



# Book of Rules







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June 2022

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## **Rule 1**

### **1.1 Name, Objects and Constitution**

This union shall be called the Bakers, Food and Allied Workers' Union having for its object the establishment of funds to be raised by entrance fees, contributions, and interest on capital, for the mutual support of its Members as set out in accordance with these Rules.

The regulation of relations between Members and their employers, or organisations of employers, to promote and support legislation in the interest of Members relating to the legal rights of trade unions, industrial health, safety and welfare, social and economic welfare and environment protection eventual nationalisation of the Baking Industry.

To provide legal assistance in accordance with the Rules of the Union.

To promote the training and education of Members in relation to their activities on behalf of the union and for their personal development.

The fixing of living wage rates for all workers employed in connection with the baking industry or allied trades.

The furtherance of Political objects to which Rule 27 applies.

The promotion of equality for all including through:

- i) collective bargaining, publicity material and campaigning, representation, union organization and structures, education and training, organizing and recruitment, the provision of other services and benefits and all other activities;
- ii) the Union's own employment practices.

To oppose actively all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic.

All printing must be done at trade union firms.

### **1.2 The Union shall be registered.**

The Registered Head Office and place of Business of the Union shall be at Stanborough House, Great North Road, Stanborough, Welwyn Garden City, Herts, or at such place as the Executive Council deem necessary.

### 1.3 Membership

This Union shall consist of an unlimited number of Members, and for the purpose of government shall be divided into:

- a) An Annual Conference of delegates elected by the Members.
- b) An Executive Council elected by the membership as per Rule 21.

*This rule amended June 2022*

- c) Regions consisting of Branches.

### 1.4 Abbreviations

Throughout these rules the following abbreviations shall have the following meanings:

BFAWU	Bakers, Food & Allied Workers Union
EC	Executive Council
FGPC	Finance and General Purpose Committee
BC	Branch Committee
HO	Head Office
RO	Regional Office
RC	Regional Council
SOC	Standing Orders Committee

### 1.5 Status of Rules

These rules shall not be altered, amended or revoked, nor shall new rules be added save by Annual Conference of the Union pursuant to Rule 22 or by special postal ballot of the Members pursuant to Rule 21. Any such amendment of the rules shall require a two-thirds majority of delegates voting at Conference or a two-thirds majority of Members voting in the event of a postal vote.

## **Rule 2**

### **2.1 New Branches and Administration**

Any ten or more members employed in the same workplace or for the same employer who desire to form a branch of this Union, must apply to the relevant RC. No expense shall be incurred until authority has been obtained from the RC.

*This Rule amended 2021*

## **Rule 3**

### **3.1 Members' Rights and Duties**

Any person, from any industry or walk of life, who is committed to upholding the aims and rules of the Union may apply to become a Member of the Union.

### **3.2 Effect of Expulsion**

No person shall be admitted who has been expelled from the Union previously, (unless such expulsion was on the ground only of their arrears of payment of contribution), without reference to the EC.

### **3.3 Right of Appeal**

An applicant, who is refused admission to the Union, shall have the right of appeal to the EC. This right must be notified to them in writing.

### **3.4 Union Rulebook**

The new Member is entitled to a copy of these Rules. Members joining the Union as a result of a transfer of engagements are entitled on request to a copy of the rules in their amended form.

## Rule 4

### 4.1 Safety Committees

Branch Safety Representatives are elected for a period of two years when they are subject to re-election in the same way as Shop Stewards under Rule 14.8(g). Each Branch shall, from amongst its Safety Representatives, submit to the September RC meetings nominations for a Regional Safety Committee. The Regional Safety Committee shall become agenda item to the Regional Council. The Regional Safety Committee shall elect from their number one representative to attend a National Safety Committee.

The National Safety Committee shall consist of one representative from each Region and the National President and General Secretary. Only Safety representatives who are working in a BFAWU-recognised workplace can be Safety Representatives and serve on Regional and National Committees.

Meetings of the National Safety Committee shall be held at least one week prior to the EC meetings.

Regional Safety Committee Members and National Safety Committee Members will hold office for two years, be eligible for re-election and be paid fares and fees as per Regional Council delegates. Where a Safety Committee Member is unable to attend a meeting, substitutes are allowed. Each Branch and Regional Council will include on their Agenda the item 'Health and Safety' to encourage discussion on this important subject. Full Time Officials and EC Members shall attend Regional Safety Committees in an ex-officio capacity.

*This Rule amended 2021*

## Rule 5

### 5.1 Contributions and Benefits

The weekly contribution of all waged Members (other than free card Members) 18 years of age and over, shall be set by the EC but shall not exceed *one half of the basic hourly rate* in the National Working Agreement. With the NW Agreement, Members under 18 shall pay £1 per week – to be increased each year at the same percentage rise as the full Members' contribution increase.

Also, where a Member is employed on a *zero hours contract* in the Fast Food Industry (or any industry organised by the BFAWU) and is an unrecognised site, they are entitled to pay the same rate as Members under the age of 18, until such time as the site becomes recognised and/or the Member is placed on a full contract. They shall then pay the full rate of membership contribution.

### 5.2 Benefits

Benefits will be payable to all Members 16 years of age and over up to the recognized state retirement age as follows:

<i>Unemployment Pay</i>	£5.00 p.w. for 13 weeks after a 1 (one) week deferment period.
<i>Sickness Benefit</i>	£7.50 p.w. for 13 weeks after a 2 week deferment period.

Contributions are due for every week of the year except in the case of Members being certified sick or unwaged. Members on long-term sick leave will, after 6 months, pay no less than unwaged Members.

Sickness Benefit will not be paid during Maternity Leave. It will only be paid before and after said leave. In the case of a Member being on Maternity Leave and having exhausted all monetary benefits, then the said Member shall be allowed to pay contributions at the same rate as retired Members until they return to work.

### 5.3 *[This Rule was removed in 2017]*

## 5.4 Retired and Unwaged Members

### a) *Retired Members*

Upon reaching state retirement age the rate of contribution may be reduced to £0.35p per quarter if the Member has retired from full-time employment, to be increased each year at the same percentage rise as the full Members' contribution increase.

Qualifying Retired Members may choose to make a one-off £25.00 payment entitling them to *Retired Membership for life*. This payment cannot be reduced to reflect contributions already paid. This reduction will entitle the Member to funeral benefit under Rule 6.1.

If a Member falls sick within a period 104 weeks following retirement, sickness benefit under Rule 5.2 will be payable. Thereafter funeral benefit only will be payable. There is no entitlement to unemployment benefit under this Rule.

### b) *Unwaged Members*

Members made unwaged may retain membership by paying £1.75 per quarter, to be increased each year at the same percentage rise as the full Member's contribution increase.

## 5.5 Casual Workers

Workers employed on a day to day basis shall pay a minimum of one week's current contribution, qualifying for benefit as per Rule.

## 5.6 Fatal Accident Benefit

£2,500 will be paid to the next of kin of a Member who is killed during their hours of employment, or while travelling to and from their home to their place of work.

## 5.7 Benefits

After payment of 52 weeks' contributions all Members shall be entitled to benefits as per Rule.

## 5.8 Sickness or Temporary Disablement Benefits

All Members claiming sickness or temporary disablement shall comply with the following regulations adopted for the payment of sickness and temporary disablement benefit.

**5.9 Re-qualification**

Members who have exhausted their full entitlement shall contribute for a further 52 weeks before requalifying for benefit. Further requalification shall continue on this basis. Where one year has elapsed since the last payment of benefit, a Member not having exhausted their full entitlement, shall be regarded as having requalified for a further period of benefit, subject to Rule 10.1.

**5.10 Working whilst receiving sick pay**

Should a Member be found working whilst receiving sick pay, the Member shall be liable to disciplinary action as laid down in Rule 11.2.

Every Member claiming Sickness or Temporary disablement Benefit must give notice thereof (together with a medical certificate) as soon as possible, according to national arrangements. No claim shall be recognised until a medical certificate has been received at the RO.

**5.11 Forwarding medical certificate**

Members shall be required to forward a medical certificate at least once a month. Members neglecting to comply with this request shall forfeit all claim to benefit until a certificate has been tendered.

Nothing in these rules shall entitle a Member who has already accomplished a night's work to draw Sick Pay in respect of the succeeding day. Each Member declaring off the funds shall do so by sending a medical certificate to the RO stating they are able to resume their employment on a certain day.

**5.12 Unemployment Benefits**

Entitlement to and re-qualification for Unemployment Benefit shall be as provided by Paragraph 5.2 of this Rule on production of satisfactory proof of unemployment.

Should a Member be found working whilst in receipt of unemployment benefit, they will be liable to disciplinary action in accordance with Rule 11.2.

**Voluntary Redundancy**

Anyone who accepts voluntary redundancy will not be able to claim unemployment benefit from this Union.



**5.13 20 Year Badge**

After completion of 20 years' continuous membership, a badge will be presented.

**5.14 40 years' Continuous Membership**

All Members having 40 years' membership shall be granted a free membership card in the Union. They shall receive a grant of £150.00. They shall be entitled to all Benefits as per Rule, until reaching state retirement age. Thereafter, Funeral Benefit only will apply.

**5.15 50 years' Continuous Membership**

Members with fifty years' membership should receive a pewter Baker in recognition of a remarkable achievement.

## Rule 6

### 6.1 Funeral Benefits

- a) From the effective date, the following benefits will be paid to Region No.7 Members under the Rules of the Great Britain Union, provided they have paid a minimum of fifty two weeks' contributions as required under Rule 5.7. Subscriptions paid to the former Northern Ireland Union prior to the effective date are counted towards qualifying under this Rule.

All Members shall be entitled to the following Funeral Benefit:

*After 1 years membership: £75*

*After 5 years membership: £150*

On the death of a Member's spouse or partner 50% of the above rates will apply.

Funeral Benefit shall also be paid for any one child of a one-parent family on the same scale as on death of a Member's spouse.

- b) Members who were retired or Members in benefit of the North of Ireland Bakers and Confectioners and Allied Workers' Union at the date of transfer of engagements will be entitled to funeral benefits.

£150 for Member

£75 for Member's spouse or partner.

## **6.2 Applications for Funeral Benefit**

All applications for Funeral Benefit must be accompanied with a certificate from the Registrar of Deaths, or a copy thereof, and the deceased Member's Membership Card. Applications for this benefit must normally be made within 12 months of the death of the Member or Members spouse/partner. The EC shall consider any mitigating circumstances relating to late applications.

Where two Members pay contributions and one dies the Spouse will be entitled to both death benefits.

Should a Member have received any Funeral Benefit paid to them on account of deceased spouse/partner, then they shall not be entitled to receive, or allowed to receive, any further sum of money on account of any subsequent wife or husband whom they may have married until a period of 15 years has elapsed since the previous claim. The same to apply to any Member leaving the Union, who may rejoin.

## **Rule 7**

### **7.1 Nominations re Funeral Benefit**

Every Member may nominate a person or persons to whom any sum of money payable by the Union on their death shall be paid.

### **7.2 Nomination in writing**

All such nominations shall be made in writing under the hand of the Member delivered at or sent to the Registered Office of the Union. A nomination may be partly printed, and if made in a book kept at the Office shall be taken to be delivered at the Office.

### **7.3 Exclusions for nominations**

The person or persons so nominated shall not be an officer or servant of the Union, unless such officer or servant is the spouse, parent, sibling, sibling or partner of the nominator.

### **7.4 Revoking nomination**

A Member may from time to time revoke or vary such nomination by a writing under their hand similarly delivered or sent.

### **7.5 Payment of Benefit**

On receiving satisfactory proof of the death of a nominator the Union shall pay to the nominee the amount due to the deceased Member.

### **7.6 Register of nominations**

The Union shall keep a record or register of all nominations made by the Members and of all revocations and variations of the same and for the recording of every such nomination, revocation or variation.

## **Rule 8**

### **8.1 Members in Business**

Should any Members commence business on their own account they may continue as Members. They shall not be eligible to hold any office or delegateship to Annual conference or EC. They shall not be permitted to attend any special branch meeting called for the purpose of regulating wages or general working conditions.

## **Rule 9**

### **9.1 Members to Hold Office**

None but Members who have been or are working in the industry may hold office or delegateship of the Union. Any Member guilty of misappropriation or attempted misappropriation of the funds or property of the Union shall be debarred or dismissed from holding office or delegateship of the Union. Powers of reinstatement in any other office shall be vested in the EC only.

### **9.2 Exclusions**

Should any Member become an Officer of any other Trade Union, they shall not be eligible to hold any office or delegateship within this Union.

### **9.3 Honorary Membership**

Honorary Membership of a Branch or Region may be conferred by respective bodies concerned, on any retired Members, including Full Time Officials.

Honorary Members will not be eligible to hold office or have any voting rights. Honorary Membership can be withdrawn at the discretion of said respective bodies.

## **Rule 10**

### **10.1 Members' Clearing Nights and Default of Contributions**

There shall be four clearing nights in each year, which must be held within seven days of the first Saturday of the months of March, June, September and December.

Contributions due at quarter end must be paid within seven days of quarter night. Failing which benefit rights shall be forfeited until such time as contributions are paid up-to-date.

### **10.2 Termination of membership**

A Branch Meeting may terminate the membership of any Member who is more than four (4) weeks in arrears with their contributions, provided not less than four weeks' notice in writing to such proposed termination, and the reason for it have been given to the Member.

## **Rule 11**

### **11.1 Complaints Procedure**

Any Member having any complaint that any other Member, lay officer or group of Members and/or officers has acted contrary to these Rules must acquaint the Branch Secretary of their complaint in writing within 28 days. The Branch Secretary shall forward a copy of the written complaint to the person(s) being complained against immediately on receipt of the written complaint. The Branch Secretary shall, within 28 days, call a Committee Meeting to consider the matter. The Member shall have a right to be heard at such Committee Meeting.

If the complaint is about Branches not being elected in accordance with Union Rules, the complaint should be made to the Organising Regional Secretary, so that it may be forwarded to the RC or EC.

A Member who is not satisfied with a decision of such a meeting of the Branch Committee may appeal to the RC by way of a WRITTEN NOTICE to the Organising Regional Secretary within 28 days.

### **11.2 Member's Conduct**

Disciplinary action may be taken against a Member who is in breach of these Rules or by their conduct has brought the union into disrepute or dishonestly receives or applies union funds or monies of any Member entrusted to them for the payment to the Union.

The right to take or confirm disciplinary action including suspension and dismissal is vested in the Branch, RC and the EC subject to the right of appeal referred to below.

The Member(s) shall be given not less than seven days notice of any meeting convened to consider any complaint under this Rule or an appeal and shall be given full details of the allegation(s) against them. Any penalty imposed by the meeting shall be stayed pending an appeal to the EC

A suspended Member shall remain liable to pay their contributions but shall have none of the rights and privileges of a Member.



### **11.3 Conduct of Full-Time Officials**

Only the EC shall have the jurisdiction to take disciplinary action against any Full Time Official of the Union. Upon receiving a written complaint of misconduct from any Branch or from the relevant RC the General Secretary must refer the matter as soon as possible to the EC. Disciplinary action shall be taken only if seven days notice of the meeting of the EC which is to consider the matter is given to the Official against whom allegations are made, and such notice must be accompanied by written particulars of the alleged misconduct. The Official shall have the right to be heard at the meeting, and shall be given a written statement of the EC's decision which shall be subject to a right of appeal. Appeals will be in line with the agreement between the FTOs and the EC.

No FTO shall be dismissed without the EC first consulting with the respective RC. Rule 11.1 must have been followed.

### **11.4 Disciplinary action**

For disciplinary action initiated by the EC, the Agreement between the Full Time Officials and the EC shall operate.

Any Officer or Member who acts contrary to the Rules of this Union will not receive the support of this Union.

## **Rule 12**

### **12.1 Temporary Transfer of Membership**

Any Members working up to six months in a Branch other than the one they are Members of may transfer to the Region wherein they are working. Members shall be allowed to visit any Branch Meeting on the production of their cards, showing that they are paid up Members, and shall be allowed to take part in any discussion on the affairs of the Union, but shall not be allowed to vote on any question appertaining to Branch matters.

## **Rule 13**

### **13.1 Legal Support for Members**

The EC shall have the power to authorize any Organising Regional Secretary of the Union, subject to terms and conditions as it may from time to time specify, to provide legal assistance for any Member in any matter connected with their employment provided that the Organising Regional Secretary is satisfied that the Member should take legal action.

### **13.2 Seeking Assistance**

Any Member seeking the assistance of the Union in connection with any matter must notify their Branch Secretary or Organising Regional Secretary with the least possible delay.

### **13.3 Representation**

The Organising Regional Secretary shall have the right to decide whether to nominate a Solicitor or other representative to represent the Member under this Rule.

### **13.4 Legal assistance**

Where legal assistance has been granted to any Member it shall be conditional upon that Member at all times observing the terms and conditions set out below and in particular to:

- 1 Remain a Member of the Union and continue to pay contributions as provided by these Rules.
- 2 Accept and act on the advice of the Solicitor or other representative acting for the Member and who for these purposes shall be an officer advising on behalf of the EC.
- 3 Co-operate with the Solicitor or other representative and in particular treat them with dignity and respect, reply to correspondence, attend arranged appointments, provided them so far as possible with all relevant information and inform them of any change of address or name.

### **13.5 Indemnifying costs**

Provided a Member in receipt of legal assistance complies with the conditions set out above the Union will indemnify the Member against all legal costs arising from their claim. However should the Member fail to comply with any such conditions or should they willfully provide false information to the Union or to the Solicitor or other representative nominated to act for the Member or to any Doctor, Engineer or other expert concerned in the claim whether on the application for legal assistance or otherwise such assistance may be withdrawn. In that event the Member will not be entitled to any indemnity for higher liability for costs incurred at any time in the course of their claim and the Union shall be entitled to recover from the Member any costs already incurred by the Union.

### **13.6 Approval of legal representation schemes**

In addition to the provision of legal assistance for any Member as set out above, the EC may from time to time approve a scheme or schemes for the provision by the Union of legal assistance to Members and/or such other persons as they shall determine in any class or matter that they consider appropriate and may attach such conditions to such scheme or schemes as they may determine. The EC may at any time withdraw its approval to such a scheme or vary the conditions (if any) it has attached, provided that any withdrawal of approval shall not affect assistance granted to any person before the date of such withdrawal.

### **13.7 EC decision is final**

Notwithstanding anything in these Rules, the decision of the EC under this Rule shall be final.

## Rule 14

### 14.1 Branch Management

- a) Every Branch shall be called by a name as a Branch of the Bakers, Food and Allied Workers' Union and may hold its meetings weekly or fortnightly in each month, in addition to the Quarterly meetings in the months of March, June, September and December of each year at its appointed place of meeting, from which place it shall not be moved except by special resolution of the Members or of the RC or EC.
- b) Where there are more than fifty Members working in shops that are part of the Factory Branch, an assistant Branch Secretary may be elected to help and administer service to the membership in that section. The assistant Branch Secretary to become part of the Branch Committee and participate with all affairs of the branch.

The election of the assistant Branch Secretary will be held in accordance with Rule 14.2 except that the electorate shall be shop workers in the branch and the election be by ballot. Expenses will be paid for the shops section of the Branch.

### 14.2 Complement of Officers

The business of the Branches of this Union shall be conducted by the following officers: President, Vice-President, Secretary, Auditors, Shop Stewards and a Branch Management Committee consisting of three of the aforementioned officers, plus two other Members of the Branch. All officers shall hold office for not more than two years, and shall be eligible for re-election at the December Quarter meeting, nomination at the previous September Quarter meeting.

### 14.3 Union learner Representatives

Each Branch may elect Union Learner Representatives. The Learner Representatives must normally complete a Union Training course in Learner representative skills within 6 months of election. Upon successful completion of this course they will be issued with Learner Representatives Credentials by the relevant Regional Council.

Regional Councils shall elect one Learner Representative per Region to attend the National Union Learner Representative Committee plus a substitute.

The role of the National Learner Representatives Committee shall be to discuss the progress of the Union Learner Reps programme/ learning activity within the Union/Industries and to make recommendations to the EC on these matters. The National ULR Committee shall not have decision making powers.

The National Learner Representatives Committee shall consist of one Learner Representative from each Region the National Officers plus co-opted Members. Only Learner Representatives who are working in workplaces recognised by the relevant Regional Council can be Learner Representative under the Rule and serve on Learner Representatives Committees at whatever level.

Meetings of the National Learner Representatives Committee shall be held at least one week prior to the quarterly EC meetings.

National Learner Representative Committee Members will hold office for a period of two years, be eligible for re-election and paid fares and fees as per Regional Council Members. Where a Learner Representative Committee Member is unable to attend a meeting, substitutes are allowed.

Each Branch or Regional Council will include on their agenda the item 'Learning and Training' to encourage discussion of this important subject.

#### **14.4 Duties of Branch Officers**

The duties of the President of every Branch shall be to preside over all meetings called in the Branch; preserve order; see that justice is done between all Members, sign all Minutes, see that the Rules of the Union are impartially administered, attend the opening and closing of the branch, and any other duty the nature of the Office may require. The Branch Officer shall receive as salary such sum as Members deem necessary, not to exceed £5 annually. The duties of the Vice-President shall be: to assist the President in preserving order in the Branch: to officiate as President in their absence; and to perform such other duties as the office may require.

### **14.5 Duties of Secretary**

The Secretary shall convene all Branch Meetings by giving not less than seven days' notice in writing to all Branch Members.

The Secretary shall keep all books and accounts that may be deemed necessary for the use of the Branch; shall attend all meetings, supply the President with the heads of business to be brought forward, and enter the minutes passed at such meetings; conduct all official correspondence. The Secretary shall give each Member at least seven days notice of the quarterly meeting. The Secretary shall make up the books at the end of each quarter, also prepare a balance sheet showing the financial position of the Branch; also forward General and Branch return sheet to the RO.

The Secretary shall notify the RO of any Members who declare on the sick funds as soon as practicable.

The Secretary shall be allowed expenses calculated on the following basis; 5p in the pound on all monies collected except Benevolent fund monies. If contributions are collected by hand expenses will be calculated at 7<sup>1</sup>/<sub>2</sub>p. In the event of a Branch Secretary being off sick their expenses will cease to be paid by the Union. The Branch Committee will elect a substitute or assistant Branch Secretary in their absence. Expenses will be calculated on a weekly basis until the Branch Secretary returns and paid at the end of each quarter.

If any funds of the Union be spent otherwise than is allowed by the Rules, the officials will be liable to be prosecuted.

### **14.6 Auditors**

Two auditors shall be elected every two years, who shall carefully examine all books and vouchers relating to income and expenditure and sign same. They shall receive for their services 14p each up to 50 Members; over 50, 25p each: This payment will only be made to those who attend and report. They shall be responsible for the approval of the Branch Balance Sheets.

### **14.7 Sick Stewards**

Each Branch may elect a Sick Steward or Stewards whose duty shall be to visit Members and report to the Branch Secretary as to their condition from time to time. They may receive out-of-pocket expenses. Sick stewards to hold office for a period of two years and be eligible for re-election.

## 14.8 Shop Stewards

- a) Where Members are working together in a place of employment they shall elect a Shop Steward on the basis of one steward for every 50 Members or under. Where work is done in shifts or departments, a steward shall be elected for each.
- b) Shop Stewards shall examine membership cards of all Members with 17 days after Quarter Night, and furnish the Regional Office with a report containing the names, branches, and arrears of Members after each Quarter Night inspection.
- c) The Shop Stewards shall contact new employees in efforts to recruit the employees to membership of the Union and to ensure that the employees are receiving the appropriate terms and conditions of employment.
- d) They shall be the recognized intermediary with the employer on workshop grievances, and any proposed changes to existing workplace practices.
- e) They shall immediately inform the Organising Regional Secretary and Branch Secretary of any serious issues arising, such as dismissals or breaches of agreements and keep close contact with the RC.
- f) They may be removed from office by the Board at the request of a majority of Members whom they represent, if they fail to carry out their duties in conformity with the Rules.
- g) There shall be a Branch meeting at December Quarter for the election of Shop Stewards for which 14 days notice shall be given. All Stewards shall hold office for two years and shall be eligible for re-election.

If there are more nominations than vacancies a ballot shall be held.

- h) In any shop, factory or department where a Shop Steward has not been previously elected, it shall be the duty of the Member holding the senior position to see that a Shop Steward is elected by the date specified in such a notice as may be issued to Members requesting such an election. Election of a Shop Steward shall be subject to ratification by the appropriate RC.



- i) Shop Stewards will avail themselves of such opportunities as may be offered by the Union to increase their understanding of trade unionism in general and the wages structure and legislation affecting our trade in particular.
- j) Shop Stewards elected to attend organised meetings on behalf of their branch shall be paid delegates' fees along with expenses, i.e. same as Regional Council Delegates.
- k) Safety representatives shall be elected from the Members of the Branches. The duty of Safety Stewards is to inspect plants and machinery and advise Members of dangers and to keep the Secretary informed of dangerous practices, which may affect the health and safety of Members.

Safety stewards to stand for re-election after 2 years' service, and credentials to be progressed through the RC.

- l) Environmental representatives shall be elected from the Members of the Branches. The duty of Environmental Stewards is to implement changes on sites, inspect sites and report opportunities for environmental savings to the branch committee and employees. They shall forward best practice to the EC for discussion.

Environmental stewards to stand for re-election after 2 years' service, and credentials to be progressed through the Regional Council.

*This Rule amended 2021*

#### **14.9 Contribution Collectors**

Contribution Collectors may be appointed by the Region where deemed necessary. Their duties shall be to collect contributions regularly from Members allocated to them; to endeavour to recruit new Members, and to pay monies collected into Union funds as instructed by the RC. They shall receive as expenses the sum of 5p in the pound, unless collection is by hand, when the calculations will be 7.5p.

#### **14.10 Meetings**

The business transacted at Special Meetings shall not be binding unless Members have been duly summoned by not less than 7 days' notice in writing. The meeting shall confine itself to the objects specified in the summons.

**14.11 Voting**

No Member shall be allowed to vote on any question unless at the Branch Meeting at the time when the votes are recorded. Where ballot voting takes place for Conference delegates, any Member unable to attend the meeting through illness or holiday shall be entitled to receive a ballot paper. The ballot shall be conducted in accordance with Rule 22.2. On the return of the ballot papers, not later than the Branch Meeting their vote shall be included in the count. The Branch Secretary and President must sign the certificate giving the voting returns.

**14.12 Rectification**

In cases where the independent scrutineer question the validity of the votes it shall be competent for the EC to take action to rectify the position.

**14.13 Authorised documentation**

No Member or official shall circulate any unauthorised document or social media content. Branches shall only deal with correspondence issued or approved by the EC, or RC in accordance with General Rule, and with correspondence from Trades Union Congress, , The Northern Ireland Committee of the Irish Congress or organisations affiliated to those bodies.

The sanction of the EC must be obtained for all regional or national appeals to Branches of any kind. Branch officials or Members failing to carry out this Rule shall be liable to disciplinary action as laid down in 11.2.

*This Rule amended 2021*

**14.14 Termination of Office of Branch Officials**

Should any Officer of the Branch wish to resign their Office they must give one month's notice in writing to the Branch Secretary, or in the case of the Branch Secretary, to the President.

If an Officer is removed from Office pursuant to the provisions of Rule 11.2, they must deliver upon demand to such person duly appointed by the Union to receive them, all monies, documents and other property of the Union and in default of doing so, shall be subject to such disciplinary action or Court proceedings as decided by the EC.

#### **14.15 Branch Affiliations to Other Bodies**

Branches shall not affiliate to any body or organisation not recognised by the Trades Union Congress. Branches shall affiliate to the local Trades Councils. Payments to delegates shall be the same as delegates to Conference, Regional and National Committee meetings on reporting back to the Branch and RC

## **Rule 15**

### **15.1 Regional Councils**

In any Area where there are two or more Branches there shall be a RC composed of delegates elected from the Branches.

The RC shall co-ordinate and control Branches within its area. It shall consider Resolutions from Branches and shall have power to refer Resolutions to Conference. The Council shall consider applications for Grants and make recommendations regarding them to the EC who shall have the power to endorse such Grants. It shall receive and consider such Reports from the Organising Regional Secretaries.

### **15.2 Branch delegates**

The Council shall consist of Delegates from Branches on the basis of one Delegate per 100 Branch Members or part thereof with a maximum of 4 delegates from any one Branch.

However, in any shops section of the Factory Branch, delegates will be elected on the basis of one delegate per 50 Members or part thereof with a maximum of two delegates from any one shops section.

For the purpose of RCs' delegates, the factory and shops membership must be counted separately.

Where a RC delegate finds that they are unable to attend a RC meeting, that delegate shall immediately inform the Branch Secretary or, if that delegate is the Branch Secretary, the Branch President, so that the substitute delegate can be contacted.

Where a RC delegate fails to attend three consecutive RC meetings, they shall be replaced by the first named substitute or, where the substitute(s) decline the position, the Branch will elect a new delegate to serve out the current Term of Office and be eligible for re-election.

### **15.3 Length of Office**

Every Delegate shall hold office for two years. The RC shall meet for general business quarterly or more often if necessary.

**15.4 Branch Elections**

Branches shall elect the Delegate or Delegates to the RC in December and no Member shall be eligible for election who is not in compliance with Rule 10. No nominations to be accepted unless submitted from Branches in accordance with Rule 22.5.

Payment to Delegates shall be £5 plus travelling expenses for each meeting. 'The £5 fee will not be payable where food is supplied by the Union.'

*This Rule amended 2021*

**15.5 Election of Officers**

The RC shall elect from its Members a President, Vice-President and a Committee of five as the necessary Officers for the management of the Regional affairs.

**15.6 Regional Council Meetings**

The RCs shall meet quarterly in the months of January, April, July and October. Notice of the meeting shall be sent to Delegates by the Regional Officer not less than seven days before the meeting is due to be held.

**15.7 Relation to the EC**

The RC shall be under the control of the EC, and any act or resolution of such Council or a Committee of such Council, against the letter or spirit of the Rules of the Union may be annulled and set aside by a resolution of the EC; and any acts committed or documents issued by a RC, in violation of the expressed policy of the EC shall be entirely null and void.

**15.8 Duties of RC President**

The duties of the President shall be to preside over all meetings, preserve order, sign Minutes, see that the Rules are administered impartially and any other duty which nature of the Office shall require. The President shall receive an honorarium of £5 annually in addition to delegates' fee and expenses. In the absence of the President the Vice-President shall fulfil their office and duties.

## Rule 16

### 16.1 Regions

The EC shall co-ordinate the Union in seven Regions. Regions shall be established as follows:

- No 1 Region**      Covering London and the Home Counties, Anglian and Kent, and the Southern Counties of England
- No 2 Region**      Covering South Wales and South Western Counties of England
- No 3 Region**      Covering the Midlands, Counties of England.
- No 4 Region**      Covering the North West Counties of England
- No 5 Region**      Covering the North East Counties of England and Scotland
- No 7 Region**      Covering Northern Ireland.

## Rule 17

### 17.1 Election of Organising Regional Secretaries

The EC shall sanction the election of all Organising Regional Secretaries in cases where they deem advisable. Officials thus elected shall be nominated by Branches in the relevant Region at special meeting of the Region concerned, and nominations may be made of any Members of the Union of three years membership.

The RC concerned shall appoint five of its Members to act as a selection committee together with 3 Members of the EC. The Selection Committee shall be empowered to interview the nominees to ascertain their competence and compliance with Union Rules to proceed to a ballot of Members in the Region. The Selection Committee shall frame questions to the candidates on relevant union and industrial relations matters in relation to the industry and refer to the person specification and selection criteria. Successful candidates shall proceed to a ballot of the relevant Regional membership held in accordance with Standing Order 18.

Members not in compliance with Rule 10 are not eligible to vote.

*This Rule amended 2021*

### 17.2 Duties of Organising Regional Secretaries

The Organising Regional Secretaries shall report on their work to the EC when requested by that body. They shall be under the control of their respective RCs and be accountable to them, subject to the supreme authority of the EC, whose instructions shall be binding on all permanent and part-time officials. The EC after consultation with the respective RCs, shall have the power to suspend or dismiss any Organising Regional Secretary who disobeys instructions either by the EC, Regional or RC or who, by their conduct or action brings discredit upon the organisation. Such procedure shall follow that laid down by Rule 11.3 and the decision of the EC shall be subject to a right of Appeal to Conference as in Rule 11.3.

### 17.3 Notification of Industrial Action

In cases that look likely to lead to industrial action of any kind, the Organising Regional Secretary must immediately notify the Regional Officer and HO of the circumstances.

#### **17.4 Signing of Agreements**

All local agreements need to be signed in conjunction with the Organising Regional Secretary, and all national agreements to be signed in conjunction with a National Officer.



## **Rule 18**

### **18.1 Regional Officer**

- a) In each Region there shall be a Regional Officer appointed by the EC. In the event of a vacancy any Full Time Officer may apply to the EC. The EC shall appoint the Regional Officer from the applications received.
- b) A Regional Officer shall combine the duties with their normal Full Time Officer duties, unless the EC deems otherwise. They shall hold office so long as they give satisfaction to the Members and the EC.
- c) The terms of service of a Regional Officer shall be arranged after negotiation with the EC.

*This Rule amended 2021*

### **18.2 Reports on work and finance**

A Regional Officer shall report to the EC on the work and finance of the Region quarterly. They shall compile Quarterly and Annual Balance Sheets as directed by the EC. They shall send all monies due to the EC not later than 5th April, 5th July, 5th November, 5th January, following each quarter respectively. The summary return sheets, Regional financial statements and branch returns shall be sent in each quarter to HO within seven weeks of the Branch quarterly meetings or the Regional Officer shall be liable to disciplinary action as in Rule 11.3.

## Rule 19

### 19.1 Superannuation

- a) There will be a retirement benefits scheme for the provision of pensions on retirement. This will be open to Full Time officials and other employees of the Union (While contributing to the Scheme they will be referred to as “pensionable employees”) Members of the Scheme will include past officials and employees who were pensionable employees during their employment, retired officials and employees who are eligible to draw a pension and eligible dependants of Members following the Members death. Full details of the membership requirements are in the Rules of the Scheme.
- b) The Scheme has been set up under a trust deed that was submitted to Annual Conference at that time. The General Secretary and National President of the Union shall be among the Trustees of the Scheme.

The Scheme will be constituted under the trust deed and rules of the Scheme and is under the control of the Trustees of the Scheme.

The Trustees will ensure that the trust deed and rules of the Scheme are kept up to date with legislative requirements, including the Pensions Act 1993 and any subsequent legislation. The Scheme is recognized by the Inland Revenue as a contracted out Scheme.

- c) The funds held by the Scheme will be held separately from those of the Union. Contributions will be transferred to the Scheme within the required time limits where they are deducted from a pensionable employees’ salary. The Scheme will pay its own expenses and the pensions due. The Scheme will keep all income received on its investments.

## **Rule 20**

### **20.1 Duties and Payment of National Officers and the Executive Council Management**

The general management of the Union shall be invested in a committee of management termed the Executive Council consisting of the National President, General Secretary, and Members elected in accordance with Rule 22.6(b)

### **20.2 President – Nominations**

- a) Nomination – In the event of a vacancy for the position of National President, nominations shall be invited by the Branches at special Branch meetings, and nominations may be made of any Member of the Union with three years' membership.

The EC shall be deemed a Selection Committee for the purpose of considering nominations received. They shall frame questions to the candidates on relevant union and industrial relations matters in relation to the industry.

- b) A candidate is debarred from being a Member of the Selection Committee. All candidates must be interviewed by the Selection Committee, and any candidate not attending when summoned to such Committee shall be disqualified.
- c) All candidates going to the final ballot shall be allowed to express their views through the medium of The Union Journal before the ballot.

### **20.3 Election of President**

- a) The National President shall be elected under the Unions balloting procedure, on a national basis as laid down under Standing Order 18. Members who are not in compliance with Rule 10 are not eligible to vote.
- b) Thereafter they will face re-election every five years except in the case where such an election would be within five years of their retirement.

## 20.4 Duties of President

- a) The National President shall preside over the Annual Conference and the EC meetings. The President shall act under the direction and authority of the EC.
- b) The President shall have a casting vote on an equality of votes, give every Member an impartial hearing, see all Standing Orders strictly adhered to and sign all Minutes of the Meetings they presided at. The President of the EC shall not put to the vote any motion which can be decided by the General Rules of the Union.
- c) The President's salary and holiday entitlements shall be fixed by the EC. They shall be allowed travelling expenses and second class railway fares, with overnight expenses as per Conference delegates when away from office. They may attend and speak at any Meeting held under the auspices of the Union.
- d) The National President shall be a permanent official so long as they continue to give satisfaction to the majority of the Union.

## 20.5 Vice-President

The Vice-President shall be elected from the EC at the first meeting of the EC after Conference and shall attend all Meetings in connection with the same and assist the President in preserving order. The Vice-President shall be paid £2 every year.

## 20.6 General Secretary – Nominations

In the event of a vacancy for the position of General Secretary, nominations shall be invited by the Branches at special branch meetings, and nominations may be made of any Member of Union with three years' membership. The EC shall be deemed a Selection Committee for the purpose of considering the nominations received. They shall frame questions to the candidates on relevant union and industrial relations matters in relation to the industry. A candidate is debarred from being a Member of the Selection Committee. All Candidates must be interviewed by the Selection Committee, and any Candidate not attending when summoned to such Committee shall be disqualified. All candidates going to the final ballot shall be allowed to express their views through the medium of the union journal before the Ballot.

## 20.7 Election of General Secretary

The General Secretary shall be elected under the Unions balloting procedure, on a national basis, as laid down under Standing Order 18. Thereafter they will face re-election every five years except in the case where such an election would be within five years of their retirement date.

## 20.8 Duties of General Secretary

- a) The General Secretary's duties shall be to answer all correspondence, edit and publish the society's journal, monthly or otherwise as directed by the EC, keep a correct entry of all monies received. The General Secretary shall act as Treasurer and receive cash from or on behalf of the Union to meet current expenses. They shall not hold more than £3,000 in hand and shall give and take receipts for all monies passing through their hands. Their books shall be open for inspection by any Member on giving 48 hours notice. They shall keep a record of Branches in the Union. They shall attend each Annual Conference. Attend all meetings of the EC and keep a correct copy of all Minutes of proceedings and circulate copies to Branch Secretaries. All minutes of the EC, FGPC and Regional Officers meetings shall be provided on a quarterly basis and should be available at Regional Council/Regional Board meetings. They shall conduct the business the EC deems appertaining to their Office. They shall keep the EC informed of any important matters arising.
- b) The General Secretary's salary and holiday entitlements shall be fixed by the EC. They shall be allowed travelling expenses, second class railway fares, with overnight expenses as per Conference delegates when away from office. They may attend and speak at any Meeting held under the auspices of the Union.
- c) The General Secretary shall be a permanent Official so long as they continues to give satisfaction to the majority of the Union.
- d) The Quarterly Return Sheets shall be filed by the General Secretary for six years so that the EC shall have documentary evidence signed by the Officers of the Region.

The General Secretary shall not be engaged in any business or trade, not hold any other Office in the Union, except as Conference Delegate to a Trades Council or Trades Union Congress.

- e) The General Secretary shall have free and unfettered access to books, papers and other documents in the hands of Regional or Branch Officials appertaining to the Union at any time they may find it necessary and convenient for The General Secretary to examine them. The General Secretary shall bring or defend or cause to be defended any action, suit or complaint, in any Court of Law or Equity, concerning the Property of the Union, in accordance with Section 9 of the Trade Union Act, 1871.
- f) General Proviso – In the event of the death occurring or vacancy arising from any cause whatever, it shall be competent for the EC to take steps for the government of the Union in the interim before the election, as they may think necessary.
- g) The General Secretary shall keep the EC informed of any important matters arising and to send all correspondence to Branches from Head Office.

## **Rule 21**

### **21.1 Executive Council Constitution**

The Union's Executive Council will be held in accordance with the prevailing legislation and any guidance issued by the union from time to time. All candidates will be required to comply with such guidance. Such elections shall take place every five years. Members who are not in compliance with Rule 10.1 are not eligible to vote of the Union's membership in accordance with Standing Orders.

The EC will be elected on the basis of one member per 3000 members in each region, or part there of, based on the previous September Quarters membership returns.

In addition, one female Member will be elected to represent the female membership and one Member to represent the young Members.

#### **Nomination**

Nominations shall be invited by Branches at their December Quarter meeting preceding the election. Each Branch shall be entitled to nominate one candidate from within their Region, along with one candidate each for the positions of Female and Young Members Representatives.

Nominations must reach the General Secretary by the last Friday in January in the year of the election. Nominees must be Members of not less than 3 years membership apart from the Young Members EC representative.

The Young Members EC representative must have a minimum of 1 years membership, and be aged 27 years or under on the 1st of June in the year in which the election takes place.

All candidates must be clear of arrears of contributions, or the nominations will be void.

#### **Substitute EC Members**

If an elected EC member is unable to attend an Executive Council Meeting and/or resigns from their position, an elected Substitute will stand in their place.

### **Permanent EC Vacancy**

Where the Executive Council has determined that (a) a permanent vacancy has arisen within its number and (b) that the next scheduled election for that position is at least 24 months away from the date of that determination, then elections for a replacement shall be held in accordance with this rule book and as per a timetable as laid down by the Executive Council. Should the operation of any relevant rule impede the timely conclusion of the said elections, the Executive Council shall be empowered to depart from it to any extent which is both reasonable and proportionate.

*This section introduced 2022*

## **21.2 Executive Council**

a) The EC shall meet quarterly within the first two weeks of the months of November, February, May and August. Should any question arise in the interim which the National Officers do not feel competent to deal with they may summon the Council to deal with the same.

b) The EC shall in their collective wisdom, carry out from time to time such plans that appear advisable for furthering the principles and objects of the Union, and may appoint persons to carry out the same.

The EC has the authority to amend and implement any changes necessary to ensure that we are able to offer our Membership a competitive Legal Services package, without impacting on the Union's economic viability.

The EC alone is empowered to authorise or ratify the participation of Members in Industrial action of whatever nature and no paper or document relating to any dispute may be issued without the prior sanction of the EC.

c) The EC shall endeavour to promote unity of action and mutual understanding between the various Branches and Regions of the Union. They shall appoint any competent persons to audit the accounts of any Branch or Region of the Union.

d) Any Officer of the Union deemed by the EC to be acting contrary to the interests of the Union, may be removed from office by the EC following the relevant procedures/agreements.



In the event of a vacancy occurring through death or otherwise, the EC, may appoint a successor for the time being pending a vote of Members to fill the vacancy.

- e) The EC shall have power to arrange the geography of Regions
- f) The EC shall elect Scrutineers to examine and put on record all votes received from Members entitled to vote for the election of the Standing Orders Committee, delegates to TUC Conference and other matters.

*This rule amended 2022*

- g) The EC may grant small sums to any trade union in distress or dispute, but in cases of a National Appeal issued by the General Council of the Trades Union Congress on behalf of a Union in dispute, the EC may make a grant for a charity connected with the trade. They may also make grants to Members and Trade activities.
- h) The EC shall have power to decide all questions of dispute between the individual Members or Branches, subject to further appeal to the Annual Conference where provided by these Rules.
- i) Notwithstanding anything in these rules the EC may, by giving six weeks notice in writing, terminate the membership of any Member if necessary in order to comply with a decision of the Disputes Committee of the Trades Union Congress or the Northern Ireland Committee of the Irish Congress Trades Union.
- j) The EC shall have power to submit to Conference resolutions bearing on matters not dealt with by resolution or alteration of Rules sent in from Branches and the same shall be circulated to the Branches on March Quarter night. The EC shall have power to bring forward emergency resolutions without restriction of time.
- k) The EC shall be empowered to order a Postal Ballot Vote of the Union and, or Conference Delegates on matters which in their opinion are sufficient importance, including the alterations of Rules. In such event, ballot postcards shall be distributed to every Member who, provided that they are in compliance with Rule 10, shall have the right to vote. All postcards must be sent to the Union's independent scrutineers for scrutiny.

The accountants will declare the result of the ballot and the EC will publish the result in circulars to full-time officials and the result shall be made known to individual Members by Branch Secretaries at Branch Meetings.

- l) The EC shall have power in case of dispute, which in their opinion require financial assistance, to supplement the EC grants, to levy the funds in the hands of RCs of an amount not exceeding 50p per Member of the Region, or such proportion of 50p as may be deemed necessary from time to time. The payment shall be remitted by the responsible Officials of the Region from the funds in the hands of the RCs, to the HO of the Union, within seven days of the receipt the Regional Officer of the copy of EC resolution authorising the transmission of such sum.
- n) Members of the EC shall have the right to take part in discussion at any meetings held under the auspices of the Union.
- o) Payments to EC Members shall be the same as to Conference Delegates.
- p) EC Members engaged on EC business involving absence from work shall be compensated.
- q) Where Members are engaged in Union duties abroad sanctioned by the EC, the needs required at that particular time shall be decided by the E C.
- r) The EC shall be empowered to call a Special Conference at any time if in their opinion circumstances warrant. The Delegates shall be those appointed to serve at the previous Annual Conference.
- s) The EC or any of its Members may be removed by a two-thirds majority vote of the delegates present at a Special Conference called for that purpose upon a request being submitted to the General Secretary and signed by two-thirds of the delegates appointed to serve at the previous Annual Conference.
- t) The EC shall appoint Trustees, one from each Region, who shall act under their supervision in accordance with the Trade Union Acts and Orders. They shall resign their offices when called upon by a majority of the EC. In the event of death or resignation of one of the Trustees, the EC shall at once proceed to fill up such vacancy or vacancies. A majority of Trustees can ratify deeds.
- u) Any group of Members acting contrary to an instruction from the EC to be disciplined.

**21.3 Auditing Accounts**

- a) The Union's Accounts shall be audited at least once a year and the EC shall appoint an Auditor to perform those tasks on such terms as the EC considers appropriate.
- b) The Auditor shall be qualified in accordance with any appropriate prevailing legislation.
- c) The appointment and removal of the Auditor shall be in accordance with any appropriate prevailing legislation.

**21.4 Auditing Membership Systems**

- a) So long as it is necessary to comply with prevailing legislation, the Union's membership system shall be audited at least once a year and the EC shall appoint an Assessor to perform those tasks on such terms as the EC considers appropriate.
- b) The Assessor shall be qualified in accordance with any appropriate prevailing legislation.
- c) The appointment and removal of the Assessor shall be in accordance with any appropriate prevailing legislation.

## **Rule 22**

### **22.1 The Annual Conference**

An Annual Conference of duly-elected Delegates shall be held at a venue nominated by the EC. Arrangements and expenses of a nominal sum shall be determined by the EC.

### **22.2 Nomination and Election of Delegates for Annual Conference**

That nomination and voting for Conference Delegates shall be at the March Quarterly Meeting. A Branch may use a Substitute Delegate, elected at the March quarter meeting, to attend Conference at anytime up to Conference commencement with full rights, in the event of an elected Delegate being unable to attend Annual Conference.

There shall be no restrictions on nominations. Each Branch shall be allowed one Delegate per 100 Members or part thereof with a maximum of three delegates from any one Branch. A Branch will be able to elect a further delegate if they elect a Member under the age of 27.

However, where there is a shops section within the factory branch, additional to factory branch delegates, nominations shall be held within the shops section and election on the basis of one delegate per 50 Members or part thereof with a maximum of three delegates from that shop section. A shop section will be able to elect a further delegate if they elect a Member under the age of 27.

For the purpose of Annual Conference delegates, the factory and shops membership must be counted separately and the election of the shops delegates be by ballot.

The notification of delegates and substitute delegates must arrive at HO by the last Friday in March. The return sheets for the September Quarter shall determine the proportion of representation.

If any new Branch is formulated between 1 September and 1 March they may elect a maximum of one delegate at the March Quarter to attend Annual Conference.

### **22.3 Basis of Representation**

No fully-paid Officials or Organisers shall be eligible to be elected as Delegates to the Annual Conference.

## **22.4 Duration of Conference**

- a) The Conference shall be Sunday, Monday, Tuesday and Wednesday, or as determined by the National President and SOC.
- b) A Standing Orders Committee shall be elected by and from the Conference delegates. The Committee consisting of one Member from each Region elected at one Conference shall elect its President who shall receive an honorarium of £4 annually and shall officiate at the next Conference. In the event of any such Member being elected conference delegate for the second year, then their branch shall be entitled to an extra delegate to that Annual Conference.

In the event of any such Member not being a delegate to the second Conference, they shall function as a Member of the Standing Orders Committee but shall take no part in Conference debates.

The Standing Orders Committee shall meet on the Saturday prior to the Conference and shall present a report to the first session of Conference.

Members of the Standing Orders Committee shall be paid in accordance with Rule 22.5 and shall be subject to Rule 9; and in the event of loss of earnings from their employer shall be compensated for any loss by the union.

## **22.5 Rates of Payment for Delegates**

Each duly elected Delegate shall receive the sum of £5.00 per day for attendance, together with payment of second-class rail or bus fares and 25p per hour for time in travelling as per express timetables to and from the place of meeting. The EC shall have the authority to pay the same overnight expenses to Delegates who are finding their own accommodation.

The £5 fee shall also be payable to duly elected delegates to any BFAWU course or conference held away from their workplace. The £5.00 fee will not be payable where food is supplied by the Union.

## 22.6 Power of Conference

- a) To accept to refer back the decision of the existing EC.
- b) To elect a Standing Orders Committee of one delegate per Region plus a substitute delegate for each Region.
- c) To elect delegates to the Trades Union Congress.
- d) To discuss and take action upon any other matter.
- e) No collection shall be allowed on the floor of Conference. Any request for supplementing any collections taken outside Conference must be sent in writing to the subsequent quarterly EC meetings.
- f) Unacceptable behaviour at Conference will not be tolerated and will result in a ban from Conference and disciplinary action taken.

*This rule amended 2022*

## 22.7 Nomination Papers

Not less than 14 days before the Conference each delegate shall be sent nomination papers for candidates for Standing Orders Committee and delegates to Trades Union Congress. Ballot papers in respect of the foregoing, when completed shall be collected by the Scrutineers who shall be responsible for arranging the impartial scrutiny and counting of the votes cast.

In the case of a digital meeting being held, the deadline, delivery and collection of nominations and ballot arrangements may be amended as determined by the National President and SOC

*This Rule amended 2022*

*Previous Rule 22.8 [EC Vacancies] removed 2022*

## 22.8 Conference start times

The Annual Conference shall commence on the first day at 9.30 am and the remaining time as per the recommendation of the Standing Orders Committee.

**22.10 Legislation Functions**

Delegates shall have power, by a two-thirds majority vote of those present, to alter the General Rules of the Union. They shall have power to change the rates of entrance fees and contributions to the EC funds and to alter the rates of benefits therefrom.

They shall not have the power to extend the time for the Annual Conference or raise the rates of payment to Delegates or EC until such has been sanctioned by an appeal to the whole of the Members and agreed upon by a ballot vote taken.

Conference motions submitted by Regional Councils at their January meetings must be submitted to HO prior to the February EC meeting.

**22.11 Rule change resolutions**

Resolutions involving alteration of Rules shall have precedence over all other Conference Resolutions and shall be debated on the first day of the Conference. Any change of Union Rule shall stand for a period of at least two years.

*This Rule is suspended until Annual Conference 2020 in relation to any motion proposing a change of Rule 27 only, at which time it will apply to all Rules*

**22.12 Submission of Conference Resolutions**

Resolutions for Annual Conference must be passed at the December Quarterly meetings of the Regions or Branches to which Members have been summoned and notice given on the Agenda.

Copies of resolutions giving movers and seconders, and signed by the Secretary and President of the RC or Branch must be sent to HO to arrive no later than the last working day in January. Printed copies of such Resolutions will be sent to each Region or Branch as soon as possible after being received. Any amendments to such Resolutions by Regions or Branches must be sent to the HO within four days of the March Quarterly meeting or will not be in order. Resolutions from Branches will be accepted up to 31st December.

The EC shall refer to the Standing Orders Committee any resolution or amendment which appears to be not bona fide. The Standing Orders Committee shall report to Conference as to the desirability or otherwise of placing such resolution or amendment on the Agenda.

Conference motions submitted by Regional Councils at their January meetings must be submitted to HO prior to the February EC meeting.

**22.13 Order of Business of Conference**

- 1 Roll Call.
- 2 EC Recommendation for Scrutineers, Tellers and Doorkeepers (submitted by EC).
- 3 Chairperson's Address.
- 4 EC Minutes and Report.
- 5 Resolutions Received. (No second amendment to be discussed from any Region or Branch unless differing from the principle of the first amendment on the same question).

*This Rule amended 2022*

**22.14 Leaving the Conference**

Delegates are not to leave the Conference unless by consent of the President. Any Delegate being late for the start of Conference, or leaving before business is finished, and delegates must show their Conference passes to the doorkeepers when entering each session at conference if not, will forfeit their £5 Delegates fee for that day's sitting. Also, any Delegate not attending Conference without valid reason may be held responsible for paying their hotel bill for the day(s) of non-attendance and be debarred from the following Conference.

**22.15 Delegates voting on Chairperson's Questions**

Delegates must vote for or against any question submitted by the Chairperson or leave the Meeting for the time being, when the number of votes will be recorded by the Secretary.

**22.16 Delegates must identify themselves**

Delegates on rising to speak must give their names and Region they represent.

**22.17 Conference**

The Conference may, after the first day, by Resolution, decide that only movers and seconders of Resolutions or Amendments or speakers in opposition to Resolutions or Amendments shall address the Meeting when the question shall be once put. This shall not apply to any alteration of Rule.



**22.18 EC cannot override Conference on Rule changes**

The EC shall not have the power to override a Conference decision relative to Union Rules. Should the EC feel that changed circumstances make such a reversal of Conference decision necessary, then Conference delegates should be consulted either by a recalled Conference or ballot by delegates. Ballot papers should be accompanied by an explanatory letter.

*Previous Rule [Nominations for EC] removed 2022*

**22.19 Delegates to Trades Union Congress**

Delegates to the Trades Union Congress and the Northern Ireland Committee of the Irish Congress of Trade Unions shall be nominated and elected at the National Conference of the Union. Nominations shall be made by delegates in writing and handed to the General Secretary on the first day. Election shall take place on the second day. Payment shall be the same as for Conference delegates.

The duly elected delegates shall attend a meeting with representatives of the EC on the Sunday before the Congress or Conference concerned in order to consider the Agenda, Reports and other matters to be dealt with and shall carry out all instructions given by the EC as to how they shall vote. Delegates must attend and stay to the close of said Conference unless there are genuine emergency reasons to do otherwise.

Failure to carry out such instructions shall lead to the forfeiture of all payments laid down, and to such other disciplinary action as the EC may deem fit.

In any year which, for any reason, a Conference of the Union is not held, the EC shall take all necessary steps to secure the election of delegates by:

- a) inviting all delegates to the previous Union Conference to submit nominations and
- b) to take a postal ballot of the delegates on all eligible names submitted and not withdrawn by the persons nominated.

The General Secretary shall attend the Trades Union Congress ex-officio. Only one National Officer shall attend either Conference. The number of delegates sent to the TUC Conferences will be four (including the National Officer).

Nominations to TUC Conferences for Black Workers, Women, Youth Disability and LGBT shall be submitted at the September quarterly meeting and must arrive at HO by the last Friday in September. No nominations accepted unless submitted through branches.

In the case of a digital meeting being held the deadline, delivery and collection of nominations and ballot arrangements may be amended as determined by the National President and SOC.

*This Rule amended 2021*

## **22.20 Regional Officers and Organising Regional Secretaries at Conference**

Regional Officers and Organising Regional Secretaries shall have the right to attend Conference but with no voting power. The Full Time Officials Committee can nominate a maximum of five motions at Annual Conference for one of their representatives to speak on. The Full Time Officials Committee to determine the five motions and who will speak on their behalf. The individual to speak can vary, but no more than five motions can be spoken on behalf of the Full Time Officials at any Annual Conference

Should any difference of opinion arise as to the abuse of privilege by any Official, the President shall give their ruling on the matter and such decision shall be accepted as final.

## **Rule 23**

### **23.1 Payment to Executive Council by Regions and Branches for All Members**

Every Region each quarter from its current income of Contributions and Interest received shall be responsible for all expenditure incurred in the administration of the Region (as sanctioned by the EC), in accordance with these Rules.

The Region shall, after meeting its full commitments, remit to HO all surplus of monies received for the EC General Fund.

### **23.2 Remission of monies**

The foregoing payment must be sent quarterly to Head Office on or before the 5th day in April, July, October and January in each year.

### **23.3 Funds**

There shall be two separate funds as follows:

- a) The General Fund, from which shall be paid the running cost of the Union and Members' benefits.

Regions and Branches requiring aid from the Fund shall submit particulars to the General Secretary, who shall submit them to the EC, who may make such provisions as they deem necessary.

- b) The Political Fund shall be dealt with as per Political Fund Rules.
- c) The Reserve Fund shall be used to finance the casual roll for the benefit of the Region 7 Members and the EC will ensure that this fund is maintained so long as casual workers roll operates.

### **23.4 Maintenance of General Fund**

In the event of the General Fund failing to be self-supporting, the EC are hereby empowered to levy the whole of the Members to the extent of not more than 10p per Member per quarter to make up the deficiency. In case of a dispute in any Region sanctioned by the EC, the whole of the Members of the Union may be levied. In the interim and during the collection of such levy the EC may borrow a sum not exceeding two-thirds of liquid assets from any other source which shall be repaid from the levies collected. Any further levies required to either of these funds shall be made only after a plebiscite of the Members has been taken and a majority of the Members voting on the question shall have decided in favour of the same.

## **Rule 24**

### **24.1 Investment of Funds**

The funds which are not wanted for immediate use may be invested in a principle bank in the town in which the EC is located, or may in part be deposited in any other bank or invested in any manner and in any part of the world at the discretion of the EC.

## **Rule 25**

### **25.1 Inspection of Books**

- a) The Books concerning the Union as a whole, and the roll of Members, shall be kept at the HO and Regions. Branch books shall be kept at the respective Branches
- b) Members have the right at all reasonable times to inspect the books and records of the Union including the accounts so far as legislation permits.
- c) In relation to inspection of membership roll or the list of those Members who contribute to the Political Fund information is restricted to information concerning that Member alone.

## **Rule 26**

### **26.1 Dissolution of Union**

The Union may be dissolved by vote of three-fourths of its Members. In the event of any Branch or Region of the Union having separate funds belonging to such Branch or Region, deciding to secede from the Union, or to transfer to any Union, or to dissolve, or to withhold the EC dues, the whole of the fund, assets and effects belonging to such Branch or Region shall upon the passing of such a resolution to secede, transfer, or dissolve, or withhold their EC dues, thereupon vest in the EC of the Union as monies belonging to the Union generally, and shall be dealt with by the EC in such a mode as such EC shall think fit for the benefit of the Union as a whole and shall be paid over by the trustees of such Branch or Region to such EC of the Union within seven days of a resolution being passed to secede, transfer or dissolve, or to withhold their EC dues, as aforesaid.

## Rule 27

### 27.1 Political Fund governing Members from Great Britain

The objects of the Bakers, Food and Allied Workers' Union shall include the furtherance of the political objects to which Section 72 of the **Trade Union and Labour Relations (Consolidation) Act, 1992** (the 1992 Act) applies; that is to say, the expenditure of money:

- a) on any contribution to the funds, or on the payment of expenses incurred directly or indirectly by, a political party
- b) on the provision of any service or property for use by or on behalf of any political party
- c) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the Union in connection with any election to a political office
- d) on the maintenance of any holder of a political office
- e) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party
- f) on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

Where a person attends a conference or meeting as a delegate or otherwise as a participant in the proceedings, any expenditure incurred in connection with their attendance at such shall, for the purpose of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting.

In determining for the purposes of paragraph (a) to (f) above, whether the trade union has incurred expenditure of a kind mentioned above in those paragraphs no account shall be taken of the ordinary administrative expenses of the Union.

In these objects:

*'candidate'* means a candidate for election to a political office and includes a prospective candidate;

*'contribution'* in relation to the funds of a political party, includes any fee payable for the affiliation to, or membership of, the party and any loan made to the party;

*'electors'* means electors at any election to a political office;

*'film'* includes any record, however made, of a sequence of visual images which is capable of being used as a means of showing that sequence as a moving picture;

*'local authority'* means a local authority within the meaning of section 270 of the Local Government Act 1972 or section 235 of the Local Government (Scotland) Act 1973; and

*'political office'* means the office of a Member of Parliament, a Member of the European Parliament or a Member of a local authority or any position within a political party.

## **27.2 Payments from the Political Fund**

Any payments in the furtherance of such political objects shall be made out of a separate fund of the Union (hereinafter called the Political Fund).

## **27.3 Applicable Political Fund Rules and Start of Membership**

The particular rules which apply to those people that joined the Union before 1st of March 2018 are set out in Schedule 1 of Appendix 2 to these rules.

The particular rules which apply to those people that joined the Union on or after 1st of March 2018 are set out in Schedule 2 of Appendix 2 to these rules.

## **27.4 Amount of Contribution to the Political Fund**

- 1) The Political Fund contribution rate shall be set by the Executive Council.
- 2) For the purpose of enabling each Member of the Union to know in respect of any such periodical contribution what portion, if any, of the sum payable by the Member is a contribution to the Political Fund, it is hereby provided that the prevailing rate of



the Political Fund contribution shall be published in a prominent place on the Union's website and in the Union's main journal. Any Member may also request it by emailing [politicalfund@bfawu.org](mailto:politicalfund@bfawu.org) or by writing to Stanborough House, Great North Road, Stanborough, Welwyn Garden City, Hertfordshire AL8 7TA.

Any Member who is exempt shall be relieved from the payment of the sum which is the contribution to the Political Fund and shall pay the remainder of contribution only.

### **27.5 No disqualification of benefits**

A Member who is exempt from the obligation to contribute to the Political Fund shall not be excluded from any benefits of the Union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other Members of the Union (except in relation to the control or management of the Political Fund) by reason of their being so exempt.

### **27.6 Political Fund contribution**

Contribution to the Political Fund shall not be made a condition of admission to the Union.

### **27.7 Political Fund grievances**

If any Member alleges that they are aggrieved by a breach of any of the rules for the Political Fund, being a Rule or rules made pursuant to Section 82 of the 1992 Act, they may complain to the Certification Officer, and the Certification Officer, after giving the complainant and any representative of the Union an opportunity of being heard, may, if they considers that such a breach has been committed, make such order for remedying the breach as they thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by Section 95 of the 1992 Act, be enforced in the manner provided for in section 82(4) of the 1992 Act.

### **27.8 Inclusion in the Annual Return**

The union shall include in the annual return that is submitted to the Certification Officer details of political expenditure as required by section 32ZB of the 1992 Act.

**27.9 Publication of Political Fund Rules**

The EC shall ensure that a copy of these rules is available, free of charge, to any Member of the Union who request a copy.

**27.10 Distribution of Rules**

The EC shall also send to the Secretary of each Branch sufficient copies of these rules for distribution to each Member.

**27.11 Responsibility for distribution of Rules**

The Secretary of each Branch shall, as far as possible, secure that each Member of that branch receives a copy of these rules.

**27.12 Cost of Rules**

The Secretary of each Branch shall supply a copy of these rules free of charge to each Member who requests a copy.

**27.13 Copies of Rules to new Members**

A copy of these rules shall also be supplied by the Secretary of each Branch to every new Member on their admission to the Union.

**27.14 Northern Ireland Members**

- 1 Under Article 59 of the Trade Union and Labour Relations (NI) Order 1995 Members of the Northern Ireland Branch are not required to make any contributions to the Political Fund of the Union unless they:
  - a) have given notice in writing or their willingness to contribute to the fund; and
  - b) have not notified the Union in writing of withdrawal of such notice.
- 2 The form of the Political Fund Contribution Notice is shown opposite
- 3 If at any time a Member of Region 7 who had delivered such a notice as is provided for in Article 59(1)(a) of the 1995 Order, gives such notice of withdrawal thereof, delivered, as provided in Article 59(2) of that order, at the Head Office or any Branch Office of the Union, they shall be deemed to have withdrawn the notice from the first day of January next after the delivery of such notice.

- 4 The notice referred to in Article 59(1)(a) of the 1995 Order may be delivered personally by the Member or by any authorised agent of the Member, and any notice shall be deemed to have been delivered at the Head Office or Branch Office of the Union if it has been sent by post properly addressed.
- 5 All contributions to the Political Fund of the Union from Members of the Union who are liable to contribute to that fund shall be levied and made separately from any contributions to the other funds of the Union.
  - a) The Political Fund contribution rate shall be set by the Executive Council to be expressed as proportion of every whole pound of contributions paid by each working Member per quarter payable in the final week of each quarter and such sum is included in the above weekly scales.
  - b) For the purpose of enabling each Member of the Union to know in respect of any such periodical contribution what portion, if any, of the sum payable by the Member is a contribution to the Political Fund, it is hereby provided that the prevailing rate of the Political Fund contribution shall be published on the Union's website and in the Union's main journal. Any Member may also request it by emailing **politicalfund@bfawu.org** or by writing to Stanborough House, Great North Road, Stanborough, Welwyn Garden City, Hertfordshire AL8 7TA
- 6 Any Member of Region 7 who wishes to complain about a breach of the statutory requirements under Article 71(2) to (5) of the 1995 Order should contact the Northern Ireland Certification Officer, 10-16 Gordon Street Belfast BT1 2LG.

Where a complaint relates to the statutory provisions of Great Britain law, Northern Ireland Members should contact: Lower Ground, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX

Form of Political Fund Contribution Notice:

**POLITICAL FUND (CONTRIBUTION NOTICE)**

Member's Branch Name. . . . .

I hereby give notice that I am willing, and agree to contribute to the Political Fund of the Union and I understand that I shall in consequence, be liable to contribute to that fund and shall continue to be so liable, unless I deliver at the Head Office or some other Branch office of the Union, a written notice of withdrawal. I also understand that after delivering such notice of withdrawal I shall continue to be liable to contribute to the Political Fund until the next following first day of January.

Name: . . . . .

Address: . . . . .  
. . . . .

Membership No: . . . . .

Dated this . . . . . Day of . . . . . 20 . . . . .

## **Rule 28**

### **28.1 Benevolent Funds**

Each Region shall have the option of forming its own Benevolent Fund.

### **28.2 Fund names and subscription**

These Funds shall be known as the Benevolent Fund of the Region of the Bakers, Food and Allied Workers' Union concerned, and shall be raised by contributions, voluntary subscriptions and/or such other methods as may be approved from time to time by the EC.

### **28.3 Regions responsible for operation of funds**

Each Region shall make rules to cover the operation of their Benevolent Fund, subject to the rules, and any subsequent alteration being approved by a majority of the Members of the said Fund, and receiving the approval of the EC.

## **Rule 29**

### **29.1 Strike Fund**

The Union shall establish a strike fund. The said governed by the General Secretary and the National President. The fund could be raised from branches, Regional Councils at Annual Conference and the generosity of the National Executive Committee

# Appendix

This Appendix shall form part of the Rules of the Union.

## Standing Orders

These standing order shall apply to all meetings conducted under the auspices of the Union.

### 1 Quorum

Each Board, Committee or Branch shall fix its own quorum. If within half-an-hour for the time appointed for the meeting to commence there is not a quorum present, the meeting shall be cancelled.

### 2 Order of Business

An Agenda shall be prepared by the Secretary and be sent to the Members before the meeting or be read out by the Chairperson at the opening. It shall be drawn up in the following order:

- a) Minutes of the previous meeting and matters arising
- b) To receive and consider the Financial Statement and Auditor's Report
- c) To receive and consider the Secretary's Reports
- d) To receive and consider Correspondence
- e) To receive and consider Reports
- f) To consider Resolutions
- g) To consider Appeals
- h) To consider Any Other Business.

### 3 Suspension of Standing Orders

In the event of matter of urgency the Chairperson shall accept a motion for the suspension of Standing Orders. The Member moving each suspension must clearly state the nature and urgency of the business, the number of Standing Orders affected, and the time (not exceeding thirty minutes) for which suspension is required. At the option of the meeting a further extension may be allowed but no suspension shall take place except by a two-thirds majority vote of the Members present. Standing Order No.13 shall not, in any circumstance, be suspended.

#### **4 Minutes**

The Secretary shall print and circulate all Minutes. No motion or discussion shall be allowed on the Minutes except in regard to their accuracy. After confirmation of the Minutes they shall be signed by the President and the Members shall then be at liberty to ask questions arising out of them.

Such questions shall be allowed for information purposes only and no debate on the policy outlined in the minutes shall take place.

#### **5 Selection of Speakers**

Except during Committee meetings, Members shall stand when speaking and shall address the President as Mr. Chairperson. When more than one Member rises to speak, the first to rise shall be given preference, the decision resting with the Chairperson, but the Member who rose immediately after the first one shall have the right to speak at the cost of such Member's address.

#### **6 Chairperson's Ruling**

If the Chairperson rises to call a Member to order or for any other purpose connected with the proceedings, the Member speaking shall thereon resume their seat, and no other Member shall rise until the Chair be resumed. The ruling of the Chairperson on any question under Standing Orders, or on points of order or explanation shall be final unless challenged and unless a majority of the Members present vote to the contrary.

#### **7 Interruption**

No Member shall interrupt when another Member is addressing the Chair except to raise a point of order or a point of correction, which shall be dealt with immediately by the Chairperson. If a Member refuses to obey the Chairperson they shall be named by the Chairperson. They shall thereupon be expelled from the room and shall not be allowed to enter again until an apology, satisfactory to the meeting, be given. No Member shall leave the meeting before its conclusion with out the permission of the Chairperson.

#### **8 Speakers**

No Member shall be allowed to speak more than once on any subject before the meeting, unless in Committee, or on a point of order or explanation, except the mover of the original motion.



Movers of motion shall be allowed 10 minutes to move, and 10 minutes to reply to the discussion. Other speakers shall be allowed five minutes. The motion shall be put immediately the mover has replied.

The time limit shall not apply for speakers giving a special address or report.

Members wishing to raise points of order or explanation must first obtain the permission of the President, and must rise immediately the breach has occurred. Any Member may formally second any motion or amendment and reserve their speech until a later period in the debate.

## **9 Motions and Amendments**

The first proposition on any particular subject shall be known as the original motion, and all succeeding propositions on that subject shall be called amendments. No amendment shall have for its purpose the destruction of the principle contained in the original motion. Every motion or amendment must be moved and seconded by Members present at the meeting before they can be discussed and, wherever possible, must be set forth in writing. When an amendment is moved to an original motion no further amendment shall be discussed until the first amendment is disposed of. Notice of any further amendment must be given before the first amendment is put to the vote.

## **10 Substantive Motions**

If an amendment is carried, it displaces the original motion and itself becomes the substantive motion, whereupon any further amendment relating to any portion of the substantive motion may be moved, provided it is consistent with the business and has not been covered by an amendment or motion which has been previously rejected. After the vote on each succeeding amendment has been taken, the surviving proposition shall be put to the vote as the main question, and if carried shall then become a resolution of the meeting.

## **11 Right of Reply**

The mover of the original motion shall have the right of reply at the close of the debate upon such motion, but shall introduce no new matter. The question shall then be put to the vote immediately and under no circumstances shall any further discussion be allowed once the question has been put from the Chair. The mover of an amendment shall not be entitled to reply.

**12 Withdrawals or Additions**

No motion or amendment which has been accepted by the Chairperson shall be withdrawn without the consent of the meeting. Neither shall any rider or addendum be added to a motion which has been accepted without such consent.

**13 Closing Debate**

The motions for 'next business' of the closure may be moved and seconded only by Members who have not previously spoken at any time during the debate. No speeches shall be allowed on such motions. In the event of the closure being carried, the mover of the original motion shall have the right to reply in accordance with Standing Order No.11, before the question is put. Should either of the motions mentioned in the Standing Order be defeated, fifteen minutes shall elapse before it can be accepted again by the President unless they are of the opinion that the circumstances have materially altered in the meantime.

**14 Adjournment**

Any Member who has not already spoken during the debate may move the adjournment of the question under discussion, but must confine their remarks to the question and must not discuss any other matter. The mover of the motion upon which the adjournment has been moved shall be allowed the right to reply on the question of the adjournment, but such right shall not prejudice their right to reply on their own motion. In the event of such a motion being lost, it shall not be moved again except in accordance with Standing Order No 14.

**15 Voting**

Voting shall be by simple majority on a show of hands. Where required by the Rules, or where deemed necessary by the Chairperson, the Auditors or, in their absence, two specially elected Members shall act as Scrutineers and tellers. All Members present shall vote. In the event of an equal vote the Chairperson shall have the casting vote. Any Member shall, on request, have their opposition to any decision recorded in the minutes.

**16 Notice of Motion**

Notices of Motion shall be sent to the Secretary in writing not less than ten days before the meeting at which they are to be discussed.

Such motions shall be placed on the agenda in the order in which they are received by the secretary. Notwithstanding the provisions of this Order, it shall be competent by resolution, at any time to consider an emergency resolution.

### **17 Rescinding a Resolution**

No resolution shall be rescinded or amended at the meeting at which it is passed. No minute shall be rescinded or amended unless notice of motion is given at a subsequent meeting. Such notice having been given, it shall lie on the table until the following meeting when it shall be considered and a decision arrived at; the Minutes shall not be rescinded or amended unless by the consent of two-thirds of the Members present at the meeting when it is considered.

### **18 Union's Balloting procedure – Election of Officials**

Organising Regional Secretaries and Regional EC Members shall be elected by Members in the Region concerned. The National President; General Secretary; EC Women's and Young Member's Representatives shall be elected by the membership nationally, provided it complies with current legislation.

*This rule amended 2022*

In each election the following rules shall apply:

- i) The EC shall cause to be printed a number of ballot appears in the form hereinafter provided sufficient for the holding of a ballot in accordance with these ballot rules. Every such ballot paper should be stamped with the stamp or seal of the Union. No ballot paper shall be used for voting which is not so stamped.
- ii) Nothing shall be written or printed and no mark shall be made on any part of any ballot paper or envelope or be inserted in any envelope save as provided in these Rules, and in particular nothing shall be marked or indicated on any ballot paper or envelope or inserted in any envelope by any person which can in any way identify the Member voting. Any contravention of this Rule by a Member voting shall render the ballot paper invalid, and the vote shall not be counted.
- iii) The ballot shall be conducted so as to ensure that, so far as is reasonably practicable, those voting do so in secret.
- iv) Entitlement to vote in the ballot shall be accorded equally to all Members except those not in compliance with Rule (10). No Members shall be entitled to more than one vote.

- v) Every ballot paper shall be in the following form:

‘Election of .....(Insert Post)

**BAKERS, FOOD AND  
ALLIED WORKERS UNION**

Candidate .....

Candidate .....

Candidate .....

You must place a cross (X) in one, and one only, of these boxes, provided above; otherwise your vote will not be counted.

You must not sign or make any other mark on the paper; if you do your vote will not be counted.

This paper must be enclosed in the envelope provided, which you must seal. If you are voting by post, the envelope must be sent so as to reach Head Office before .....\*; if it does not, your vote will not be counted. If you are not voting by post, the envelope must be placed in the ballot box provided.

(\*Insert here the date on which the counting of votes will commence.)

- vi) Every Member who is entitled to vote shall:
  - a) be allowed to vote without interference from or constraint imposed by, the Union or any of its Members, officials or employees; and
  - b) so far as is reasonably practicable, be enabled to do so without incurring any cost to the Member himself.
- vii) Subject to (viii) below so far as it is reasonably practicable every Member who is entitled to vote shall:
 

**EITHER a)**

  - i) be sent a ballot paper by post; and
  - ii) be given a convenient opportunity to vote by post.

**OR b)**

- i) have a ballot paper made available to the Member, and
- ii) be given an opportunity to vote immediately before, immediately after, or during their working hours and at their place of work or at a place which is more convenient for the Member.
- viii) These ballot rules are not complied with, even though it is not reasonably practicable for paragraph (a) or (b) of Rule (vii) to be applied to any Member, if it is reasonably practicable for the Member to be otherwise enable to vote.
- ix) In these ballot Rules, a Member to whom paragraph (a) of Rule (vii) is applied is referred to as a Member ‘given a fully postal vote’ and a Member to whom paragraph (b) is applied is referred to as a Member ‘given a workplace vote’.
- x) Subject to the requirements of Rules (iv) to (vii) –
  - a) Rules (xiv) – (xviii) shall apply in relation to Members given a fully postal vote; *and*
  - b) Rules (xix) – (xxx) shall apply in relation to Members given a workplace vote
- xi) The Union shall at the request of any Member supply the Member with a copy of these ballot rules free of charge.
- xii) The EC. shall determine the date on which the counting of the votes will commence.
- xiii) Notice shall be published in such a manner as notices are usually given by the Union to its Members that a ballot will take place for the election of . . . . . (position) and that the Union will, on request, supply any Member with a copy of these ballot rules free of charge.

The notice shall also specify, as appropriate:

- a) the date by which the ballot papers will be sent to Members given a fully postal vote (as determined under Rule (xiv));
- b) the date by which the workplace ballots will be taken (as determined under Rule (xx) (b)); *and*
- c) the date before which the ballot papers returned by post must reach Head Office (under Rule (xviii)).

**Rules for Members given a Fully Postal Vote**

- xiv) Where any Members are given a fully postal vote the EC. shall determine the date by which the ballot papers shall be sent to those Members, which shall be not less than three weeks before the date on which the counting of votes will commence.
- xv) The EC shall secure that every Member given a fully postal vote has sent to the Member at their proper address and by post and (unless Rule (xvi) applies) by the date determined under Rule (xiv):
  - a) a ballot paper, and:
  - b) an envelope capable of being sealed on which is printed or written 'Ballot' and 'Ballot' and which is addressed to 'General Secretary, Bakers, Food and Allied Workers' Union' followed by the address of the Head Office. The envelope shall bear a postage stamp or mark showing that the envelope may be returned to the Head Office by post without direct cost to the voter.
- xvi) Where in the particular circumstances (whether because it was not originally intended that they should be given a fully postal vote), it is not, or it is no longer, reasonably practicable for the Member to be sent a ballot paper and envelope by the date determined under Rule (xiv), a ballot paper and envelope shall be sent to the Member under Rule (xv) as soon as is reasonable practicable after that date, so as to give the Member a convenient opportunity to vote by post.
- xvii) The name of each Member to whom a ballot paper is sent shall be checked off or recorded in a list or other records of Members.
- xviii) Every Member given a fully postal vote who desires to vote must return their ballot paper by post, duly marked and in the envelope provided, to arrive at Head Office before the date on which the counting of votes is to commence; and the General Secretary shall ensure that such envelopes are placed unopened, as and when received, in a locked receptacle and are so retained until the time fixed for the counting of the votes.

**Rules for Members given a Workplace Vote**

- xix) For each place of work, or other places more convenient to the voter, which is to be used for voting by Members given a workplace vote, the EC shall secure that two Scrutineers at least are appointed to be in charge of the taking of the ballot.

- xx) Where any Members are given a workplace vote the EC shall –
  - a) determine the date by which the ballot papers shall be supplied to the Scrutineers;
  - b) determine the dates by which the ballots shall be taken at the places of work or other places more convenient for the voters;
  - c) cause to be determined the time or times and the place at which the ballot at each place of work or other place shall be taken. The times and places chosen shall be such as to give every Member given a workplace vote an opportunity to vote immediately before, immediately after, or during their working hours and at their place of work or at a place more convenient to the Member; and
  - d) secure that any Member who cannot be given a workplace vote (whether because on holiday, sickness on the day/ days of the workplace ballot or otherwise) shall, so far as is reasonably practicable, be given a fully postal vote as required by Rule (vii).
- xxi) The EC shall secure that, by the date determined under Rule (xx) (a), the Scrutineers are supplied with a number (sufficient for the number given a workplace vote at the place in respect of which they have been appointed) of:
  - a) ballot papers; and
  - b) envelopes capable of being sealed.
- xxii) So far as is reasonably practicable, every Member given a workplace vote shall be informed of the time or times and place at which they will be able to vote.
- xxiii) At every place where a Member is to be given a workplace vote, a notice stating the time or times and place of ballot at that place, shall be posted up at the location(s) at which the Union notices are customarily posted and so far as is reasonably practicable shall be kept posted up for at least fourteen days before the earliest time appointed for the taking of the ballot.
- xxiv) A separate room or, if that is not practicable, a separate part of a room shall be used for the taking of the ballot and the Union shall provide writing materials and a locked ballot box from the commencement of the ballot until the box is opened under Rule (xxx).

- The Scrutineers shall be responsible for the ballot box being kept locked and for the safe custody of the ballot box at all times.
- xxv) Two Scrutineers shall be present throughout the taking of the ballot. No other person shall be present in the room or part of the room as the case may be, during the voting except the Members who are actually voting.
  - xxvi) Each Member of the Union given a workplace vote, on presenting themselves at the appropriate place and time for the purpose of voting, shall be handed a ballot paper and an envelope by a Scrutineer. The Scrutineer shall then check off or record the name of the Member in a list or other record of Members.
  - xxvii) The Member shall make their cross on the ballot paper secretly and shall not show their ballot paper to any person, but shall place it in the envelope, which they shall seal and place the same in the ballot box and immediately leave the room or part of the room as the case may be.
  - xxviii) No Member voting or other person shall take any ballot paper out of the voting room and no paper shall be deposited in the ballot box other than the ballot papers and envelopes deposited therein by the Members voting or by a Scrutineer as provided in Rule (xxix).
  - xxix) If any Member voting satisfies the Scrutineer that they are incapacitated by any physical cause from voting in the manner prescribed by these rules or is unable to read, the Scrutineer shall mark the ballot paper in the manner directed by the Member and shall forthwith place the ballot paper in the envelope, which they shall close and place in the ballot box.
  - xxx) At the conclusion of the voting all ballot papers which have not been used for voting shall be destroyed by the Scrutineers. The Scrutineers shall then open the ballot box and remove the envelopes therein unopened and place them in one or more packets which they shall seal and forthwith sent to the counting officers at the Head Office. The General Secretary shall secure that such sealed packets are placed unopened, as and when received, in a locked receptacle and are so retained until the time fixed for the counting of the votes.



### Counting Rules

- xxx(i) The ballot shall be conducted so as to secure that the votes given in the ballot are fairly and accurately counted (any inaccuracy in the counting being disregarded for the purpose of this Rule if it is accidental and on a scale which could not affect the result of the ballot).
- xxx(ii) The EC auditors appointed under Rule 21.2 shall be the counting officers and, at the date and time appointed for the counting of the votes, the counting officers shall supervise the destruction of any ballot papers at the Head Office which have not been used for voting, the opening of packets and envelopes received under Rules (xviii) and (xxx) and the counting of the votes. No persons shall be present at the count other than the counting officers, those acting under their supervision and the General Secretary and as many Members of the EC as desire to attend.
- xxx(iii) The counting officers shall decide whether any ballot paper shall be rejected as being invalid under Rule (iii) and shall forthwith separate any paper so rejected and mark it 'Rejected'.
- xxx(iv) The total number of votes given for each candidate and the total number of votes rejected shall be recorded in a return signed by the counting officers.  
  
The return shall be forthwith posted up and kept posted up in a conspicuous place accessible to Members at the Head Office of the Union for at least one month.  
  
A copy of the return shall be printed in the next available issue of the Journal and all branches will be made aware of the ballot result.
- xxx(v) The EC shall secure that the ballot papers which have been counted and those which have been rejected are respectively placed in sealed parcels which are then deposited in a secure place and kept so deposited for at least six months and that the lists or other records of Members used for the ballot are also kept available for at least six months.

# APPENDIX 2

This Appendix shall form part of the Rules of the Union.

## Schedule 1 – Political Fund

Rules that apply to Members who joined the Union before 1st of March 2018

### Provision of Notice to Members

- 1 As soon as it is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the Union, the EC shall ensure that a notice in the following form is given to all Members of the Union in accordance with this Rule.
- 2 The notice shall be published to Members by such methods as are customarily used by the Union to publish notices of importance to Members and shall include the following minimum requirements:
  - a) The notice shall be published in the Union's main journal which is circulated to Members; and
  - b) A copy of the notice shall be posted up and kept posted up for at least 12 months in a conspicuous place, accessible to Members, at the office or meeting place of each Branch of the Union;
- 3 The form of notice shall be as follows:

**Trade Union and Labour Relations  
(Consolidation) Act 1992**

A resolution approving the furtherance of political objects within the meaning of the above Act as an object of the Union has been adopted by a ballot under the 1992 Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the Political Fund of the Union but every Member of the Union has the right to be exempt from contributing to that fund. A form of exemption notice can be obtained by or on behalf of any Member either by application at, or by post from, the Head Office or any Branch Office of the Union or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX

This form, when filled in, or a written request in a form to the like effect, should be handed or sent to the Secretary of the Branch to which the Member belongs.

- 4 The Secretary of each branch shall also take steps to secure that every Member of the Branch, so far as is reasonably practicable, receives a copy of the notice, and shall supply a copy to any Member who on request. The EC shall provide the Secretary of each Branch with a number of copies of the notice sufficient for these purposes.

**Notice of Exemption**

- 5 Any Member of the Union may at any time give notice on the form of exemption notice specified in paragraph 6 below, or by a written request in a form to the like effect, that they objects to contribute to the Political Fund. A form of exemption notice may be obtained by, or on behalf of, any Member, either by application at, or by post from, the general office or any Branch Office of the Union, or from the Certification Office for Trade Unions and Employers' Associations, Lower Ground, Fleetbank House, 2–6 Salisbury Square, London EC4Y 8JX.

**Exemption Notice Format**

- 6 The form of an exemption notice shall be as follows:

<p><b>Name of Trade Union: Bakers, Food &amp; Allied Workers' Union</b></p> <p><b>POLITICAL FUND EXEMPTION NOTICE</b></p> <p>I hereby give notice that I object to contributing to the Political Fund of the Bakers, Food &amp; Allied Workers' Union and am in consequence exempt, in the manner provided by Chapter VI of the Trade Union and Labour Relations (Consolidation) Act 1992, from contributing to that fund.</p> <p>Signature: .....</p> <p>Address: .....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Date: .....</p>
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**Delivery of Exemption Notice**

- 7 Any Member may obtain exemption by sending such notice to the Secretary of the Branch to which the Member belongs and, on receiving it, the Secretary shall send an acknowledgement of its receipt to the Member at the address upon the notice, and shall inform the General Secretary of the name and address of the Member.

**Applying an Exemption Notice**

- 8 On giving such notice, a Member shall be exempt, so long as their notice is not withdrawn, from contributing to the Political Fund as from either:
- a) the first day of January next after the notice by the Member is given, or,
  - b) in the case of a notice given within one month after the notice given to Members under paragraph 1 of this Schedule or after the date on which a new Member admitted to the Union is supplied with a copy of these rules under paragraph 1 of this Schedule, as from the date on which the Member's notice is given

**Contribution to the Political Fund**

- 9 The EC shall give effect to the exemption of Members to contribute to the Political Fund by relieving any Members who are exempt from payment of part of any periodical contributions required from the Members of the Union towards the expenses of the Union as hereinafter and such relief shall be given as far as possible to all Members who are exempt on the occasion of the same periodical payment.

**Withdrawal of Exemption**

- 10 Any Member may withdraw their notice of exemption on notifying their desire to that effect to the Secretary of their Branch, who shall, on receiving it, send the Member an acknowledgement of receipt of the notification and inform the General Secretary of the name and address of that Member.

## Schedule 2 – Political Fund

Rules that apply to people who joined the Union on or after 1st of March 2018

### Opting in by union Members to contribute to the Political Fund

- 1 A Member cannot be required to make a contribution to the Political Fund of the union unless they have given notice of their willingness to contribute to that fund (an “opt-in notice”).
- 2 A Member of a trade union who has given an opt-in notice may withdraw that notice by giving notice to the union (a “withdrawal notice”).
- 3 A withdrawal notice takes effect at the end of the period of one month beginning with the day on which it is given.
- 4 A Member of a trade union may give an opt-in notice or a withdrawal notice:
  - a) by delivering the notice (either personally or by an authorised agent or by post) at the head office or a branch office of the union;
  - b) by sending it by e-mail to the following email address: **politicalfund@bfawu.org**;
  - c) by completing an electronic form provided by the union which sets out the notice and sending it to the union by electronic means with instructions by the union; or
  - d) by any other electronic means prescribed under the 1992 Act (as inserted by the 2016 Act).

### Information to Members about opting in to the political fund

- 5 The union shall take all reasonable steps to secure that, not later than the end of the period of eight weeks beginning with the day on which the annual return of the union is sent to the Certification Officer, all the Members of the union are notified of their right to give a withdrawal notice.
- 6 Such notification may be given:
  - a) by sending individual copies of it to Members; or
  - b) by any other means (whether by including the notification in a publication of the union or otherwise) which it is the practice of the union to use when information of general interest to all its Members needs to be provided to them.

- 7 The notification may be included with the statement required to be given by section 32A of the 1992 Act. Overseas Members of the union will not be sent the notification.
- 8 Where the same form of notification is not provided to all the Members of the union, the union shall send to the Certification Officer a copy of each form of notification provided to any of them.
- 9 If any Member alleges that they are aggrieved by a breach of any of these rules for giving information to Members about opting into the political fund, being a Rule or rules made pursuant to section 84A of the 1992 Act, they may complain to the Certification Officer. Where the Certification Officer is satisfied that the union has failed to comply with a requirement of section 84A of the 1992 Act the Officer may make such order for remedying the failure as they think just under the circumstances. Before deciding the matter the Certification Officer:
- a) may make such enquiries as the Officer thinks fit;
  - b) must give the union, and any Member of the union who made a complaint to the Officer regarding the matter, an opportunity to make written representations; and
  - c) may give the union, and any such Member as is mentioned in clause (b), an opportunity to make oral representations.

### **Manner of giving effect to decision not to contribute to the Political Fund**

- 10 The union shall give effect to the Members' decision not to contribute to the Political Fund of the union either:
- a) by a separate levy of contributions to that fund from the Members who are contributors; or
  - b) by relieving Members who are not contributors from the payment of the appropriate portion of any periodical contribution required from Members towards the expenses of the union.
- 11 Any form (including an electronic form) that a person has to complete in order to become a Member of the union shall include:-
- a) a statement to the effect that the person may opt to be a contributor to the fund; and

- b) a statement setting to the effect that a person who chooses not to contribute to the Political Fund shall not, by reason of not contributing, be excluded from any benefits of the union or be placed in any respect either directly or indirectly under a disability or at a disadvantage as compared with other Members of the union (except in relation to control of the Political Fund).

## Interpretation

<i>'Ballot Paper'</i>	Means a ballot paper in the form required by Rules (i) and (ii) of these ballot Rules;
<i>'Given a fully postal vote'</i> and <i>'given a workplace vote'</i>	Have the respective meanings given by Rule (ix) of these Rules
<i>'Post'</i>	Means a postal service provided by the Post Office
<i>'Proper address'</i>	In relation to any Member, means their home address or any other address which they has requested the Union in writing to treat as their postal address; and
<i>'Working hours'</i>	In relation to any employee, means any time when, in accordance with their contract of employment, they is required to be at work.

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