

Rules of  
Nationwide Group Staff Union



Effective - 7<sup>th</sup> October 2009

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## **INTRODUCTORY**

### **1. NAME AND PRINCIPAL OFFICE**

- (a) The Union is called the 'Nationwide Group Staff Union'.
- (b) The Union's principal office will be at Middleton Farmhouse, 37 Main Road, Middleton Cheney, Oxfordshire, or such other address as the National Executive Committee may decide.

### **2. DEFINITIONS**

Throughout these Rules, unless inconsistent with the context:

- (a) 'The Union' means the Nationwide Group Staff Union.
- (b) 'Members' means the members of the Union.
- (c) (i) 'Predecessor Union' means any of the Unions whose obligations are undertaken by the Union, whether by amalgamation or transfer of engagements. Membership of a Predecessor Union at the time of an amalgamation or transfer will count as membership of the Union.  
  
(ii) If the process of electing Representatives and/or Officers begins after the members of a Predecessor Union approve a transfer of engagements to the Union but before the transfer takes effect, the members of the Predecessor Union will be eligible to nominate candidates and vote, and (if otherwise qualified under these Rules) to stand for election, if the term of office is due to begin on or after the agreed transfer date. If the Certification Officer declines to approve the transfer, this provision will cease to have effect. Failure of the Certification Officer to approve the transfer by the agreed date will not cause any vote held under this provision to be invalid.
- (d) The 'National Executive Committee', defined in Rule 12, is the Union's principal executive committee for the purposes of the legislation governing trades unions.
- (e) 'The Society' means the Nationwide Building Society or its successor in title, and associated and subsidiary companies.
- (f) 'Other Relevant Employer' means an employer other than the Society which recognises the Union for the purpose of collective bargaining.
- (g) 'Management' means the Chief Executive, other members of Executive Management, and the Secretary of the Society or Other Relevant Employer, as appropriate.

### **3. OBJECTIVES AND GENERAL POWERS**

The objectives of the Union and its general powers in pursuing them are:

- (a) To be a registered trade union with a Certificate of Independence under the legislation in force, raising funds by subscriptions on members, and encouraging all staff in workplaces where it is recognised to become members of the Union.
- (b) (i) To be at all times the sole independent trade union recognised by the Society for the purpose of collective bargaining within the Society, fostering a spirit of cooperation, mutual confidence and goodwill between members and the Society and amongst members of the Union.  
  
(ii) Where recognised by an employer other than the Society for the purpose of collective bargaining, to foster a spirit of cooperation, mutual confidence and goodwill between members and that employer and amongst members of the

Union.

- (c) To provide a means of communication, consultation and negotiation between members in workplaces where the Union is recognised and their employer either individually or collectively, and of improving terms and conditions of employment.
- (d) To promote equality through collective bargaining, organisation, union structures, the employment of staff, education, the provision of services and benefits and all other activities; and to actively oppose all forms of prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, class, caring responsibilities, marital status, sexuality, physical or mental disability, age, or other status or personal characteristic.
- (e) To represent members individually and to provide legal advice and assistance where, in the opinion of the National Executive Committee, it is appropriate to do so.
- (f) To represent, defend and support the interests of members either individually or collectively in dealings with outside organisations. This will include representation to Government, Members of Parliament, Statutory Bodies and Commissions upon matters relating to the interests of members as governed by Union Policy or at the direction of the National Conference.
- (g) To aid, materially or otherwise, other organisations of employees having similar objectives, and/or to federate with such organisations.
- (h) To devise and promote schemes for the welfare of members, and to provide such benefits to members and members' families as the National Executive Committee thinks fit.
- (i) As the National Executive Committee considers necessary, to purchase, take on lease, or otherwise acquire for the Union any property or other interest in real estate, and to let on lease, hire or otherwise dispose of any of the Union's assets, or to grant easements over them.
- (j) To borrow or raise money by way of mortgage for any of the purposes in Rule 3(i) and to advance or lend money upon such a security as the National Executive Committee thinks proper.
- (k) To carry out any lawful actions to secure the attainment of the above objectives.

## **MEMBERSHIP**

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### **4. ELIGIBILITY**

- (a) There are four classes of membership:
  - (i) Those who are employed by the Society.
  - (ii) Those who are employed by Other Relevant Employers. Members within this class of membership are not eligible to stand for National Executive Committee positions.
  - (iii) Retired Membership where retired members who are drawing a pension from their former employer may remain members of the Union. Members within this class of membership are not eligible to stand for National Executive Committee positions.
  - (iv) Associate Membership for those who are not eligible for membership in one of the classes listed above, for instance by virtue of not being staff of the Society. Members within this class of membership are not eligible to stand for National Executive positions. The National Executive Committee will decide whether Associate Members may attend National Conference in any capacity.
- (b) Within the first two classes above, there are four categories of membership:

- (i) Those staff whose contracted hours of work are thirty-five or more per week (i.e., "full-time" staff).
  - (ii) Those whose contracted hours of work are sixteen or more per week but less than thirty five.
  - (iii) Those who are contracted to work less than sixteen hours per week, including those contracted to work on Saturdays only.
  - (iv) Parental break membership whereby those members of the Union on maternity/adoption leave may remain members of the Union.
- (c) The privileges, liabilities and rights of the individual member are personal and are neither transferable nor transmissible in any circumstance.
  - (d) Each applicant must complete an application form and forward it to the Union's principal office. Every member will receive a Membership Certificate. Subject to Rule 2(c), membership will commence from the date shown on the Certificate of Membership issued by the Union.
  - (e) No application for membership can be rejected without the authority of the National Executive Committee.

## **5. REGISTER OF MEMBERS**

- (a) A register of members will be maintained by the Union in accordance with the appropriate legislation.
- (b) Any change of name, address, status or location must be notified to the principal office of the Union.
- (c) Each member is free to inspect her / his membership record, subject to the appropriate legislation.

## **6. SUBSCRIPTIONS**

- (a) The amount of subscriptions for each class and category of membership will be notified to members by the National Executive Committee. Subscriptions may be amended after a motion to that effect has been passed by the National Conference, and one month's notice has been given to the membership, subject to approval being received in a ballot of the membership where the proposed increase is in excess of 15% of existing subscriptions.
- (b) A member's first subscription is payable in the month following the date of application for membership. Members are entitled to individual representation on receipt of the first subscription where they are within a probationary period with their employer, and on receipt of the third subscription otherwise.
- (c) Subscriptions are due each calendar month commencing from the first calendar month after the application for membership is accepted.
- (d) A member will only be entitled to any reduction in subscriptions due on a change in class or category of membership from the first of the month after the date that the member provides notice of that change to the principle office of the Union.
- (e) A member whose subscription is one calendar month or more in arrears will be given written notice of their membership being suspended and will not be entitled to attend any meeting of the Union, vote in any ballot, or receive any benefit. Membership will lapse if a member is more than three months in arrears.
- (f) A member whose membership has lapsed may, after paying the full arrears due, apply to the National Executive Committee for re-admission to membership. The Committee will have an absolute discretion as to whether to re-admit the former member.

## **7. TERMINATION OF MEMBERSHIP**

- (a) A member may terminate membership at any time by giving one month's notice in writing to the principal office of the Union. Subscriptions to the Union will cease from the month following termination of membership.
- (b) A member who leaves the employment of the Society or other employer recognising the Union will cease to be a member of the Union on the last day of the month in which the member ceases to be employed by the relevant employer, except in the following circumstances:
  - (i) Where a member transfers from one employer recognising the Union for collective bargaining purposes to another, even if this involves a change from one of the first two classes in Rule 4(a) to the other.
  - (ii) Where a member changes their membership to another of the classes in Rule 4(a).
  - (iii) A member who is involved in a dispute with the Society or Other Relevant Employer on the date of termination may, with the agreement of the National Executive Committee, continue to be represented by the Union.

## **8. DISCIPLINE**

- (a) All members are required to act in accordance with the Rules and can be removed from membership if their conduct is deemed to be detrimental to the objectives and well being of the Union.
- (b) The National Executive Committee may take disciplinary action against the member as follows:
  - (i) The General Secretary will convene the Disciplinary Committee of the National Executive Committee, made up of the General Secretary and the National Regional Officers.
  - (ii) The General Secretary will write to the member stating the charge or charges, and advising them that representation may be made in person, through a representative or in writing to the meeting of the Disciplinary Committee at which such charge or charges are to be considered. This notice will be given not less than twenty-one days prior to the meeting.
  - (iii) If, after fully considering any representation made by or on behalf of the member, a simple majority of the Disciplinary Committee present and voting find the charges proven, the General Secretary will write to the member within seven days indicating which of the following penalties (if any) the Committee has decided to be appropriate in the circumstances:
    - a) Expulsion from membership;
    - b) Suspension from membership for a period of no more than twelve calendar months;
    - c) A fine for a specified amount up to a maximum of £50;
    - d) Debarring from any office of the Union for a specified period.
  - (iv) Where the Disciplinary Committee has found the charges proven, the member may appeal in writing to the General Secretary within fourteen days. No action will be taken within that fourteen days or whilst an appeal is pending.
  - (v) Within fourteen days of an appeal being lodged, the General Secretary will convene the Appeals Committee, made up of those members of the National Executive Committee who did not sit on the Disciplinary Committee. The General Secretary will give reasonable notice of their meeting to the appellant member,

who may attend with, or send, a representative and be heard.

- (vi) The Appeals Committee may uphold or reverse the verdict and vary or rescind the findings of the Disciplinary Committee within the limits of (iii) above. Their findings will have immediate effect and will be notified to the appellant in writing. The decision of the Appeals Committee will be final.

## **REPRESENTATIVE STRUCTURE**

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### **9. ELECTIONS**

- (a) Elections will be held for all Representative positions, other than those set out in the section on Appointments. Where only one valid nomination is received for any position by the time specified on the notice to members, that candidate will be deemed elected without a ballot needing to be held.
- (b) With the exception of the General Secretary, the standard term of office for all elected Representative positions is two years, commencing in the January of alternate years.
- (c) Where a vacancy is filled after the standard term of office has begun, any Representative elected will serve the remainder of that term of office.
- (d) Where a Representative position is associated with a particular geographic area or some other group of the Union's members, an elected Representative who is transferred outside the area or otherwise ceases to be a member of the relevant group, will cease to be eligible to be a Representative, and an election will be held for a replacement. This provision will not apply where the transfer is for a period of six months or less.

### **10. CONSTITUENCIES**

- (a) Within the Society's Retail Network, the National Executive Committee will establish a structure based on Districts, Areas, and Regions.
  - (i) Each District will be entitled to one Representative (District Representative).
  - (ii) Each Area will consist of a number of Districts, as decided by the National Executive Committee. All the District Representatives in an Area will, in the January in which their appointment comes into force or as necessary thereafter, choose one of their number to act as Area Representative for the Area, to attend Regional Council meetings on behalf of the members in the Area.
  - (iii) Each Region will consist of such Areas as the National Executive Committee decides.
- (b) The National Executive Committee will establish a structure based on Departments and Subsidiaries for members working in Administration Centres, Subsidiaries, and other non-Retail offices.
  - (i) Each Department and Subsidiary will be entitled to such number of Departmental Representatives as the National Executive Committee decides prior to the general call for nominations for the elections held in accordance with Rule 10(d).
  - (ii) Departments and Subsidiaries will be grouped into such Regions as the National Executive Committee decides. In so doing, the National Executive Committee will be mindful of Society reporting structures, but will not be obliged to follow those structures.
- (c) The National Executive Committee will establish such structures as it deems appropriate for the representation of Members in the class defined in Rule 4(a)(ii).
- (d) Elections
  - (i) Elections for District and Departmental Representatives will be held by the end of

December biennially.

- (ii) All candidates for nomination must be members of the Union, working in the respective Constituency as defined in (a) and (b), and have completed one year of continuous membership of the Union from the date shown on their current membership certificate. This service qualification may be waived with the agreement of the National Executive Committee in exceptional circumstances. Nomination must be by completion of an approved Nomination Form, signed by the Proposer and Seconder who must be members of the Union, and accompanied by the written agreement of the nominee to serve if elected. Nomination Forms should be returned to the General Secretary to arrive no later than the closing date stated on the form, which will be no less than fourteen days after nominations have been sought from members.
- (iii) Voting will be by secret ballot administered by the General Secretary, in accordance with Rule 29(a).
- (iv) All members in the Constituency will be eligible to vote, unless Rule 6(d) applies.

## **11. REGIONAL COUNCILS**

- (a) The Regional Councils in the Branch Network will consist of the Area Representatives within the Region, together with the National Regional Officer. The other Regional Councils will consist of the Departmental Representatives within the Region, together with the National Regional Officer.
- (b) Functions of the Regional Council
  - (i) To consider all matters affecting the members within the Region brought to its attention by members within the Region or by representatives attending the meetings.
  - (ii) As appropriate to formulate, consider, debate and vote on Motions for submission to National Conference and resolutions for submission to the National Executive Committee to discuss and vote upon.
  - (iii) To receive reports on national and local issues, and inform all members of the activities of the Union.
- (c) Procedures of the Regional Council
  - (i) Regional Councils will meet at least twice in every calendar year.
  - (ii) A quorum will be a simple majority of those elected members entitled to be present.
  - (iii) At the first meeting following the elections specified in Rule 10(d)(i), and as necessary thereafter, the Regional Council will elect from their number a Chairperson, Equality Officer and Organiser for the Region.
  - (iv) If an elected representative is unable to attend a Regional Council meeting, a member may be nominated by the Area or Administrative Centre group to attend as their representative with full voting rights. In the Retail Network, this will ordinarily be one of the other District Representatives in the Area.

## **12. NATIONAL EXECUTIVE COMMITTEE**

- (a) Constitution and Procedures
  - (i) The Committee consists of the President, Vice-President, Treasurer and the General Secretary together with six Executive Officers, a National Equality Officer, and a National Regional Officer representing each of the Union Regions as determined in Rule 10(a) and (b).

- (ii) The Committee will meet at least six times per year.
  - (iii) A quorum will consist of a simple majority of those elected members entitled to be present.
  - (iv) The Committee will regulate its own affairs, subject to legislative requirements, the Rules and objectives of the Union, and policy established by National Conference.
- (b) Election of Committee
- (i) The General Secretary will be elected to the National Executive Committee every five years in accordance with Rule 17.
  - (ii) Excluding the General Secretary and National Regional Officers, all candidates for election must be members of the Union and have completed three years' continuous membership of the Union or a Predecessor Union from the date shown on their current Membership Certificate. Nomination must be by completion of an approved Nomination Form, signed by the Proposer and Secunder and thirty supporters who must all be members of the Union, and accompanied by the written agreement of the nominee to serve if elected. Nomination forms for National Executive Committee Officers must be returned to the General Secretary no later than the closing date stated on the form, which will be no less than fourteen days after nominations have been sought from members.
  - (iii) In an election for President, Vice President, Treasurer, National Equality Officer, and the Executive Officers, all members of the Union are entitled to vote except members who have been given notice according to Rule 6(d).
  - (iv) Candidates for election as National Regional Officers in each Region must be members of the Union working in the respective Region, and have completed three years' continuous membership of the Union or a Predecessor Union from the date shown on their current Membership Certificate. Nomination must be by completion of an approved Nomination Form, signed by the Proposer and Secunder and thirty supporters who must all be members of the Union working in the respective Region, and accompanied by the written agreement of the nominee to serve if elected. Nomination forms for National Regional Officers must be returned to the General Secretary no later than the closing date stated on the form, which will be no less than fourteen days after nominations have been sought from members.
  - (v) In an election for any National Regional Officer post, all members working in the respective Region are eligible to vote, except members who have been given notice according to Rule 6(d).
  - (vi) Voting will be by secret ballot in accordance with Rule 29(a) in an election which will take place by the end of November biennially.
  - (vii) Members of Management are not eligible for election to the National Executive Committee.
- (c) Functions of the National Executive Committee
- (i) The Committee will carry out Union policy as directed by National Conference and will take any action consistent with the Rules to further the interests of members.
  - (ii) The Committee will be responsible for the overall administration of the Union and will define the organisation; determine the relevant number of Regions under Rules 10(a) and (b); decide the level of staffing required; allocate duties; and decide the appropriate level of remuneration.
  - (iii) Members of this Committee will form the Union Negotiating Team with the Society; the Union Negotiating Team will accordingly have the authority to commit the Union.

- (iv) The Committee will agree the Union Negotiating Team for discussions with Other Relevant Employers; the Union Negotiating Team will accordingly have the authority to commit the Union.
- (v) The Committee will consider all matters affecting the members brought to its attention in writing by Representatives. This will include debating and voting on all resolutions forwarded from Regional Councils.
- (vi) The Committee will ensure that Representatives and members are regularly advised of the Union's activities by such means as it decides.
- (vii) The Committee will ensure that the Officers carry out their functions as required by the Rules.
- (viii) The Committee will prepare and circulate a report on the Union's activities to all National Conference Delegates prior to National Conference.
- (ix) The Committee will affiliate the Union to such organisations as it deems appropriate to further the interests of members. Such affiliations will be subject to ratification by the National Conference.

### **13. NATIONAL CONFERENCE - DELEGATES**

- (a) Regional Delegates
  - (i) Each Region, as defined in Rules 10(a) or (b), is entitled to send one delegate to National Conference for every 150 members in the Region in membership at 30 June preceding Conference. Membership in each Region will be rounded up or down to the nearest 150 as appropriate (75 will be rounded down). Members suspended under Rule 6(d) will not be included in the determination of Region membership.
  - (ii) Members of the Region's National Conference delegation will be drawn from the members of the Regional Council. This will be determined by vote of the Regional Council.
  - (iii) If there are insufficient National Conference delegates elected by the Regional Council as in (b)(i) and (ii), the Region's remaining National Conference delegates will be drawn from the Region's District Representatives, and then from others actively involved in the Union's activities. This will be determined by vote of the Regional Council.
- (b) Elected National Executive Committee members will also be delegates to National Conference.
- (c) Elected Standing Orders Committee members will attend National Conference in that capacity only, and will not have delegate status.

### **14. NATIONAL CONFERENCE - PROCEDURE**

- (a) Biennially, the Union will hold a National Conference whose delegates will be as determined under Rule 13. Delegates act for and on behalf of the members and, when called upon to do so, move motions on behalf of those members.
- (b) Not less than 3 months' notice of the National Conference will be given in writing to members.
- (c) Motions for debate must be submitted not less than 6 weeks prior to the date of the National Conference. Notice of such motions must be given to the General Secretary not later than the date published in a notice to the membership.
- (d) Notice of motions which it is proposed be moved at National Conference will be given only by an elected Representative, a member of the National Executive Committee, or by such

other members as may be decided by the Standing Orders Committee from time to time.

- (e) Notice of the motion will not be valid if the giving of it has not been approved by a majority of the members in whose name it is given.
- (f) The General Secretary will issue the agenda not less than 14 days prior to National Conference commencing.
- (g) National Conference may only be opened when a simple majority of Delegates entitled to attend are present.
- (h) A majority of two-thirds of all Delegates is required for a motion or decision of National Conference to become binding upon the Union. Abstentions will be counted as part of the total votes cast.
- (i) Voting procedures are laid down in Rules 29(c) and (d).
- (j) Emergency motions may be moved at National Conference and, if adopted by not less than two-thirds of the delegates voting, such motions will be added to the agenda.
- (k) There will be a Standing Orders Committee whose duty will be to prepare the agenda for Conference and to make such recommendations as may be necessary for the efficient and expeditious despatch of business.
- (l) The Standing Orders Committee will consist of 5 members, one of whom will act as Chairperson and one as Deputy Chairperson. These members will be elected at the end of each National Conference by Delegates and they will hold office until the conclusion of the following National Conference. If one of the members is not able to continue as a member of the Standing Orders Committee, a replacement will be appointed by the National Executive Committee after consulting with the remaining members of the Standing Orders Committee.
- (m) National Conference will have the power to recommend to the membership the removal of one or more members of the National Executive Committee, including the Officers, by passing a motion supported by at least two-thirds of all Delegates. Abstentions will be counted as part of the total votes cast. Removal will be deemed to have taken place following a straight majority in a secret postal ballot of the membership as a whole.

## **15. SPECIAL NATIONAL CONFERENCE**

- (a) If circumstances dictate, the National Executive Committee can call a Special National Conference by giving 21 days' notice to members.
- (b) Delegates to the Special National Conference will be as specified in Rule 13.
- (c) The agenda will be decided by the National Executive Committee.
- (d) The Standing Orders Committee (as defined in Rule 14(l)) will decide the Special National Conference procedures.

## **16 SPECIAL GENERAL MEETINGS**

- (a) Special General Meetings will be called at the request, in writing, of 5% of the members. Such a resolution must be sent to the General Secretary and state specifically the reason for the meeting and must have a Proposer and Seconder.
- (b) At least 28 days' written notice must be given of Special General Meetings. Two hundred and fifty members attending will constitute a quorum and voting will be by show of hands, or by secret ballot if a simple majority of the meeting so decides. The President will have a casting vote only.
- (c) Proposed amendments to any Resolution will be circulated to the members 10 days before the date of the Special General Meeting.

- (d) Any Resolution achieving a two-thirds majority vote will become binding on the Union.
- (e) No business will be discussed at the Special General Meeting other than that for which the meeting was called.

## **OFFICERS AND OFFICIALS**

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### **17. GENERAL SECRETARY**

The General Secretary, who may or may not be a member of the Union, will be the Chief Executive Officer of the Union.

- (a) Election
  - (i) The General Secretary will be elected by national secret ballot of the entire membership in accordance with the appropriate legislation.
  - (ii) All members of the Union shall be eligible for nomination for the position of General Secretary.
  - (iii) The General Secretary will be elected for a five year term, the election to take place by 31 October in the relevant year and the term of office to commence the following 1 January. Should a vacancy arise for any reason, an election must be organised within six months of the vacancy arising, the term of office to last for no more than five years, ending on 31 December. The National Executive Committee will appoint an Acting General Secretary until a General Secretary is elected.
  - (iv) Nomination must be by completion of an approved Nomination Form which is obtained as below and signed by the Proposer and Secunder and thirty supporting signatures who must all be members of the Union, and accompanied by the written agreement of the nominee to serve if elected. Nominees must be suitably qualified to take up the position of General Secretary. The National Executive Committee has the right in its absolute discretion to reject any application for candidature on the grounds that the applicant is not reasonably qualified. Under the selection process, any Nominee who receives the approval of a two thirds majority or more of the National Executive Committee will be shown on the ballot paper as the preferred candidate. Nomination Forms for the position of General Secretary must be obtained from the Independent Scrutineers or their agent (determined by the National Executive Committee) and should be returned in accordance with their instructions. Nomination Forms must be submitted no later than the closing date stated on the form, which will be no less than fourteen days after nominations have been sought from members.
  - (v) Every member will be entitled to one vote, other than those who have been given notice according to Rule 6(d).

- (b) Function

The General Secretary will:

- (i) Be responsible to the National Executive Committee.
- (ii) Advise upon and implement policy and other decisions of the National Conference.
- (iii) Act as Chief Negotiating Officer for the Union with the Society.
- (iv) Be responsible for the proper conduct of all elections.
- (v) Ensure that the notification, decisions and minutes of all meetings are properly distributed and recorded.
- (vi) Be the principal spokesperson for the Union in dealings with the Society and with outside organisations.

- (vii) Be responsible for the day to day direction and supervision of the Union Head Office, administration and Union employees.
- (viii) Have a place but no vote on all Union Committees.
- (ix) Delegate any of these duties whenever necessary or desirable to do so.

## **18. PRESIDENT**

### (a) Election

The President, who must be an employee of the Society, will be elected for a two year period by national secret ballot of the entire membership as detailed in Rule 12(b)(ii). The election will take place by 30 November biennially and the person elected will take office on 1 January following.

### (b) Function

The President will:

- (i) Preside at all meetings of the National Executive Committee and the National Conference.
- (ii) Sign minutes of all the above meetings.
- (iii) In conjunction with the General Secretary, coordinate all representational activities. This will include Grievance, Disciplinary and Appeals procedures.
- (iv) Ensure good communication between all Union Committees and the membership as a whole. In particular, the President will have the right to attend all Regional Council meetings.
- (v) In conjunction with the General Secretary, coordinate recruitment to the Union.

## **19. VICE-PRESIDENT**

### (a) Election

The Vice-President, who must be an employee of the Society, will be elected for a two year period by national secret ballot of the entire membership as detailed in Rule 12(b)(ii). The election will take place by 30 November biennially and the person elected will take office on 1 January following.

### (b) Function

The Vice-President will deputise for the President as necessary.

## **20. TREASURER**

### (a) Election

The Treasurer, who must be an employee of the Society, will be elected by national secret ballot of the entire membership as detailed in Rule 12(b)(ii). The election will take place by 30 November biennially and the person elected will take office on the 1 January following.

### (b) Function

The Treasurer is responsible for ensuring that all of the functions listed below are carried out:

- (i) Receipt of all income paid to the Union including members' subscriptions.
- (ii) Maintenance of all accounting records relating to the Union.

- (iii) Payment of all the Union's expenses, and the proper authorisation of all cheques drawn on an account held by the Union.
- (iv) Recommending to the Trustees proposals for the investment of surplus funds.
- (v) Preparation of interim accounts as required by the National Executive Committee and National Conference, and of an Income and Expenditure Account and a balance sheet showing the state of the Union's affairs at the end of the financial year.
- (vi) Preparation of an Annual Return for submission to the appropriate statutory Authority.
- (vii) Preparation and circulation of the Annual Financial Statement as required under the legislation in force at the time.

## **APPOINTMENTS**

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### **21. TRUSTEES**

- (a) The National Executive Committee will appoint three general trustees on a biennial basis at the first meeting of the standard term of office. The trustees must be members of the Union in one of the first two classes of Rule 4(a). Subject to the provisions in (d), the trustees will be appointed until the first meeting of the next standard term of office of the National Executive Committee.
- (b) The trustees will jointly hold in trust all assets and property belonging to the Union and fulfil the role of general Trustees, in accordance with legal requirements and these Rules.
- (c) The trustees will meet as and when considered necessary according to the business at hand, and to enact the investment policy recommended to them by the National Executive Committee. The quorum at any such meeting is two.
- (d) The National Executive Committee may appoint a replacement for any trustee who becomes unfit to carry out the above duties, or is unable to act through permanent ill health.
- (e) A company may be established to fulfil the role of Corporate Trustee for the Union. In such a case, the provisions in (a) to (d) shall be read, to the extent permitted by law, as referring to the directors of the company.

### **22. DISCIPLINARY OFFICERS**

The National Executive Committee will ensure the appointment of an appropriate number of Disciplinary Officers to represent individual members at such meetings as required. These Disciplinary Officers will be trained, accredited and regularly assessed as competent to fulfil this role.

### **23. SAFETY REPRESENTATIVES**

The National Executive Committee will ensure the appointment of an appropriate number of Safety Representatives for the welfare of members. These Officers will be recognised as Safety Representatives as defined under prevailing Health & Safety legislation. These Officers will be trained, accredited and regularly assessed as competent to fulfil this role.

### **24. EQUALITY ADVISORY COMMITTEES**

The National Executive Committee will establish Advisory Committees to canvass the views of groups of members whose interests they believe would otherwise be inadequately represented. Such Advisory Committees will provide regular reports to the National Executive Committee. The National Equality Officer and Regional Equality Officers will liaise closely with the Equality Advisory Committees.

## **25. GENERAL ADVISORY COMMITTEES**

The National Executive Committee will establish any other Advisory Committees it deems appropriate to ensure that members' views are canvassed across the whole range of the employers' activities.

## **26. AUDITORS**

- (a) At its first meeting each year, the National Executive Committee will pass a Resolution appointing auditors for the Union. The appointment, qualifications and duties of the auditors will be in accordance with statute.
- (b) The Auditors may be removed from office by a motion passed by National Conference.

## **27. INDEPENDENT SCRUTINEERS**

The National Executive Committee will appoint Independent Scrutineers to conduct and supervise ballots in accordance with statute law and the Rules and Objects of the Union. The scrutineers will report directly to the General Secretary.

## **PROCEDURAL**

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## **28. ACCOUNTS**

- (a) The funds of the Union will be applied to purposes which are consistent with the Union's objectives.
- (b) The Union's financial year will terminate at 31 December each year.
- (c) The National Executive Committee is responsible for the preparation and approval of the Annual Report and Accounts.
- (d) The accounting records of the Union are available for inspection by any member, in accordance with the appropriate legislation.

## **29. VOTING PROCEDURES**

The General Secretary and the Scrutineers as defined in Rule 27 will be responsible for the proper and efficient conduct of all votes in line with the Rules and Objects of the Union and Statute Law.

- (a) It will be the duty of the General Secretary to organise ballots for elected positions and publish the results to the membership. In carrying out these duties the following must be complied with:
  - (i) All those entitled to vote must be given equal voting rights and will be given the opportunity to cast one vote for each vacant position.
  - (ii) Voting must be by marking of a ballot paper in secret.
  - (iii) Every member must be allowed to vote without interference or constraint.
  - (iv) Every member must, so far as is reasonably practicable, be sent a ballot paper by post with a reasonable opportunity to return it by post.
  - (v) In any election for which a ballot is held, the names of all candidates must either be printed on a ballot paper or sent to every voter on a separate piece of paper along with the ballot paper.
- (b) All votes at National Executive Committee and at Regional Council will be decided by hand vote of those present and entitled to vote, and any decisions taken will be by a simple majority. The Chairperson will supervise the vote and may appoint scrutineers from the meeting to oversee a secret ballot if it is deemed necessary by the meeting.

- (c) Delegates at National Conference will have one vote each.
- (d) Votes at National Conference will usually be decided by a hand vote of delegates. Unless proposing a rule change a motion will be passed by a simple majority of votes cast for and against; a motion will become binding upon the Union, and a rule change will become effective, only where it is passed by two-thirds of all registered delegates. The Chairperson will supervise the vote and may appoint scrutineers to oversee a hand vote or a secret ballot if deemed necessary.

### **30. AMENDMENTS TO THE RULES**

These Rules may be amended in either of the following ways.

- (a) By Motion passed at National Conference.
  - (i) A motion approved and passed by a two thirds majority of all Delegates at National Conference. Abstentions will be counted as part of the total votes cast.
  - (ii) Any such Motion will deal with only one amendment, except where several amendments are required to ensure consistency within and between the rules.
  - (iii) Any amendments to the rules being approved by National Conference in accordance with Rule 30(a)(i) will be effective from the closure of National Conference or from the date specified in the Motion. Rule changes affecting the representative structure will be effective for the term of office beginning after the passage of the relevant Conference Motion.
- (b) By Special Resolution passed by the National Executive Committee, endorsed in a ballot of the members.
  - (i) The resolution must carry the support of two-thirds of those voting in the ballot to achieve approval.
  - (ii) Any amendments to the Rules approved by a ballot of the members will be effective from the date specified in the Resolution put before the members, except that rule changes affecting the representative structure will be effective for the term of office beginning after the approval of the members.

### **31. AMALGAMATIONS**

The Union cannot amalgamate with or transfer its engagements to another organisation except with a motion carried by the National Conference and passed by those members voting in a secret ballot of the entire membership in accordance with Rule 29(a).

### **32. AFFILIATION**

- (i) The Union will not affiliate to or subscribe to any political party.
- (ii) Subject to (i) above, the Union will affiliate to such organisations as the National Executive Committee deems appropriate to further the interests of members. Such affiliations will be subject to ratification by the National Conference.

### **33. DISSOLUTION**

- (i) The Union cannot be dissolved except by a motion carried by National Conference and passed by the membership voting by secret postal ballot in accordance with Rule 29(a). The resolution must carry the support of two-thirds of those voting in the ballot before it becomes binding on the Union.
- (ii) If a Resolution to dissolve the Union is passed in accordance with (i) above the National Executive Committee will remain in office until all the affairs of the Union have been wound up.
- (iii) In the event of dissolution of the Union its surplus funds, after providing for all

liabilities, will be used for welfare purposes to the benefit of members. In the event of a deficit being revealed, a levy will be imposed on those members who were registered with the Union at the end of the calendar month prior to the date on which the Resolution for dissolution was passed.

#### **34. INVESTIGATION OF COMPLAINTS BY MEMBERS**

When a member has a complaint that action contrary to the Rules of the Union has taken place, the following procedure will apply:

- (a) The member must write to the General Secretary, giving precise details of the action complained of, and in particular the relevance of any Rules of the Union.
- (b) The General Secretary will make any enquiries which are considered necessary and advise the member in writing of the findings.
- (c) If the member remains dissatisfied, the General Secretary will convene the Complaints Committee of the National Executive Committee, made up of the General Secretary and the National Regional Officers. The member will be able to make representations to the Committee in person, by representative, or in writing.
- (d) The General Secretary will write to the member making the complaint, setting out the view of the Complaints Committee.
- (e) If the member remains dissatisfied, the General Secretary will convene the Appeals Committee, made up of those members of the National Executive Committee who did not sit on the Complaints Committee. The member will be entitled to make representation to the Appeals Committee personally.
- (f) The Appeals Committee will advise the member concerned of its findings.
- (g) Subject to statutory rights, the decision of the Appeals Committee will be final.

#### **35. INTERPRETATION AND AVAILABILITY OF THE RULES**

- (a) The interpretation of any of these Rules lies with the National Executive Committee who will decide any matters where these Rules are silent.
- (b) A copy of the Rules will be given to any member on request.
- (c) A copy of the Rules may be supplied to any person not in membership of the Union on payment for the cost of production and delivery.
- (d) The Union will at all times comply with the Statutory provisions governing Trade Unions. Where there is a conflict between these Rules and the Law, or these Rules are silent, the Law will prevail.

#### **36. INDUSTRIAL ACTION**

- (a) While there is a Procedure Agreement in operation between the Union and an employer, all the stages of the procedure, including arbitration where applicable, must be completed before industrial action can be undertaken by members of the Union.
- (b) In the case of matters subject to arbitration no industrial action will be undertaken by the membership of the Union unless the Management fails to comply with the award of the arbitrator.
- (c) The process whereby industrial action can be undertaken is as follows:
  - (i) Where industrial action is contemplated by either a specified group of members, or the total membership, the authority to call for a ballot of members rests with the National Executive Committee.
  - (ii) The approval of a simple majority of the members who voted in a resultant secret ballot in compliance with the legislation in force at the time will be deemed to be

the authority for industrial action to be undertaken, subject to the provisions of such legislation.

- (iii) Official industrial action is action which has the approval of the National Executive Committee following the receipt of the approval required in (c)(ii). Only the General Secretary may authorise the commencement of industrial action, acting in compliance with the legislation in force at the time.