

# The Rule Book of Empower The Workers' Union

Revision 19<sup>th</sup> June 2023



The inaugural assembly of Empower The Workers' Union decreed by overwhelming and unanimous consent to:

1. Join together as workers to pursue, collectively, the principal aim of regulating the relations between ourselves, as workers and employers and employers' associations.
2. That our organisation will be a trade union within the statutory meaning of "trade union" as set out in the Trade Union and Labour Relations (Consolidation) Act 1992 and that it shall be so considered from the moment of adoption of these principles and the commencement of its activity in pursuance of these aims.

***"1Meaning of "trade union".***

*In this Act a "trade union" means an organisation (whether temporary or permanent)—*

*(a)which consists wholly or mainly of workers of one or more descriptions and whose principal purposes include the regulation of relations between workers of that description or those descriptions and employers or employers' associations; "*

3. Henceforth referred to as "the Union", Empower the Workers' Union shall be a democratic and collective organisation with all members having an equal say in the direction and running of this union with equality and fairness at its core.
4. The aims of the union, established at inauguration are as follows:
  - a) The Union takes to its heart that Employers and workers are not equal and that regulation of the employment contract necessitates the collective action and bargaining of employees in order to redress this imbalance. Regulation is therefore, to us, empowering workers to demand better conditions, pay and treatment from the hands of the employers.
  - b) The union shall seek to recruit workers to the trade union movement and to realise their potential as workers to a greater claim of the wealth that they create; through a commitment to organising workers to act collectively in the regulation of the employment contract and will support other trade unions and organisations that share our aims.
  - c) The Union, each and every member, will defend each other from injustice enacted by employers in solidarity by standing side by side with our fellow members; be it through representation, negotiation or any other lawful action.

- d) The union will have at its heart condemnation of injustice, hate and discrimination in all its forms and will play its part in the unending struggle against these evils of our society. Be that in work or in our larger society.
- e) The union shall aim, at every point, to increase democracy within its organisation in the knowledge that democracy is the greatest attribute of a workers' union.

5. The aims (4) of the union, will be subject to alteration and adaptation by the process outlined below:

- All members, including the executive committee may, at any time, propose a change to the wording of the aims of the Union, or propose to alter the aims or to add or remove aims, by submitting a motion to that effect to the President not less than 1 month before the Annual General Meeting.
- Approval of any alteration or adaptation of the aims of the Union can only be taken at an Annual General Meeting or Extraordinary General Meeting. Approval shall be by majority at the meeting provided that the number of members voting in favour number no less than 1% of the membership or 8 members, whichever number is greater.

6. The rules, within the rulebook, will be subject to change and adaptation by the process outlined below:

- All members, including the executive committee may, at any time, propose a change to rules of the Union by submitting a motion to that effect to the president not less than 1 week before the Annual General Meeting.
- Ratification of changes to the rules shall require approval first by the executive committee and then by simple majority at Annual General Meetings or Extraordinary General Meetings.
- Should the executive committee object to the proposal the proposal may be carried by a majority at AGM or EGM provided that the number of members voting in favour is no less than 1% of the membership or 8 members, whichever is greater.
- The executive committee shall have the authority to change make changes to the rules and to seek retrospective approval for those changes at any general assembly.

## Legal Obligations

The union is conversant with the requirements of the Trade Union and Labour Relations (Consolidation) Act 1992 and the exemptions thereof that apply to trade unions. The Union understands its obligations to provide annual returns and to pay the levy that applies to trade unions.

7. The General Secretary shall maintain communication with the certification officer and has the authority, on behalf of the Union, to enact or provide any requirement that the certification officer may place on the Union at any time.

## Elections

8. Elections of officials of the Union (the committee) shall be conducted in accordance with the statutory provisions of the TULR(C) Act 1992 and it shall be to this statute that the Union refers when conducting contested elections.
9. Terms of office:
  - The General Secretary, being a paid official, shall serve a term of 5 years.
  - The President, vice-president, treasurer, ordinary member and any other members of the committee shall serve a term of 3 years.
10. At the end of any term, if not re-elected or in the event of relinquishing the post for whatever reason, the employment contract of the General Secretary shall revert to paid duties within the contract that are other than those particular to the post of General Secretary.
11. The Union shall appoint an independent auditor of accounts at the proper time and;
12. Not less than 2 months prior to the end of any term of office of the executive committee, nominations shall be sought in accordance with the TULR(C) Act 1992. Nominations shall require two signatories which may include the candidate.
13. In the event of any post becoming vacant mid-term, nominations shall be sought not less than 1 month before any subsequent General Assembly.

## Functional Rules of the Union

With sight of the aim stated above that our union aims to increase democracy at every turn we commit to review, through the mechanisms so described, and to change and improve at all points, our approach to ensuring that representation within and without is equally applied and the voice of members are equally heard.

With the further knowledge that our endeavour will not be defeated; that is to grow and further the interests of workers in relations with employers, we acknowledge that the functional rules appropriate for the size of union at our birth is not that which will apply in our growth.

14. The union shall elect members to office for the purpose of running the day to day activity of the union in accordance with the aims of the union and to the direction and accountability of the membership at large. These officers shall be known as the executive and shall be:

### The General Secretary:

- Who shall be an employee of the union and charged with dedicating their time as can be reasonably expected of a full time worker, to the representation of members to employers (be it individually or collectively), recruitment, retention, organising and all other authorities conferred by the union executive and the functions and responsibilities established in law as those of a trade union general secretary.
- Shall report to the Executive on a regular basis and accept the direction of the executive within the rules.

Name: Andrew Phillip Sutton

Date Elected: 12<sup>th</sup> April 2023

### The President:

- The president shall have invested in them the authority to speak on behalf of the union in expressing the view of the union and its position on matters as might be required.
- The President shall preside over meetings of the union where the president is required or invited.
- The president shall authorise, on behalf of the union, the employment of any union employee including the general

secretary and shall be the responsible person for disciplinary and grievance for employees of the union.

Name: Winnie Tang

Date Elected: 12<sup>th</sup> April 2023

Vice-President:

- The vice-president shall take the role of the president in the absence of the president; to preside meetings or to speak on behalf of the union.
- Dependent on the wishes of the union in developing the rules, consideration should be taken for the mechanism whereby the vice-president takes over from the president after a term, whatever length that may be, and the president then becoming ex-president.

Name: Noel Talag

Date Elected: 12<sup>th</sup> April 2023

Treasurer:

- The treasurer shall authorise all payments made by the union and report on financial and budgetary matters to the executive and the union at large.
- Make available to any member that makes a reasonable request, the financial accounts of the union for inspection.

Name: Vacancy

Date Elected:

Ordinary Member:

- Shall have equal authority with the officers of the executive.

Name: Norman Deazle

Date Elected: 12<sup>th</sup> April 2023

Additional officer posts shall be created, as necessary, for the functioning of the union and to ensure that the executive represents fully the voice of the union. Being a change of rules, the procedure for rule changes applies.

### Conduct of Executive Business:

15. The union will discharge authority to the day to day running of the union to the executive committee.
16. The executive committee shall act in accordance with the rules and aims of the union and follow the direction of the general assembly provided that these directions are consistent with the aims and rules of the union.
17. The executive committee shall report (through the general secretary or in absence the president) to general assembly and seek approval of actions taken or to be taken.
18. The executive committee shall maintain financial and membership records such that details of these can be sought and provided to any member of the union with reasonable notice.
19. The executive committee shall direct the general secretary in terms of the use of time and the focus of activity in accordance with the needs of the union; and shall hold the general secretary to account for performance. The General Secretary shall delegate, if an executive member is willing, tasks as might be from time to time required but will be accountable for delegated tasks.
20. The general secretary shall act with the authority of the executive committee and maintain regular reports to the committee and if acting beyond direction shall seek retrospective approval of the committee. Any action that is not approved shall be remitted to the general assembly.
21. Within the first year of the union the executive shall meet when necessary and when agreed by those constituting the executive and when called to do so by the President.

## Meetings:

### General Assembly

22. General Assemblies of the Union, ideally no less than 3 times per year, are for the purpose of:
  - Directing the executive committee to carry out essential functions and organising on behalf of all members.
  - To debate and set the direction and priorities of the executive committee.
  - To make and approve financial decisions.
  - To retrospectively approve decisions made by the executive committee during intervening periods between meetings.
23. The Annual General Meeting of the Union, ideally held every April, shall have the same purposes as General Assemblies with the additional purposes of:
  - Ratifying changes to the Aims or Values of the Union.
  - Ratifying changes to the rules of the Union.
24. Extraordinary General Meetings shall be for the purposes of Annual General Meetings where matters cannot wait until an Annual General Meeting. EGMs can be called, at any time subject to the notice periods that apply to all meetings, by the President, by the executive committee or by 1% or 8 members of the Union (whichever is greater) proposing such a meeting.
25. Members of the union shall be provided with a calling notice and agenda 2 weeks in advance of any General Assembly, Annual General Meeting or Extraordinary General Meeting.
26. General assemblies shall take place, ideally, 3 times per year.
27. General Assemblies may be called, with the requisite two weeks' notice at any time within the first year by the President of the union or by agreement of a majority of the executive committee or on request to the President by 1% or 8 members of the union (whichever number is greater).
28. All members may submit motions to the president or general secretary for the alteration of rules of the union provided these are submitted with at least 1 weeks' notice of a general assembly and

these shall be debated and voted on at general assembly. This applies to the executive who shall, as any member shall, submit proposed rule changes no less than 1 week in advance. Said motions shall be circulated to all members at least 3 days before general assembly.

29. Beyond rules and aims, members may submit for consideration any matter for inclusion on the agenda of the forthcoming general assembly with at least one weeks' notice.
30. The President of the union shall determine the agenda for all general assembly in accordance with the rules and aims of the union and should the president decide to omit a suggestion for an agenda item (other than an alteration of the rules) shall inform the assembly as to the reasons.
31. All decisions of the General Assembly and AGM shall be carried with a simple majority of those present at a quorate meeting, unless otherwise stated within these rules.

#### Quorums:

32. The quorum for the executive committee, shall be a majority of those in post provided that those present at any executive committee meeting include the General Secretary and one of either the President or Vice-President.
33. The quorum of the general assembly shall be 1% of the total membership at the time of the meeting or 8 members whichever is greater.

#### Conditions of Membership and Fees.

34. Membership shall be open to all workers as statutorily defined. As a trade union, this Union shall comprise mainly of workers. Those, through unemployment, incapacitation, retirement etc. whom do not satisfy the statutory definition (do not have a contract) shall also be open to join or maintain membership of the Union.
35. All members shall keep the union up to date in regards to address and workplace in order for the union to maintain lawful records.

36. All members will receive an annual statement of fees paid/owed and reminder to provide updated details of address and workplace.

37. All members shall provide, by way of a membership fee, funds to the union that they can afford for the benefit of all members. Fees required of members shall be set by the assembly of the union and shall at the outset be:

- £8.50 per month (or £100 per year) for all employed members
- £1.00 per month (or £12 per year) for all unemployed members
- £6.00 per month (or £92.50 per year) for any members that join at the same time as another member from the same workplace for the first 3 months of membership.

For members that are granted access to casework support within the first 3 months of membership, the annual fee will be expected to be paid at the outset of the new member receiving support from a caseworker. This shall be known as the 'new member casework scheme'. New members requiring substantial assistance shall be asked to pay an additional contribution of £100. Substantial understood as being more than 3 hours of work by the caseworker on the new member's behalf.

38. The Executive committee may at any time reduce entry fees for any member who cannot afford to pay, or for the purpose of recruitment or any other non-discriminatory reasons.

39. Fees shall be determined by the Annual General Meeting. The Executive committee shall be authorised to increase membership fees and may do so for the furtherance of the union as required. Retrospective approval shall be sought from the next General Assembly in the event of executive decision. A rise in fees shall not be imposed on any member except with 2 months' notice.

#### Benefits of Membership:

40. All members shall have the ability to become elected to the positions on the executive committee, within the rules. Any member seeking election must have fully paid all membership fees at the time of nomination.

41. All members shall be invited to General Assemblies, and Annual General Meetings and EGMs of the union and provided with advance notice of these including sufficient notice to contribute motions for the alterations of rules or to ask the president for items to be included on agenda.
42. All members shall have an equal vote on all matters that are put to the vote in meetings.
43. All members shall have the right to have an application for support, either individual casework support or collectively, fairly considered by the general secretary. Further, any rejection of an application of support (an application being simply asking, be it verbal, email or whatever) shall be subject to appeal to the President and then further the executive committee. The intention and objectives of the union being to support members in struggle whenever possible in accordance with the aims and resources of the union.
44. All members shall be informed of and invited as appropriate to seminars, training, discussion groups and etc., as appropriate and will be encouraged through training and support to develop their activism and ability to represent workers in their own workplace.
45. Requests for collective representation will not be dependent on any qualifying period and shall always be considered by the general secretary, reporting to the executive committee.

#### Workplace Activism and Industrial Action

46. Provided that the interests of members are best served, and those balloted are fully cognisant of the environment and risks; and provided that there is a reasonable chance of a successful ballot that justifies the risk to union funds of an unsuccessful ballot then the union shall always support members who wish to further a dispute by means of lawful industrial action.
47. The union must, be law, repudiate unlawful "wildcat" or "secondary" industrial action and therefore will advise members not to refuse management instruction except when doing so in accordance with a lawful ballot.

48. The union shall not undermine, except by having no choice but to abide to law, any industrial action taken by any other trade union except if said industrial action is in some way not compliant with the union's values.
49. The union shall train and recruit workplace representatives as a priority and engage with all and every employer where workers are members to serve notice (with the agreement of said members) that the union is present in the workplace and that the union wishes to engage in collective bargaining; provided that doing so does not pose any risk of retribution toward members.
50. The General Secretary shall be responsible for certifying in writing representatives as 'having experience of, or as having received training in, acting as a worker's companion at disciplinary or grievance hearings.
51. Appointment to serve the Union as a workers' companion (caseworker) shall be conferred on to any member certified by the General Secretary by General Assembly or Annual General Meeting.
52. The Union shall indemnify all representatives for any activity in service of the Union that is conducted within the rules, aims and values of the Union.
53. Training shall be provided to any member wishing to be trained and certified as trained to act as a worker's companion.
54. A casework code of practice document shall be developed, agreed and applied and once agreed shall be maintained by virtue of an appropriate procedure for complaint and/or discipline.
55. The Union shall not disclose the identity of any member to the employer except if unavoidable when representing a member in individual casework.
56. The union shall provide guidance and support to workplace representatives and activists and provide representation, where appropriate, for collective matters.
57. Guidance and protocol for the election of and activity of workplace representatives shall be developed and training provided.

### Casework Support:

58. Casework support is only available to members of the union.
59. Prospective members who seek union help with an existing problem or members for whom a problem develops within the first 3 months of membership shall be eligible for casework support only at the discretion of the general secretary.
60. Casework support for such individual matters as grievance, disciplinary, sickness absence, capability etc.. shall be requested by members, from time to time, and every effort will be made to support members competently through these difficulties.
61. The general secretary shall have discretion to refuse support if the request is: a) not serviceable due to demands on time b) has little value in comparison to other casework within a limited capacity or c) supporting the member would be contrary to the aims, objectives and values of the union. The general secretary shall prioritise casework that has the potential to benefit members collectively if there is choice to be made based on capacity.
62. Any member refused casework support shall receive this reasoning in writing and may then immediately appeal to the President for reconsideration. The president may override the decision of the general secretary.
63. Any member in arrears of fees who requests casework support, if this is granted, shall be expected to pay all arrears *and* the annual fee subsequent to this in accordance with the rules as they apply to new members (within 3 months of joining the Union).
64. A member who has lapsed in payment of fees to the union for 1 year, having received warnings that membership shall lapse unless fees are paid, shall be taken to have left the union and shall be subject, on re-joining, the conditions of new members of the union.

65. The union shall make clear, at all times, that there is no substitute for legal advice or financial advice that the union cannot reasonably provide, at the present time. The Union does not provide, as a benefit of membership, representation at tribunals but will provide assistance, if necessary, with Early Conciliation.
66. Indemnity insurance shall be maintained.

### Grievances and Complaints

67. All members may raise any complaint or grievance related to the conduct by the Union with respect to their membership, at any time, by contacting any member of the Executive Committee. There shall be no restriction on what shall or shall not be considered worthy of attention.
68. Complaint/Grievance Procedure:
- The complainant shall be required to explain their complaint or grievance and to state the redress that they wish to be provided with.
  - A member of the Executive Committee (except for the President) shall investigate the complaint/grievance in consultation with the complainant/grievance. Decision on the merits of the complaint/grievance and redress to be provided shall be by approval of the committee (except for the President)
  - The complainant shall have the right to appeal if dissatisfied and may do so by explaining the grounds of appeal to the President. The President may overturn the previous decision.

### Disciplinary

69. All members shall abide by the rules, aims and objectives of the union. Membership being dependent on written agreement to the rules, aims and objectives.
70. Any member who, through their conduct, acts or behaves at odds with the rules, aims, objectives or values of the Union may be subject to this disciplinary procedure.

71. Any member who it is felt by the executive committee has failed to adhere the rules and aims of the union or whose values and beliefs put them at odds with the union may have their membership forfeited with no right to repayment of fees.
72. Where the executive committee becomes aware of any allegation of misconduct, including with respect to any member of the committee, the committee shall appoint an executive member as investigating officer and a committee member to act as decision maker. The President, unless subject to this process, shall hear appeals.
73. In the event of allegations of misconduct implicating more than one member of the executive committee an Emergency General Assembly of the Union shall be called.
74. Expulsion from the Union shall only be determined by the executive committee and shall require a majority of the committee to enact. The Union understands the legal restrictions on expulsion within the law (industrial action).
75. The disciplinary procedure:
- The investigating officer shall reasonably investigate any allegation and shall establish facts and provide a report to the Decision maker.
  - The member subject to the process shall meet with the decision maker and have the right to be accompanied by an advocate who is also a member of the Union.
  - The decision maker shall have the authority, should the allegation(s) be proven to provide a warning and a reminder to the member of the appropriate rule or value of the Union that has been transgressed.
  - Any member receiving a warning has the right to appeal to the President, who shall meet with the member and who has the authority to overturn the original decision.

#### Appointment and Removal of Auditors

76. The Executive Committee shall have delegated responsibility for appointing certified auditors in order for the accounts and annual financial statement to be certified in accordance with the requirements to do so with respect to the submission of the Annual Return to the Certification Officer, annually.
77. Retrospective approval for this appointment and for any sums payable to the auditors for the service provided shall be sought from the membership at the next subsequent General Assembly.
78. Once appointed, the auditor shall remain as the Union's auditor until such time as the auditors themselves decline to serve this function, or cannot for any other reason serve this function to the Union or removed by resolution passed at a General Assembly.

#### Appointment of Trustees

79. At the present time, this Union does not own any property as all items are and remain the personal property of any individual, including the General Secretary and members of the Executive Committee and/or are on loan to the Union until such time that the Union has funds to obtain property itself. This means that there is no legal requirement at present to appoint trustees.
80. Before any decision is made by the executive committee on behalf of the members of the Union, or by the members of the Union at a quorate general Assembly, to acquire any property or asset the Union shall appoint 2 Trustees in compliance with the provisions of the Trustees Act 1925
81. All property belonging to the Union shall be vested in trustees in trust for it.
82. Appointed trustees shall serve for a period of no longer than 7 years from the date of appointment.
83. Trustees shall, at the time of appointment, be members of the Union and there is no requirement nor exclusion for any trustee to hold any other elected position within the Union. All members of the Union shall be able to nominate themselves to serve as trustees. The decision on the appointment of trustees will be delegated to the Executive Committee and subject to retrospective approval at the next subsequent General Assembly.

84. Trustees may be removed only by the enacting of a motion at an Annual General Meeting or Extraordinary General Meeting, following the rules as stated within this rule-book for the submission of motions.
85. Any vacancy as may arise from removal, resignation or death of any Trustee will prompt an open invitation to all members to nominate themselves for the position of trustee and a trustee will be appointed as per the rules above.

#### Dissolution

86. The Union may be dissolved by resolution supported by not less than 80% of votes cast in a postal ballot of all the members, provided that the total votes cast in favour is not less than 50% of the membership.
87. After discharging all debts and liabilities the assets of the Union, if any, shall be distributed equally to members at the date of dissolution unless the members when voting for dissolution have resolved to the contrary.