



RULES

September 2011

Rule 1 Name and Address

The organisation of members existing under these rules (the rules) shall be a trades union called Community (the union). The main address of the union to be used for all legal purposes shall be 67/68 Long Acre, Covent Garden, London WC2E 9FA or such other address as shall be decided upon by the National Executive Council (NEC) defined in these rules. The main address shall be known as Head Office.

Rule 2 Objects

- a. The main object of the union is to regulate relations between workers and employers, between workers and workers, and between employers and employers for the purposes of protecting, promoting, representing and securing improvements in the working terms and conditions and in the physical, mental, economic, educational, social and political well-being of members.
- b. Integral to the above object, the union will organise to improve the quality of life and prospects of members and others within all communities where members work or live through support of activities within the community which are for the benefit of the communities or specific sections of them.

For the purpose of securing the above objects the union shall have the following further objects:

- c. the proper acquisition, maintenance and use of resources acquired through contributions, subscriptions, donations, levies, borrowing (whether secured or otherwise), the holding or disposal of investments, the acquisition, lease, mortgage, disposal or other use of property and all other means that are permitted by these rules or by law;
- d. the organising of members and other workers in the workplace and the securing of recognition agreements in order to represent members in dealings with employers and other relevant bodies;
- e. the provision of advice, assistance and representation to members in connection with matters arising out of their employment or in their communities, at the discretion of and on terms decided by the NEC;
- f. the payment or provision of benefits to members or to their financial dependants in times of need at the discretion of, and in accordance with, terms decided by the NEC;
- g. the conduct of campaigns in workplaces, communities and elsewhere for the benefit of members, potential members, and their communities;
- h. the promotion, establishment and maintenance of procedures for the amicable settlement of disputes involving or concerning members within the workplace and in their communities;
- i. the encouragement and support of political activity for the benefit of members and their communities, including support for, or opposition to, proposed legislation and establishing and maintaining a Political Fund as defined by law (see rule 21);
- j. the establishment and maintenance of a regional network of offices and branches which in the view of the NEC will deliver appropriate representation, services, benefits and support to members and their communities;
- k. the promotion of equality of opportunity and dignity for all, irrespective of gender, colour, race, ethnic origin, disability, sexual orientation, marital status, age or religion.
- l. the affiliation to national and international bodies and associations whose purposes and objectives appear to advance the interest of workers and their communities, including affiliation to and electoral support for the Labour Party;

- m. the educational advancement of members and their communities;
- n. the provision of opportunities for lifelong learning, training and retraining at workplaces and within communities;
- o. the development of working relationships with other organisations for the purpose of securing any or all of these objects including, where necessary, through merger with, or the transfer of engagements from, other trades unions;
- p. the granting of indemnities to all members, officers and staff against claims made against them in respect of acts or omissions in the course of official union business, unless such indemnity is prohibited by law or the acts or omissions were contrary to the rules of the union; and
- q. the undertaking of all other lawful things that the NEC shall consider helpful, consistent or incidental to the objects set out above, or advisable in the direct or indirect interest of members or their communities.

Rule 3 Membership

a. Subject to 3c below there shall be two categories of membership, *Working Members and Community Members*,. *Working Members* shall be those persons defined in rule 3d and have the rights set out in rule 4a. *Community Members* shall be those persons defined in rule 3e and have the rights set out in rule 4b.

b. (i) Members shall pay contributions at rates determined from time to time by the NEC. In respect of *Working Members*, the NEC may set subscriptions at different rates to reflect whether or not collective bargaining is available to members or by reference to members' incomes or such other criteria as the NEC decide, including provision for subscriptions to be related to services or benefits.

(ii) *Working Members* contribution rates will be determined for the subsequent year on an annual basis, based on the previous year (P60) earnings, at a time at or about the financial year end.

At the discretion of the NEC, where there is a significant and permanent change in a *Working Member's* income during the financial year, and where there is proof of a permanent change, a change of the member's contribution rate may be allowed.

c. If it considers it appropriate, the NEC shall have the right to create and define one or more categories of members whose membership shall be based on the purchase of services or benefits according to their particular needs.

d. *Working Members* shall be those members performing work for pay, whether full or part time, temporary or permanent, including those working through agencies and the self-employed and those temporarily not performing work for pay, for a maximum period of twenty-six consecutive weeks immediately following the date when they last performed work for pay. They shall be allocated to working or community branches at the discretion of the NEC.

e. *Community Members* shall be all persons other than those covered by rule 3d including, but not limited to, persons in members' families, students and young persons not immediately seeking work, those unable to work by reason of illness or disability, those performing voluntary tasks in the community including community organisers and those seeking educational training with a view to work. It shall also include Retired and Honorary Members. The NEC shall have the right to establish

special branches of *Community Members* for the purposes of representing members who are students. The NEC shall in its absolute discretion have the right to exclude any particular group or class of persons from being *Community Members*.

- f. Honorary Members shall be persons appointed as such by the NEC on the recommendation of the General Secretary who have given distinguished service as members including all such persons who held that title on 1st July 2011. They shall be non-contributory members of the union.
- g. Retired Members shall be members who have retired from employment or who were designated as retired members before 1st July 2011.
- h. The NEC shall allow all persons to apply to and become members but it shall have the right to decline applications for membership, if not to do so would result in the membership base of the union being such that the union would not be comprised mainly of workers. The NEC may also decline an application for membership if the applicant has previously been expelled from any trades union for misconduct or in order to comply with a finding of a Trades Union Congress Disputes Committee. No person shall be admitted into membership of *Community* if by choice they are members of, supporters of, or sympathisers with, organisations which are opposed to the objects of the union.
- i. Application for membership shall be by the completion of an application form in formats approved by the NEC, which shall constitute an undertaking in respect of payment of the appropriate subscription. Membership shall begin on the receipt of the application and undertaking at Head Office. Entitlement to benefit and services shall be as provided in these rules or specified in any NEC-approved benefit or services scheme.
- j. Membership shall cease with immediate effect in the event of expulsion under any rule, in the event of failure to comply with any requirement imposed under any disciplinary rule, in the event of the expiry of any notice of resignation which must be of at least one month's length, in the event of failure to pay contributions for a period of more than twelve weeks and in the event of a member being found to be a member of an organisation whose objects are contrary to any of these rules or to any of the objects of the union .
- k. Except at the discretion of the NEC, benefits and services will not be available to a member who is in arrears of subscription or once membership has ceased for any reason. Access to the benefits of membership will not normally be available to members without a minimum of six months membership credited.
- l. A *Working Member* who ceases to be eligible to be a *Working Member*, or a *Community Member* who secures work such as to come within the definition in rule 3d shall be required to give notice to that effect to Head Office and his or her membership shall, on the date of receipt of the notice, change to the appropriate category.
- m. A member whose status is known to have changed and who fails to give notice to that effect shall have his or her membership status changed by order of the NEC from the date determined by the NEC which shall be the believed date of change of status. The NEC may review such decision in the event of any objection from the member concerned. The NEC shall have discretion in any particular case to allow membership to continue in a category, when it believes that this will best serve the interests of the union and the member concerned consents.

Members shall be responsible for ensuring they pay the correct contribution rate on an annual basis. A member paying contributions at the wrong contribution rate may forfeit their rights to benefits at the

discretion of the NEC.

- n. All communications to members shall be sent to members' last known addresses as recorded in the records of the union or by email or SMS. All communications from members to the union should be sent to the Member Service Centre unless otherwise directed by these rules.

Rule 4 Membership Rights

- a. *Working Members* shall be entitled to vote in all union ballots and elections unless otherwise provided in these rules and shall have access to benefits as set out in these rules or any NEC approved benefit or services scheme subject to the relevant terms. Except as otherwise provided in these rules, *Working Members* may stand for election or appointment to any position in the union, or as a national or local representative of the union.
- b. *Community Members* other than Honorary and Retired Members shall be entitled to vote in union elections or ballots where provided for in these rules and shall be entitled to stand for election or appointment to positions within *Community Members'* branches and as a conference delegate on behalf of a *Community Members'* branch or as a delegate to a community body. They shall have access to benefits or services as set out in these rules or to any NEC-approved benefit or services scheme.
- c. Honorary Members and Retired Members shall not have any voting or nomination or benefit rights other than those set out in rule 18.
- d. A Working or Community member who has been a member for less than two years shall be classed as a new member and may be excluded from voting for the purposes of any election as further provided under these rules.

Rule 5 Governing Body, Officers and Staff

- a. The governing body of the union shall be the National Executive Council. The NEC shall comprise twenty elected *Working Members* of the union and the General Secretary and Deputy General Secretary of the union. The NEC shall have responsibilities in accordance with rule 6. All members of the NEC except the General Secretary and Deputy General Secretary shall have a vote.
- b. The officers of the union shall be the General Secretary, the Deputy General Secretary and such national officers as have been appointed under rule 9. The General Secretary and the Deputy General Secretary shall be known as the Senior Officers.
- c. All officers of the union shall be employees of the union and work under the direction of the General Secretary on terms and conditions of employment endorsed by the NEC. They shall retire no later than their sixty-fifth birthday. They shall be expected to be and remain *Working Members* of the union during their employment. If removed from office for any reason they will then be dealt with in accordance with their contract of employment.
- d. In addition to the officers, the union shall employ such staff as the General Secretary determines are required to properly perform the union's functions.
- h. For the purpose of facilitating the Transfer of Engagements from another Union, the NEC may determine to increase the size of the NEC above the number of 20 provided for in (a). Any such increase will be effective from the vesting date as determined by the relevant Transfer of Engagements document and the method of election of the additional seat or seats shall be as determined in the Transfer of Engagements document. Such seats created by the NEC under this sub-rule shall not be subject to the election procedures set out in rule 6. Any such seat will not exist for more than 3 years from the vesting date as determined by the Transfer of Engagements document.

Rule 6 National Executive Council – Composition, Election, and Responsibilities

- a. The twenty elected members of the NEC shall be elected by ballot of the Working Members of the union formed into various regional, joint regional and national election groups for that purpose. A Working Member shall not be entitled to vote in an NEC election unless he or she is a Working Member on the day on which the relevant NEC ballot is called (the NEC nomination date) and has been a member for two years at the date the ballot opens.

Members of the NEC shall hold office for three years. The regional election groups shall elect the fifteen regional seats from the regions as determined pursuant to rule 10 and in accordance with the provisions of this rule. The joint regional election groups shall elect three seats representing women members. The national election group shall elect two members: one representing ethnic minority members and one representing members with disabilities. The three seats representing women shall be elected by joint regional group as in 6(d) below.

Working Members will be allocated and entitled to vote for regional NEC seats according to their geographical location as determined by the NEC. All *Working Members* shall be entitled to vote in the national election group for the seats representing ethnic minority members and members with disabilities. All *Working Members* in the relevant joint regional group will be entitled to vote for that joint regional group women's seat. The NEC seats shall be determined on a "first past the post basis".

- b. No region shall have more than one of the two national seats representing ethnic minority members and members with disabilities, unless having only one would result in either seat not being filled. In the event that both the members elected to the two seats are from the same region, the place of the candidate who secured the lower number of votes between the two otherwise successful candidates shall be allocated to the candidate from another region who secured the next highest number of votes in that seat.
- c. No workplace may hold more than two NEC seats. This does not restrict branches from nominating multiple candidates to stand for election to national, joint-regional or regional seats. However, should more than two candidates from any one workplace poll a winning number of votes in the elections, then candidates will be declared elected in the following order:
1. Winners of national seat elections
 2. Winners of joint-regional seat elections
 3. Winners of regional seat elections

Once two candidates from any one workplace have been declared elected, all other results in any election for candidates from the same workplace will be disregarded. Then the candidate or candidates from a different workplace or workplaces who polled the next highest number of votes in that election will be declared elected until all seats have been allocated.

In the event that there are insufficient numbers of candidates from different workplaces to be able to fill all the regional seats available, nominations for those seats will be re-opened.

- d. The number of regional seats elected by each region will be determined by the voting strength of the region which will be assessed by determining the total number of all categories of members of the union in each region at the thirtieth of June preceding the election and applying a divisor of fifteen. The seats shall be allocated between the regions using the figure achieved as a result of dividing the total membership by fifteen. That figure shall be known as the divider.

Each region shall be allocated one seat for the number of times the divider divides into the number of members in the region and leaves a remainder, save that no region shall have less than one regional seat. When all seats have been allocated to regions using the divider and giving each region a minimum of one seat, any balance of seats shall be allocated to regions using the remainders. Remainders shall be applied in order of the size of the remainder to allocate the remaining seats until all seats have been allocated, save that no region shall have more than three regional seats.

The seats for women will be elected by joint regions to be determined by the NEC. The determination of any dispute about the calculation of the voting strength of a region or any related matter shall be a matter for the NEC to resolve, whose decision shall be final.

- e. All *Working Members* of the union who have been in membership for more than four years and who have held one or more positions as duly-appointed or elected representatives of the union for at least two years immediately preceding the date on which nominations are called for (the NEC nomination date) shall be eligible to stand for election to the NEC. However, an employee of the union, whether they are directly or indirectly employed by the union, or employed by a subsidiary business of the union, shall not be permitted to stand as a candidate for election to the NEC. Those standing for regional seats must additionally have been working in the relevant geographical area for at least two years prior to the NEC nomination date. Only women may stand for the three women's seats.
- f. The NEC shall call for a ballot and for nominations for the NEC not later than two years and ten months after the date on which the result of the previous triennial NEC Ballot was announced. Within three working days after the day on which the NEC has called for the NEC ballot (which shall be the NEC nomination date) the timetable for elections to the NEC shall be determined by the Returning Officer who will normally be the General Secretary.

The Returning Officer shall write to the branches to call for nominations to be submitted on the prescribed form to a nominated person at Head Office in accordance with the timetable. Nominations shall be supported by endorsement by branches of the Union which in the case of regional seats must be branches within the area of the regional seat and in the case of a woman's seat must be branches within the relevant joint regions. A nomination shall not be valid unless supported by at least two branches if a regional seat, or at least five branches if a joint regional or national seat. A candidate must be nominated by the candidate's own branch.

No member may stand for more than one *NEC* seat. The names of validly-nominated candidates shall be sent to a postal ballot of the *Working Members* within the relevant electoral group. Ballot papers will contain the full names of candidates and a list of nominating branches. Candidates may provide for inclusion with the ballot paper of a supporting statement of not more than five hundred words which shall be subject to approval by the General Secretary. The General Secretary may on notice to the candidate vary the content of a statement if legal advice is to the effect that the statement would otherwise be defamatory or unlawful or in breach of the union's rules. Following publication of the result of the election, the successful candidates will take their seats on the NEC with effect from the date of the expiry of the three-year term of office of the previous NEC members.

- g. The NEC shall meet at least four times per year. The NEC shall draw up standing orders for the conduct of its meetings.
- h. The NEC may invite such officers and other employees of the union to attend meetings of the NEC for the purposes only of providing factual information or professional or technical advice. The NEC may at its discretion allow such other persons as it wishes, including *Community Members'* representatives, to attend one or more meetings of the NEC as observers, but such persons may speak only if called upon to do so and shall not have a vote.
- i. The duties of the NEC shall be to determine the policies of the union on all matters unless otherwise provided under these rules. Except where otherwise provided in these rules, the NEC shall have full authority to act in the name of the union and to exercise all powers and to do on behalf of the union everything it is legally entitled to do under these rules.
- j. The Chair and Vice-Chair of the NEC, appointed in accordance with the standing orders of the NEC shall be, respectively, the President and Vice-President of the Union.
- k. Any casual vacancy occurring on the NEC for a period of nine calendar months or less shall be left vacant for the remainder of that term of office. In the event of a casual vacancy occurring on the NEC for a period of more than nine months the NEC shall call for an election to fill the vacancy in accordance with the procedures in rule 6 above for the remainder of the term of office.
- l. The NEC shall appoint a Finance and General Purposes Committee (F&GPC) comprising the General Secretary and the Deputy General Secretary, the President and Vice-President and such other NEC members as have been appointed as trustees. The General Secretary shall convene meetings of the F&GPC. The NEC may appoint such other committees as it shall decide.

Rule 7. Election of and responsibilities of General Secretary and Deputy General Secretary

- a. Candidates for the offices of General Secretary and Deputy General Secretary shall be *Working Members* of the union with not less than ten years' membership who have held office as an elected or appointed officer or lay official for not less than the previous five years immediately prior to the nomination date. For the purposes of this rule the term officer shall mean those elected or appointed in accordance with rules 7 or 9 of these rules, and those union employees with responsibility for the organisation and representation of the membership of the union.
- b. The General Secretary and Deputy General Secretary shall hold office for five years from the date of election. The General Secretary and Deputy General Secretary shall retire on reaching the age sixty-five, irrespective of the date upon which they were elected and whether or not their term of office has expired.
- c. Any General Secretary who at the date of expiry of a five-year elected term of office, is aged sixty or more and has been employed by the union for at least five years, shall be allowed to continue in office until the age of sixty-five without standing for re-election. A General Secretary wishing to exercise his or her right under this rule shall do so by notice in writing to the NEC not later than six months before the date of his or her sixtieth birthday.
- d.
 - (i) On an appropriate date (which shall be the nomination date) the NEC shall call a ballot and appoint a Returning Officer to determine the timetable for electing the General Secretary and/or Deputy General Secretary. The Returning Officer shall by notice to all *Working and Community Members* call for nominations to be submitted in writing from amongst those who will be eligible to take office. The Returning Officer shall be determined by the NEC
 - (ii) Nominations shall be supported by endorsement of a candidate by branches of the union. A nomination shall not be valid unless supported by at least twenty branches and those branches must be from within not less than four regions. One supporting branch shall be the candidate's own branch. The names of validly-nominated candidates will be sent to a postal ballot of all *Working and Community Members*. A member shall not be entitled to vote in an election for the General Secretary or Deputy General Secretary unless he or she is a member on the nomination date, and has been a member for two years on the date the ballot opens.

Ballot papers will contain the full names of candidates and a list of nominating branches. Candidates shall provide for inclusion with the ballot paper a supporting statement of not more than 500 words which shall be subject to the approval of the NEC. The NEC may on notice to the candidate, and with the candidate's consent, vary the content of a statement if legal advice is to the effect that the statement would otherwise be defamatory or unlawful or in breach of the union's rules. The result of the election shall be governed by the "first past the post" system.
- e. The duties of the General Secretary shall be to supervise and manage the day to day affairs of the union on behalf of the NEC and to control and be responsible to the NEC for the efficient administration of the union. He or she shall exercise the powers of the NEC between meetings of the NEC as well as all such other powers as are reserved to the General Secretary under these rules.

The General Secretary shall be responsible for the appointment of all staff other than those to be appointed by the NEC under these rules and shall determine the terms and conditions of all officers and staff unless otherwise provided by these rules. The General Secretary shall have power to act in the name of the union in any emergency. The General Secretary shall have the right to attend and speak at all meetings of the NEC. The Deputy General Secretary shall deputise for the General Secretary when authorised to do so by the General Secretary and otherwise will assist the General Secretary as directed by the General Secretary. When acting as General Secretary under the authority of the General Secretary, the Deputy General Secretary shall have all the powers of the General Secretary. The Deputy General Secretary shall have the right to attend and speak at all

meetings of the NEC whether or not the General Secretary also attends the NEC.

Rule 8 Removal of General Secretary and Deputy General Secretary

The General Secretary or Deputy General Secretary may be removed from office only by a ballot of the members supported by the majority of those voting. Such a ballot shall be held following a recommendation from the NEC that the issue be put to ballot. If the General Secretary or Deputy General Secretary has been in breach of his or her contract of employment then, subject to the terms of that contract and a ballot for removal having been passed, he or she may be dismissed from employment in accordance with that contract. The NEC may suspend from duty the General Secretary, or as the case may be, the Deputy General Secretary, once a recommendation for a ballot has been made and such suspension shall cease immediately if the ballot does not support removal from office.

Rule 9 Appointment and Responsibilities of other Officers

On the recommendation of the General Secretary, the NEC may appoint such national officers as the General Secretary shall recommend. National officers shall undertake such responsibilities and have such designation as the General Secretary shall determine. National officers may be removed from office by the NEC on the recommendation of the General Secretary. Officers removed from office by the General Secretary shall then be dealt with in accordance with their contracts of employment.

Rule 10 Regional and Organisational Structure of the Union

a The union shall be divided into geographical regions and each region shall be comprised of a number of branches. Members shall be allocated to a branch in the region in which they work if *Working Members* or where they live if *Community Members*. The NEC shall decide on the identity, make up, size, organisation and location of branches as recommended by the General Secretary in the interests of the developing needs of members and the union. The NEC shall open and close branches on the recommendation of the General Secretary. A branch shall not be closed unless it has first been consulted on the proposal for closure. The NEC may provide for branches limited to students amongst *Community Members* branches.

The NEC shall define and circulate Branch Standing Orders and all branches shall comply with these. The NEC may agree any variation to Branch Standing Orders at the request of a branch. Each branch shall elect a President, Secretary, and a Learning Representative and, where appropriate, a Works Representative and a Health and Safety representative, and a branch committee.

b The regions of the union shall be such number as shall be determined by the NEC and each region shall be a regional electoral group for the purposes of rule 6. The exact geographical areas, of which the regions shall be comprised, shall be determined by the NEC and shall be published. The NEC will not vary the regional areas except to reflect established demographic changes in the location of members or to assist with the transfer of engagements to the union of other organisations. No changes to regional areas shall be made later than nine months before an NEC triennial election. The NEC shall establish regional offices at locations of its choosing and may vary the location of offices from time to time, as required.

c On the recommendation of the General Secretary the NEC may establish organisations of members in specific industries or employments in order to organise relevant members. These may be regional or national and shall comprise such representatives of members and have such areas of interest, responsibility and accountability, as the NEC shall determine from time to time.

d In each region there will be a Regional Forum which shall meet four times each year at a location within the region. Each forum shall be comprised of regional staff, appropriate NEC members, and at least one elected officer of each branch within the region. Retired members may be represented. Each forum shall receive and consider reports of meetings of the NEC, discuss other matters of union business including matters affecting communities and brief NEC and regional staff on issues of concern to members. Responsibility for the organisation of representation at, and for servicing, each forum shall be with the Regional Office. Each Regional Forum shall operate in accordance with standing orders as approved by the NEC.

Rule 11. NLBD and other Sections

- a There shall be a section of the Union known as the NLBD section, which shall be open to all *Working and Community Members* with disabilities. The arrangements, including any necessary bye-laws, for administration of the section shall be determined from time to time by the NEC who will appoint a National Officer to be responsible for the section. The section shall have primary responsibility for promoting the interests of members with disabilities in the workplace and in communities and specifically those employed in workshops and other businesses employing primarily disabled persons. Members of the section shall be organised into branches pursuant to rule 10, being either *Working Member* branches or *Community Member* branches. Membership of the section shall comprise all former members of the ISTC NLBD section and any other member with a disability who chooses to be a member of a branch of the section. The NLBD section shall be responsible for the national organisation of members who are members of the section irrespective of the region within which members work or live.
- b For the purpose of facilitating a Transfer of Engagements from another Union, the NEC may create such other section or sections of the Union as the NEC may decide. Such sections shall have byelaws as defined by the Transfer of Engagements document. The composition, governance and responsibilities of any section shall be described in the byelaws.

Rule 12. Trustees and Funds

- a All funds generated through the activities of the union and from members of the union whether by way of subscription, fines, levies, borrowing, investment, interest or however otherwise and wherever accrued centrally, regionally or through branches or committees shall be funds of the union. All funds of the union shall be remitted to and held in funds administered through the Head Office of the union. With the consent of the NEC, branches may raise local funds as a voluntary levy on branch members or by seeking donations from elsewhere. Such local funds may be used as the branch shall determine providing such use is consistent with the objects, rules and policies of the union.
- b The funds of the union shall be applied for the purposes of, and in order to attain, the objects of the union. The union shall have a general fund, a political fund, a provident benefit fund, and such other funds as the NEC may from time to time determine.
- c All property of the union, including all funds held by the union, shall be vested in trustees who for the avoidance of doubt shall hold such property or funds subject to the provisions of the rules together with any supplemental documents executed by the NEC from time-to-time.
- d There shall be three trustees of the union elected from amongst the members of the NEC. The trustees shall take office immediately on being appointed. A trustee shall hold office for a period of three years from the date of appointment. A trustee may be re-appointed. A trustee shall resign as trustee on leaving the NEC. In the event of a vacancy occurring for whatever reason, the NEC shall appoint an NEC member as trustee to fill that vacancy for the outstanding period of the vacancy.
- e The trustees shall, as directed by the NEC, and in accordance with their powers pursuant to Rule 12 or any supplemental or ancillary documents created by the Trustees as authorised by the NEC from time-to-time, invest, safeguard and keep all funds and property of the Union received by them in such manner as may be authorised by any supplemental or ancillary documents as approved by the NEC for the proper investment of the funds of the union.
- f The trustees shall have authority to enter into such transactions and to execute such documents as may be necessary for the proper management and investment of the funds and acting under the direction of the NEC shall have the power to borrow money on security or otherwise and to dispose of any assets of the union. The trustees shall be authorised to take such professional advice, as they shall deem necessary, to ensure the proper investment and management of the funds of the union and to defray any expense of taking such advice out of the funds of the union.
- g The NEC may remove a person from the office of trustee.

Rule 13. Biennial Delegate Conference and Emergency Conferences

a There shall be a Biennial Delegate Conference (BDC) of the union held in 2006 and every other year thereafter at a date, location and for such duration of time as determined by the NEC. The NEC shall give not less than three months' notice of the place and date for the BDC.

b

(i) In respect of each BDC from 2008 onwards there shall be a maximum of 150 delegates representing branches plus the regional delegates representing the retired members section.

Each region shall be entitled to send delegates representing the branches in that region. The number of delegates for each region shall be determined on the following basis. At least three months before the date for conference, the NEC shall call for an assessment of the number of members in each region and the number of members in each branch.

A divisor will be determined by dividing the total number of members in all regions by 150. Each region shall be entitled to send the number of delegates which is represented by the application of the divisor to the membership of the region (the total delegation). Each branch within each region with the same or more members than the divisor will be entitled to one delegate. Each branch within each region with fewer members than the divisor will be matched with an appropriate branch or branches by each Regional Office to complete the total delegation and to secure the fair and balanced representation of branches in each region reflective of the membership including Retired Members.

Any matched branches which are not content with the Regional Office's decision may appeal to the Conference Agenda Committee whose decision shall be final. The delegate to represent the branch or matched branches shall be chosen by the members of the branch or matched branches by ballot of all members of the branch or branches or by such other method as the Regional Office considers most fair and practical.

(ii) Voting at the BDC shall be on the basis that each delegate shall have one vote and that matters shall be determined by a simple majority of those present and voting. The business of Conference shall be to receive a biennial report from the NEC to receive fraternal delegations and to decide upon motions submitted by the NEC and by branches.

No branch may submit more than two motions for consideration at any BDC. Motions to be debated must be submitted, whether by the NEC or by branches, no later than thirty days before the opening day of the BDC. Motions must be submitted on the appropriate form through the relevant branch secretary following a quorate branch meeting, or through Regional Office if no branch secretary is in post.

Motions shall be considered by a conference sub-committee to be known as the Conference Agenda Committee (CAC) comprised of five members appointed by the NEC, three of whom shall be members of the NEC, and two of whom shall be lay members. The President and Vice-President shall not be members of the CAC but shall be entitled to attend.

The CAC shall rule out any motion which they consider offends the union's objectives or is otherwise contrary to these rules, or the lack of significance of which is such that it may reasonably be omitted to ensure there is sufficient time to discuss all business of substance.

The timetable for submission of motions and amendments to the Conference by branches

and/or the NEC, for the compositing of motions and for the final despatch of conference agenda and related documentation to delegates shall be determined by the NEC and notified to branches.

- (iii) Decisions of the BDC shall not bind the NEC except in respect of political lobbying issues to the extent permitted by the Political Fund rule.
- c The General Secretary, Deputy General Secretary, all members of the NEC, and any National Officers shall be in attendance at conference but shall not have a vote. The President and Vice-President of the union shall be the Chair and Vice- Chair of the BDC.
- d Delegates shall receive expenses incurred attending conference in accordance with guidelines issued by the NEC in advance of conference.
- e An emergency conference may be called by the NEC on such terms as it decides.

Rule 14. Member Ballots

Unless otherwise provided by these rules or by statute ballots of members shall be ballots of all members and shall be secret postal ballots determined on a simple majority basis. A ballot of members may be called by the NEC as provided for in these rules or on any other matter consistent with these rules at any time. The NEC may use such other facilities as it determines to assess membership opinion.

Rule 15. Affiliations

The union shall affiliate to the Labour Party, the Trades Union Congress, the Scottish Trades Union Congress, the Wales TUC, the Irish Congress of Trade Unions and similar bodies, including national and international trade union organisations, and, on the recommendation of the NEC, any other body pursuing similar objects to the union.

Rule 16. Auditors

The NEC shall each year appoint a firm of chartered accountants as auditors to the union in accordance with statutory requirements. The auditors shall submit an annual report to the NEC. Any auditor so appointed by the NEC shall not be removed from office except by resolution consistent with statutory requirements.

Rule 17. Industrial Action

Industrial action, whether strike action or action short of strike, shall be called only by the General Secretary or in his or her absence, the Deputy General Secretary acting on the authority of the NEC. Any branch or group of branches wishing to take industrial action in respect of a dispute with an employer shall liaise initially with the relevant National Officer or equivalent and thereafter with the Head Office of the Union in respect of compliance with all relevant legal requirements preceding the taking of industrial action.

Rule 18. Retired and Honorary Members

- a Retired members may at the discretion of the NEC be organised into Retired Member branches for the purpose of administration and organisation. Retired Members shall not be eligible to participate in the activities of branches other than Retired Members' branches. A person who is otherwise eligible to be a member of the Retired Members' section may, if he or she prefers, maintain membership of a Community Members' branch.

- b. Retired Members and Honorary Members shall be entitled to attend a regional forum at the discretion of the Regional Office. They shall not be entitled to vote in or stand for election to any position in the union except as an officer of their Retired or Community Members' branch.
- c. Retired and Honorary members shall be entitled to such benefits as may be defined by the NEC from time to time.

Rule 19. Termination of Membership and Resolution of Disputes within the Union

- a. Subject to such statutory restrictions as may apply, membership of the union may be terminated if a member acts in a way which, in the reasonable opinion of the NEC, brings the union into disrepute or for one or more of the reasons set out in rule 3h. Except where removal from membership is due to arrears of subscription or resignation, the procedures set out in this rule shall be followed.
- b. The following procedures shall apply for the resolution of disputes within the union. Disputes covered by this rule shall be disputes between members, disputes between members and their branches, disputes between branches, disputes between branches and their regional officials, and disputes between branches and the NEC. No other matter shall be capable of forming a dispute within the union for the purpose of resolution under this rule.
- c. A member who has a dispute with another member shall refer it to the branch committee for consideration and resolution. If that does not achieve resolution it may be referred to the relevant National Officer or equivalent, whose decision shall be final. In the event of a dispute between a member and a branch or between a branch and a regional official or between a branch and another branch or branches it shall be referred for determination by the NEC. In the event that the matter is not satisfactorily resolved or if the matter is a dispute between a branch and the NEC it may be referred by either party to the General Secretary whose decision shall be final.
- d. All disputes and appeals raised by reference to this rule shall be submitted in writing with the reasons for the dissatisfaction. In the case of a decision by the NEC or the General Secretary that decision shall be set out in writing.

Rule 20. Disciplinary matters

- a. (i) subject to statutory requirements, the union shall have the power to discipline any member in accordance with the provisions of these rules. This rule shall apply where the member's conduct has brought the union into disrepute, which shall include conduct determined to be contrary to the interests or any object of the union.

(ii) Without limitation, this shall include behaviour by members which involves libelling or slandering the union or any official of it; disrupting meetings of the union; using offensive language; being drunk and disorderly at any official meeting of the union; improperly using the union's funds or property; publishing or displaying literature in an environment where such publication is likely to be associated with the union and considered to be offensive or contrary to the interests of the union, damaging or destroying property of the union; being found to be a member of an organisation the objects of which are contrary to any of the rules or objects of the union; and failing to comply with any requirement imposed under this rule.
- b. Where any member, branch or officer believes that a member may have so conducted him or herself so as to bring the union into disrepute such as to justify disciplinary action under this rule, a written report shall be made by the complainant. The complaint shall first be investigated by a National

Officer or equivalent, who shall investigate and produce a written report to the NEC.. On receipt of a written report under this rule the NEC shall first exclude three of its members, a different National Officer or equivalent, the three trustees, and the General Secretary from consideration of the report and its subsequent discussions of the matter then having considered the report cause such further enquiry, if any, to be made to verify the facts as it considers necessary. If the NEC believes a charge should be proceeded with then or after further enquiry, it shall direct the investigating National Officer to formulate an appropriate charge with reasons and forward it to the member.

If a complaint made against a member is deemed to be of a nature that requires it then the investigating National Officer may ask the General Secretary acting on the authority of the NEC to suspend the member from participating in all affairs of the union pending the outcome of the disciplinary process.

The member shall be given the opportunity to respond to a charge by written reply. If, after considering that response, the NEC considers that the member has a case to answer, then the NEC shall summon a disciplinary tribunal comprised of the three excluded NEC members, who shall be supported by the excluded National Officer or equivalent. The tribunal shall be conducted in accordance with the requirements of natural justice and, on conclusion of the disciplinary hearing, a decision shall be reached by the tribunal who shall make a recommendation to the NEC as to how to proceed. The recommendations available to the tribunal shall be that the matter has not been proved and that no further action be taken or that the matter has been proved and action should be taken of a specified type. The NEC shall apply the recommendation of the tribunal.

The types of action that may be specified by the tribunal may be a reprimand, suspension from all union offices for a specified period of time, suspension from membership for a specified period of time with loss of rights to benefits during that time, or expulsion from the union.

- c There shall be a right to an appeal against a decision, and/or against a punishment other than a reprimand, to the three excluded trustees, who shall be assisted by the General Secretary. The decision of the three trustees shall be final. If they find the charge proved or if the appeal is just against punishment they may apply any one of the sanctions specified in 20b above.

Rule 21 Political Fund Rules

Political Fund

- 1 The objects of the Union shall include the furtherance of the political objects to which section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992 (the Act) and Article 59 of the Trade Union and Labour Relations (NI) Order 1995 apply, that is to say the expenditure of money -
 - a on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;
 - b on the provision of any service or property for use by or on behalf of any political party;
 - c in connection with the registration of electors, the candidature of any person, the selection of any candidate, or the holding of any ballot by the union in connection with any election to a political office;
 - d on the maintenance of any holder of a political office;
 - e on the holding of any conference or meeting by, or on behalf of, a political party or of any other meeting, the main purpose of which is the transaction of business in connection with a political party;

- f on the production, publication or distribution of any literature, document, film, sound recording or advertisement, the main purpose of which is to persuade people to vote for a political party or candidate or to persuade them not to vote for a political party or candidate.

Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with his or her attendance as such shall, for the purposes of paragraph 1e above, be taken to be expenditure incurred on the holding of the conference or meeting.

In determining, for the purposes of paragraphs a to f above, whether the union has incurred expenditure of a kind mentioned in those paragraphs, no account shall be taken of the ordinary administrative expenses of the union.

In these objects -

"candidate" means a candidate for election to a political office and includes a prospective candidate;

"contribution", in relation to the funds of a political party, includes any fee payable for affiliation to, or membership of, the party and any loan made to the party;

"electors" means electors at any election to a political office;

"film" includes any record, however made, of a sequence of visual images, which is capable of being used as a means of showing that sequence as a moving picture;

"local authority" means a local authority within the meaning of section 270 of the Local Government Act 1972 or section 235 of the Local Government (Scotland) Act 1973; and

"political office" means the office of member of Parliament, member of the European Parliament or member of a local authority or any position within a political party.

- 2 Any payments in the furtherance of such political objects shall be made out of a separate fund of the union (hereinafter called the Political Fund).
- 3 As soon as is practicable after the passing of a resolution approving the furtherance of such political objects as an object of the union, the NEC shall cause a notice in the following form is given to all members of the union in accordance with this rule:

TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992

A resolution approving the furtherance of political objects within the meaning of the above Act as an object of the Union has been adopted by a ballot under the Act. Any payments in the furtherance of any of those objects will be made out of a separate fund, the Political Fund of the union, but every member of the union has a right to be exempt from contributing to that fund. A form of exemption notice can be obtained by, or on behalf of, any member either by application at, or by post from, the head office or any regional office of the Union or from the Certification Office for Trade Unions and Employers' Associations, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ.

This form, when filled in, or a written request in a form to the like effect, should be handed into or sent to the Membership Department

The notice shall be published to members by such methods as are customarily used by the union to publish notices of importance to members and shall include the following minimum requirements. The notice shall be published in the union's main periodical which is circulated to members. A copy of the notice shall be posted up and kept posted up for at least twelve months in a conspicuous place, accessible to members, at the office or meeting place of each region of the union. The Membership Department shall also take steps to secure that every member in the region, so far as is reasonably practicable, receives a copy of the notice, and shall supply a copy to any member on request. The NEC shall provide the Membership Department with a number of copies of the notice sufficient for these purposes.

4. Any member of the union may at any time give notice on the form of exemption notice specified in paragraph 5 below, or by a written request in a form to like effect, that he or she objects to contributing to the Political Fund. A form of exemption notice may be obtained by, or on behalf of, any member, either by application at,

or by post from, the Head Office or any regional office of the union, or from the Certification Office for Trade Unions and Employers' Associations, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ.

5. The form of exemption notice shall be as follows:-

**COMMUNITY POLITICAL FUND
EXEMPTION NOTICE**

I hereby give notice that I object to contributing to the Political Fund of the union and am in consequence exempt, in the manner provided by Chapter VI of the Trade Union and Labour Relations (Consolidation) Act 1992, from contributing to that Fund.

Signature

Name and Membership Number.....

Address

.....

Date

6 Any member may obtain exemption by sending such notice to the Membership Department and, on receiving it, the Membership Department shall send an acknowledgement of its receipt to the member at the address in the notice, and shall inform the General Secretary of the name and address of that member.

7 On giving such notice, a member shall be exempt, so long as his or her notice is not withdrawn, from contributing to the political fund of the union as from either:

- (a) the first day of January next after notice by the member is given,
- or
- (b) in the case of notice given within one month after the notice given to members under paragraph 3 above or after the date on which a new member admitted to the union is supplied with a copy of these rules under paragraph 13 below, as from the date on which the member's notice is given.

8 The NEC shall give effect to the exemption of members to contribute to the Political Fund of the union by relieving any members who are exempt from the payment of part of any periodical contributions required from the members of the union towards the expenses of the union as provided and such relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment.

For the purpose of enabling each member of the union to know as respects any such periodical contribution what portion, if any, of the sum payable by him or her is a contribution to the Political Fund of the union, it is hereby provided that 20p [or £1 (LAB contribution rate only)] of each weekly contribution is a contribution to the Political Fund, and that any member who is exempt shall be relieved from the payment of the sum of 20p, and shall pay the remainder of such contribution only.

9 A member who is exempt from the obligation to contribute to the Political Fund of the union shall not be excluded from any benefits of the union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the union (except in relation to the control or management of the Political Fund) by reason of his or her being so exempt.

10 Contribution to the Political Fund of the union shall not be made a condition for admission to the union.

11 If any member alleges that he or she is aggrieved by a breach of any of these rules for the Political Fund, being a rule or rules made pursuant to section 82 of the Act, he or she may complain to the Certification Officer, and the Certification Officer, after giving the complainant and any representative of the union an opportunity of being heard, may, if he or she considers that such a breach has been committed, make such order for remedying the breach as he or she thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by section 95 of the Act, be enforced in the manner provided for in section 82(4) of the Act.

12 Any member may withdraw his or her notice of exemption on notifying his or her desire to that effect to the Membership Department, who shall on receiving it, send the member an acknowledgement of receipt of the notification and inform the General Secretary of the name and address of that member.

13 The NEC shall ensure that a copy of these rules for the Political Fund is available, free of charge, to any member of the union who requests a copy.

- 14 The NEC shall ensure sufficient copies of these Political Fund rules are held by the union for distribution to each member.
- 15 The Membership Department shall supply a copy of these Political Fund rules free of charge to each member.
- 16 A copy of these Political Fund rules shall also be supplied by the relevant regional officer to every new member on his or her admission to the union.
- 17 Notwithstanding anything contained in this rule or elsewhere in these rules, the NEC shall have power to alter the amount of the political contribution herein provided for by ordinary resolution. Such alterations shall be deemed to be a partial alteration of the rule. Any alteration affected by the NEC and the amount of the contribution shall be notified to the contributing member at least two months before the end of the current year and shall take effect only as from 31st December.

POLITICAL FUND NORTHERN IRELAND

- 18. Under Article 59 of the Trade Union & Labour Relations (Northern Ireland.) Order 1995 no Northern Ireland member of the union shall be required to make any contribution to the Political Fund of the union unless he or she has delivered as provided in paragraph 20 below to the Head Office or to a regional office of the Union a notice in writing, in the form set out below, of his or her willingness to contribute to that Fund, and has not withdrawn the notice in the manner provided in paragraph 19 below.

Every member of the union who has not delivered such a notice or who, having delivered such a notice has withdrawn it in the manner provided in paragraph 19 below, is to be deemed for the purpose of these rules to be a member who is exempt from the obligation to contribute to the Political Fund of the union.

**FORM OF POLITICAL FUND CONTRIBUTION NOTICE
FOR NORTHERN IRELAND MEMBERS**

The form of willingness to contribute to the Political Fund of the union is as follows:

**POLITICAL FUND CONTRIBUTION NOTICE
NORTHERN IRELAND**

I HEREBY give notice that I am willing and agree, to contribute to the political fund of the union, and I understand that I shall in consequence be liable to contribute to that Fund and shall continue to be so liable, unless I deliver to the Head Office or some regional office of the union, a written notice of withdrawal. I also understand that after delivering such a notice of withdrawal I shall still continue to be liable to contribute to the political fund until the next following first day of January.

Signature

Name and Membership Number.....

Address

.....

Date

- 19 If at any time a member of the union, who has delivered such a notice as is provided for in paragraph 18 above, gives notice of withdrawal thereof, delivered as provided in paragraph 20 below to the Head Office or at any regional office of the union, he or she shall be deemed to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.
- 20 The notices referred to in paragraphs 18 and 19 above may be delivered personally by the member or by an authorised agent of the member, and any notice shall be deemed to have been delivered at the Head or a regional office of the union if it has been sent by post properly addressed to that office.
- 21 The NEC shall give effect to the statutory exemption of Northern Ireland members to contribute to the Political Fund of the union by making a separate levy of contributions to that Fund from those Northern Ireland members who have provided written consent of their willingness to contribute, namely, the sum of 20p payable weekly. No moneys of the union other than the amount raised by such separate levy shall be carried to the Political Fund.

- 22 Northern Ireland members who are statutorily exempt from the obligation to contribute to the Political Fund of the union shall not be excluded from any benefits of the union, or placed in any respect, either directly or indirectly, under any disability or disadvantage as compared with other members of the union (except in relation to the control or management of the Political Fund) by reason of their being exempt.
- 23 Contribution to the Political Fund of the union shall not be made a condition for admission to the union.
- 24 If any Northern Ireland member alleges that he or she is aggrieved by a breach of any of the rules made pursuant to Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995, he or she may complain to the Northern Ireland Certification Officer, 10-12 Gordon Street, Belfast BT1 2LG, under Article 57 (2) to (4) of that Order. If, after giving the complainant and a representative of the union an opportunity to be heard, the Certification Officer considers that a breach has been committed, he or she may make an order for remedying it as he or she thinks just in the circumstances. Under Article 69 of the 1995 Order, an appeal against any decision of the Certification Officer may be made to the Court of Appeal on a question of law. Additionally, if any Northern Ireland member alleges that he or she is aggrieved by a breach of the Political Fund rules made pursuant to section 82 of the Trade Union and Labour Relations (Consolidation) Act 1992 he or she may complaint to the GB Certification Officer, 22nd Floor, Euston Tower, 286 Euston Road, London NW1 3JJ. If, after giving the complainant and a representative of the union an opportunity of being heard, the GB Certification Officer considers that a breach has been committed, he or she may make an order for remedying it as he or she thinks just in the circumstances. Any such order of the GB Certification Officer is subject of the right to appeal provided for by section 82 (4) of the 1992 Act.

Rule 22. Interpretation of, and Matters not provided for within, These Rules.

The interpretation of any matter arising under these rules shall be determined by the NEC. If any matter arises for determination which is not provided for in these rules, that matter should be referred to the NEC whose decision shall be final. Decisions of the NEC in relation to the interpretation of rules, or matters not provided for in the rules, shall be published in the minutes of the NEC. The NEC may alter the rules of the union to deal with statutory requirements.

Rule 23. Amendment and Revision of Rules

These rules shall be capable of amendment if such amendment is approved by more than fifty per cent of members voting in a postal ballot, except for rules 6(b), 13(b)(iii) and 15, which shall require approval by more than seventy-five per cent of members voting. Every five years the NEC shall appoint a Rules Revision Committee comprising four NEC and four non-NEC members, all appointed by the NEC. The Committee shall report to the NEC on rules requiring revision and the NEC shall then decide which, if any, recommendations of the Committee shall be put to a ballot of the members. The NEC may refer any proposed rule change to a ballot of the members at any time.

These rules shall be capable of amendment by the NEC if such amendment is to comply with any relevant legislation or decision of the Certification Officer.

Rule 24. Dissolution

The union shall be dissolved if a motion to that effect is supported by more than ninety per cent of members voting in a ballot on that issue and no other issue. In the event of dissolution, the assets of the union, after the costs of dissolution, shall be distributed amongst the members of the union on the basis of their complete years of membership of the union, each complete year comprising one share.

