at which the charge against her or him is to be heard.
2. The member shall be allowed to submit, not later than 7 days prior to the hearing, any written material in support of his/her case.
3. The member shall be entitled to be represented at the hearing by another person of his/her choice (subject to the approval of the sub-committee, such approval not to be unreasonably refused).
4. The Committee hearing the charge will ensure that the charged member's rights are protected in that the provisions of Rule 1 and Schedule C1 have been scrupulously applied.

5. In the event that the provisions of Rule 1 and Schedule C1 have not been properly applied the charge will be referred back to the body which brought the disciplinary charge.
6. At the hearing, the member shall be asked whether he/she admits or denies the charge. If he/she admits it, the Committee hearing the charge shall then consider whether and to what extent they should exercise any of the disciplinary powers conferred by rule.
7. If he/she denies the charge, the representative of the Branch, Regional Committee, Service Group Committee, Executive Council or Secretary as appropriate (who is called "Union Representative" in this Schedule) shall state the case against the member in the presence of the member and any representative of the member, and may call witnesses. He/she will produce any documents which he/she claims support the charge.
8. The member or the member's representative shall have the opportunity to ask questions of the Union Representative and the witnesses.
9. The members of the Committee hearing the charge may ask any questions they think appropriate of the Union Representative and of any witnesses, and may question the member concerned about the charge.
10. The Union Representative shall have the opportunity to re-examine his/her witnesses on any matter about which they have been questioned by the member charged, his/her representative, and by members of the Committee hearing the charge.

11. The member or his/her representative shall put his/her case in the presence of the Union Representative, may call witnesses, and may produce any document he/she wishes that is relevant to the charge.
12. The Union Representative shall have the opportunity to ask questions of the member or the member's representative and witnesses.
13. The members of the Committee hearing the charge shall have the opportunity to ask questions of the member, or his/her representative, and witnesses.
14. The member or the member's representative shall have the opportunity to re-examine his/her witnesses on any matter about which they have been questioned by the Union Representative and/or by members of the Committee hearing the charge.
15. No written material or documents shall be submitted which do not comply with the provisions of existing rule numbers C1, C2, C5 and C9 of this schedule.
16. No new charge may be raised at the hearing.
17. After all witnesses have been heard and documents produced, The Committee hearing the charge (i) may ask the person presenting the charge to sum up the case; and (whether he/she does so or not) (ii) must then permit the member charged, or his/her representative, to address them. The member of His/her representative shall have the right to speak last. In summing up no new matters may be introduced.
18. At any time during the procedure set out above, members of the Committee hearing the charge may

seek clarification of any statement made, and may enquire of either party as to the evidence that is to be called.

19. The Committee hearing the charge has an absolute discretion to adjourn the hearing to allow either party to produce further evidence, or for any other reason.
20. The Committee hearing the charge shall then consider in private whether the charge is proved to their satisfaction, or not, on the evidence presented before them. All members of the Committee taking part in the discussion must have been present throughout the entirety of the hearing. No new matter can be raised against the member concerned. If any point of uncertainty arises, the Committee may recall both parties to clear the point. In such a case, both parties shall return notwithstanding that only one is concerned with the point giving rise to doubt.
21. If the Committee decides that the charge is not proved, they shall dismiss it.
22. If the Committee decides that the charge is proved, they shall then decide what, if any, action to take. Before determining its decision, the Committee may consider anything that the member wishes to submit in mitigation.
23. The Committee hearing the charge may inform the member of their decision orally, but it shall in any event be confirmed to the member in writing within 14 days of the conclusion of the hearing. Where the charge is found proved, the member shall be notified in writing of (a) his/her right of appeal, (b) the body to whom the appeal should be directed, and, (c) the

date on which the four week time limit for appealing expires.

24. Any penalty imposed on a member will not take effect until the expiry of the time limit within which the member can submit an appeal or, if an appeal has been submitted, until such time as the appeal has been determined.

25. No person who is a witness, or who has investigated the charge prior to its being brought, shall sit on the Committee hearing the charge or any appeal.

26.

26.1 If a member intends to appeal, he/she must exercise his/her right to do so by writing to the Secretary of the appropriate Committee within four weeks of his/her being notified in writing of the decision subject to the Appeal.

26.2 At least three weeks' notice shall be given to the member of the date, place and time at which the appeal is to be heard.

26.3 The appeal will take the form of a re-hearing of the charge, in accordance with the procedure set out above for the initial hearing. No material that was not before the initial hearing may be introduced, unless it is material evidence which could not reasonably have been available to either party at the time of the initial hearing.