BDA The Association of UK Dietitians

Trade Union Rule Book

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Terms of Reference

The independent Trade Union is called The British Dietetic Association (BDA) Trade Union.

This Terms of Reference sets out the rules and procedures for The British Dietetic Association's Trade Union and its activities.

The Terms of Reference sets out in a convenient form:

> Rules and Principles governing the activities of the BDA Trade Union, the Employment Relations Board and its subsequent sub committees.

> That the Memorandum of Articles of Association are the Principle Rules governing the Code of Practice for the Trade Union and will override the Terms of Reference should any changes occur.

> That Council is the Principle Executive Committee of the BDA Trade Union and subsequently has the authority to overrule the Employment Relations Trade Union Board.

For the purpose of this document the Employment Relations Trade Union Board will be referred to as the TU Board or TUB.

The Sub committees of the TU Board are currently known as follows:

Scotland Employment Relations Committee and will be referred to as ScERC

Northern Ireland Employment Relations Committee and will be referred to as NIERC

Wales Employment Relations committee and will be referred to as WERC

England Employment Relations Committee and will be referred to as EERC

Health, Safety and Wellbeing Committee and will be referred to as H/SWC

Equalities committee and will be referred to as EC

1 RIGHTS, PRIVILEGES AND LIABILITY OF MEMBERSHIP

a) A member shall comply with the Memorandum and Articles of Association and any relevant Codes of Conduct and shall not act in a way detrimental or prejudicial to the interests of the Association and its members.

b) A member shall comply with the Terms of Reference and shall not act in a way detrimental or prejudicial to the interests of the Trade Union or its members.

c) A member shall comply with The BDA Member's Charter and shall not act in any way detrimental or prejudicial to the interests of The Association, the Trade Union, its members or The BDA staff.

(See Appendix A this is not an exhaustive definition of members' duties but is endorsed by Council.)

d) A member will be expected to conduct themselves in a professional and courteous manner at all times towards all other members and BDA staff as the BDA Trade Union operates a policy of zero tolerance of any form of discrimination and/or harassment. This is set out in the BDA Trade Union Code of Conduct. (See Appendix B)

2 VIOLATION OF TERMS OF REFERENCE OF THE MEMORANDUM OF ARTICLES OF ASSOCIATION

a) A member(s) who in the opinion of the TU Board disobeys or violates any of these Rules; or any Regulations made by the Council, or any instruction issued in accordance with these Rules, or is guilty of conduct prejudicial or detrimental to the interest of the Association, shall be liable to expulsion or suspension in accordance with these Rules.

b) Members who are subject to complaint about their behaviour or activity as a Trade Union member or representative shall first be subject to investigation of their behaviour by the Investigatory Committee. All members reserve the right of appeal to Council with regard to any decisions arrived at by the Investigatory Committee. All members shall be investigated in accordance with the Bylaws of the BDA relating to the Investigatory Committee and the investigation of complaints against members.

c) If any Trade Union representative contravenes any rules of the Memorandum and Articles of Association, Trade Union Terms of Reference or BDA Member's Charter by any act which subsequently may lead to bringing the Trade Union into disrepute in any way they shall be referred to the Head of Employment Relations and/or the TU Board who will reserve the right to withdraw any TU representative's credentials and suspend their Trade Union duties whilst due process is followed in accordance with section 2 (a) or (b) above.

3 SUPPORT OF MEMBERS

Except where Council may otherwise allow or determine a member desiring the support of the association relating to any Trade Union issue shall submit to the Trade Union Representative, the facts of the case, which, if necessary, may be forwarded to any person deemed appropriate by the Chair of the TU Board or the Head of Employment Relations.

4 EQUITY OF REPRESENTATION

A member(s) will be entitled to fair and unbiased representation, free from conflict of interest. In order to ensure the equity of representation, allocation of a Trade Union official will be at the discretion of the Head of Employment Relations and in accordance with Trade Union best practice.

Examples include:

1) If any member(s) has representation from a Full Time official then so will the member of the other party involved be afforded representation by a Full Time Official.

2) If a BDA member is involved with any issue where the other party is a member of another trade union and the other Trade Union provides their member with a Full Time Official then so shall the BDA provide its member(s) with a Full Time Official.

5 THE RIGHT TO REFUSE REPRESENTATION

The Head of Employment Relations and the TU Board (not less than a quorum of 3) reserve the right to refuse Trade Union representation to:

a) A member(s) who is found to have violated the Rules/Regulations.

b) A member(s) who willfully and deliberately refuses to comply with the advice given under statute law of any TU official acting as their representative and willfully goes against any such advice.

c) A member(s) who decides to seek advice and/or representation from any external profession body other than those agreed by the BDA causing a conflict of interest with the BDA TU department. This does not preclude a member(s) from receiving representation on any other unconnected case currently running or from receiving future representation on any other issue.

d) A member(s) who wishes to receive representation on a pre-existing case or issue which commenced prior to the date of joining the BDA. For the purpose of clarification the commencement date of joining the BDA will be deemed as the date in which the BDA sends written acceptance of membership accompanied by a valid membership number. This does not preclude a member(s) from receiving representation on any other unconnected case currently running or from receiving future representation on any other issue.

A member(s) will be notified in writing, with the reason(s) included, of the decision to refuse representation.

6 THE FUNCTIONS OF THE TRADE UNION

a) To organise the whole of the membership in all aspects of Trade Union roles, responsibilities, duties and activities.

b) To improve the conditions and protect the interest of the Association's members by collective bargaining, agreement, representation or by such other means of whatsoever nature as the Council and members shall in their discretion from time to time decide are appropriate for that purpose.

c) To regulate the relations between members and union representatives and employers and employers associations.

d) To do all such things as may from time to time be considered necessary or advisable to promote, safeguard, maintain or improve the interests and status of members in the profession of dietetics.

e) To give active support and representation to any members in any cause or matter affecting the rights and interests of members, where there is a genuine case to answer in relation to employment issues.

f) To give the legislative, government departments and others, facilities for conferring with and ascertaining the views of persons engaged in or related to the profession, and to confer or cooperate with government departments and employers in regard to each member.

g) To consider Bills presented to, and questions raised in Parliament in relation to Trade Union activities or affecting the interest of members in such ways as may be thought desirable e.g. lobbying.

h) To disseminate information upon any Employment Relations matters affecting the profession and members in such ways as may be thought desirable.

i) To provide representatives with such information and training as may be deemed necessary for them to carry out their duties for the benefit of all members.

j) To do all such things as may from time to time be considered necessary or advisable to promote, safeguard, maintain, or improve the status of the Association at national, regional and local levels in relation to Employment Relations.

k) To do all such other lawful things as are incidental or conducive to the attainment of the above objectives, or any of them.

7 ROLES AND RESPONSIBILITIES OF THE EMPLOYMENT RELATIONS DEPARTMENT

a) Head of Employment Relations
b) National Employment Relations Officers
c) Employment Relations Consultants
d) Chair of TU Board
e) Area representatives
f) Deputy Area representatives
g) Trade Union Representatives

The Chairperson of the TU Board will be duly elected every two (2) years by BDA membership in accordance with the existing rules of election of council members. The Chairperson of the Trade Union is a member of Council.
(For summary of roles see Appendix C)

8 THE TU BOARD

Composition of the TU Board is as follows:

Duly elected Trade Union representatives with responsibility for the following positions:

i) A duly elected chair person of the Trade Union Board, who will act in the capacity as a council member.
ii) Scotland Member Representative.
iii) Northern Ireland Member Representative.
iv) Wales member Representative.
v) England Member Representative.
vi) Health and Safety and Wellbeing Representative.
vii) Equalities Representative.
viii) Public Relations Representative.

Any such person as may from time to time be invited as an observer by the TU Board, to include a student, a Dietetic Support Worker and a Dietetic Manager, but there should never be more than 3 observers at any one time. The observers will be allowed to contribute to discussions but will have no voting rights.

The Chairman of the BDA Council has an open invitation to participate and attend the Trade Union Board.

The Head of Employment Relations will attend the TU Board meetings as a matter of course, unless the Board members seek to meet 'in camera' for any specific, sensitive topics.

Any member of BDA staff may be invited by the TU Board but no member of staff will have voting rights.

Any guest speaker may from time to time be invited by the TU Board but will have no voting rights.

9 TU SUB COMMITTEES

The TU Board is the principal governing committee of any or all subsequent sub committees and therefore all sub committees must conform to the terms of reference of the TU Board.

a) Scotland Employment Relations Committee, referred to as SCERC, is a subcommittee of the TU Board concentrating specifically on the Trade Union Membership in Scotland. ScERC must abide by the Constitution approved by TUB and BDA Council (See Appendix D)

b) Northern Ireland Employment Relations Committee, referred to as NIERC, is a sub-committee of the TU Board concentrating specifically on the Trade Union Membership in Northern Ireland. (See Appendix E)

c) Wales Employment Relations Committee, referred to as WERC, is a subcommittee of the TU Board concentrating specifically on the Trade Union Membership in Wales. (See Appendix F)

d) England Employment Relations Committee referred to as EERC, is a subcommittee of the TU Board concentrating specifically on the Trade Union membership in England. (See Appendix G)

e) The Health, Safety and Wellbeing Committee, referred to as HSWC, is a subcommittee of the TU Board concentrating specifically on Health ,Safety and Wellbeing issues for all BDA Members. (See Appendix H)

f) The Equalities Committee, referred to as EC is a subcommittee of the TU Board concentrating specifically on Equality issues for all BDA members. (See Appendix I)

Council and the TU Board have the right to establish new or remove existing sub committees as it sees fit and with the approval of Council.

10 ELECTION OF BDA AREA REPRESENTATIVES

Election of all BDA Area representatives must take place in accordance with the legislation of the Trade Union and Labour Relations (consolidation) Act 1992 outlined as follows:

"A Trade Union has a duty to hold elections for every person who holds a position in the union and that no person continues to hold such a position for more than five years without being re-elected at such an election."

This relates to "any position by virtue of which a person is a member of the executive." Does not apply below the level of principal executive committee

The BDA Trade Union will be holding elections of its Trade Union Area representatives every two (2) years. (See Appendix J)

11 ELECTIONS OF BDA TRADE UNION REPS AND HEALTH AND SAFETY REPS

Elections of BDA Trade Union representatives and H&S representatives must take place every two years in accordance with the BDA Trade Union Representative's Handbook **and in accordance with the principles of the Trade Union and Labour Relations (Consolidation) Act 1992 outlined as follows:**

"A Trade Union has a duty to hold elections for every person who holds a position in the union and that no person continues to hold such a position for more than five years without being re-elected at such an election". Again does not apply below the level of principle executive committee.

The BDA Trade Union will be holding elections of its Trade Union and Health and Safety Representatives every two years.

(See Appendix K)

12 BALLOTS

a) A meeting of the TU Board may, by resolution, direct that a ballot of the members of the Association shall be taken on any local or Area matter provided that notice of the proposal has been set forth on the agenda, and provided also that a majority of the Area representatives present and voting, vote for the resolution and providing the Executive, acting on behalf of the Council, of The British Dietetic Association are in agreement.

b) A ballot of the whole membership or on a national matter shall be recommended by the TU Board to the BDA Council as the Executive Committee of the Trade Union. The Council shall decide whether or not a ballot of all members shall take place.

c) In directing that a ballot shall be taken, a meeting of the TU Board shall have power to recommend the following:
i) the timescales of the ballot;
ii) in the case of the membership whether a member is entitled, under these Rules, to vote in the ballot;
iii) that the majority of returned votes will be the deciding factor.

d) Unless otherwise directed by the TU Board at the time, the persons entitled to vote in the ballot shall be those who are full members of the Association on the first day of the month following the date on which the direction is given under paragraph 5(b) ii. of the Memorandum of Articles of Association.

(In accordance with the Trade Union and Labour Relations (consolidation) Act 1992. This paragraph will not be applied in the case of industrial action ballots.)

e) All Ballots shall take place in accordance with the Bylaws on the administration of Ballots, which shall be agreed by Council. Where the Bylaws require interpretation (for example in the administration of local ballots), Council shall have the power to amend the Bylaws at the request of the Trade Union Board, to aid the administration of such Ballots.

13 INDUSTRIAL ACTION

Trade Union officials must comply with the law and the administrative requirements of the BDA Trade union, as set out in accordance with rule 12 sections (a) and (b).

For the BDA Trade union to support industrial action its Trade Union Officials must follow explicitly the procedures set out in the document entitled:

"BDA Trade Union procedures for the conduct of industrial action ballots"

It covers*:*

> BDA procedures for conducting ballots including internal authorisation procedures.

> Changes to industrial action ballot legislation from the Employment Relations Act.

> Sample ballot papers and letters.

The only persons authorised to conduct and control any action, administrative or otherwise, related to industrial action, including ballots, are the Head of Employment Relations and the National Employment Relations Officers.

APPENDICES

APPENDIX A: THE BDA MEMBERS CHARTER

This Charter has been approved by the BDA Council.

The BDA has developed a Members' Charter to set out the principles governing membership of the BDA and the standards of service that members can expect from it.

Its purpose is to enshrine the organisation's commitment to its membership and to ensure that members are fully aware of what the BDA should be delivering. It sets out a means of redress if the BDA fails to meet its commitments. It also sets out the commitment each member is expected to sign up to. It will be observed by everyone in the BDA.

The Members' Charter is set out below. Our aims are to:

Inform, Represent, Protect and Support Our Members

We will:

- Treat members in a professional, courteous and helpful manner.
- Members can expect us to respect their privacy and dignity
- Ensure that personal information provided by members is treated in accordance with the Data Protection Act
- Promote and represent members, the profession and the science and practice of dietetics
- Provide fair and equal access to our services
- Listen to our members and act accordingly
- Continue to improve services that meet members' needs within the resources available
- Respond to and listen to complaints, apologise and endeavour to put things right when they go wrong
- Keep members informed through our publications, website and other communication channels
- Use BDA resources as efficiently and effectively as possible.

As a member you will:

- Treat staff and other members equally, fairly and in a professional and helpful manner
- Respect other members' confidentiality
- Contribute to BDA activities in order to advance the science and practice of dietetics to raise the profile of the profession
- Promote the profession and the BDA
- Keep yourself informed of what's going on in the BDA via the variety of communication channels
- Feedback your views, comments and tell us your views and any improvements you would like made
- Tell us if you think something is wrong and what changes you would like made to correct this
- Let us know what's going on if you represent the BDA
- Keep us informed of any changes to your personal details
- Meet deadlines for paying fees and responding to letters or notices to members
- Respect the BDA's resources and use them responsibly.

APPENDIX B: BDA Trade Union Code of Conduct

British Dietetic Association Trade Union Department Code of Conduct

When participating in BDA Trade Union committees, meetings, courses and activities, the following behaviour is expected of all staff, students, members and attendees:

1. Act in a reasonable way to safeguard your own health and safety and the safety of others (in line with the BDA Health and Safety Policy).

2. Respect the different backgrounds, experiences and lifestyles of others.

3. Act in ways which do not discriminate against people of different backgrounds (in line with the BDA Trade Union Rule Book).

4. Do not use language which could offend others, e.g. Racist, Sexist, Homophobic, Ageist, or language offensive to people with a Disability.

5. If you feel you have been treated with a lack of respect, been harassed, or discriminated against whilst attending any committee, meeting, course or activity, contact either your committee chairperson, course tutor or the BDA Head of Employment Relations. They will follow this up for you.

6. Issues discussed in any committee, meeting, course or activity are confidential and not to be discussed outside of the committee, meeting, course or activity.

7. Comply with any other policies of the centre where this activity is taking place. They will be displayed in the venue, if applicable.

APPENDIX C: Roles and Responsibilities of the Employment Relations Department

Head of Employment Relations

Responsible for the delivery of a full range of trade union services to BDA members on a national basis. To develop and recommend strategic policy direction for elected BDA committees in order to promote, develop and protect the collective and individual interests of members. To represent the BDA Trade Union within a wide range of union and political environments.

National Employment Relations Officers

To support the Head of Employment Relations and TU Board in delivering a full range of trade union services to BDA members, ensuring the union is representing, promoting, developing and protecting the interests of its members.

Employment Relations Consultants

The Consultants are retained on a non-exclusive basis to provide the BDA Trade Union department with a support service in relation to the representation of members both on an individual and collective basis at the request of the Head of Employment Relations.

Chair of TU Board

Chairman of the BDA Trade Union Board is a member of BDA Council.

The Chairman of the BDA Trade Union Board and is responsible for leading the strategic of development of the Trade Union across the UK, ensuring members are properly supported and represented and that the BDA Trade Union is active in wider strategic and national positions.

Role Description:

- Is a Member of the BDA Council and as such contributes to the wider business of the Association.
- Acts as a Director of the company.
- Is an elected trade Union Representative.
- Chairs the BDA Trade Union Board in line with BDA policy.
- Takes responsibility for all matters relating to the Trade Union activities of the Association.
- Ensures that the activities of the Trade Union Board are reported to Council.
- Represents the Association in matters relating to the Trade Union and any other matters as requested by the Honorary Chairman.
- Liaises closely with members of the Employment Relations department within the Association headquarters.

- Co-ordinates the strategic development and direction of the Trade Union on behalf of the Association.
- Writes an Annual Report for Council and the AGM, liaising with the Head of employment relations.
- Is involved with strategic planning and policy development so as to meet the needs of the Association and thereby the profession.
- Provides directions to other members of the TU board when setting up any task and finish groups.
- Is aware of and contributes to the BDA's financial, business planning and monitoring processes.
- Sits on the BDA Human Resources Sub-Committee.
- Visits the BDA office as necessary and attends the Annual Conference.
- By liaising with the Communications and Marketing board is responsible for ensuring effective communications about the strategy and activities of the Trade Union Board to Council, other Boards and the wider membership.
- Liaises with other Boards to ensure co-ordinate planning and delivery of the shared 'themes and work plans.'

Area representatives

Area representatives will be elected by the Union Representatives within each Region on a two (2) yearly basis.

Any full (duly paid up) BDA member, is eligible for election.

A Regional Representative's position is to direct the attention of the TU Board to any important issue, question or difficulty which arises from any proposals in the opinion of the Membership and/or Union Representatives, and anything that may have a major impact upon any Member and/or the Association's interests. They must provide support to Members and Union Representatives

Deputy Area representatives

Deputy Area representatives will be elected by the Union Representatives to act in the absence of the Regional Representative within each Region on a two (2) yearly basis. Any Full (duly paid up) BDA member is eligible for election.

Union Representatives

BDA Members will elect a Trade Union Representative to act on their behalf from their designated workplace. Elections will take place every two (2) years.

Any full (duly paid up) member is eligible to stand for this position.

The Trade Union Representative will be responsible for reviewing the proceedings of the employers local negotiating and consultative arrangements and will represent members collectively and individually. They will direct the attention of the Regional Representative to any important issue, question or difficulty that arises locally which, in the opinion of the Representative, has a major impact upon any member and/or the Association's interests.

Elected Trade Union Members representing the Association on the Staff Side at local and national level shall conform to all directions of the TU Board, Council and of the Association's policy and should be familiar with local and national policies and procedures so as to be able to advise, protect and support all members.

APPENDIX D SCOTLAND EMPLOYMENT RELATIONS COMMITTEE CONSTITUTION

See BDA TU pages on the BDA Members website.

APPENDIX E NORTHERN IRELAND EMPLOYMENT RELATIONS COMMITTEE CONSTITUTION

See BDA TU pages on the BDA Members website.

APPENDIX F WALES EMPLOYMENT RELATIONS COMMITTEE CONSTITUTION

See BDA TU pages on the BDA Members website.

APPENDIX G ENGLAND EMPLOYMENT RELATIONS COMMITTEE CONSTITUTION

See BDA TU pages on the BDA Members website.

APPENDIX H HEALTH, SAFETY & WELLBEING COMMITTEE CONSTITUTION

See BDA TU pages on the BDA Members website.

APPENDIX I EQUALITIES COMMITTEE CONSTITUTION

See BDA TU pages on the BDA Members website.

APPENDIX J ELECTION INSTRUCTIONS

Instructions for Elections of BDA Area representatives are as follows

ii) At designated regions where there is a requirement for an Area Representative, an Election of BDA Area Representative must take place.

iii) Any fully paid up member and elected Union Representative of the BDA is eligible to stand for the position of Area Rep.

iv) Existing Area Reps are eligible to re-stand for the position in the forthcoming two (2) year period.

v) Any Union Rep wishing to become an Area Rep. must have been nominated and a written nomination submitted to the BDA Trade Union office no later than 31st march of each year.

vi) Union Reps may nominate themselves for election if they wish to stand for the position

vii) In the event of only one person per Area being nominated then that person will be elected unopposed to the position of Area Representative.

viii) In the event of more than one person being nominated, a ballot will take place in order to establish the election of the BDA Area Representative for the stated designated Area.

ix) Persons nominated may vote for themselves in the event of a ballot.

x) Persons with the second amount of votes will be elected to the position of Deputy Area representatives.

xi) All ballots will be conducted by the BDA Trade Union staff at the BDA Trade Union office.

xii) Election procedures will be conducted via a postal ballot.

xiii) Postal ballots will be concluded and the name of the elected BDA Area Representative announced for the stated designated workplace no later than 30th April of each year.

xiv) Complaints in relation to the elections and ballots will be dealt with by the Head of Employment Relations and must be submitted in writing.

APPENDIX K ELECTION INSTRUCTIONS

Instructions for elections of BDA TU/H&S Representatives are as follows

i) At designated workplaces where there is a requirement for a union/health and safety representative, an Election of BDA Union/Health and Safety Representatives notice form must be erected on to a notice board and remain on such notice board for a period of 14 days.

ii) Any fully paid up member of the BDA is eligible to stand for the position of representative.

iii) Existing representatives are eligible to re-stand for the position in the forthcoming 2 year period.

iv) Any member wishing to become a representative must write their name, membership number and place of work clearly on the election notice form within the 14 day period.

v) In the event of only one person's details being entered on to the election notice form, that said person will be elected unopposed as the BDA representative for their designated workplace.

vi) In the event of more than one person's details being entered on the election notice form, a ballot will take place in order to establish the election of the BDA representative at the stated designated workplace.

vii) All ballots will be conducted via instructions from the BDA Trade Union staff at the BDA Trade Union office.

viii) Election procedures will be conducted via a paper ballot.

ix) Paper ballots will be concluded and the name of the elected BDA Trade union representative announced for the stated designated workplace.

x) Complaints in relation to the elections and ballots will be dealt with by the Head of Employment Relations and must be submitted in writing.

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