



CLEANERS UNION

The Cleaners Union (CU)

Rule Book

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## **1 Name**

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The name of the Union shall be The Cleaners Union (CU).

## **2 Constitution**

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The Union is constituted by resolution dated 27<sup>th</sup> August 2021.

## **3 Head office**

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The Head Office of the union shall be F21 Stirling House, Cambridge Innovation Park, Denny End Road, Waterbeach, Cambridge, CB25 9QE, or such other place as the Executive Committee may from time to time determine.

## **4 Objectives Of The Cleaners Union**

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### **4.1 To regulate the relations between**

4.1.1 Workers employed in the Cleaning Industry and such other industries as the Executive Committee may from time to time determine appropriate or employed as a Cleaner or Cleaning Worker, on the one hand, and

4.1.2 Employers or employers' associations, on the other hand.

### **4.2 to protect, promote and represent the interests of the Cleaners Union members,**

### **4.3 to assist and enable its members to improve the remuneration for their labour,**

### **4.4 to establish and maintain better conditions of employment,**

### **4.5 to negotiate and promote the settlement of disputes arising between**

4.5.1 its members (on the one hand) and employers and employers' associations (on the other hand), and

4.5.2 between its members.

### **4.6 to protect and advance the interests of its members in the workplace.**

### **4.7 to represent its members appropriately and effectively challenge violation of its members' rights.**

### **4.8 to do anything necessary or helpful to the above purposes.**

### **4.9 to provide financial or other assistance at the discretion of and on such terms as may be determined by the Executive Committee to a member (or where appropriate the member's dependents) in respect of any matters arising out of:**

4.9.1 the sickness of the member,

4.9.2 an injury to the member sustained during the course of the member's employment,

4.9.3 the death of the member,

4.9.4 any matter appertaining to the employment of the member,

- 4.10 to source and provide legal advice and/or legal assistance to its members at the discretion and on such terms as may be determined by the Executive Committee in matters concerning the employment of members or for securing compensation for members (or in the case of the death of a member, their dependents) who suffer injury in the course of their employment or travelling to or from work,
- 4.11 to seek the introduction of legislation to advance the interests of the union and its members and to oppose the introduction of legislation contrary to those interests,
- 4.12 to negotiate with and to become affiliated to or associated with societies, associations or other trades unions concerned with matters of interest to the union and/or its members,
- 4.13 to invest and deal with the money of the union not immediately required, in such manner as may from time to time be determined, and to hold or otherwise deal with any investments made,
- 4.14 to borrow and raise money and to secure the repayment of any money borrowed, raised or owing in such manner as may be determined by the Executive Committee,
- 4.15 to indemnify the officials or officers of the union against losses, damages, costs and demands made against them in respect of any authorised acts or omissions done by them in the course of their official duties for the union, to the extent that such indemnity is not prohibited by law,
- 4.16 to do all such lawful things as are incidental or conducive to the attainment of the above objects (or any of them) as the Executive Committee consider to be in the interests of the members or likely, directly or indirectly, to benefit the union or any member of it.

## **5 Membership**

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- 5.1 A person shall only be eligible for membership if employed as a:
  - 5.1.1 Cleaner or worker employed within the cleaning industry;
  - 5.1.2 and such other employees in the cleaning profession as the Executive Committee may from time to time determine.
- 5.2 No person shall be eligible for membership if:
  - 5.2.1 such person has previously been expelled from the union for misconduct,
  - 5.2.2 such a person is outside England and Wales, or
  - 5.2.3 their activities are considered by the Executive Committee incompatible with the objects or policies of the union.
- 5.3 Every candidate for admission as a member shall complete an application form for membership in such terms as may from time to time be determined by the Executive Committee and send or deliver the same to the General Secretary at the Head Office of the union.

- 5.4 The Executive Committee shall decide whether to accept or reject the application and shall communicate to the candidate their decision within 14 days of receipt by the General Secretary of the application form.
- 5.5 If the candidate is accepted for membership, then upon receipt from the candidate of a subscription payable under rule 11.1 below, the candidate's name and address and the [Cleaning Organisation] to which the candidate is assigned/belong shall be entered upon the register of members maintained by the General Secretary.
- 5.6 If the application of a candidate is rejected, the candidate shall be notified of his rejection and of the reasons for his rejection. Despite the rejection, the candidate shall be eligible, no earlier than 12 months after such rejection, to reapply for membership by submitting a further application for membership stating, as the case may be, any reasons for believing that any previous application should not have been rejected or any change in circumstances arising since the last application.
- 5.7 The membership of a person shall, subject to rule 5.8 below, cease upon:
- 5.7.1 the member not being eligible for membership under rule 5.1 above for a continuous period of 6 months,
  - 5.7.2 the expiry of notice of a resignation given under rule 5.11 below,
  - 5.7.3 expulsion under rule 14 below.
  - 5.7.4 The member being in arrears of contributions amounting to a sum equal to 24 weeks' contributions, subject always to the discretion of the Executive Committee set out in rule 11.5 below.
- 5.8 Any member whose arrears of contributions or levies exceed an amount equal to 12 weeks' contributions shall be notified to that effect by the General Secretary and shall not, from the date of that notice, in any case share or take part in the benefits of the union unless and until the member has extinguished the arrears. Any member may, at least one week before the date when the member's arrears will operate to terminate the member's membership, be sent notice of that fact in writing by the General Secretary.
- 5.9 Any notice required to be sent to a member shall be sent to the address entered upon the register of members and any notice sent by post to that address shall be sufficiently served. It shall be the duty of every member to inform the General Secretary if the member shall change address.
- 5.10 The Executive Committee may make provision for persons to be appointed associate members or student members on such terms that the Executive Committee may from time to time determine provided always that such associate members and students shall not be entitled to vote in any ballot or at any meeting of the union.

- 5.11 A member may resign from membership of the union on giving no less than one month's prior written notice to the General Secretary, provided always that such notice shall not take effect earlier than the expiry of the period for which the member has already paid any contribution under rule 11.
- 5.12 Any member that has retired from employment and has received Retirement Benefit as may be determined by subsequent provisions made by the Union in an annual general meeting will become a Retired member and will be allocated/registered to the appropriate Retired Members' Register. Retired Members shall be debarred from voting and participating in Union elections and shall be confined to matters relating to retirement and recruitment and retention of members.

### **5.13 Readmission into Membership**

- 5.13.1 Any member who is no longer entitled to enjoy any benefit, or is no longer a member of the Union whilst continuing to be employed as defined in Clause 5.1 of this Rule, and is re-admitted into membership, will serve a qualifying period of six months and pay at least six months' contributions before having re-entitlement to benefits.

### **5.14 Copy of Rule Book/Annual Reports/Minutes**

- 5.14.1 Each member of the Union is entitled to and shall be supplied with one free copy of the Union's Rules which may be an electronic copy. Annual Reports, the Minutes of Annual or Special General Meetings and those of Executive Committee Meetings shall be supplied, on request, to members at cost as may be determined by the Executive Committee. Executive Committee Meeting Minutes will be redacted to comply with its confidentiality and privacy obligations.

## **6 Duties of members**

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All members of the union shall abide by the rules of the union during their membership and all liabilities whatsoever of the union in respect of such membership shall cease upon termination thereof.

## **7 The Executive Committee**

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- 7.1 Subject to rule 7 below the affairs of the union shall be under the control of the Executive Committee which shall be composed of:
- 7.1.1 General Secretary,
  - 7.1.2 President, who shall also be the Chair of the Executive Committee
  - 7.1.3 Other members of the Executive Committee that will be known as Directors;
  - 7.1.4 Director of Finance
- 7.2 The members of the Executive Committee shall be elected every 2 years in accordance with rule 15.
- 7.3 The Union shall make provisions for constituencies/branches as may be necessary for the effective and efficient running of the Union.

- 7.4 The General Secretary, the President or any one or more members of the Executive Committee may cause a meeting of the Executive Committee to be convened. Notice of any meeting of the Executive Committee shall be sent by the General Secretary to every member of the Executive Committee with at least 10 days' notice or such shorter notice as may subsequently be accepted by 75% of the members of the Executive Committee entitled to attend and vote. Subject to the meeting being quorate as provided at clause 7. 6, the accidental omission to give notice of a meeting to or the non-receipt of notice by any person entitled to receive notice shall not invalidate the proceedings at that meeting.
- 7.5 The Executive Committee will meet at least 3 times in each calendar year and may adjourn or otherwise regulate its meetings as the members of the Executive Committee shall think fit.
- 7.6 The quorum necessary for the transaction of business shall be a simple majority of Executive members.
- 7.7 Questions arising at an Executive Committee meeting shall be decided by a majority of votes cast.
- 7.8 The President shall preside at all meetings of the Executive Committee but if there be no such President or if the President is not present within 15 minutes after the time appointed for holding the meeting, the members present shall choose one of their number to act as the chairperson at such meeting.
- 7.9 The Executive Committee has full authority to act in the name of the union and exercise all such powers of the union and do on behalf of the union everything it is legally entitled to do and which is not by the rules of the union required to be exercised or done by the delegate conference. Without limitation to the foregoing the Executive Committee shall have power:
- 7.9.1 to direct the administration, investment and application of the funds of the union as the Executive Committee shall consider necessary or advisable in carrying out the objects of the union, and
  - 7.9.2 to invite to a meeting of the Executive Committee any member or person as it considers necessary for the purpose of that member or person providing the Executive Committee with factual information or with technical or professional advice with respect to matters to be taken into account by the Executive Committee in carrying out its functions.
- 7.10 No person may act in the name of the union or with the authority of the union save with the prior permission of the Executive Committee or with the subsequent ratification of the act by the Executive Committee. Without prejudice to the generality of the foregoing, no person other than the Executive Committee may authorize or endorse the taking of any industrial action in the name of or on behalf of the union.
- 7.11 A member of the Executive Committee shall vacate office:
- 7.11.1 if by notice in writing to the union such member resigns from membership of the Executive Committee, or

- 7.11.2 if such member is absent from 3 consecutive meetings of the Executive Committee without apology or special leave of absence.
- 7.12 All acts bona fide done by any meeting of the Executive Committee or any person acting as a member of the Executive Committee shall be valid notwithstanding that it be afterwards discovered that there was some defect in the appointment of the Executive Committee or of any member of the Executive Committee or the callers of the meeting.
- 7.13 A written resolution, copies of which have been signed by all the members of the Executive Committee for the time being entitled to receive notice of a meeting of the Executive Committee, shall be as valid and effective as if it had been passed at a meeting of the Executive Committee duly convened and held.
- 7.14 The Executive Committee shall cause records to be kept of:
- 7.14.1 the appointment, removal and resignation of officers of the Executive Committee,
  - 7.14.2 the names of members present at each meeting of the Executive Committee, and
  - 7.14.3 all orders, resolutions and proceedings of general meetings, and meetings of the Executive Committee and any of its sub-committees.
- 7.15 In the event of a casual vacancy occurring in the membership of the Executive Committee, for whatever reason, the Executive Committee shall hold an election to fill that vacancy.
- 7.16 The members of the Executive Committee may act, notwithstanding any casual vacancy, but if and so long as their number is reduced below the number fixed as the quorum under rule 7.6, the continuing members may act for the purpose only of determining a timetable for an election to fill the vacancies and for no other purpose.
- 7.17 The Executive Committee may, in its discretion establish and dissolve such branches of members as it sees fit. Branches so established may adopt such rules as they see fit although those rules (together with any additions, amendments and deletions to those rules) shall not take effect until approved by the Executive Committee.

## **8 The President**

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- 8.1 The union shall have a President who shall be elected in accordance with rule 7.2 or 8.3.
- 8.2 The President shall have authority to act and to transact business in the name of the union between meetings of the Executive Committee provided that:
- 8.2.1 any action or transaction done by or entered into by the President in accordance with this rule which is capable of ratification shall be subject to ratification by the Executive Committee at its meeting next following the action or transaction,
  - 8.2.2 The President shall not have authority to authorize or endorse the taking of any strike or other industrial action in any event.

- 8.3 In the event of a casual vacancy in the office of President by reason of the person elected President ceasing to be a member of the Executive Committee, the members for the time being of the Executive Committee shall elect from their number a new President who shall hold office for the remainder of the term of office of the person previously in that office.

## **9 The General Secretary**

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- 9.1 The General Secretary shall be responsible to the union for the supervision and control of the administration of the union and of its officials and staff.
- 9.2 The General Secretary's duty shall be:
- 9.2.1 to convene and attend all Delegates' Conferences of the union and meetings of the Executive Committee and of its sub-committees, but with power to appoint a member of the Executive Committee or another employee of the union as his deputy so to attend,
  - 9.2.2 to arrange for minutes of all Delegates' Conferences of the union and meetings of the Executive Committee and its sub-committees to be taken,
  - 9.2.3 to supervise the general accounts of the union and, if so authorized, to counter-sign cheques in settlement of accounts presented to the General Secretary,
  - 9.2.4 to arrange for the conduct of the union correspondence including the preservation of all documents, books and papers received by the General Secretary and for the preparation of memoranda, circulars, rules, membership cards and other documents as required for issue as necessary to members of the union and to others,
  - 9.2.5 to maintain a register of members,
  - 9.2.6 to maintain adequate organizing and publicity arrangements,
  - 9.2.7 to supervise the preparation of the agenda for Delegates' Conferences of the union and the preparation of adequate reports to the Annual Delegates' Conference of the union of the business conducted on behalf of the union since the previous Annual Delegates' Conference including therein audited statements of account of the union's funds,
  - 9.2.8 to engage such staff as may be necessary to conduct the work of the union and report individual appointments to the Executive Committee,
  - 9.2.9 to uphold and propagate the policies and actions of the union as propounded by the Delegates' Conference of the union or by the Executive Committee from time to time.
- 9.3 The General Secretary shall be elected at least every five years and thereafter appointed as an employee by the Executive Committee upon such terms (including such terms as to notice) and at such remuneration as it may determine. In the event of the appointment as an employee of the union being lawfully terminated, the General Secretary's term of office under the rules shall automatically terminate.
- 9.4 All staff engaged by the General Secretary shall be engaged upon such terms and at such remuneration as the General Secretary, acting on the direction of the Executive Committee, may agree. The General Secretary shall be entitled to speak at all meetings of the Executive Committee and of its sub-committees.

## **9.5 Director of Finance**

- 9.5.1 The Director of Finance shall be the Treasurer of the Union. He shall maintain and keep up to date all the financial books and financial records of the Union.
- 9.5.2 He shall bank all monies of the Union not later than two (2) days upon receipt.
- 9.5.3 He shall prepare the Financial Reports of the Union and present same at the Annual Delegates conference of the Union.
- 9.5.4 The Director of Finance shall countersign any financial documents, monies or disbursements together with the President and or the General Secretary before effect is given to any financial transaction of the Union.

## **10 Delegates' Conferences**

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- 10.1 The union shall hold Delegates' Conferences at which delegates of the union elected in accordance with rule 10.18 below shall be entitled to attend and vote. Delegates' Conference shall constitute the main policy-making body within the union.
- 10.2 The union shall in each year hold an Annual Delegates' Conference in addition to any other Conferences in that year and shall specify the Conference as such in the notice calling it.
- 10.3 Not more than 20 months shall elapse between the date of one Annual Delegates' Conference of the union and that of the next but, subject to the above, the Annual Delegates' Conference shall be held at such time and place as the Executive Committee shall appoint.
- 10.4 In addition to the Annual Delegates' Conference of the union the Executive Committee may at any time convene a Special Delegates' Conference of the union and must convene a Special Delegates' Conference of the union within two months of the General Secretary receiving a requisition in writing from at least 10% of the membership of the union for the time being, requiring the Executive Committee to do so for a stated purpose.
- 10.5 A Delegates' Conference of the union shall be convened by the giving of, in the case of the Annual Delegates' Conference, at least two months' notice and, in the case of any other Delegates' Conferences, at least 10 days' notice, and in either case notice is to be exclusive of the day on which it is served (or deemed to be served) and of the day for which it is given. In either case, the notice shall be in writing from the General Secretary to every delegate at the address (or through email) listed for that member in the register of members. Such notice shall specify the place, day and the hour of the meeting and the general nature of the business of that meeting.
- 10.6 A Delegates' Conference of the union shall, notwithstanding that it is called by shorter notice than that specified in rule 10.5 above, be deemed to have been duly called if it is so agreed:
  - 10.6.1 in the case of a meeting called as the Annual Delegates' Conference by 75% of the delegates entitled to attend and vote at it,

- 10.6.2 in the case of any other Delegates' Conference by a majority in number of the delegates entitled to attend and vote at the meeting.
- 10.7 The accidental omission to give notice of a Delegates' Conference to, or the non-receipt of notice of a Delegates' Conference by, any person entitled to receive notice shall not invalidate the proceedings at that Delegates' Conference.
- 10.8 No business shall be transacted at any Delegates' Conference unless a quorum of delegates is present at the time when the conference proceeds to business and:
- 10.8.1 save as otherwise provided in these rules, 50% of the delegates entitled to attend and vote at the conference shall be a quorum,
- 10.8.2 if within half an hour from the time appointed for the conference a quorum is not present, the conference if convened upon the requisition of 20% of the membership shall be dissolved and in any other case shall stand adjourned to such other day time and place as the Executive Committee may determine and, if at the adjourned conference a quorum is not present within half an hour from the time appointed for the conference, the delegates present shall be a quorum.
- 10.9 The President of the union is preside as Chair at every Delegates' Conference but, If the President shall not be present within 15 minutes after the time appointed for the holding of the conference or wishes to stand down on a particular issue, any member of the Executive committee shall act as Chair of the conference and, failing that, the members present shall elect a Chair of the conference.
- 10.10 The Chair of the conference may with the consent of any conference at which a quorum is present (and shall if so directed by the conference) adjourn the conference from time to time and from place to place but no business shall be transacted at any adjourned conference other than the business left unfinished at the conference from which the adjournment took place and, if a conference is adjourned for 4 days or more, notice of the adjourned conference shall be given as in the case of an original conference but no other notice shall be necessary for an adjournment or of the business to be transacted at an adjourned conference.
- 10.11 The business of the Delegates' Conference shall be conducted in accordance with these rules and such standing orders from time to time determined by the Executive Committee OR Annual Delegates' Conference, provided always that:
- 10.11.1 at any Delegates' Conference a resolution put to the vote of the conference shall be decided on a show of hands unless a secret ballot is demanded by the Chair of the conference or by any one half of the delegates present in person having the right to vote at the conference.
- 10.11.2 unless a secret ballot is so demanded, a declaration by the Chair of the conference that a resolution has on a show of hands been carried, or carried unanimously or by a particular majority, or lost, an entry to that effect in the minutes shall be conclusive evidence of the fact,
- 10.11.3 the demand for a secret ballot may be withdrawn,
- 10.11.4 if a secret ballot is duly demanded, it shall be taken in such manner as the President directs and its result shall be deemed to be the resolution of the conference at which it was demanded,

- 10.11.5 in the case of an equality of votes, whether on a show of hands or on a secret ballot, the Chair of the conference at which the show of hands takes place, or at which the secret ballot is demanded, shall be entitled only to a casting vote,
- 10.11.6 at any Annual Delegates' Conference, no proposition may be debated unless either the proposition has been notified to the General Secretary in accordance with rule 10.14.2.
- 10.12 The Annual Delegates' Conference shall elect a Standing Orders Committee consisting of \_\_ members (of which only one may be a member of the Executive Committee) to hold office for the period commencing from the termination of the Annual Delegates' Conference at which the Standing Orders Committee is elected and terminating at the end of the Annual Delegates' Conference next following.
- 10.13 The Standing Orders Committee shall be responsible for arranging the timetable and order of business at the Annual Delegates' Conference and shall determine its own rules of procedure. The Standing Orders Committee shall also indicate in a report to the delegates attending the Annual Delegates' Conference the consequences of a proposition being carried upon the other propositions in the agenda.
- 10.14 Prior to the day appointed for the commencement of the Annual Delegates' Conference the following procedure shall apply:
- 10.14.1 the Executive Committee shall publish to delegates its report and statement of accounts for the year not less than two weeks before the date fixed for the commencement of the Annual Delegates' Conference,
- 10.14.2 any delegates desiring to put any proposition before the Annual Delegates' Conference shall notify the General Secretary in writing not less than 4 weeks before of that proposition. Each proposition shall deal with one subject,
- 10.14.3 the Standing Orders Committee may alter or amend any proposition which offends against the rules of the union but not otherwise and may composite any two or more propositions which, in the opinion of the Standing Orders Committee, constitute in substance the same proposition or which deal with the same subject matter or are to the same effect. The Standing Orders Committee shall inform, in writing, any delegates whose proposition is altered, amended or composited in accordance with this rule and shall then arrange for the final Conference agenda to be prepared and sent to each delegate not later than two clear weeks before the commencement of the Annual Delegates' Conference.
- 10.15 Prior to any Delegates' Conference, any delegate wishing to propose any amendment to any proposition set out in the Agenda of that Delegates' Conference shall, if possible, give notice in writing of the proposed amendment to the Standing Orders Committee not less than 1 week before the date fixed for the commencement of the Delegates' Conference but the delegate shall, in any event, be entitled to propose any amendment orally at the Delegates' Conference.
- 10.16 Any proposition shall be debated by the union in a Delegates' Conference unless it is seconded by another delegate. A proposition may be seconded orally at the Delegates' Conference.

- 10.17 Any delegate attending a Delegates' Conference who conducts himself in a disorderly manner may be expelled from the meeting upon a majority of votes of those attending the meeting and entitled to vote.
- 10.18 Every member of this union shall be entitled to attend all the Delegate's Conference until such a time that new provisions, or an amendment to the provisions of this rule is made.

## **11 Funds**

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- 11.1 All members shall pay to the General Secretary of the union an annual contribution of £\_\_ per year. The amount may be changed by the union in a Delegates' Conference.
- 11.2 The member's annual contribution shall be paid, by arrangement with the General Secretary, monthly, provided always that the first installment shall become payable on the date of admission to membership of the Union.
- 11.3 The Delegates' Conference may from time to time direct that persons on admission to membership of the union pay an admission fee of such sum as it may determine.
- 11.4 In addition to the contribution set out in rule 11.2 above, the Executive Committee shall have the power, from time to time, to call upon each member to pay an additional contribution by way of levy for the purpose or purposes set out in the notice calling for the additional contribution.
- 11.5 Notwithstanding anything to the contrary contained in rule 11.1 above the Executive Committee may, in its discretion, waive the duty of a member to pay contributions or extend the member's time for payment of contributions Date specified in rule 11.2 above, save that this power should only be exercised in cases where the Executive Committee is satisfied that the payment of contributions will cause financial hardship to the member concerned.
- 11.6 The General Fund shall be utilised for the payment of the Union's expenses, including contributions, payments, transfers of money or funds authorised by the Rules and the provision of benefits

## **12 Benefits**

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- 12.1 All fully paid up members of the union shall, at the discretion of the Executive Committee and subject to the advice of Legal Counsel, be eligible for the following benefits:
- 12.1.1 the right to representation and advice on matters arising from their employment (including, where appropriate, legal advice and assistance),
  - 12.1.2 access to the educational facilities provided by the union,
  - 12.1.3 a copy of the union's journal, if any,
  - 12.1.4 such other benefits as the Annual Delegates' Conference of the union shall decide.

12.2 A member's eligibility to the benefits specified above shall be withdrawn as specified in rule 5.8 above.

### **12.3 Institution of Legal Proceedings**

12.4 Legal proceedings may be instituted at the discretion of the Executive Committee should any member:

12.4.1 be prosecuted or be taken into custody for an offence or offences alleged to have been committed in the execution of duty;

12.4.2 be unjustly dismissed from employment with or without forfeiture of wages;

12.4.3 be in any way illegally dealt with by the employer or their agents in connection with the execution of duty;

12.4.4 have withheld any monies to which entitled, or to obtaining any just claim from the employer;

12.4.5 need protection, or to establish a defense of reputation or character, in matters relating to employment;

12.4.6 need to obtain damages or compensation for personal injuries sustained at work.

12.5 A member desirous of obtaining the benefit of legal assistance shall communicate with the General Secretary, who will make an application to Executive Committee for the grant of benefit, and supply all such particulars and information as may be required by the Head Office.

### **12.6 Road or Rail Accidents**

Should any member be injured when proceeding to or from home or abode to work or in any road or rail accident, there shall be entitlement to legal assistance and legal proceedings may be instituted on such member's behalf, or in the event of the death of a member, in the interests of any dependents, for the obtaining of damages or compensation for personal injuries, damage or loss sustained by the member or dependents.

### **12.7 Employment of a Solicitor**

The Executive Committee or, in the intervals between meetings of that body, the General Secretary, may authorise the employment of a solicitor or place the case in the hands of the Union's solicitors to act on behalf of the member concerned. The Executive Committee or the General Secretary may, before giving authority for proceedings, take legal opinion upon the case, and act upon such opinion. The member must also accept the legal advice, subject to the rules. The Union will withdraw legal assistance where external legal advice is being given or used.

### **12.8 Agreement to Engage Legal Representation**

Agreement must be sought from Head Office to engage legal representation to attend an inquest in which a member is concerned, or to defend a member against proceedings being taken, if the case is connected with employment and is covered by Clause 12.1 of this Rule.

## **12.9 Assistance Not Granted**

Should it be found that the necessity for legal assistance has been caused by drunkenness, willful neglect of duty, or by any criminal act on the part of a member, this assistance shall not be granted, and should a case be taken up and lost in consequence of the member's own false statements and the court orders the member to bear the costs of the other side, the Union shall not pay same

## **12.10 Cost of Proceedings**

12.10.1 The cost of legal proceedings shall be paid from the General fund authorised by or on behalf of the Union by the Executive Committee, and the limits of such costs shall be as determined and agreed by the members in an Annual Delegate Conference and then included in this rules.

12.10.2 The Executive Committee shall have the power to institute or defend any legal proceedings where it is deemed to be in the interests of the members; but no claim for legal assistance for any accident or disablement which happened prior to a member being admitted to the Union, or whilst out of benefit, shall be entertained otherwise than in exceptional circumstances, determined by the Executive Committee as exceptional.

## **12.11 Members Declaration**

The Union will not take up any claim for damages or compensation for injuries to members unless a declaration authorising the proceedings be made and signed by the member injured or (in the event of death) by the dependents. Where the matter is withdrawn or otherwise settled by the member or the dependents concerned without the knowledge of the Union, such member or the dependents shall be liable of any legal costs incurred. At all times and at every stage the General Secretary shall be kept informed of the particulars of any case in which they may be interested.

## 13 Accounts

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13.1 The General Secretary acting in association with the Director of Finance shall ensure that proper books of account are kept setting out:

13.1.1 all sums of money received and expended by the union and the matters in respect of

13.1.1.1 which the receipt and expenditure takes place,

13.1.1.2 all sales and purchases of goods and services by the union,

13.1.1.3 the assets and liabilities of the union, and

13.1.2 all such other matters as, according to good accountancy practice, should be set out in the books of account.

13.2 At each Annual Delegates' Conference there shall be appointed an auditor who shall, from time to time and not less than once in each calendar year, prepare, at the discretion of the Executive Committee, a profit and loss account, balance sheet and such other accounts as may be required to be prepared under statute.

13.3 Upon completion of the annual accounts the General Secretary shall:

13.3.1 cause the accounts to be published in the union's journal (if any) such publication to be made not less than two weeks before the Annual Delegates' Conference of the union next following, and

13.3.2 cause to be sent to the Certification Officer an annual return as required by the Trade Union and Labour Relations (Consolidation) Act 1992.

## 14 Expulsion

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14.1 The Executive Committee may expel from the Union any member or members who in its opinion has or have:

14.1.1 conducted themselves in a manner that is deemed by the Executive Committee not to be consistent with membership of the Union;

14.1.2 discredited and or injured the Union or otherwise acted in a manner that is deemed contrary to the interest of the Union and its members;

14.1.3 refused to undertake or to comply with the duties imposed by these Rules;

14.1.4 willfully and knowingly participated in and or been party to misrepresentation, misappropriation, misapplication or fraud in respect of any of the funds or benefits to which these Rules apply;

14.1.5 attempted to bring about the dissolution of the Union other than as provided for in Rule 19 in this rule;

14.2 Every expelled member shall cease to have any claim on the funds and benefits of the Union, and shall forfeit all right to participate in the privileges thereof.

## 15 Elections And Ballots

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15.1 The following officers of the union shall be elected to the office to which they hold:

15.1.1 the General Secretary,

- 15.1.2 the President,
- 15.1.3 Any person elected a member of the Executive Committee (other than the General Secretary and President)
- 15.2 A member of the union shall only be eligible to stand in the election on the Executive Committee if nominated by another member of the union.
- 15.3 The procedure for an election shall be in accordance with rule 15.4, 15.6 and 15.7 below and any union's rules for the conduct of postal ballots approved by the Delegates' Conference to form part of these rules.
- 15.4 In relation to any election, the Executive Committee shall draw up and publish to all members a time-table:
  - 15.4.1 for seeking and receiving nominations,
  - 15.4.2 for checking and approving nominations by the Executive Committee,
  - 15.4.3 for the compilation and circulation of election addresses,
  - 15.4.4 for the printing, distribution and return of voting papers,
  - 15.4.5 for the counting of voting papers and for the declaration of the result, and
  - 15.4.6 for the receipt and resolution of any complaints alleging breach of the election procedure,
  - 15.4.7 and shall publish to all members the name and address of the independent scrutineer appointed for the election.
- 15.5 The Executive Committee shall draw up and publish the timetable referred to in rule 15.4:
  - 15.5.1 in the case of the biannual election of the members of the Executive Committee, not less than three months before the date fixed for the Annual Delegates' Conference next following,
  - 15.5.2 in any other election under these rules, as and when appropriate.
- 15.6 Nominations shall be made in writing and shall be signed by the candidate and by the nominator and, in the case of a nomination by the Executive Committee, by the President and a board member of the Executive Committee.
- 15.7 The completed nomination shall be sent to the General Secretary at the head office (or the President, in the case of an election for General Secretary and shall thereafter be checked and approved by the Executive Committee (or President in the case of an election for General Secretary).
- 15.8 The General Secretary shall then, in an election for members of the Executive Committee and for the President, draw up separate lists for the properly nominated candidates for each constituency; and, in an election to fill a casual vacancy, draw up a list of properly nominated candidates. The President shall, in an election for General Secretary, draw up a list of the properly nominated candidates.

## **16 Amalgamation**

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The union may amalgamate with any other union or unions of workers or may affect a transfer of engagements to or from any other trade union, under the provisions of legislation regulating such amalgamations and transfers from time to time in force. Save as stated above, the union may resolve to enter into such an amalgamation or transfer upon a proposition introduced at an Annual Delegates' Conference or other Delegates' Conference of the union convened for the purpose.

## **17 Dissolution**

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17.1 The union may not be dissolved except by approval of a proposition to that effect by a postal ballot of all members of the union. A proposition to dissolve the union shall not be deemed to be approved unless:

17.1.1 not less than two-thirds of all fully paid-up members of the union cast a vote, and

17.1.2 the proposition is approved by two-thirds of those members voting.

## **18 Alteration Of Rules**

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18.1 The rules of the union (including the name of the union) may, be altered by a proposition introduced at an Annual Delegates' Conference or at another Delegates' Conference of the union convened for the purpose.

18.2 A proposition for alteration may be made by the Executive Committee at any Delegates' Conference of the union or by any delegate at the Annual Delegates' Conference in every third year beginning with the Annual Delegates' Conference

18.3 The rules of the union shall be altered in accordance with any such proposition upon two-thirds of the delegates present voting in favour of the proposition.

## **19 Remuneration**

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Except as specifically provided for by these rules, or by agreement made, no person, whether an officer or member shall be entitled to any remuneration for any services rendered to or on behalf of the union, provided always that the Executive Committee may make provision for members to be reimbursed reasonable expenses reasonably incurred on behalf of the union.

## **20 Interpretation And Definitions**

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- 20.1 Any dispute regarding the interpretation of these rules or arising in a matter where these rules are silent shall be referred to the Executive Committee and its decision upon any matter of interpretation shall be final.
- 20.2 In the construction of the rules 'member' shall, except where expressly stated otherwise, not include associate or student members.
- 20.3 Words importing the masculine gender shall include the feminine and the neuter, and words importing the singular number the plural and vice versa.
- 20.4 A copy of these rules shall be supplied to each member of the union upon their acceptance as a member of the union and upon payment by them of any fee determined, from time to time, by the Executive Committee.

## **21 Notice**

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Notices to be given under these rules shall be sent by prepaid first-class mail or delivered by the relevant party to the other and shall be deemed to be served, if posted, the day after posting and, if personally delivered, at the time of delivery.