



APPROVED CODE OF CONDUCT

Policy No: 2
Effective Date: May 2023
Version: 2



Contents

1. Introduction	Page 4
1.1 Name & Registered Office	
1.2 Citation & Commencement	
1.3 Aims & Principles	Page 5
1.4 Operational Practice	
1.5 Interpretation	Page 6
2. UPECC Funds	
2.1 Accounts	Page 7
2.2 Auditors	
2.3 Inspection of Books	
2.4 Dissolution	
3. Membership	
3.1 Membership Rules	Page 8
4. Officials and Office Holders	
4.1 The Honorary President	
4.2 The President	Page 9
4.3 Executive Committee (EC)	
4.3.1 Governing Powers of the EC	Page 10
4.4 Governing Powers of the Directorate	Page 11
4.5 Trustees	Page 12
4.6 Representative Committees (RC)	
5. Elections	Page 13
6. Directorate & EC Constitution	Page 14
7. Duties under these Regulations	
8. GDPR	Page 15
9. Dispute Resolution	
9.1 Dispute Resolution Process	
9.2 Sanctions	Page 16

Approved Code of Conduct for UPECC

This Code has been approved by the UPECC Directorate. It gives practical advice on how to comply with standards and behaviours commensurate with good member practice. All UPECC members must follow the advice in relation to specific matters as set out in the Code and Regulations. The Code is deemed to have special status. If you are found to be in breach of the Code, and it is proved that you did not follow the relevant provisions, the UPECC Directorate reserve the right to impose a range of sanctions up to, and including, revocation of membership.

About UPECC Membership

Established in 2022, UPECC was formed for:

‘The protection and promotion of the interests of its members variously operating in the aviation industry and of maintaining good and friendly relations with one another’.

Objectives: UPECC Memorandum of Association

Wider objectives include:

‘To consider all questions affecting the aviation industry and persons connected with them and to take all such steps and do all such acts and things as may be thought fit to protect their interest and those of its members.’

‘To render advice and assistance to its members in regard to any question affecting their employment, professional status or character directly or indirectly.’

‘To conduct or assist in conducting negotiations, arbitrations and other proceedings for advancing the betterment of or settling disputes and difficulties between members of the Union.’

‘To consider, originate and support improvements in the law which may seem directly or indirectly conducive to any of the Union’s objects and to resist and oppose alterations in the law which may seem directly or indirectly adverse or unfavourable to the interests of the aviation industry or of the UPECC or its members or any section thereof.’

‘To co-operate with kindred organisations by affiliation federation or other suitable methods in the promotion of the objects of the Association.’

1 Introduction

This document constitutes the Approved Code of Practice (ACOP) for the Good Member Practice (GMP) Regulations 2022 as ratified by the UPECC Directorate. The ACOP governs the following:

- UPECC Funds
- Membership
- Officials and Office Holders
- Elections
- Directorate & EC Constitution
- Duties under these Regulations
- GDPR
- Disputes and Resolution
- Sanctions

1.1 Name & Registered Office

The organisation formed under this code of practice shall be known by the title of “Union of Pilots, Engineers & Cabin Crew” and will be hereinafter called “UPECC”. As of January 2023 it is not a registered trade union but the application process is in progress. The Registered address for UPECC business shall be by appointment at various locations and as required. Virtual meetings are held in place of in-person meetings by agreement of the Directorate. Correspondence address for all paperwork in relation to the organisation is UPECC, PO.Box 27172, EH10 9DG.

1.2 Citation & Commencement

These Regulations may be cited as the Good Member Practice Regulations 2022 and shall come into force on the 22nd July 2022.

They will be subject to an annual review by the UPECC Directorate and may be amended where necessary.

1.3 Aims & Principles

Establish UPECC as an influential and effective organisation

Grow a united and active membership

Empower our members to have a strong employee voice in the workplace

Work with members to provide resolution to workplace disputes and grievances

Improve working conditions of all our members through campaigning and advocacy

Facilitate interaction and communication between all of our members

Forge alliances with other organisations that share our objectives

When appropriate and necessary appoint staff to assist with the day to day running of UPECC.

To advise on operational and commercial matters relating to air transport and drone/UAV operations including single/multi pilot commercial operations.

To provide meaningful training opportunities for staff and representatives that are credible and long lasting.

To protect the rights of all members.

To engage in campaign activity as appropriate in relation to this code of practice.

To foster and publicise transparent & inclusive meaningful relationships across the aviation industry.

1.4 Operational Practice

In pursuit of its aims & principles, so far as permitted by law:

Require members to adhere to the UPECC ACOP (Approved Code of Practice).

Act in the interests of members and the travelling public.

Issue communications and papers, including the promotion of legislation, to appropriate parties.

Represent members in any negotiation, and where appropriate give them advice and guidance in the UK and abroad.

1.5 Interpretation

In these Regulations:

('UPECC') means the membership organisation for Union of Pilots, Engineers & Cabin Crew.

The UPECC Directorate means the council established by James O'Brien, Claire Hood, Simon Gaffney & Finlay Steel.

Member means the person that by approved application has accepted the terms & conditions & paid either a monthly or yearly amount as set by UPECC for services supplied.

In writing means in the form of a letter, document or E-Communication.

In the event the rules are silent or make no reference/provision in respect of any particular matter, that matter can be referred to the Directorate. The decision of the Directorate shall be conclusive and binding and not subject to further right of appeal. Further consideration may be considered at a Representative Annual Forum (RAF), or via a Special Forum (SF) as set out in this ACOP.

New rules may be made, amended or rescinded by the Directorate. Rules must meet all statutory requirements and shall take effect via a timeline set by the Directorate. Should any change require debate, then in accordance with this Code of Practice, UPECC Members may call a Special Forum to debate or vote accordingly. The changes implemented by the Directorate will be confirmed by a vote at the next Representatives Annual Forum.

2 UPECC Funds

The Executive Committee (or Directorate if no EC has formed) shall cause to be opened an account or accounts at such bank or banks as it may determine, into which UPECC funds will be paid. All withdrawals from the bank shall be made as directed by the EC & Directorate as appropriate.

UPECC funds which are not required for immediate use or to meet accruing liabilities may, with the sanction of the EC, be invested in the purchase of funds, shares or like securities, or such other property (including freehold or leasehold land or property) as the EC shall think fit.

The income and property of UPECC shall be applied solely towards the promotion of the objects of, and in the administration of UPECC. No portion thereof shall be paid directly or indirectly by way of profit to the members, provided that nothing shall prevent the payment in good faith of remuneration or reimbursement of reasonable expenses incurred on UPECC's behalf to any officer, official or member of UPECC in accordance with expenses claim guidelines which are issued for time to time by the EC.

2.1 Accounts

The EC shall ensure that true accounts are kept of all monies received and expenditure incurred by UPECC, the matters in respect of which such receipts and expenditure take place, and of the assets, credits and liabilities of UPECC. The accounts shall be kept at the registered office (where applicable) of UPECC or at such other place or places as the EC & Directorate may deem fit.

2.2 Auditors

The accounts of the Union shall be made up to 30th June and audited each year by a person or persons eligible for appointment as auditor(s) under the Trade Union and Labour Relations (consolidation) Act 1992, or subsequent legislation which replaces it. This person shall be appointed or removed by majority decision of the EC.

2.3 Inspection of Books

Any member may inspect at the Registered Office or at such other place or places as the EC & Directorate may deem fit, at any reasonable time and with the prior approval of the EC, the accounting records of UPECC.

2.4 Dissolution

The Union may at any time be dissolved by the consent of three-quarters of its members. Such consent shall be obtained by ballot. Its assets shall thereupon be realised and all the debts and liabilities satisfied. The remaining assets shall then be divided among the members existing at the date of the resolution for dissolution in proportion to the amount of the subscriptions, contributions and levies paid by them respectively during their respective periods of membership.

3 Membership

Membership shall be open to anyone who satisfies the definition:

fulfil at least one of the membership criteria as specified by UPECC;

membership is subject to the terms of UPECCs Code of Conduct of which I agree to comply;

work together for the betterment of all members and uphold UPECCs vision, strategy & principles;

agree to pay the membership fee;

For membership you must hold a current Professional Pilot's Licence or engineers licence issued by the UK or any of the JAA countries, Be engaged in British

commercial flying and be based in the UK or employed by a UK company abroad. Alternatively you may be a ground instructor or helicopter winchmen employed in British commercial flying. As a cabin crew you must be in training for an attestation, or have grandfather rights to not require one.

3.1 Membership Rules

This section sets out the expectations of the UPECC Directorate in relation to membership behaviour.

UPECC expects the highest standards of professionalism from its members. Any members bringing UPECC into disrepute will be sanctioned as per the appropriate section of the Code of Conduct. The UPECC Directorate solely decides whether a behaviour is unprofessional or has brought UPECC into disrepute.

Members will treat other members with respect, any failure to do so will result in any behavioural complaint being dealt with via the sanctions set out below.

Monthly Payments are not available to any Member who has resigned and applies to rejoin UPECC for 24 months. After this period any rejoining member may request to return to UPECC Monthly payments at the sole discretion of the UPECC Directorate.

There are no refunds payable should a member resign.

The Directorate reserves the right to terminate any membership for any appropriate transparent reason. Examples of reasons are, but not limited to; negative online comments, failing to maintain the highest professional standing in the eyes of the Directorate; other disciplinary event or issue; bringing an organisation into disrepute; general disruptive behaviour as deemed by other members or the directorate.

The Directorate may create or change categories of Membership at its discretion.

4 Officials and Office Holders

4.1 The Honorary President

The Honorary President (HP) is an unpaid roll and shall be responsible for discharging duties specified in these rules. The Honorary President need not be a member of UPECC. The Honorary President shall be appointed by the Directorate for a period of 5 years. They shall be appointed by the Directorate after a ballot of the membership. In the first year of certification, the Directorate will conduct a ballot of membership to ratify the HP appointed by the Directorate during formation of UPECC.

The Roles of the HP is to provide insight and advice on improving processes and procedures. They will work with the Directorate and other sub-committee as agreed on an ad-hoc basis. The HP may at time chair meetings or panels in UPECC. Their time commitment is dynamic

and requests to meet can be made through the Directorate. They are welcome to provide alternative views and perspectives in all areas of UPECC, assist in driving the transparency of meaningful relationship across the industry, both within UPECC and the companies that UPECC works within.

4.2 The President

The UPECC President will be elected from the members of the Executive Committee. The President is accountable to the EC; the Directorate and via the RAF or SF to the members. The President shall chair the meetings of the EC and shall prepare the agenda for that meeting, unless otherwise deputised by another member of the EC.

4.3 Executive Committee (EC)

The Executive Committee is responsible for general administration of UPECC Business. The Directorate makes up the Executive Committee whilst there has been no election process awaiting addition to the list of approved trade unions by the Certification Officer. Within 12 months of certification, the Directorate will call an election for those interested in the Executive Committee. Members of the Directorate may stand in that election. Once the Executive Committee is formed, the Directorate will revert to a trustee and strategy based mandate. The day to day operational activity is the responsibility of the Executive Committee.

The Executive Committee shall consist of no more than 9 members. There shall be no more than 3 members from each of the recognised groups, made up of Pilots, Engineers & Cabin Crew. In the event there are not enough members standing in one group, then candidates fielding the next highest votes in relation to their work group will take any empty seats on the Committee. This will be account for ratio of turnout and favourable votes, as each group contains considerable different quotas of members.

If after this process there are still remaining empty seats on the Executive Committee, then the Directorate may fill any empty seats. The Directorate will also be responsible for identifying any alternative member or non-member to sit on the Executive Committee. In this instance the remaining members of the Executive Committee will have a vote, as will the Directorate on any alternative member to be considered. A unanimous result from both groups is required to fill that vacancy.

Candidates for election to the EC must have the highest professional standing. There should be no adverse evidence in the industry to the contrary. In the event there is evidence, then the Directorate will take a decision on candidate suitability. Candidates must be members of UPECC for no less than 6 months, be in good standing on their membership fees and be able to commit time and expertise to the role. They will be required to complete the Election Processes the same as any Representative.

The EC shall ideally meet on a monthly basis or as they determine appropriate, a minimum of quarterly. A minimum of 50% of the EC is required to conduct business of UPECC to be quorate.

4.3.1 Governing Powers of the Executive Committee

The EC shall be the principal committee of UPECC. It shall have control and administration of the affairs and property of UPECC. The Executive Committee will adhere to the guiding principles set out by the Directorate, and shall defer to the instruction of the Directorate should any of those principles be in question or breached.

The Executive Committee shall have the authority to:

Issue instructions to UPECC members about the taking of any industrial action including strike. No officer or official of UPECC shall be authorised to call upon members to take industrial action. The sole authority rests with the Executive Committee.

Spend money for any purpose that is in the interest of UPECC and its members.

Shall deliberate on sanctions to be applied to any unprofessional behaviour as set out in the ACOP.

Direct Custodian Trustees, and will hold the joint power with the Directorate to add, change or otherwise remove Trustees from UPECC.

Permit any member or non-member to attend its meetings for the purpose of transparency.

Designate persons whom shall have authority to sign and execute all agreements or other legal documents on behalf of UPECC.

Summon any member(s) to attend any meeting at which any matter affecting such members will be discussed.

Shall allocate released & accessible funds of UPECC in such a manner that the EC shall determine.

Regulate relations between members, members & employers, to members and a recognised authority.

With the exception of members of the Directorate, determine the responsibilities of officers of UPECC and shall communicated in writing.

Delegate its powers to any group, sub-group or members as the EC shall determine.

Construe the Rules on which the Rules are silent. Any determination shall be binding and in operation until the next RAF or SF to which the issue can be referred. The determination shall be sent to the Directorate for transparency and opinion.

In concert with the Directorate, formulate policy where no policy already exists. This includes amending sections of any current policy. Decisions taken will be in place until ratified at the next RAF or SF.

Call a Representatives Annual Forum or Special Forum

Convene meetings for any purpose in the interest of members of UPECC.

Negotiate on any matters in the interest of members of UPECC.

Sanction the payment of Monies, veto power remains with a majority vote of the Directorate.

Send officials or representative of UPECC as delegates to any forum that the EC considers appropriate.

Remove any committee, representative, official of UPECC for any such reasons as it deems expedient. The decision is final unless reversed by RAF or SF. This is not applicable to the Directorate, but is applicable to any elected post they may hold in delivering duties at the behest of the EC.

Issue instructions for the conduct of Election or to manage failure of professional conduct in respect of disciplinary matters.

All instruction of the EC shall be binding upon every member of UPECC, Every Representative Committee and other committees of UPECC.

4.4 Governing Powers of the Directorate

The Directorate will maintain the strategic responsibility within UPECC. The Directorate will be made up of those who have adhered to the original founding agreement amongst the founders of UPECC.

The Directorate will direct Custodian Trustees (where applicable), and will hold the joint power with the Executive Committee to add, change or otherwise remove Trustees from UPECC.

The Directorate will hold the power to review any UPECC member continuing membership in the event any professional reason is brought to the attention of UPECC. It is a pre-requisite that the highest professional standards of behaviour are adhered to. The majority decision of the Directorate on any continuing membership is final, and there is no right of appeal.

The Directorate shall spend money for any purpose that is in the interest of UPECC and its members. The Directorate holds a veto on any expenditure of the EC, this veto requires the majority of the Directorate to vote against expenditure.

The directorate shall have the power to summon any member(s) to attend any meeting at which any matter affecting such members will be discussed.

The Directorate shall release/allocate funds of UPECC in accordance with the requests of the EC.

The Directorate has the power to call a Special Forum.

The Directorate may remove or add members of the Directorate through documents signed by members of the Directorate. The Directorate will notify the EC and other relevant parties should the constitution of the Directorate Change.

4.5 Trustees

All deeds, documents of title and securities for money and other property of the Union, including its branches, shall be held by custodian Trustees in their joint names or under their joint control. They may take such measures for the safe custody and preservation thereof, at the expense of the Union, as they shall think fit. They shall be responsible for the safe custody of all such deeds, documents, and securities as are placed in their hands or under their custody. They shall produce them for inspection when required by the auditor or by a resolution of the Executive Council.

There shall be four Trustees of the Union (who may or may not be members of the Union). They shall be appointed by the Executive Committee or Directorate for a period of 3 years. They shall be eligible for re-election for a second term of office, but no Trustee shall remain in office for a period of more than 6 years. No salaried official of the Union shall act as Trustee, but any other official may so act. These appointments must be approved at the next Annual General Meeting.

If a Trustee relinquishes their office for any reason, a replacement will be approved at the next following Annual General Meeting.

4.6 Representative Committees (RC)

The EC may, at its discretion, establish or disestablish a representative committee made up of UPECC members in any particular airline or business. The maximum number of members will be set by the EC. But no more than one third can be made up of one representative group. In the event more members are required on any representative committee, each group will retain 1 vote each, for Pilots, Engineers & Cabin Crew.

Matters affecting changes to terms & conditions will require votes to be recorded and published to the membership for transparency.

The Representative committee shall meet regularly either remotely or in-person.

Minutes will be kept by a Committee Secretary. Those minutes will be checked for sensitive or confidential material, and unless otherwise justified, they will be published to the UPECC members section of the website for transparency.

Members of RC positions will be elected for a maximum period of 2 years. The EC will take a decision on the total number of positions available depending on workload and effectiveness of an RC.

A member will be eligible to be considered for RC if they have been a member of UPECC for a minimum of 3 months, be in good standing, and have the utmost professional standing in the community and the industry as a whole. Any failure on these points will negate the possibility of being able to stand in any election.

If a member of an RC moves companies during an elected period, they may request the EC to make them a plus 1 to any new appropriate RC in any company UPECC has, or expects to have members until the end of their elected period.

5.0 Elections

The Directorate will ensure that transparent elections are conducted at appropriate times for the EC, and any RC.

The EC shall appoint an independent person to act as Returning Officer for the purpose of electing General Secretary, Honorary President or EC positions. The returning officer will retain all documents associated with any election. The returning officer will supervise the production and distribution of all voting papers which are returned. The returning officer will also ensure that appropriate reports are made as required. The returning officer will report to the EC and retain the voting papers, whether digital or not, for a period of 1 year from the announcement of the result.

An independent scrutineer will be assigned to satisfy the requirements of Section 49 of the Trade Union and Labour Relations (Consolidation) Act 1992. This may be the Director of Compliance of UPECC. Processes to ensure complete transparency will be laid out prior each election.

In the case of an election other than the above, the EC or Directorate may assign 2 separate returning officers for the purpose of conducting the election or ballot. Those officers will oversee the nomination process and timetable as prescribed. The returning officer will scrutinise the validity of the nomination and the decision of the returning officer shall be final. The returning officer will issue each active member entitled to vote an appropriate ballot. This may be in print or in digital form depending on any legislative requirement. If an envelope is required it will meet the requirement of any legislation, and ideally the postage paid for by UPECC.

Ballots returned by post will be examined by the returning officer/scrutineer under the supervision (if required) of at least 1 other person.

6.0 Directorate & EC Constitution

Regular meetings of the Directorate or EC will be held monthly or in such other frequency as they may unanimously agree.

Any Directorate member can call a special meeting to resolve issues that require a vote, by providing all Directorate members with reasonable notice (being no less than 7 business days). In the case of a special vote, the meeting will be restricted to the specific purpose for which the meeting was held. The same applies to members of the EC.

All meetings will be held at a time and in a location that is reasonable, convenient and practical considering the situation of all Directorate or EC members. The quorum for a meeting is three. At the first meeting of the EC the members shall appoint a chairperson, which position shall thereafter be rotated annually. In the event of a tied vote, the chairperson shall have a casting vote.

7.0 Duties under these Regulations

The GMP Regulations as set out in this publication are applicable to all who hold UPECC membership status, therefore it is a condition of membership that the Member acts in accordance and compliance with the ACOP and GMP Regulations at all times.

For the purposes of this ACOP, Members are to be considered as a representative of UPECC as a whole, and as such, the doctrine of vicarious liability can be applied in respect of their actions.

The UPECC Directorate consider the GMP Regulations to be adhered to at all times and take any allegations of non-compliance extremely seriously.

The UPECC Directorate have authority to act in relation to alleged breaches of the ACOP.

The UPECC Directorate will assign an independent accountancy firm to audit the union accounts within 12 months of certification.

The UPECC Directorate will set the framework for an Executive Committee which will be elected by the members of UPECC. That election process will be completed in due course of the setup of UPECC. The timeline will be no more than 18 months for the EC to be elected and operational.

The Executive Committee will be responsible for the day to day transparent operation of UPECC on behalf of its members.

8.0 GDPR

Members shall comply with applicable data protection laws in force at the time in respect of the personal data of members and put in place reasonable technical and organisational measures to protect their members personal data and confidential information and which take into account the level of security appropriate to the risk.

In addition to the above, Members shall treat the affairs and conduct of UPECC as being private and confidential.

9.0 Dispute Resolution

UPECC intervention should only be sought as a last resort and only in instances when all other remedies have failed to rectify the alleged breach of the ACOP.

If any dispute arises between the parties who are both members of UPECC out of or in connection with, this Agreement, members must try and resolve the issue informally by way of counsel from a UPECC Member who shall use their reasonable endeavours to resolve it.

If the dispute is not resolved within 28 days of the referral being made, the parties may resolve the matter through mediation. UPECC will not intervene in any disputes involving a non-member.

9.1 Dispute Resolution Process

The dispute resolution process may be initiated at any time by either party serving a notice in writing on the other party that a dispute has arisen. The notice must include reasonable information as to the nature of the dispute.

The parties shall use reasonable endeavours to reach a negotiated resolution through the following procedures:

within fourteen days of service of the notice, a UPECC Directorate Member and Member representative shall meet to discuss the dispute and attempt to resolve it;

and

If the dispute has not been resolved within fourteen days of the first meeting, then the matter shall be referred to the General Secretary (or persons of equivalent seniority). The General Secretary (or equivalent) will meet with the Member within fourteen days to discuss the dispute and attempt to resolve it

9.2 Sanctions

Very minor cases of alleged breaches will be dealt with informally, with the objective of improving member conduct. Where the matter is more serious, or where conduct has failed to improve, formal action will be taken as described below.

There are three levels of sanction. Other than in cases of gross misconduct, members will not normally be expelled from UPECC membership for a minor breach. UPECC reserves the right to impose sanctions at any level, depending on the circumstances of the case.

Level 1—Written warning

In cases of a minor breach of the ACOP or GMP Regulations you may be given a formal written warning.

A first written warning will normally remain in force for six months and a copy of the warning will be kept on record. It will normally be disregarded after a period of six months.

Level 2—Final written warning

In the event of a failure to improve or change behaviour during the currency of a prior warning or where the misconduct, infringement or offence is sufficiently serious to warrant only one written warning before expulsion, a final written warning may be given to you.

A final written warning will normally remain in force for 12 months.

Level 3—Expulsion

In the event of a failure to improve or change behaviour or improve conduct during the currency of a prior warning, or where the misconduct, is sufficiently serious enough to amount to an act of gross misconduct, expulsion from UPECC will normally be the sanction.

A decision to dismiss will only be taken by a UPECC Directorate Member who has the authority to do so.