

---

# **INDEPENDENT OXFAM UNION**

---

MEMBER AND REPRESENTATIVE POLICY AND RULES HANDBOOK

## Table of contents

1.	Introduction .....	1
2.	Using the Representative Handbook.....	1
3.	Responsibility for the Representative Handbook.....	1
4.	Personal data .....	1
5.	Emergency contact details.....	<b>Error! Bookmark not defined.</b>
	Schedule 1 The election process .....	2
	Schedule 2 Access to legal services.....	4
	Schedule 3 Conduct rules for representatives .....	5
	Schedule 4 Disciplinary and capability procedure .....	6
	Schedule 5 Grievance procedure.....	8

# **Member and representative policy and rules handbook (the "Handbook")**

## **1. Introduction**

Independent Oxfam Union (the "**Union**") is a recognised trade union of Oxfam GB ("**Oxfam**").

## **2. Using the Representative Handbook**

- 2.1 This Handbook sets out the main policies and procedures that you will need to be aware of as a Union member and while elected as a Union representative. You should familiarise yourself with it and comply with it at all times. Any questions you may have with regard to its contents or what you have to do to comply with it should be referred to The Chair of the Independent Oxfam Union
- 2.2 The policies and procedures set out in this Handbook apply to all Union members and Union representatives unless otherwise indicated.

## **3. Responsibility for the Handbook**

- 3.1 The Chair has overall responsibility for this Handbook and for ensuring that its policies and procedures comply with our legal obligations.
- 3.2 The Handbook is reviewed regularly and can be updated by the agreement of a majority of the Union representatives.
- 3.3 Everyone should ensure that they take the time to read and understand the content of this handbook and act in accordance with its aims and objectives. The Chair must ensure all Union members and Union representatives understand the standards of behaviour expected of them and to take action when behaviour falls below those requirements.

## **4. Personal data**

Whenever we process personal data about you in connection with our policies, we will process it in accordance with Oxfam's Data Protection Policy. We will only request, store or process your personal data if we have a lawful basis for doing so. We will notify you of the purpose or purposes for which we use it. Please see the Privacy Notice for further information.

## **Schedule 1**

### **The election process**

#### **1. Eligibility**

- 1.1 Each Union member shall be eligible to be elected as a Union representative.
- 1.2 Eligible Union members must be nominated by at least one other eligible member, or alternatively, eligible members can nominate themselves for election however require a 'seconder' who must also be an eligible Union member.
- 1.3 The following roles are available for election:
  - 1.3.1 Chairperson;
  - 1.3.2 Membership Officer;
  - 1.3.3 Treasurer;
  - 1.3.4 Pensions Representative;
  - 1.3.5 Equality Representative;
  - 1.3.6 Health and Safety Representative; and
  - 1.3.7 General Representatives.

#### **2. Term**

- 3. The standard term for each elected role is three years and the maximum duration for each role is four years. An elected representative may resign their position part way through their term, in which case the bi election proceed detailed in clause 3.4 would be triggered.

#### **4. Election process**

- 4.1 Elections for available roles are held not sooner than every three years and not later than every four years.
- 4.2 In order to be elected as a Union representative, a Union member must receive at least two thirds of the participating electorate's votes.
- 4.3 If an elected representative leaves their role partway through a term, a bi-election procedure shall take place. The procedure for nominations for the bi-election are the same as described above.

- 4.4 If no nominations are received during a bi-election, the term shall continue with one fewer Union representative.

## **Schedule 2**

### **Access to legal services**

#### **1. Legal Services**

- 1.1 In order to qualify for access to legal services, Union members must have been members of the Union for a minimum 3-month continuous period.
- 1.2 Qualifying Union members (as described in paragraph 1.1) have access to the following external legal services:
  - 1.2.1 General legal advice on the operation of Oxfam's general policies and on employment contract issues. Such advice will be provided by an elected representative following - if necessary - consultation between the elected representative and an external legal advisor.
  - 1.2.2 Subject to Union approval, assistance and funding regarding litigation against Oxfam. Union approval is given on a merits-based assessment and is subject to the requirement to agree to any settlement offer deemed reasonable by the Union in consultation with the union legal advisors; and
  - 1.2.3 Settlement agreement assistance.

## **Schedule 3**

### **Conduct rules for representatives**

#### **1. Rules of conduct**

1.1 Each elected representative must abide by the following rules of conduct:

1.1.1 Always act in the best interests of the Union members;

1.1.2 Within reason, to make themselves available to Union members for the carrying out of union related duties subject to the 10% of time allowed by Oxfam to the representatives for the purposes of carrying out Union duties (or 15% in the case of the elected Chairperson);

1.1.3 Respect the will and democratic consensus of the Union;

1.1.4 Adhere at all times to Oxfam's work policies including, but not limited to, the Equality, Diversity and Inclusion Policy and Code of Conduct;

1.1.5 Respect the confidentiality of Union members and of the Union itself, notwithstanding the general duties under Oxfam policies relating to reporting of misconduct or whistleblowing;

1.1.6 Act independently of other duties and positions held as an Oxfam employee;

1.1.7 Declare any conflicts of interest, including any circumstances which may give rise to a conflict of interest, as soon as is reasonably practicable to do so; and

1.1.8 Never to represent a Union member to Oxfam's HR team or to wider Oxfam management if that Union member is part of your immediate working team.

1.2 Failure to comply with any of the rules listed in paragraph 1.1 may result in disciplinary action under the disciplinary procedure.

## **Schedule 4**

### **Disciplinary procedure**

#### **1. About this procedure**

- 1.1 This procedure is intended to help maintain standards of conduct and to ensure fairness and consistency when dealing with allegations of misconduct against elected representatives of the Oxfam Independent Union when carrying out their duties
- 1.2 Minor conduct issues can usually be resolved informally with the Chairperson; or in their absence or if the issue has been raised against the Chairperson, the issue can be resolved informally by the representative with longest length of Union representative service. This procedure sets out formal steps to be taken if the matter is more serious or cannot be resolved informally.
- 1.3 This procedure applies to all Union members, including all Union representatives, including the Chair, regardless of length of service.
- 1.4 This procedure does not form part of any employee's contract of employment with Oxfam and may be amended at any time by the agreement of the majority of Union representatives.

#### **2. Investigations**

- 2.1 Before any disciplinary hearing is held, the matter will be investigated. An independent Union representative will be appointed to investigate the matter. If the person investigated is a union representative, the matter will be investigated by the Chairperson. In the absence of the Chairperson or if the person investigated is the Chairperson, the matter will be investigated by the Union representative with longest length of representative service. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding and no disciplinary action will be taken without a disciplinary hearing.
- 2.2 In some cases of alleged misconduct against union representatives, the elected Union representatives may need to be suspended from their usual Union duties while an investigation or disciplinary procedure (or both) are carried out. Suspension is not considered to be disciplinary action.

#### **3. The hearing**

- 3.1 The person investigated will be given written notice of the hearing, including sufficient information about the alleged misconduct and its possible consequences to enable you to prepare. They will normally be given copies of relevant documents and witness statements.



- 3.2 The person investigated should let the representative in charge of the investigation know as early as possible if there are any relevant witnesses they would like to attend the hearing or any documents or other evidence they wish to be considered.
- 3.3 The person investigated will be informed in writing of the decision and the reasons behind that decision, usually within one week of the hearing.

#### **4. Disciplinary action**

The penalty for misconduct is the removal of elected Union representative status and / or the prohibition to stand for an elected role in any future elections.

#### **5. Appeals**

- 5.1 The decision may be appealed in writing within one week of being told of the decision.
- 5.2 The person will be informed in writing of the final decision and the reasons behind that decision as soon as possible, usually within one week of the appeal hearing. There is no further right of appeal.

#### **6. Forbidden actions**

- 6.1 The following are examples of matters that are normally regarded as triggering the disciplinary procedure:
  - 6.1.1 Serious or persistent neglect of Union duties;
  - 6.1.2 Intimidation or threats to Union members;
  - 6.1.3 Intimidation or threats / pressure put on non-union members due to decision not to join the Union;
  - 6.1.4 Misappropriation of Union funds;
  - 6.1.5 Serious derogation of duties;
  - 6.1.6 Abuse of power; and
  - 6.1.7 Breaching the rules of conduct for Union representatives.
- 6.2 This list is intended as a guide and is not exhaustive.

## **Schedule 5**

### **Grievance procedure**

#### **1. About this procedure**

- 1.1 Most grievances can be resolved quickly and informally through discussion with the Chairperson; or in their absence or if the issue has been raised against the Chairperson, the issue can be resolved informally by the representative with longest length of Union representative service. If this does not resolve the problem members should initiate the formal procedure set out below.
- 1.2 This procedure applies to all Union members regardless of length of service.
- 1.3 This procedure does not form part of any Union member's contract of employment with Oxfam. It may be amended at any time by the agreement of the majority of Union representatives and it may be departed from depending on the circumstances of any case.

#### **2. Step 1: written grievance**

- 2.1 Grievances should be submitted in writing to The Chairperson
- 2.2 The written grievance should set out the nature of the complaint, including any relevant facts, dates, and names of individuals involved so that it can be investigated.

#### **3. Step 2: meeting**

- 3.1 A grievance meeting will be arranged, normally within one week of receiving the written grievance. The complainant should make every effort to attend.
- 3.2 The complainant and /or the subject of the grievance may bring a companion to the grievance meeting if a reasonable request is made in advance stating the name of their chosen companion.
- 3.3 If any party cannot attend at the time specified they should give as much notice as possible and every effort will be made, within reason, to agree an alternative time.
- 3.4 The meeting may be adjourned if it is necessary to carry out further investigations, after which the meeting will usually be reconvened.
- 3.5 The outcome of the grievance meeting will be communicated to all parties in writing, usually within one week of the last grievance meeting, stating the reasons behind that decision and any further action that will be taken to resolve the grievance. Parties will also be advised of their right of appeal.

#### **4. Step 3: appeals**

- 4.1 If the grievance has not been resolved to the parties satisfaction they may appeal in writing, to the Chairperson; or in their absence or if the issue has been raised against the Chairperson, to the representative with longest length of Union representative service. This appeal will be considered by a panel of three representatives who have not been involved in the case. The appeal must state the full grounds of appeal and be submitted within one month of the date on which the decision was sent or given.
- 4.2 An appeal meeting will be held, normally within two weeks of receiving the appeal. This will be dealt with impartially. Parties will have a right to bring a companion (see paragraph 3.2).
- 4.3 The final decision will be conformed to the individual who brought the appeal.t and the reasons behind that decision in writing, usually within one week of the appeal hearing. There is no further right of appeal.

