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RULE ONE

OBJECTS OF THE UNION:

a) The object of the Union is to regulate the relationship between the members(s) and his employer or between the members(s) and other workers and employers association, and to protect the legitimate interests of the members(s) at his/her place of work, having respect to and regard for the privity which exists between the member(s) and his employer, and in so far as we are accorded and or offered the opportunity to do so. The Union hereby declares that the preceding object is subject to collective interests in so far as it applies to the member(s) working environment/establishment.

The Union and its Officers/Officials/Agents shall adhere to the legal doctrine of '**a privity of contract**' between its member(s) and their employer(s) and are strictly prohibited from carrying-out any actions/acts, which are contrary to, has or may have the effect of purporting to agree/approve negotiated terms & conditions which may be incorporated into a member(s) contract of employment devoid of any ratification by those member(s) affected. Such ratification shall be achieved by the balloting of the relevant affected member(s) concerned (**See: Annex Rule VII**).

b) The Union so formed these Rules 'hereinafter called the Union' shall be known by the title of "**Libertas Union**". It shall be a Registered Trade Union and thereafter obtain the status of independence at its earliest convenience.

c) Every member (excluding honorary members), shall, subject to the following rules, have an equal voice on all matters and/or concerns thereof, and in the administration of all the property thereof.

d) The Union will defend, maintain, and make all necessary efforts and endeavors to improve its members' working terms and conditions of employment and during the process of same; promote equality and fairness for all including the pursuit of equal pay for work of equal value, actively opposing prejudice and discrimination on grounds of gender, race, ethnicity, religion, class, marital status, sexual orientation, age, or disability. That in the pursuance of such activity as described above, any terms negotiated and reached with any third party by Officials/Officers or agents of the 'Union' for ratification, acceptance and agreement by its

members, which could, may or will have the effect of creating different classes of working conditions for new starters in comparison with those already employed performing the same job role, function and duties; will be voidable or be deemed void.

e) The Union shall do all lawful things as may in the opinion of the Ruling Council be incidental or conducive to the attainment of the above herein mentioned objectives and not limited to those examples listed below: -

- i) to promote the health and safety, dignity and respect and well-being of its members.
- ii) to invite and receive contributions to raise funds where appropriate, to finance the work of the Union and to open a Bank Account to manage such funds.
- iii) to publicise and promote the work of the Union and organise meetings, training courses, events, or seminars for the Union.
- iv) to work with groups of a similar nature and exchange information, advice, and knowledge with them, including cooperation with other employers, bodies, charities, statutory and non-statutory organisations to further the objectives of the Union.
- v) to employ staff (professional or otherwise) and volunteers as are necessary to conduct and perform activities to meet the objectives of the Union.
- vi) to take any form of lawful action that is necessary to achieve the objectives of the Union.
- f) The Head Office to be referred to as the Union's Headquarters shall be at **85 Great Portland Street, London W1W 7LT.**
- g) The Regional Offices of the 'Union' shall be at such other place as the Executive Council shall from time to time determine.

RULE TWO

MEMBERSHIP

a) Membership of the Union shall be open to any person who has an interest in assisting the Union achieving its aims and objectives and is willing to abide/adhere to the rules of the Union. Further membership is open to any employee employed in any type of employment, regardless of race, age, gender, sexual orientation, or ability, who completes a Membership Application Form and pay's the relevant subscription fee determined from time to time by the Ruling Council of the Union. Those persons who have been admitted members of the Union and upon being admitted shall be deemed to agree to abide by the 'Rules' of the Union in every respect.

b) The Union reserves the right not to admit or to terminate the membership of any member or potential member whose actions, association and beliefs may be prejudicial/detrimental and run contrary to the aims and objectives of the Union. A person who is refused membership of the union or who is admitted but nevertheless makes a complaint regarding the said admission, must have the right to PETITION the Ruling Council, and it falls to the Ruling Council to consider the matter(s) raised, and to make references of such matter(s) to any other relevant Council or a Constituted Panel of Officers for investigation and/or further consideration including final determination thereof, as it sees fit from time to time in accordance with the Redress Disciplinary & Appeal's processes/procedures established by the Union. The decision of the Ruling Council must and will be deemed to be final with regards to any such complaint(s) **(see R.36)**.

c) If in the opinion of the General Staff Council, a person fails to abide by the rules at any period/time, that person/persons shall be liable to forfeit membership (after full consideration of the legal rights of the individual(s) concerned). The ultimate power to confirm such forfeiture of membership shall lie with the Ruling Council.

d) Non-payment of fees/union dues which has occurred due to no fault or contributory actions of the Union will result in immediate non-compliance and suspension of all privileges afforded to membership.

e) Any member of the Union may terminate their membership by providing the Union with two months' written notice of same.

f) The issues of the issuance of such things as membership cards, copy of rule book and contributions (method of payment) shall from time to time be determined by the General Staff Council. Any such decision(s) must be ratified by the next available General Council.

g) Every member has a duty to be conversant with the rules of the union and shall contribute at a rate and categories as from time to time determined by the Ruling Council. Any District variances/surcharges shall be determined by the Executive Council and confirmed by the Ruling Council.

h) It shall be the personal responsibility of the member to maintain contributions and avoid arrears in any and all circumstances. The Ruling Council shall nevertheless

have a discretionary power to allow entitlement of benefits or to confirm candidature for office should it be satisfied, on the recommendation of the General Staff Council, that the member(s) is not in deliberate or culpable default. The exercise of this discretionary power can be delegated to the General Staff Council as the Ruling Council shall see fit to do from time to time.

i) A person becomes a member of the Union upon the commencement of his/her first payment of union dues/fees to the Union. Additionally, a person becomes a member of the Union where his/her application has been accepted by an Officer/Official of the Union and a date for his/her first payment of Union due/fees is awaiting deduction from his/her Bank Account. A members' full beneficial rights (that is a member who have not broken or had their membership terminated by the Union) in regard to internal representation/accompaniment at their employer's/former employer's place of work and assistance legal or otherwise is not derived nor take effect until he/she has been a member for a minimum of 3 months and has maintained continuous membership contribution for the preceding 3 months period in question. A member who has joined membership of the 'Union' shall be deemed to be on probation for the first 3 months and consequently is not entitled to any benefits of the union during this time. For those applicants who are full members, that is those who have been in membership for 3 months or more and where there has been no break in membership; are thereafter subject to the following additional criteria in regard to the benefits/assistance provided by this 'Union':

j) The level of assistance will vary according to the workplace representation sought, merits of the claim(s), the level of any contributory factors attributable to/by the member(s) in connection with the matter or claim in hand, any failures to follow or adhere to reasonable instructions given to the member from an Officer/Official of the 'Union' and the assistance requested in regard to the category of membership taken out. The level of any Legal Assistance will be determined by the Legal Secretary either in his own motion or by the Chief Officer Legal Affairs in the absence of the Legal Secretary or by any delegated duty of same by the Legal Secretary or in his/her absence by the Chief of Legal Affairs or by legal advice sought by and received by the union from any external legal representatives under contract to the Union.

k) Any member who have broken membership pursuant to Rule 2 (n) or have had their membership terminated by the Union by virtue of Rule 2 (e) – (d) & (p) and has re-entered

membership of the Union, shall only become entitled to the benefits described at [i] above once he/she has attained membership of 6 months from the new date of their reentry into membership.

l) There shall be a category of membership fees for those members who are in part-time work, unable to be in or follow employment by virtue of unemployment, old age, or permanent disablement. The Ruling Council shall from time to time determine the qualifications for membership of this category as well as the level of contributions and entitlement to benefit. Such membership shall not accord an entitlement to vote in any official union ballot other than those mandated by statute or conference or interest section votes.

m) The Ruling Council may create such further categories of membership as it deems necessary and expedient and determine from time to time the level of contributions and benefits for such categories thereof. The creation of such further categories must however be ratified at the next available General Council.

n) Any and all Unit and District (membership) transfers must be done by individual membership application, and processed by the Admin & Organizational dept. All internal Union (membership) transfers must be done on the basis/format of cessation, reactivation, and a carry-over of all seniority/entitlements so long as there has not been any significant break in membership/contributions (excluding durations attributable to administrative and clerical matters).

o) Any member who has participated in any strike action authorized by the Union and as a consequence of same, has suffered financial detriment; will be remunerated in full in regard to any wages lost as a result. Such payments will be remunerated to the member(s) as speedily as possible subject to the financial ability of the Union upon authorization by the Ruling Council having been received by the appropriate/applicable department. However, if a member(s) subsequently receives from his/her employer any loss of wages suffered during the duration of any strike action authorized by the Union in addition to the said payments of lost wages received from his/her Union. Any overpayments will be reimbursed to the Union within 7 days thereof. There will be no duplication of payments.

p) As a member of this union, you have the right to belong to any trade union of your

choice as afforded to you by law. However, dual membership is not permitted as it will invalidate your membership entitlement benefits.

A member has the construal right to terminate their membership upon serving 2 months' written notice to their respective District Secretaries (See: Rule 11 & 27 and copied to the Ruling Council of the Union (See: Rule 21). All such notices shall be served and forwarded by either email or recorded post addressed for the attention of the relevant Official/Officer.

RULE THREE

FUNDAMENTAL PRINCIPLES (OF)

Legal options must be the Guiding and Overriding emphasis in the absence of Peaceful/Negotiated Agreements. The optimum and effective exercise of all legal rights and provisions must be of fundamental essence before any other considerations of alternative options.

RULE FOUR

TRUSTEESHIP/TRUSTEES

a) There shall be two Trustees who shall have been of full membership status. They shall be elected by the Union Conference in a secret ballot as the Chairman of Conference sees fit. Any member of the Union with the requisite membership qualifications (i.e. minimum 6 months full membership) shall be eligible as a candidate. Casual and/or forced vacancies may be filled by a member of the Executive Council until the next available Union Conference, with the proviso that such appointment be ratified by the Ruling Council.

b) The Funds and Property of the Union shall be invested in the joint names of the Trustees and dealt with by them as the Ruling Council shall direct. The Trustees should however delegate and vest the responsibility of Financial Management, Asset Management, and Investment Operations to both the Financial Secretary and the Commercial Secretary of the Union.

c) The office of a Trustee may be declared vacant, and the Trustee may be removed from office by the Ruling Council, if the incumbent is considered by the Ruling Council incapable

of or unfit for the post of or continued post of Trustee. Such a decision must however be justified and ratified by and at the next available Union Conference.

d) A Trustee may at any time resign from office by tendering his/her resignation in writing to the Ruling Council or when they cease to be a member of the 'Union'. In such circumstances said post will be filled by another appointed by the Ruling Council.

e) All deeds, documents of title, and securities for money of the union shall be held by the Trustees with full guidance and participation of the Commercial Secretary and they may take such measures for the safe custody and preservation thereof at the expense of the union as they shall see fit to do so, and they shall be responsible for the safe custody of all such deeds, documents, and securities as or are their charge or control. They shall also produce such as is in their charge for inspection when required by a resolution of the relevant council or the Ruling Council, or when required by Auditors or relevant Official of the State.

f) It shall be the duty of any Trustee who has resigned or been removed from office to execute such documents and take all other necessary steps (legal or otherwise) to vest in the Trustees for the time being, of the Union all securities and other property/ properties held by them on behalf of the Union.

g) No Trustee shall invest any part of the funds of the union, or permit such investment in their name, upon the security of their own property or otherwise in accordance with law, or so far as relates to funds under the private business. It falls to the Commercial Secretary that such rules as above are adhered to and that nothing is done by the office of the Commercial Secretary to compromise the above rule or trustees.

RULE FIVE

CONSTITUTION & ORGANISATION

a) For the governance of the Union there shall be a General Council headed by the General Secretary. This Council shall consist of only the officers and delegates as provided for under R25-General Council. The General Council must be convened at least once a year and at any other subsequent times deemed necessary and expedient (including emergencies) by the Ruling Council.

b) For the revision of the Rules and Constitution of the Union, there shall be a Union Conference which shall meet once a year on a date to be determined by the Executive Council and under provisions of Rule 26 – Union Conference.

c) For the general administration of the Union there shall be a General Staff Council headed by the Deputy General Secretary, to sit as and when necessary and as provided for under R.23 General Staff Council.

d) For the purpose of local administration and representation of members, there shall be Units and Unit Representatives as provided for under R.19.

e) For the aims and purpose of regional administration, the British Isles shall be divided into Districts as provided for under R.27 - Districts.

GENERAL POLICY OF THE UNION.

Ruling Council: - The Ruling Council shall be deemed to have the power to regulate its own affairs. That right is to be subject to scrutiny and interference from/by the General Council.

Executive Council: - The Executive Council is to be deemed to be free to regulate its own affairs within the bound of and scope delegated by the Ruling Council as the Ruling Council shall from time to time determine.

General Staff Council: - The General Staff Council shall be regulated by Rules of Procedure determined from time to time by the Ruling Council, with the proviso that any and all proposed Rules of Procedure in question shall be ratified by the next available General Council.

General Secretariat: - The General Secretariat is to be deemed to have the power to regulate its own affairs. Its function shall be a body set up for the effective and dynamic furtherance of the governance and functions of the districts and shall be constituted as provided for under R.24 General Secretariat.

General Council: - The General Council shall be deemed to act as a conference body within

the scope and provisions of R.25 - General Council. The General Council shall be free to regulate its own affairs, subject to control from Union Conference resolutions.

Union Conference: - The Union Conference should be deemed to be the Supreme Regulatory Body of the union ('The Union'). It must be and should be the forum that gives democratic credence to the fundamentals and objectives of the Union known as the "Libertas" (see R.26).

RULE SIX

OFFICES/OFFICERS

There shall be elected/appointed full time offices and officers as provided for below. The good offices of the officers concerned must be treated with the utmost respect by the officers concerned, and all allied/delegated powers must be exercised with due diligence and appreciation of the honor bestowed on such officers by the members and membership, on whose behalf they are but Stewards. Each office shall be for a term of years provided for under their respective Rules.

RULE SEVEN

GENERAL SECRETARY

a) The role of the General Secretary is to be the overall head of the union, a supreme governor of the functions and affairs of the union, including the operations of the union. To deal with Extra-organizational matters. The General Secretary from the enactment/commencement of this rule is to be elected for a term of 3 years. At a sooner or earlier vacancy of the position of General Secretary (Resignation, Disablement, Incapacity, etc.), the position is to be assumed by the Deputy General Secretary in the title and role of 'Acting General Secretary' and Deputy General Secretary, until an election can be arranged or effected. Under such situations, the Deputy General Secretary can participate in such elections for the post of General Secretary, provided that nothing in/about such participation shall prejudice the already the already held position of Deputy General Secretary, save for such situation as the position of Deputy General Secretary being up for re-election at the same period/time.

b) For the first 3 years of the enactment of this rule, the General Secretary shall have the right to contract with any third party on any terms and duration, which shall assist with the aims, objectives, and the discharging of its services to its members'. Thereafter this rule will cease to exist.

RULE EIGHT

DEPUTY GENERAL SECRETARY

The role of Deputy General Secretary is to oversee the administrative set up of the union as well as playing an observer role in all relevant meetings/sittings/councils with a view to deputizing for the General Secretary in the absence of the General Secretary thereof. The Deputy General Secretary is to be elected from the enactment/commencement of this rule for a term of 3 years. At a sooner or earlier vacancy of the position of Deputy General Secretary (Resignation, Disablement, Incapacity, etc.), the position is to be deemed dormant and all functions, voting rights and role of the Deputy General Secretary is to be assumed by the General Secretary until election can be arranged or effected.

RULE NINE

FINANCIAL SECRETARY

a) The role of the Financial Secretary is to be the Treasurer of the Union. All matters of finance and expenditure, and financial affairs fall within the remit of the Financial Secretary. The Financial Secretary is to be elected for a term of 3 years. At a sooner or earlier vacancy of the position of Financial Secretary (Resignation, Disablement, Incapacity, etc.) a competent individual is to be appointed to oversee the functions and role of the Financial Secretary until an election can be arranged or effected, with the proviso that the candidate(s) be recommended by the Ruling Council before confirmation of such appointment. The Trustees must sit on the Ruling Council for the making of such decisions.

b) The Financial Secretary is responsible for ensuring any money acquired by the Union, including membership fees, donations, contributions, and bequests, shall be paid into an account operated by the Financial Secretary's Department in the name of the Union. All funds must be applied to the objects of the Union and for no other purpose. The Financial Secretary shall be responsible for setting up the union bank accounts and being one of three signatories for the authorisations of the union funds.

c) The Financial Secretary shall see to it accounts be opened in the name of the Union. Any cash, cheques, etc., relating to the Union's bank account shall be signed by any two of three members of any Council members of the Union of which one such member shall be the Financial Secretary. Any income/expenditure shall be the responsibility of the Financial Secretary who will be accountable for ensuring funds are utilised effectively and that the Union stays within budget. Official accounts shall be maintained and audited. An annual financial report shall be presented to the relevant Council and thereafter placed on the Union's website for the members' information and inspection. The Union's accounting year shall be at a time and period specified by the Legal Secretary and approved by the Ruling Council.

RULE TEN

COMMERCIAL SECRETARY

The role of the Commercial Secretary is to be in charge of all Trade and Investment matters. The Commercial Secretary is to organize, operate, and manage the Assets, Investments, and Business affairs of the Union. As most of the remit of the Commercial Secretary touches on matters of finance and trusteeship, the Commercial Secretary is required to work in close consultation with (but not under) the Financial Secretary and the Trustees. All disagreements must be resolved in the Council - Ruling Council. The Commercial Secretary is to be appointed, and to be a person of sound and competent knowledge and expertise to carry out the functions of the office of the Commercial Secretary, and the appointment is to be for a term of 3 years, or for such term as the Ruling Council shall from term to term determine. The appointment is to be recommended by the Ruling Council and to be ratified by the Executive Council.

RULE ELEVEN

DISTRICT SECRETARIES

Each District must have a District Secretary, and the role of the District Secretary is to organise and control the affairs of their respective Districts of the union. Each District Secretary acts under and on behalf of the General Secretary, but with the express and stated powers to control their affairs and to be answerable to the General Secretary. The respective District Secretaries are to be elected by their individual Districts for a term of 3 years. Any and all conflicts are to be resolved in the Council General Secretariat. At sooner or earlier vacancy of the position of District Secretary, the General Secretary is to appoint an Acting District Secretary

until an election can be arranged or effected (for a replacement). Once a District becomes big/large enough to do so, they must be allowed to operate a hierarchy similar to the National set up, to control their affairs, with a proviso that each line of officer is responsible to and answerable to their respective District Secretary, but their appointment must be approved by the relevant National Dept. In situations of conflict and/or emergency, the relevant national dept. can and must overrule the District Secretary, but only in Council - Executive Council. Such an override must be ratified by the next available General Secretariat.

RULE TWELVE

LEGAL SECRETARY

a) A Legal Secretary is to be appointed from time to time (when applicable) and must be a person of Legal Practitioner standard or one who is seized of a Law Degree with proven legal experience in Employment Law. It ideally should be an Advocate or Counsel, or at least a person of an equal Legal Practitioner status as defined above. The Legal Secretary is to be deemed to be in charge of Legal matters and will be charged with Advising, Litigating, Consultative, and Research matters. The position should be filled on a consultancy or contingency basis as if and when the need warrants it. Such an appointment must be recommended by the General Secretary and approved by the Ruling Council. The Legal Secretary is to be answerable to the Ruling Council, and all conflicts are to be resolved in Council - Ruling Council. General and Specific reports of all legal issues must be submitted to both the Executive Council and the next available General Council for the information of the Councils in question only.

RULE THIRTEEN

CHIEF OFFICER NEGOTIATING AND POLICY UNIT

a) The Chief Officer Negotiating & Policy Unit is to be deemed to be in charge of all Negotiating Processes, as well as the development and implementation (including compliance) of Union Policy objectives (both strategic & operational). The Chief Officer Negotiating & Policy Unit is to be elected to a term of 3 years. The Chief Officer Negotiating & Policy Unit is to be deemed to be in full control of such functions as stated above, and any and all conflicts are to be resolved with the Executive Council. In the absence of a resolution (of conflict), an independent panel of 2 senior officers nominated by the General Secretary and approved by the Ruling Council, is to adjudicate a final resolution thereof. At sooner or earlier vacancy of the position of Chief Officer Negotiating & Policy Unit

(Resignation, Disablement, Incapacity, etc.), a temporary/Acting replacement is to be appointed by the Ruling Council until an election can be arranged or effected.

b) The Chief Officer Negotiating & Policy Unit is strictly prohibited from fraternizing on a personal level with any Officers of the members' employers and to do otherwise would constitute a significant and flagrant breach of trust and constitute a gross violation of this rule, resulting in possible removal from office.

RULE FOURTEEN

CHIEF OFFICER ADMINISTRATIVE AND ORGANISATIONAL AFFAIRS

The Chief Officer Administrative & Organizational Affairs is to be deemed to be in charge of organizing and managing all administrative matters. That includes the efficient administration of union affairs including disciplinary and inquiry matters. The Chief Officer Admin. & Organizational Affairs is to be appointed for a term of 4 years. Such an appointment is to be recommended by the General Staff Council and approved by the Ruling Council. The Chief Officer in question is to be deemed to be answerable to the Deputy General Secretary. Resolution of any and all conflicts is to be in Council - General Staff Council.

RULE FIFTEEN

CHIEF OFFICER LEGAL AFFAIRS

The Chief Officer Legal Affairs is to oversee the administration of any and all Legal matters including the Preliminary advice stages, Recommendations, Correspondences (legal), and Conduct of Legal Matters. The Chief Officer Legal Affairs must be a person having the minimum qualifying Legal standard of a Law Degree and/or must ideally be a person with sound and extensive Legal knowledge and competence and must demonstrate expertise of Employment Law. The Chief Officer Legal Affairs is to be appointed to a term of 4 years by the General Secretary (after full consultation with any sitting).

RULE SIXTEEN

CHIEF OFFICER WELFARE AND BENEFITS UNIT

The Chief Officer Welfare & Benefits Unit is to be deemed to oversee all matters related to/connected to/touching the welfare and personal interests of the members/ membership of the union. The Officer in question will be deemed to oversee liaison with Welfare groups/Organized interest groups/Organized self- help groups, for the and/or in the interest of the general rank and file members/membership. The Officer in question will also be responsible for determining appropriate benefits of qualifying members, as well as advising and informing relevant members of entitlements to any and all beneficial outside services/ Agency. The Chief Officer Welfare & Benefits Unit is to be appointed for a term of 4 years. Such an appointment is to be recommended by the General Staff Council and approved by the Ruling Council. Such an appointment must be ratified at the next available General Council. The Officer in question is to be answerable to the Deputy General Secretary, and any and all conflicts are to be resolved in Council - General Staff Council.

RULE SEVENTEEN

CHIEF OFFICER CONFERENCE AND MEDIA DEPT

The Chief Officer Conference & Media Dept. is to be primarily in charge of organizing, coordinating, and managing the seats of Councils and Union Conference, as well as Media and Publicity matters. The Chief Officer Conference & Media Dept. is to be appointed for a term of 4 years. Such an appointment is to be recommended by the General Secretary and approved by the Ruling Council. Such an appointment must be ratified by the next available General Council. The Officer in question is to be deemed answerable to the General Secretary, and any and all conflicts are to be resolved in Council - Executive Council.

RULE EIGHTEEN

DISTRICT ADMINISTRATIVE OFFICERS

The District Administrative Officers are to be deemed to be primarily responsible for the administrative and organizational affairs of their respective Districts and will be responsible for the administration and management of their Districts. The District Admin

Officers for each respective District is to be appointed for a term to be determined by the respective District Secretary (provided that such a term does not extend beyond the term or remaining term of the District Secretary in question). The appointment is to be recommended by the District Secretary after full consultation with the National Chief Officer Admin & Organizational Affairs, and to be approved by the General Staff Council.

RULE NINETEEN

UNIT REPRESENTATIVE

a) The Unit Representatives (a maximum of two) of the respective Units of the Union shall be deemed as representatives of their Units, being responsible for accompanying and representing members at any hearings being held and conducted by their respective employers, the proper decimation of information to members as well as overseeing the protection of the interests of the rank-and-file membership at their units or workplace. This fundamental right of the members to choose any Libertas Official to accompany and represent their interest at any hearings being held and conducted by their respective employers, shall be upheld in accordance with both their contractual and legal rights to so do and additionally pursuant to s.10 Employment Relations Act 1999 and Article 11 Human Rights Act 1998. No provisions contained in this Rule Book shall usurp or remove same. The Unit Representatives are to be elected for a term of 3 years by the rank-and-file members (of full membership status) of the respective unit, by any lawful or democratic means preceding the coming into force of this Rule Book and thereafter by the provisions of Rule Annex VII and are to be answerable to their respective District Secretaries. Any significant conflicts are to be referred to the General Secretary and to be resolved by the Council General Secretariat.

b) The Unit Representatives shall refrain from fraternizing with or entering into any agreement with any officers of employers where the 'Union' has members. This action is strictly prohibited and to do otherwise would constitute a significant flagrant breach of trust and a gross violation of this rule, resulting in the commencement of disciplinary action which may result in the immediate removal from office in accordance with Rule 36 (**see: R.36**).

c) Any Unit Representative who fails to perform their duty to a satisfactory standard after

receiving training in how to satisfactorily discharge their duties and responsibilities can/may be removed from Office by the Regional General Secretary where it's evidentially evident upon numerous written complaints from the membership that such services being discharge by the same said Unit Representative in question is to the detriment of the membership. A right of appeal from this decision is reserved for the Unit Representative within 14 days from the date of the decision of removal being communicated to him/her to the Ruling Council of the 'Union'. The Ruling Council of the 'Union' will be the final arbitrator/decision maker on the matter (**see: R.36**).

d) ~~There~~ shall also be elected for a term of 3 years in accordance with **Rule VII** jurisdictional to each Unit Representative, the positions of Branch Chairperson/Chairman, Branch Secretary, Equalities Officer, Environmental Officer, Learning Representative, Health & Safety Officer and two Recruitment Officers. Those elected positions shall be subjected to the same scrutiny as described in paragraph [a] above.

RULE TWENTY

COUNCILS: (GOVERNANCE)

There shall be Councils as provided for under Rule 5: Constitution & Organization, and shall be constituted as follows:

RULE TWENTY-ONE

RULING COUNCIL

General Secretary; Deputy General Secretary; Financial Secretary; Commercial Secretary; Chief Officer Negotiating & Policy Unit; Trustees (when necessary and applicable).

RULE TWENTY-TWO

EXECUTIVE COUNCIL

General Secretary; Deputy General Secretary (as observer); Financial Secretary; Commercial Secretary; District Secretaries (when necessary and applicable); Chief Officer Negotiating & Policy Unit; Legal Secretary (or Chief Officer Legal Affairs); Chief Officer Admin & Organizational Affairs; Chief Officer Conference & Media Dept.

RULE TWENTY-THREE

GENERAL STAFF COUNCIL

Deputy General Secretary; Financial Secretary; Chief Officer Admin & Organizational Affairs; Chief Officer Welfare & Benefits Unit; District Administrative Officers (on special invitation only).

RULE TWENTY-FOUR

GENERAL SECRETARIAT

General Secretary; Financial Secretary; Chief Officer Negotiating & Policy Unit; District Secretaries.

RULE TWENTY-FIVE

GENERAL COUNCIL

All listed/stated positions, plus 2 delegates elected by the members to represent their respective Districts i.e. 2 Delegates per District.

RULE TWENTY-SIX

UNION CONFERENCE

Chairperson of Conference; All listed and stated positions/officers; Conference delegates; special delegates. The Ruling Council is to determine the Rules of Conference, including constitution of Delegates and Special Delegates, and such Rules of Conference must be ratified by the earliest General Council.

RULE TWENTY-SEVEN

DISTRICTS: There are to be Districts as provided for under Rule 5(e), as follows:

CENTRAL DISTRICT - Covering Greater London (R1)

NORTHERN DISTRICT - Covering Northern England (R2)

EASTERN DISTRICT - Covering Eastern England (R3)

SOUTHERN DISTRICT - Covering Southern England (R4)

WESTERN DISTRICT - Covering Western England (R5)

SCOTLAND/WALES/N. IRELAND - To cover such areas in question, and to be deemed to have the power to regulate their own affairs on a semi-autonomous basis ie Affiliated Regions.

RULE TWENTY-EIGHT

CONSULTANTS

The Ruling Council shall be deemed to have the inherent power to appoint Specialist positions for such reasons as are in the best interest of the Union. Such appointments as the Ruling Council shall from time to time deem appropriate and expedient, shall be for a term to be determined by the Ruling Council, such appointments must however be ratified by the next available General Council. Such appointments may be deemed to be consultants/Consultancy.

RULE TWENTY-NINE

CHAIRIATABLE & FUND-RAISING ACTIVITIES

Any section of/Department of the Union may be deemed to have the power to raise money/funds for good causes/charitable causes, so long as there is approved guidelines as shall from time to time be recommended/issued by the Executive Council. The Union Conference has the supreme power to impose restrictions on any and all matters concerning raising funds for charity.

RULE THIRTY

POLITICAL ALIGNMENT

The Union known as the Libertas is to be deemed henceforth to be prohibited by Constitution from aligning itself (or play an active role) with any Political Party. There should however be no prohibition on the Ruling Council recommending to the membership an opinion as to which Political party the Council deems as being in the best interest of the Union, so long as such advice makes it clear of the inalienable rights of the individual members/membership to vote in any and all State elections with their conscience.

RULE THIRTY-ONE

AUDIT

The accounts of the Union shall be audited at least once a year. The Auditor shall be qualified in accordance with any and all relevant provisions of the Companies Act 1989 and the Trade Union and Labour Relations (Cons) Act 1992. The appointment and removal of the Auditor shall be subject to the relevant provisions of the Trade Union & Labour Relations (Consolidation) Act 1992 (including any future relevant Enactments). Such Audit statement may be made widely available to the membership in the most appropriate form deemed proper and expedient by the Union Conference from time to time.

RULE THIRTY-TWO

BOOKS

Every person having an interest in the said Union and funds of the Union may, on giving reasonable notice, inspect all the Books of the union (National & District) and the names of the members (Register) at any place where same is kept.

RULE THIRTY-THREE

INDUSTRIAL ACTION

The Union must at all times acknowledge and respect the individual rights of the membership to take industrial action/withdraw their labour. However, such recognition cannot and must not detract the union from the stated Fundamental Principles as provided for under Rule 3, emphasizing that in the absence of peaceful and negotiated settlements (Disputes & Contractual wise), the full and extensive pursuit of the legal rights and options of the individual members/collective membership, is of overriding relevance. If industrial action remains the one and only option as a last or expedient resort, then it must fall to the union to organize and manage such actions effectively and to the least possible detriment to the members.

RULE THIRTY-FOUR

AMENDMENT OF RULES & CONSTITUTION

The absolute power to revise and/amend the Constitution & Rules of the Union lies with the Ruling Council. The General Council, however, has the inherent right to recommend a revision or amendment of the constitution & rules of the union to the Union Conference. Any other proposals (outside of the General Council's) must be sanctioned and/or approved by the Ruling Council at the Union Conference. None of the above shall preclude a Union Conference floor call for an amendment by popular secret ballot vote (75% in favor).

RULE THIRTY-FIVE

VOLUNTARY DISSOLUTION

The Union may be dissolved at any time by the consent of two-thirds of the members voting at such meetings/forum duly summoned for that purpose.

- a) A proposal to dissolve the Union must be made by at least two Executive Committee members and presented to the Ruling Council.
- b) A Notice containing the proposal must be sent in writing to all non-Executive Committee members and to all ordinary members.
- c) A Special General Meeting should be held no later than 21 days after the proposal has been made.
- d) All Executive Committee members must attend the Special General Meeting.
- e) All non-Executive Committee members and ordinary members will be at liberty to attend the Special general meeting.
- f) In order to achieve the proposed dissolution, two-thirds of the Executive Committee must vote in favor of the proposals and at least two-thirds of all non-Executive members and at least three quarters of all ordinary members who attend the meeting must vote in favor of dissolving the Union.
- g) If there is no clear outcome, the Ruling Council may call an Extraordinary General Meeting within seven days of the date of the Special General Meeting. At this Meeting, a unanimous vote by the Ruling Council will result in the dissolution of the Union.
- h) If a decision is reached to dissolve the Union, any assets or/and funds held are to be divided up amongst the membership under management of the Financial Secretary and Trustees.

RULE THIRTY-SIX

REDRESS DISCIPLINARY & APPEALS PROCEDURE AND COMMITTEES

There shall be an express Disciplinary Procedure of the Union, to be widely available upon request, which shall and must be recommended by the General Staff (Council and ratified by the Ruling Council. An appeals committee is to be set up as and when necessary and must be constituted and follow guidelines to be issued by the Ruling Council from time to time, after ratification by the General Council.

RULE THIRTY-SEVEN

VOTE OF NO CONFIDENCE MOTIONS

In each constituency where an elected post exists, the said elected Officer(s) can be removed from office upon receipt of a codified 'Collective Petition' or secret ballot voting (which can include postal ballots as a mix or on its own singularly) consisting of over 50% of the relevant memberships' vote (s). In such a situation the affected Officer's removal from office shall be ratified and authorized by the Ruling Council and the said Officer(s) concerned be removed from office with 7 days thereafter. Where however a vote of no confidence is lodged against any member(s) of the Ruling Council, the above method of removal is the only approved method to be utilize, which must consist of over 75% of the relevant memberships and for removal to take place within 21 days thereafter.

ANNEXE

I. CONTRIBUTIONS/FEES

RATES OF CONTRIBUTIONS PER MONTH

There shall be published and annexed to this section/part a general/specific rate of contributions/fees applicable to any relevant and current year, by the Ruling Council. Such a publication and level of rates thereof must however be recommended by the General Staff Council; approved by the Ruling Council to whom it falls to notify by publication such rates, and such rates must be ratified by the next available General Council. Any such publication as above must bear the signature of both the General Secretary and the Financial Secretary.

II. BENEFITS - ENTITLEMENT

There shall be published and annexed to this section/part by the Ruling Council, any and all current and recommended Benefits entitlements of the members/ membership of the union. Such publication and listed Benefit entitlements must however be recommended by the Executive Council, approved by the Ruling Council to whom it falls to notify by publication of such Benefit entitlements. Such Benefits entitlements must be ratified by the next available General Council. Any such publication as above must bear the signature of the General Secretary.

III. ELIGIBILITY AND REQUIREMENTS FOR OFFICE, DELEGATION, ETC.

There shall be published and annexed to this section/part by the Ruling Council, a notice/ guideline of current and applicable (including recommended) rules governing Eligibility and Requirements for Office, Delegation, Etc., as shall from time to time be deemed necessary and expedient, provided that such notices/guidelines be previously approved by the General Council before publication. Any such publication as above must bear the signature of both the General Secretary and the Chief Officer Negotiating & Policy Unit.

IV. REMUNERATION OF OFFICERS

There shall be published for the information of the Union Conference (and made widely available on request) a notice/list of current and recommended rates of Remuneration (Gross pay only) of any and all officers of the union. Such publication falls to be made by the Ruling Council provided that any and all dormant positions are to be excluded from the above

requirement. Any such publication as above must bear the signature of the Union Trustees (current) and the Financial Secretary.

V. RESTRICTIONS

There shall be published and annexed to this section/part a notice/list of any Restrictions (except for those already stated and contained henceforth in the Rules of the Union), as shall from time to time be deemed relevant and expedient by the Ruling Council. Such Restrictions must not in any way conflict with the stated Constitution & Rules of the Union, and must be ratified by the next available General Council except for Restrictions rendered necessary by any rule of Law. Any and all such publication as above must bear the signature of the General Secretary.

VI. INCOME DISTRIBUTION

The Union Conference shall from time to time determine what percentage (if any) of the total contribution income in the General Fund, to be returned to the Districts for local purposes. Any such fund allocations are to be disposed of by the respective Districts for the benefit of their members in such manner as the District body may direct or see fit to do. Such allocation as above must not take into account any District surcharges (surcharges which are matters for the District body), but must take into account any District variances. Such allocation as above is/are to be published and annexed to this section/part, by the Ruling Council.

VII. BALLOT VOTING

Any and all ballot voting (which includes postal ballots) of the union or affecting the union, shall accord with the relevant provisions of ballots (or otherwise) under the Trade Union & Labour Relations (Consolidations) Act 1992, and any other relevant enactments. Any other forms of voting (such as by a show of hands) not falling within or covered by any such enactments is strictly prohibited. All other legal forms of ballot voting as described above is/are to be carried out under guidelines to be issued by the Executive Council. Any such guidelines must be published by the Ruling Council. Any such publication must bear the signature of the General Secretary.

SAMPLE

Voting by post Instructions

Rule 23

- * Print out the attached nominated ballot papers
- * You can vote for as many candidates as it details on the top of the ballot paper
- * Mark a cross in the right hand column against the name(s) of the candidate(s) you wish to vote for.
- * Complete your ballot papers in secret, on your own
- * Don't let anyone else vote for you
- * Don't let anyone else see your vote
- * Don't give the ballot paper to anyone else
- * Put the ballot paper in an envelope and seal it up yourself
- * Complete and sign the postal voting statement attached
- * Put the postal voting statement and the envelope containing your ballot paper into the large envelope and seal it.
- * Take it to the post box yourself, if you can
- * Once you have marked your vote on the ballot paper, make sure you send it back (recorded delivery) so that it arrives a day prior to (5th December 2013) polling day by 11am
- * If you can't do that, either give it to somebody you know and trust to post it for you, or ring your local BWA regional office, to ask if they can collect it from you
- * Don't hand it to a candidate or party worker unless no other way is practical
- * Don't leave it where someone else can pick it up

It is important that you complete the postal voting statement correctly or your vote will be deemed spoiled and not be counted.

SAMPLE

POSTAL VOTING STATEMENT

Please complete in **BLACK INK and BLOCK CAPITALS** and return 85 Portland Street, London W1W 7LT. If you need help filling in this form, please contact us via email: info@libertasunion.org

1. **YOUR ADDRESS**

.....

.....

2. **DATE OF BIRTH**

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3. **RETURN ADDRESS FOR POSTAL BALLOT PAPER(S)**

85 Portland Street, London W1W 7LT

4. **YOUR CONTACT DETAILS**

Telephone Number

Email Address

Pay / Employee Number

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5. **DECLARATION**

As far as I know, the details on this form are true and accurate. (You can be fined for making a false statement on this form.)

Signature

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Date of declaration:



Libertas Union

MEMBERS RULE BOOK

Est: 7.1.2024

Registered Office: 87 Goldington Avenue, Oakes, Huddersfield HD3 3PZ
www.libertasunion.org email: info@libertasunion.org