

# 2016



# *GMB* rulebook

## Our purpose

We work to improve the quality of life and provide new opportunities for all our members and their families. We aim to improve the lives of GMB members and make sure that their achievements lead the way for working people in Britain and across the world.

Every GMB member should have the opportunity to discover and develop their talents. All our members should enjoy work that is fulfilling and rewarding.

- We will work with employers who are aware of future possibilities, and negotiate useful and beneficial agreements that help to achieve our purpose.
- We will work to widen the understanding of employers whose experiences, knowledge and aims are more limited. We will aim to end exploitation, discrimination and injustice.
- We will persuade non-members to join, encourage members to become active, and help active members to take full part in the life of the GMB. In particular, we will recruit and help develop young people so that we improve their lives and protect the future of the GMB and our values.
- We will train local representatives to represent GMB members in a skilled and professional way, so that they win respect for their members, us and themselves.
- We will recruit members through providing an outstanding service to working people and their families, encouraging people to stay with us for their whole lives. We aim to achieve the reputation as the best trade union in Europe.
- We will create an atmosphere of teamwork in which every GMB office holder and employee will feel personally responsible for achieving our purpose.
- We will strive to ensure that GMB's profile reflects all equality strands in the union at all levels of the lay and employee National, Regional, Branch and Workplace structures

## **G M B**

### **Rules**

**The rules include amendments made at Congress 2016 and which come into force on 1 July 2016, unless it says otherwise.**

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## Core rules

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# **GMB**

## **Core rules**

### **Constitution**

#### **Rule 1 Name and offices**

- 1 The Union is called *GMB*.
- 2 Our main office is at 22 Stephenson Way, London NW1 2HD. Our main office in Northern Ireland is at Victoria House, 1a Victoria Road, Holywood BT18 9BA.
- 3 In line with any decisions made by the Congress or the Central Executive Council, we will be run according to these core rules.

#### **Rule 2 Aims**

Our aims are as follows.

- 1 To recruit, organise and represent all workers.
- 2 To regulate relations between employees and employers and between employees themselves.
- 3 To maintain and improve wages and conditions, and make employment as secure as possible and promote industrial democracy.
- 4 To achieve and maintain equal pay for women, promote equal opportunities within the union, the workplace and society in general, and end discrimination against people because of their sex, race, nationality, religious beliefs, disability, age, marital status or sexuality.
- 5 To provide benefits (including legal assistance) to members in line with our rules.

6 To promote training and educating members in relation to the activities they carry out on our behalf, and to provide scholarships to educational institutions for members, in line with conditions set out by the Central Executive Council.

7 To promote or support legislation in the interests of members, especially those laws relating to the legal rights of trade unions, industrial health, safety and welfare, social and economic welfare and environmental protection.

8 To help elect members to Parliament and public authorities who promote our policies and the interests of members through political methods, providing the candidates are pledged to collective ownership, under democratic control, of the means of production, distribution and exchange.

9 To promote the social, moral and intellectual interests of our members.

### **Rule 3 Changing and amending rules**

No new rules can be made, or any of these rules changed, amended or cancelled, unless agreed by a majority vote at Congress (Ordinary or Special), or by a ballot of members.

### **Rule 4 Dissolving the union**

1 The union may be dissolved (formally ended) by a vote of five-sixths of the whole of the financial members of the union.

2 The distribution of the remaining assets amongst members is on the basis of their complete years of membership, each year comprising one share.



## Membership

### Rule 5 Membership

1 GMB is an open and democratic organisation and welcomes into membership people from any industry or walk of life who are committed to upholding the aims and rules of the Union

2 The Central Executive Council may create temporary grades of membership if they think they are necessary.

3 Despite anything set out in these rules, the Central Executive Council may, by giving six weeks' notice in writing, cancel the membership of any member, if this is necessary to keep to:

- a decision made by the Disputes Committee of the Trades Union Congress (TUC);
- a decision arising from an inter-union disputes committee set up by us and another union; or
- a recommendation of the Independent Review Committee, set up with the support of the TUC.

4 The Central Executive Council, a regional council or a regional committee has the power to suspend a member from benefit or ban them from holding any GMB office, or ban a member from taking part in GMB business and affairs, in any case for as long as the council or committee feels necessary:

- if they believe the member is guilty of trying to harm the union or acting against the rules;
- if the member makes or in any way associates themselves with any defamatory or abusive comments made against any of our officials or committees;
- if the member, alone or together with any other members or people opposes or acts against any of our policies;
- if the member acts against the best interests of the GMB
- if the member encourages or takes part in the activities of any organisation or group whose policies or aims are racist or promote racist beliefs,

or for any other sufficient reason.

5 Regional councils or regional committees have the power to recommend that the Central Executive Council cancel, and the Central Executive Council (with or without a recommendation) has the power to cancel, the membership of any member for any of the reasons set out in clause 4 above. The Central Executive Council will make the final decision on a recommendation from a Region. A member who has their membership cancelled will not be eligible to rejoin without the permission of the Central Executive Council or the appropriate regional committee.

6 If a regional council or regional committee takes disciplinary action against a member under clause 4 of these rules and the member is not satisfied with the decision, he or she can appeal by writing to the general secretary within one month of the decision being made. The case will be referred to the Central Executive Council, who will make the final decision. In giving its decision, the regional council or regional committee must tell the member, in writing, about their right to appeal. The Central Executive Council may order an appeal to be struck out for scandalous, vexatious or unreasonable behaviour by an appellant or for excessive delay in proceeding with the appeal. Before making such an order the appellant will be sent notice giving them an opportunity to show why the order should not be made.

7 If the member is not satisfied with the Central Executive Council's decision under clause 4 or 5 (except where the Central Executive Council has made the final decision on a recommendation from a Region) of this rule, he or she can appeal by writing to the general secretary within one month of the decision being made. The case will be referred to the Appeals Tribunal, who will make the final decision. In giving its decision, the Central Executive Council must tell the member, in writing, about their right to appeal. The Appeals Tribunal may order an appeal to be struck out for scandalous, vexatious or unreasonable behaviour by an appellant or for excessive delay in proceeding with the appeal. Before making such an order the appellant will be sent notice giving them an opportunity to show why the order should not be made.

8 At each hearing before the regional council, the regional Committee, the Central Executive Council or the Appeals Tribunal, the member will have a reasonable opportunity

- to hear the evidence against them, to answer it and to question witnesses;
- to present their case orally or in writing, and
- to support their case with written statements or by using witnesses.

## **Rule 6 Complaints procedure for members**

1 Any member who wants to complain must do so to their branch secretary, who will take the matter to the branch. If the member is not satisfied with the branch's decision or the branch decides it does not have the authority to deal with the matter, the member can appeal in writing to the regional committee within one month of the branch meeting. The regional committee will make the final decision. The Regional Committee may order a complaint to be struck out for scandalous, vexatious or unreasonable behaviour by the complainant or for excessive delay in proceeding with the complaint. Before making such an order the complainant will be sent notice giving them an opportunity to show why the order should not be made.

2 At each hearing before the branch or the regional committee, the member will have a reasonable opportunity

- to present their case orally or in writing
- to support their case with written statements or by using witnesses
- to hear the evidence against their complaint, to answer it and to question witnesses.

## **Rule 7 Membership transfers**

Members who have a reason to transfer to this union through leaving their previous job, or for other reasons we approve, will be accepted as full financial members if they are financial members of the union they leave. A period of continuous membership of that union immediately before the transfer will count as a period of membership of this union for the purpose of working out whether the member is entitled to benefits in line with rules 48 to 57. This clause applies only to members who transfer to this union in line with TUC procedures.

## **Congress**

### **Rule 8 Congress of the union**

1 The Congress (Ordinary or Special), made up of representatives from the regions of the union, holds supreme authority.

2 The Ordinary Congress will be held every year on dates decided by the Central Executive Council.

3 The Central Executive Council can choose to hold and arrange a Special Congress.

4 All delegates must be fully financial members. Each region will elect one delegate for every 1,500 financial members, as stated in the membership figures for the previous September.

5 For 90% of delegates, each branch of a region may nominate one delegate to represent the region at the Congress. These nominations must be sent to the regional office no later than 31 December. The region will then print and issue lists during the third week of January, setting out the name and branch of each candidate. The closing date for voting will be 28 February. The candidates who receive the largest number of votes will be elected.

6 The region's remaining 10% of delegates will be appointed by the regional committee to ensure that the regional delegation properly reflects the balance of the regional membership in respect of industry, geographic spread, ethnicity, gender, disability, youth and sexual orientation. Appointments made under this rule will be made in line with guidance issued by the Central Executive Council.

7 Each branch will be invited to nominate one further delegate to be considered by the Regional Committee in appointing delegates under clause 6 of this Rule, and in appointing delegates to make up any shortfall in the delegation following the election process in clause 5 of this Rule. In making these appointments, the Regional Committee may also consider members

recommended by other committees, forums or post-holders within the Region.

8 The following will take part in the Congress and will have the right to speak but not to vote.

- Central Executive Council members
- The general secretary and treasurer
- Regional secretaries
- Section national secretaries
- National industrial officers
- General member auditors

## **Rule 9 Business of the Congress**

1 A standing orders committee will be appointed before each Congress, and the constitution reported to Congress. No member of the Central Executive Council will be eligible to be a member of the standing orders committee. Each region will appoint one member for this committee. Each region will appoint one teller before each Congress.

2 The Congress will:

- elect the President and Vice-President as set out in Rules 12 and 13;
- consider and make decisions on policies affecting the general, industrial, political or social welfare of our members;
- receive reports from the general secretary and treasurer (which will include reports from senior officials nominated by the general secretary) and the regional secretaries;
- consider and make decisions on all matters included in the agenda for the Congress; and
- confirm the elections of officials and general member auditors when necessary.

3 The Congress by a majority vote shall have power to rescind, alter and add to any of these rules. Consideration of amendments to rules shall be restricted to the Ordinary Congress held in 2009 and thereafter to every second Ordinary Congress. The Central Executive Council shall, nevertheless,

have power to submit to any Congress (Ordinary or Special) amendments to rules.

4 Any branch or regional committee or the Central Executive Council can put forward motions for inclusion in the agenda of the Ordinary Congress. In addition the National Equalities Conference can select one motion for submission to ordinary Congress. That motion will stand in the name of the National Equalities Conference and be moved by the region that originally submitted the motion to the NEC. Branches must put forward their motions to reach the appropriate regional secretaries by no later than 31 January. Regions must pass the motions to reach the general secretary by no later than 7 February. Any branch or regional committee or the Central Executive Council can put forward proposals to amend rules at Congresses named in clause 3 above.

5 The full agenda for Congress will be made available to members via the website

6 The Congress (Ordinary or Special) can replace any member or members of the Central Executive Council or tell the Central Executive Council to arrange for a replacement to be elected.

### **Central Executive Council**

#### **Rule 10 Central Executive Council**

1 The union is run by the Central Executive Council. The council also deals with any trade disputes.

2 The Central Executive Council will be made up of voting members elected from each Region under rule 11. The general secretary and treasurer will also be a voting member of the Central Executive Council.

3 The Central Executive Council will hold ordinary meetings as and when required, but at least six times per year. The Central Executive Council may meet at other times if necessary. One half of the total number of members in office must be present at the meeting for any of the council's decisions to be valid (this is known as a 'quorum').

4 To carry out any part of its business, the Central Executive Council can appoint committees. It may give any of these committees as much responsibility to carry out its business as it feels necessary. In carrying out this business, the committee will act on behalf of the Central Executive Council, and must keep to the relevant conditions of these rules as if it were the Central Executive Council. The committees will make decisions on behalf of the Central Executive Council, who, except where it says otherwise, must give its approval. The committees will be made up of at least one member of each section, at least one woman elected to a women's reserved seat, and at least one representative elected to a race reserved seat, and will always be made up of representatives from each region. The representatives will be appointed in whatever way the Central Executive Council feels is necessary. The committees will meet at the times and places decided by the Central Executive Council.

5 The Central Executive Council will have the power to grant permission to start new regions and to break up or suspend any region or regional council which may act against the rules or for any other reasons. The council can take any steps it feels are necessary to carry on the work of these regions.

6 The Central Executive Council may use any powers and carry out all acts, duties and responsibilities it feels are necessary to achieve our aims, whether or not these powers, duties and responsibilities are specifically mentioned in these rules. The council will make sure our funds are not misused and, through the general secretary or any other officer they appoint will prosecute or take any other appropriate action against any officer or member who misuses or withholds any money or property belonging to us.

7 All books, property, funds and documents belong to the union and not to the branches, and the Central Executive Council has the power to demand that the books, property, funds and documents a branch holds are given to the Central Executive Council or an officer the Central Executive Council has appointed.

8 The Central Executive Council will have the power to borrow money on any terms, and with or without security, as it considers necessary.

9 The Central Executive Council will have the power to provide funds for any purposes it feels are necessary to support trade-union or working-class aims in line with the aims and policies of the Union.

10 The Central Executive Council will appoint special auditors to examine the books and accounts of any region or branch of the union whenever it feels this is necessary.

11 The minutes of the Central Executive Council will be sent to the secretary of each region, who will send a copy to the secretary of each branch in the region.

12 Any decision the Central Executive Council makes will bind all our members.

13 The Central Executive Council will make a decision on any matters not set out in these rules.

14 The Central Executive Council can give as much responsibility as it feels necessary to Section National Committees. The Central Executive Council will have the power to set up new sections of the union.

15 The Central Executive Council can make by-laws for how a certain group of members carry out and manage their business in line with our rules.

#### **Rule 11 Elections to the Central Executive Council**

1 One member will be elected as a representative of each section in each region.

2 Members will be elected as general representatives as follows.

2a One member will be elected as a general representative in each region which has 75,000 or fewer members on 31 May in the year the election takes place.



2b Two members will be elected as general representatives in each region which has more than 75,000 members on 31 May in the year the election takes place.

2c One member will be elected as a general representative from the members who live in Ireland.

3 One member in each region will be elected to a women's reserved seat of the Central Executive Council.

3a Five members will be elected to national race reserved seats of the Central Executive Council.

4 No member will be eligible to be nominated for election to a section seat unless they are a member of that section. Only women will be eligible to be nominated for election to a women's reserved seat. Only members of a relevant racial group will be eligible to be nominated for election to a race reserved seat. Members must be members of the region in which they are nominated. No-one can be nominated for election in more than one group. All candidates must have the relevant qualifications set out in rule 18.

5 Each branch in a region may nominate people for general seats, the women's reserved seat and the race reserved seats. In line with rule 35.21 (Composite branches), only branches having members in a section can make nominations for that section seat. Only branches in Ireland can make nominations for the general seat under clause 2c, and these branches will not be entitled to make nominations for any other general seat. If a branch is entitled to nominate a candidate for election to any seat, it cannot nominate more than one candidate for election to that seat.

6 Each member in a region will have one vote for each of the seats to be filled from that region. However, only members who live in Ireland will be entitled to vote to elect the general representative under clause 2c, and these members will not be entitled to vote for any other general representative. Each member of the union will also have one vote for each of the national race reserved seats.

7 Beginning in 2007, elections under this rule will be held by secret ballot for all groups every four years. Members of the Central Executive Council who are elected in this way will hold office for four years from the first Tuesday in December in the year they are elected. Except where the Central Executive Council decides otherwise casual vacancies that arise during the first two years of the term of office will be filled by a by-election held on a day decided by the Central Executive Council and casual vacancies that arise during the last two years of the term of office will not be filled. Any member who is elected to fill a casual vacancy will hold office for the rest of the above four-year period.

8 Elections under this rule will be organised and held in line with by-laws issued by the Central Executive Council. These by-laws may say whether failing to keep to any by-law will disqualify a candidate from being elected. By-laws may define the racial group or groups (referred to here as 'a relevant racial group') whose members are eligible to be nominated for election to one or more of the national race reserved seats. The Central Executive Council can amend or withdraw any by-law, as long as doing so would affect only the future conduct of current or future elections.

9 When we refer to 'members' in this rule, we mean financial members.

## **Rule 12 President**

1 The president will be elected in 2005 and at every fourth Ordinary Congress from then on, from among the members of Congress elected in line with rule 8.4 for that year, and from the members of the Central Executive Council. The president will hold office for four years, chair the Congress after that at which they are elected and be eligible to be nominated and re-elected after their four-year term of office. During their term of office, the president will chair all meetings of the Central Executive Council and other union meetings the Central Executive Council may hold. They will also:

- be responsible for making sure Congress carries out its business in a proper way;
- sign the minutes (the general secretary and treasurer will also do this);
- make sure all members of Congress keeps to these rules; and

- go to the TUC and Labour Party Conferences, and other conferences as appropriate.

2 For their services, the president will receive a payment (called an honorarium), the amount of which will be decided by the Central Executive Council.

3 The general secretary must receive all nominations to elect a president by the Monday of the week before Congress.

4 In the event of a casual vacancy the Vice-President assumes the Presidency until the next Congress.

### **Rule 13 Vice-president**

1 The vice-president will be elected in 2005, and at every fourth Ordinary Congress from then on, from among the members of Congress elected in line with rule 8.4 for that year, and from members of the Central Executive Council. They will hold office for four years. In the event of a casual vacancy the Central Executive Council will appoint a Vice-President to hold office until the next Congress. If the president is absent from a meeting of the Central Executive Council, the vice-president will chair the meeting and be responsible for making sure business is carried out in a proper way.

2 The general secretary must receive all nominations to elect a vice-president the Monday of the week before Congress.

3 For their services, the vice-president will receive a payment (called an honorarium), the amount of which will be decided by the Central Executive Council.

### **Full-time officials and office holders**

#### **Rule 14 General secretary and treasurer**

1 The general secretary of the union will also act as treasurer. They will not be removed from office except under the conditions set out in this rule.

2 If the position is vacant or an official has been suspended, the Central Executive Council can appoint an elected official to temporarily act as general secretary and treasurer until a new general secretary and treasurer is elected or the suspended official returns to office. An elected official who temporarily holds office will not be entitled to a vote on the Central Executive Council.

3 The general secretary and treasurer will be responsible to the Central Executive Council for delivering the objectives of the GMB.

4 The general secretary and treasurer will be responsible for the good governance of the Union, including the maintenance of high standards of administrative efficiency, financial management and probity.

5 They will go to all meetings of the Central Executive Council and they will have the right to speak on any business carried out at these meetings.

6 The general secretary and treasurer can be dismissed or suspended from office on the terms and for as long as the Central Executive Council considers proper, for the following reasons.

- If he or she fails to perform his or her duties.
- If he or she behaves in a way that could be classed as serious misconduct.
- For any other reason the Central Executive Council feels is appropriate.

7 When resigning, the general secretary and treasurer must give three months' notice. If they are dismissed, they will receive three months' notice or three months' wages.

## **Rule 15 Electing a general secretary and treasurer**

1 This rule will apply to how the general secretary and treasurer is elected. They will hold office for five years.

2 The Central Executive Council will ask branches for their nominations six months before the existing official's term of office runs out (or, if there

is a vacancy, as soon as possible after taking account of any relevant matters). Branches should send their nominations to a returning officer appointed by the Central Executive Council.

3 No member will be eligible to stand as a candidate in an election under this rule unless the Central Executive Council is satisfied that:

- a he or she is eligible under these rules to be elected to office; and
- b he or she meets the conditions set out in by-laws for people who are nominated as candidates.

Only candidates who meet the above conditions will be validly nominated.

4 Elections under this rule will be organised and carried out in line with by-laws issued by the Central Executive Council, which may in particular:

- set a threshold for the number of branch nominations required, and set other conditions which possible candidates will need to meet;
- ban or allow and control canvassing (campaigning for votes) and spending by or on behalf of candidates; and
- decide how (including the format, layout and typeface) copies of candidates' election addresses will be produced and given out to voters.

By-laws made under this rule may set out whether failing to keep to any by-laws would disqualify a candidate or possible candidate from standing for election. The Central Executive Council may amend or withdraw any by-law if it thinks it is necessary.

5 An election will not need to take place if the holder of the office:

- a having been elected to that office under this or the previous rule; and
- b having been a full-time employee of the union for at least 10 years;

would otherwise reach retirement age within five years of their current term of office ending.

6 Elections under this rule will be held by secret ballot.

## **Rule 16 General trustees**

1 There will be four trustees. The general trustees will be elected in any way the Central Executive Council decides, and for as long as it feels is appropriate. Members who are not financial members or who have not paid 53 contributions in a row will not be eligible to be appointed as a trustee. Trustees will no longer hold office when their membership ends.

2 The trustees must not sell, withdraw or transfer any of our invested funds without the authority of the Central Executive Council, which the general secretary and treasurer will give, in writing, on the council's behalf.

3 The trustees will perform the duties the Central Executive Council has made them responsible for.

4 The Central Executive Council can replace any general trustee.

5 The Central Executive Council can appoint a corporate organisation to act as custodian trustees under the Public Trustee Act 1906.

## **Rule 17a Officials - authority over**

1 The Central Executive Council has full authority over all national, sectional and regional officers and has the final say over all matters relating to their conditions of employment or otherwise (except disciplinary matters). The council's decision will be final and binding on all officials.

2 The Central Executive Council can pass on its authority for officials to regional committees, as long as doing so would not take away any of the council's overall authority, including the right to decide on the number and grade of senior organisers and organisers.

3 No member will be eligible to be appointed, nominated or elected for any national, regional or section office within the union unless the Central Executive Council (or an appointment panel, if it has been given the authority) is satisfied that the member is suitably qualified and capable of efficiently carrying out the duties of the office.

In line with rule 15 this clause will not apply to candidates for *General Secretary and Treasurer*

### **Rule 17b Organisers**

1 Regions shall have the power to appoint officers to work as organisers subject to the approval of the *General Secretary* and the *Central Executive Council*. The *Central Executive Council* may, from time to time, decide how these officers will be appointed. Organisers will, at all times, be responsible to and work under the direction and control of the regional secretary. They will be full-time paid employees of the union and the *Central Executive Council* will set the terms and conditions of their employment. Organisers will not be eligible for being elected to any lay office within the union.

2 Within five years of being appointed, and at a time decided by the regional secretary and the regional committee and approved by the *Central Executive Council*, all organisers will take part in an election in line with rule 17f. When elected, these officers will be known as 'elected' organisers.

### **Rule 17c Senior organisers**

1 A Region can recommend to the *Central Executive Council* that it creates a post for a senior organiser.

2 The general duties of the senior organiser will be set out from time to time by the *Central Executive Council*, or by regional secretaries or regional committees under the authority given to them under rule 17a2.

3 Any organiser from any region of the union can be appointed as a senior organiser.

### **Rule 17d Regional secretary**

1 When a vacancy arises an appointment panel made up of an equal balance of members of the regional committee and the *Central Executive Council* will appoint a regional secretary. The person appointed will need to be approved by the *Central Executive Council*.

2 For the purposes of these rules, a regional secretary will be treated as if they were a member of the regional council for as long as they hold office as regional secretary.

3 Appointments under this rule will be made in accordance with guidelines and procedures issued by the Central Executive Council.

### **Rule 17e National officials**

1 To help the General Secretary and Treasurer with matters relating to members of the sections, the Central Executive Council will appoint a national secretary for each section, and such national officers for each section as the Central Executive Council considers necessary.

2 To help the General Secretary and Treasurer with developing and implementing strategies for workplace organising, the Central Executive Council will appoint a national organising officer. The Central Executive Council will appoint such other officers in support of that role as the Central Executive Council considers necessary from time to time. The national organising officer will convene a national organising team including representative officers from each region. The purpose of this team will be to ensure the co-ordination and implementation of effective organising strategies across the Union in line with *GMB@Work*.

3 When a vacancy arises within the union for a national official (except as set under rule 14 - General Secretary and Treasurer) and is taken by a member who has not previously been elected, the member will need to be elected by all members of the union.

4 No member will be eligible to be appointed, nominated or elected to any national office within the union unless the Central Executive Council is satisfied that the member is suitably qualified for the office in line with rule 17a3. The election procedure will be as set out in rules 17f and 65, unless changed by the Central Executive Council.

5 Appointments under this rule will be made in accordance with guidelines and procedures issued by the Central Executive Council.



## **Rule 17f Procedure for electing organisers**

1 The date the election takes place will be decided by the regional secretary and regional committee, and approved by the Central Executive Council.

2 No member will be eligible to be nominated for election to an organiser position unless:

- they meet the standards set by the Central Executive Council; and rule 17A3
- the regional committee is satisfied that the member is capable of efficiently carrying out the duties of the office.
- they have paid contributions for 53 weeks in row before the date they are nominated;
- they are a fully financial member

3 Each branch in the region will have the power to nominate and vote for any member who is a candidate for organiser

4 Elections under this rule will be organised and held in line with guidance issued by the Central Executive Council.

## **Rule 18 Qualifying for office, and the definition of officers**

1 Any member wanting to be elected to any of the offices named in this rule must have paid contributions for 53 weeks in a row and be a fully financial member (as defined in rule 45.4) at the date they are nominated and elected.

2 During their whole term of office, the following holders in both lists 'a' and 'b' below must pay the full amount of their union contributions in line with rules 45 and 46.

- a
  - President
  - Vice-president
  - Central Executive Council members elected under rule 11
  - Congress representatives
  - General member auditors

- The regional president
  - Regional council members
  - Regional member auditors
  - Regional trustees
  - Branch presidents
  - Branch secretaries
  - Branch equality officers
  - Branch youth officers
  - Branch race officers
  - Branch member auditors
  - Collecting stewards
  - Representatives going to authorised conferences
  - Candidates for public organisations
- b
- The general secretary and treasurer
  - Senior organisers
  - Organisers
- 3
- With the exception of
- employees going to authorised conferences,
  - employees acting temporarily as branch secretary (under rule 35.4) or other branch role,
  - employees standing as candidates for public organisations,
  - members in receipt of a spouse's or dependent's pension from us (and no other pension from us),

any member who has or has had a written contract of employment with us within the last 5 years (other than a temporary contract of less than 6 months) or who receives a pension from us will not be eligible to be elected to any office in list 'a' of clause 2 of this rule.

People who receive a pension from us will not be eligible to be appointed or elected as an officer of the union as defined in rules 14, 17b, 17c, 17d and 17e.

4 Any member wanting to be elected to the Central Executive Council under rule 11 must be a member of their regional council on the date they are nominated and elected. This does not apply to any member wanting to be elected to the post of general secretary and treasurer.

5 Members of new branches will be eligible for the offices of branch president, branch secretary, branch equality officer, branch youth officer, branch member auditor or collecting steward.

6 An elected official is one who has been elected to a full-time permanent position by a vote of the members of the branches within a region, or by the votes of members of all the branches of the union.

7 Retired life members as defined in rule 47a may stand for election as branch officials only and are exempt from paying full contributions.

### **Rule 19 Regions and how they are managed**

1 The union will be divided into regions, the geographical boundaries of which will be decided by the Central Executive Council when necessary. A region can be made up of any number of members and branches. Each region will be run from a regional office.

2 Regions will be managed by regional councils, which will each meet once every six months. However, the councils can hold special meetings to consider emergency issues - the regional secretary and regional president have the power to decide whether to hold meetings.

3 Regional councils will be made up of one representative (a 'section delegate') for each 1,000 financial members of each section. Any differences in financial membership in the period between one election and another will not affect the number of representatives that will be elected to regional councils.

4 Members of the regional council will be elected every four years from nominations sent in by the branches in the region. Branches will only be entitled to nominate one member, and will not have more than one representative. Members who are nominated for election as section delegates must be members of the appropriate section and can only be nominated by a branch of their section. However, these nominations can be made by the appropriate section members of a composite branch in line with rule 35.21. Members who are nominated must have the necessary qualifications as set out in rule 18.

5 The branches must send their nominations to the regional secretary by no later than 28 February in the year when the elections are due. The election will take place in line with the election procedure set out in rule 17f.

6 When elected, the regional council will take office from 15 April in the year of the election and will hold office for four years

7 The regional committee or regional council will have the discretion to fill any vacancies that arise on the regional council as follows.

a Vacancies which arise during the first two years of the term of office will be filled by the next highest on the list of unsuccessful candidates in the relevant section at the last election.

b Vacancies which arise during the third year of the term of office will be filled by holding a by-election in line with rule 17f and clause 4 above.

c Vacancies which arise during the fourth year of the term of office of the regional council will not be filled.

8 At its first meeting, the regional council will elect from its own members:

a a president;

b extra members of the regional committee as follows:

- three delegates from each section; and
- up to four delegates (as decided by the regional council) to make sure all members are fairly represented;

c the region's representative on the Appeals Tribunal panel; and

d two other members of the regional elections committee.

9 The Regional Council shall administer the business and affairs of the Region, and shall take every means to secure the observance of these Rules, perform all duties allotted to it by these Rules, and protect the funds of the Union from misappropriation.

A regional council will not have the power to make decisions or set out policies relating to issues that may affect other regions or the union as a whole. These issues should be referred to the general secretary, who will pass them on to the Central Executive Council.

10 Where required by the Central Executive Council the regional council will elect representatives to go to the TUC and Labour Party Conferences (or other meetings the Central Executive Council considers appropriate). Representatives going to the Labour Party Conference must be individual paying members of the Labour Party.

11 Any regional council may make by-laws for how it carries out and manages its own affairs and those of the region. However, these by-laws must be in line with our rules and be approved by the Central Executive Council.

12 By-laws under rule 19.11 may set conditions for electing representatives to the regional council and to Congress, to make sure geographical areas and industrial sectors within the region are fairly represented.

13 In each region there will be a regional equality forum. The members will be elected in whichever way Congress feels is appropriate. The forum will be set up to advise the regional council and the regional committee.

## **Rule 20 Reserved seats on regional councils**

1 Representatives will be elected to women's reserved seats on regional councils. The number of representatives elected will be one-tenth (rounded up) of the number of representatives worked out under rule 19.3. Only women shall be eligible to be nominated for election to a women's reserved seat.

2 Two representatives will be elected to seats on regional councils reserved for black and minority ethnic members of the regional equality forum. Only black and minority ethnic members of the regional equality forum will be eligible to be nominated for election under this clause. One of the two seats under this clause will be reserved for women, and only black and minority ethnic women members of the regional equality forum will be eligible to be nominated for election to that seat.

3 Members cannot accept nominations to be elected to more than one seat on a regional council, whether under this rule or under rule 19.

4 As well as its nomination under rule 19.4, each branch in a region will be entitled to nominate one member to be elected under clause 1, and one member to be elected under clause 2. A branch that has:

- a representative elected under rule 19;
- a representative elected to a seat under clause 1; or
- a representative elected to a seat under clause 2;

will not be taken to have more than one representative on the regional council under rule 19.4. Elections to reserved seats will be held in line with rule 19.

## **Rule 21 Regional committees**

1 Once elected by the regional council, the regional committee will take office from the date it is elected and will hold office for four years.

2 The regional committee will meet every four weeks and at any other times the regional secretary and regional president feel is necessary.

3 The regional committee will deal with all financial matters of the region and carry out all the duties given to it by these rules and the regional council. The committee will make decisions on behalf of the regional council. Half of the committee must be present at meetings for any of its decisions to be valid (this is known as a 'quorum').

4 The business of the regional committee will be arranged by the regional secretary.

5 The committee will have the power to examine the books or arrange a special audit of the accounts of any branch in the region, and take charge of all books and other property we own.

6 The committee will authorise the regional secretary to prosecute any regional official or branch official who, in its opinion, is guilty of deliberately withholding or fraudulently using any money, books, papers or other property we own. It must immediately report to the general secretary and treasurer any action it takes.

## **Rule 22 Regional president**

1 The regional council will elect the regional president every four years from its own members. The regional president will:

- chair all regional council and regional committee meetings;
- be responsible for making sure members keep to the rules during meetings; and
- sign all minutes and other documents as directed by the regional council or regional committee.

2 The regional president will have a vote at all meetings they chair, but will not have a casting vote (an extra vote to decide an issue when the votes on each side are equal).

3 The regional president will report to the regional council any case where regional officials have failed to carry out their duties.

4 If a regional president is absent from a meeting, a representative will be elected to act as president.

## **Rule 23 Regional secretary**

1 The regional secretary will be responsible to the Regional Committee and Regional Council for delivering the objectives of the GMB.

2 The regional secretary will be responsible for the good governance of the Region, including the maintenance of high standards of administrative efficiency, financial management and probity.

3 They will go to all meetings of the Regional Committee and Regional Council and they will have the right to speak on any business carried out at these meetings.

4 The regional secretary will supply the branches in their region with copies of a half-yearly financial statement and one copy of the annual report.

5 The regional secretary will have power at any time to examine the books and accounts of branches, or authorise any regional organiser or other officer to examine the books and accounts on their behalf.

6 The regional secretary must give three months' notice before they resign

#### **Rule 24 Regional trustees**

1 The regional committee or regional council will appoint no more than three regional trustees, either from their own members or otherwise, and for as long as they feel is necessary. The trustees can be members of, and allowed to take part in all meetings of, the regional council or regional committee.

2 All cheques must be signed by two signatories determined by the Regional Committee

3 The trustees will carry out all duties the regional council or regional committee makes them responsible for.

#### **Rule 25 Regional member auditors**

1 The regional council will elect regional member auditors every four years. The member auditors will not be eligible to be elected to the regional committee, and will not be members of the Central Executive Council.

2 The books and accounts of the region will be examined by two member auditors acting together.

3 The member auditors will have free access to all books and documents they need to carry out their examination.

4 The member auditors will put forward the accounts of the region at the next regional council meeting.



5 If one of the member auditors is ill or leaves their post, a temporary member auditor will be elected at the next Regional Council and will serve until the end of the term of office.

6 The examination the regional member auditors carry out will not replace the audit carried out by chartered accountants in line with rule 29.

## **Legal assistance**

### **Rule 26 Legal assistance**

1 The Central Executive Council will have the power to authorise any regional secretary of the union, in line with any terms and conditions it sets, to provide legal assistance through UNIONLINE for any financial member. This can include any matter connected with the member's employment, as long as the regional secretary is satisfied that the member should take legal action.

2 Any member who wants legal assistance from us must contact UNIONLINE, the branch secretary or regional organiser as soon as possible.

3 The regional secretary will have the right to decide which UNIONLINE nominated solicitor should represent a member under this rule. Alternatively the regional secretary can nominate a GMB officer or member to provide representation.

4 If we agree to provide legal assistance for any member, the member must keep at all times to any terms and conditions set by UNIONLINE or the UNIONLINE nominated solicitor, and in particular must do the following.

- Continue to be a member of the union and pay contributions as set out in these rules.
- Accept and follow the advice of the solicitor or representative.
- Co-operate with the solicitor or representative, and in particular:
  - reply to correspondence;
  - keep to arranged appointments;
  - give them as much relevant information as possible; and

- tell them if they change their address or name.

5 As long as the member receiving legal assistance keeps to the conditions set out by UNIONLINE or the UNIONLINE nominated solicitor in paragraph 4 above, they will not have to pay any legal costs that arise from their claim. In addition the Union may loan funds to cover any tribunal fees, payable by the member, in accordance with the terms of the UNIONLINE retainer. However, if the member fails to keep to any of the conditions, or deliberately gives false information to the solicitor or representative, or any doctor, engineer or other expert involved in the claim, we may withdraw the legal assistance. If this happens, the member will not be entitled to any indemnity for the legal costs run up during their claim. We will be entitled to recover from the member any costs we have already run up.

6 If a regional secretary requests, the Central Executive Council may approve a scheme for providing legal assistance through UNIONLINE in any class of matter in the region concerned. If the Central Executive Council approves a scheme under this clause, it may amend the scheme or attach any conditions it feels are necessary. If the Central Executive Council approves a scheme under this clause, it may at any time withdraw its approval or change any conditions it has attached, as long as doing so would not affect the assistance we agreed to provide before the date the approval is withdrawn.

7 In these rules UNIONLINE refers to Trade Union Legal LLP trading as Unionline.

8 Despite anything in these rules (and in particular rule 6), the regional secretary will make the final decision about whether we provide legal assistance.

9 We will not provide legal assistance for a claim against the union or any of our officials or employees, in their capacity as such.

## **Finance**

### **Rule 27 Union funds**

- 1 All money and property we receive or obtain will belong to the union, and will be controlled by the general trustees.
- 2 The funds of the Union will be held in one or more banks as specified by the Central Executive Council. The Central Executive Council can choose to hold part of the fund in any other bank or in any way and in any part of the world as it feels is appropriate
- 3 The Central Executive Council will have the power to use our funds in any way it feels is necessary and appropriate.
- 4 There will be a central fund for protecting and supporting members to achieve their aims in their workplaces, and for generally managing the union.
- 5 The Central Executive Council will raise the central fund from the regions or in any way it feels is necessary.
- 6 The Central Executive Council will decide which costs will be met by the central fund or paid by regions.
- 7 The central fund will be managed by the Central Executive Council, who will give instructions for how all cheques should be signed.

### **Rule 28 Regional and contingent funds**

- 1 Regions must pay 50% of their income to the central fund. At the end of every three months, they will also pay 50% of their bank balance. Regions will also pay to the central fund any extra amounts the Central Executive Council may ask for.
- 2 If any region does not pay its appropriate share to the central fund as necessary, the Central Executive Council will investigate and decide what action to take.

3 After paying the above amounts to the central fund, each region can, with the approval of its council or regional committee, bank or invest any money left over as a regional fund. The regions can then use this fund to pay any necessary expenses connected with managing itself, including any expenses designated by the Central Executive Council under rule 28.5.

4 Each region will be allowed to create a separate fund which it can use to promote our aims or support its members. This fund will be known as the contingent fund.

5 Each region will be allowed to set aside or pay into this fund an amount of up to 5% of its total income in each calendar year.

6 The region will set aside the funds in January of each year, and will work out the amount based on the membership from the previous three months.

7 The fund must not be used to to pay strike benefit or to increase any benefits to members above the levels authorised by the Central Executive Council.

## **Rule 29 Audits**

1 Our accounts will be audited by chartered accountants appointed by the Central Executive Council.

2 Our membership register will be audited by an assurer appointed by the Central Executive Council

3 Our accounts will be examined by three of our members, who will be elected every four years in line with the appropriate rules for nominating and electing officials. No region will have more than one auditor. The auditors elected will be the first three candidates from different regions according to the number of votes cast.

4 The members elected to examine the accounts must not be members of the Central Executive Council, employees of the Union or regional auditors.

5 The members will have the same access to our books and information as the chartered accountants, under the conditions of the Trade Union and Labour Relations (Consolidation) Act 1992.

### **Rule 30 GMB Superannuation Funds**

1 We will make a yearly contribution to the funds, which will be no less than the contributors pay to the fund each year.

2 We will guarantee the liabilities of the funds

### **Rule 31 Members' superannuation fund**

1 We will maintain a superannuation fund for former members of the Amalgamated Society of Boilermakers, Shipwrights, Blacksmiths and Structural Workers full benefit section, and guarantee the liabilities of the fund for people who became members of the fund before 1 December 1982, the date the National Union of General and Municipal workers and the ASBSBWW merged (referred to here as 'the date of the merger').

2 After the date of the merger, members will not be able to join the fund.

3 The fund will be managed by the Central Executive Council.

4 Every member of the full benefit section of the fund who:

- reaches age 60;
- has been a continuous member for 40 years; and
- has retired from the trade;

will be entitled to a superannuation benefit of £64 a year.

5 We will not pay superannuation benefit for any period during which a member is in prison. If a member has dependants, the Central Executive Council under this rule, may pay the superannuation benefit to the dependants. Each case of this kind must be reported to the Central Executive Council.

6 The secretary of the member's branch will make an application for superannuation to the Manufacturing Section National Committee direct. It is the responsibility of the member to advise the branch secretary when the member qualifies for superannuation. If the benefit is approved, it will be paid from the beginning of the benefit week after the date the application was made.

7 Members on superannuation benefit will not be allowed to return to the trade without the permission of the Manufacturing Section National Committee. Members who return to the trade will not be paid superannuation benefit until the Manufacturing Section National Committee has given its permission.

8 Members on superannuation benefit will be entitled to funeral benefit for themselves and for their husband, wife or partner (where this applies).

9 If members of the shipwrights' section do not qualify for superannuation benefit because they have not been a continuous member for 40 years, the 1950 Rules of the Shipwrights' Association relating to superannuation benefit will apply. Members of the Shipwrights' Association who received superannuation benefit when the merger came into force will continue to receive that benefit as set out in the Shipwrights' Rules.

10 For all purposes affecting contributions, benefits and so on, the week will be from Monday to Saturday.

### **Rule 32 Inspection of books and accounts**

Any member of the union has the right to inspect the books in line with legislation

### **Rule 33 Paying expenses**

The Central Executive Council will set scales of payments for expenses, fares, subsistence and loss of working time for members, representatives and officials who carry out our business.

## **Rule 34      Payments to branches**

- 1      The region will set aside for each branch a payment equal to 10% of the contributions of the members of that branch.
- 2      The branch will set up a branch fund, which it will use to pay in the payment from the region.
- 3      The branch will set out a summary of the branch fund payments in its financial report every three months. The payments will also be audited by the branch auditors.
- 4      Branch funds must not be used:
  - to pay benefits or payments otherwise provided for in these rules;
  - to fund activities which are meant to go against policies; or
  - for any political object or purpose.

The funds can be used to make special payments(honorariums) to branch officials, in line with financial rules set by the Central Executive Council.

- 5      Any branch which does not provide their quarterly financial report in line with the timetable set by the National Administration Unit will not receive the next quarters payment from the region

## **Branches**

### **Rule 35 Branches**

1a      The purpose of each branch is to help us achieve the aims set out in these rules, giving priority to recruiting, organising, providing services for and keeping members. As the basic unit of the union Branches will encourage members to take part in its democracy.

- b      In January each year, branches will set out a development plan for the year ahead. The development plan will identify:
  - recruitment plan
  - schedule of branch meetings including dates and venue(s)
  - union democracy activity

- branch servicing and retention
- branch organising
- branch resources
- communication
- training

A branch recruitment plan will identify:

- the local areas and workplaces in which the branch will make the most effort to recruit new members;
- the opportunities the branch has to increase the number of members;
- the resources the branch considers necessary to carry out the recruitment campaign;
- the branch officials and members who will carry out the campaign; and
- the timetable for the campaign.

The branch secretary will send the development plan to the regional secretary for them to register it with the regional committee. Branch development plans will also be referred to the Regional Council.

c A region may set up a recruitment fund to help its branches to carry out their recruitment plans. Branches can apply to their regional secretary for support from the recruitment fund.

2 A group of new members who number more than 20 can form their own branch, subject to the agreement of the Regional Secretary.

The group can appoint one of their members as secretary, who will communicate with the regional secretary and receive instructions on how to carry out their business.

3 Each branch will have a president, secretary, equality officer, youth officer, race officer and two auditors (except in branches of less than 100 members, which will only have one auditor), and a committee of no less than nine members. The president, secretary, equality officer and youth officer will all be members of the committee, and will act within the powers set out in these rules. There will need to be at least five members present at the committee meetings for any decisions to be valid (known as a quorum).



4 If, in the opinion of the regional committee and regional secretary, and with the agreement of the branch concerned, it is not practical for a member of the branch to act as branch secretary, regions have the power to direct an organiser to temporarily for up to six months carry out the branch secretary's duties, whilst the regional secretary and regional committee formally review the situation and agree the long term solution. This organiser will take part in the branch committee's meetings, and will have the right to speak but not to vote.

5 Members will not be eligible for any office (except in the case of new branches) unless they are financial members and have paid contributions for at least 53 weeks.

6 Where necessary, the branch will appoint a collecting steward or stewards.

7 All branch officers, and the branch committee, will be elected at the last meeting in June every four years. Nominations can be made at any of the three meeting nights before the general meeting, and should be displayed clearly in the meeting room. If no nominations (or not enough nominations) are made at any of the three meeting nights before the general meeting, nominations can be made at the general meeting. However, if enough nominations have been made, nominations for that particular office will not be accepted at the general meeting.

8 Voting will be by a show of hands or a ballot by those members taking part in the general meeting.

9 Representatives to trades councils and similar local organisations will be elected at the last meeting in December each year.

10 Members who have been suspended from receiving the benefits we provide must not be elected to, or allowed to hold, any office.

11 Any branch officer who the regional secretary and the regional committee believe has not satisfactorily carried out their duties can be removed from office at any time by the regional committee. The regional

committee have the power to authorise the branch members to hold a new election, or to take any other action they feel is appropriate.

12 Any branch can make by-laws for how it carries out its own business. However, these by-laws must keep to our rules, and be approved by the regional council, regional committee or Central Executive Council before they are used.

13 Members or branches must not issue any addresses or circulars without getting approval from the regional council, regional committee or Central Executive Council. Also, members must not make our business known to unauthorised organisations, unofficial journals or the media without getting approval. Any member of any branch who:

- issues or hands out any circular;
- makes our business known, or calls unauthorised meetings, without the approval of the regional committee; or
- breaks this rule in any other way;

will be suspended from receiving all benefits we provide and could have their membership cancelled.

14 The regional secretary will have the power to close any branch or merge any branches for any reason they consider reasonable or necessary.

15 The regional committee will have the power to suspend or remove from office any branch officer who:

- acts incompetently or dishonestly; or
- fails to carry out any instructions or decisions of the Central Executive Council, regional council or regional committee; or
- for any other reason it considers reasonable

In giving its decision, the regional committee must tell the member, in writing, of their right to appeal.

Branch officers who are suspended or removed from office can appeal in writing within one month to the general secretary. If successful, the general

secretary will refer the case to the Central Executive Council, who will make the final decision. Before the regional committee and the Central Executive Council, the branch officer will have the rights set out in rule 5.8. The Regional Committee or Central Executive Council may order an appeal to be struck out for scandalous, vexatious or unreasonable behaviour by an appellant or for excessive delay in proceeding with the case. Before making such an order the appellant will be sent notice giving them an opportunity to show why the order should not be made. A member who, for any reason, has been disqualified from holding a particular office will not be eligible to be nominated for and elected to any other office without the regional committee's approval.

16 Branches who want to place motions on the agenda of the regional council meeting must send them to the regional secretary at least 21 days before the meeting.

17 Before the first branch meeting in each year, the branch secretary must give the members of the branch a schedule for when meetings will be held in that year. The schedule will give the date, time and place of each meeting, together with the main business that the branch secretary expects to be dealt with at each meeting. The branch secretary will give a copy of the schedule to each new member of the branch.

18 The meetings of each branch will be held at least once in each quarter.

19 Branch committees or meetings of branch members will not have the authority to decide anything not given as being within their powers as set out in our rules. Meetings of either members or committees must not authorise payments for any purpose or approve any action in connection with disputes, delegations, wage claims or benefits for members without first getting permission from the regional secretary.

20 Meetings of branch members must only include the members of the branch concerned. Members of any branches will not be entitled or allowed to take part in another branch's meetings unless this has been approved by the regional secretary. Any member who fails to keep to this condition will

be dealt with by the regional committee in line with the powers set out in these rules.

21 If a branch ('a composite branch') is made up of members of more than one section of the union, procedures for things such as nominating candidates (including nominating candidates for election to the Central Executive Council under rule 11, and nominating candidates for election to regional councils under rule 19) and voting (which is usually carried out by branches or members of one particular section) will be carried out by the members of that section in the composite branch. The number of members of that section in the composite branch will, where appropriate, be counted as the number of members of the branch. The Central Executive Council can make by-laws to set out how this rule should be applied, and the procedures that composite branches must follow.

### **Rule 36 Branch president**

1 The president will chair all branch meetings and make sure officials behave appropriately and keep to the rules.

2 At all meetings they chair, the branch president will have a vote but not a casting vote.

3 The branch president will sign the minutes, balance sheets and other documents, and will tell the secretary when to call special meetings of the committee.

4 At each branch meeting, the branch president will inspect and read to the members all receipts for money the regional office has received.

5 The branch president will report to the regional secretary any case where a branch official has failed to carry out their duties.

6 The branch president must give one month's notice before they resign.

## Rule 37 Branch secretary

1 The branch secretary will:

- keep all the branch's books, accounts and documents;
- carry forward in the contribution book and on members' cards all contributions members have not yet paid;
- deal with all correspondence and read it to the members of the branch; and
- take part in all branch and committee meetings, and keep a record of them.

2 Each quarter, the branch secretary will hand over all money taken on behalf of the branch to the region. They will also give the region a quarterly sheet showing the branch's income and spending. If, under the circumstances, the branch secretary is not able to do this, they must make other arrangements with the regional secretary.

3 The branch secretary will send to the National Administration Unit the branch's financial report, which should be signed by the auditors and the president, within the timetable set by the National Administration Unit.

4 The balance sheet must have the necessary details filled in to allow the National Administration Unit to make up the summary for the region.

5 If branch auditors are not available, the branch secretary must apply for auditors from the regional office.

6 If a member wants to transfer to any other branch, the branch secretary must provide written authority, which can be either provided on paper or by digital media. The branch secretary must not allow any member to transfer to their branch without evidence of such approval from the branch secretary of the branch they are transferring from. Transfers will need to be approved by the regional secretary and registered with the regional office. Branch secretaries of both the branch that the transferee is leaving and the branch the transferee is joining will be advised by the regional office when the transfer takes place.

7 The branch secretary will report to the regional secretary, in writing, any case where a collecting steward has failed to carry out their duties.

8 The branch secretary and the president can call special branch meetings when necessary.

9 The branch secretary must give one month's notice if they want to resign. If they do not do this, they will lose any payments they are owed.

10 When the branch secretary resigns or retires (or when asked to do so), they must give all money, books and property of the Union to the responsible officers of the region. If they do not do this, we may begin legal proceedings against them.

11 The branch secretary will have the right to speak and vote on any business carried out at their branch.

### **Rule 38 Branch equality officer**

1 The branch equality officer will be responsible for promoting equal rights within the branch's activities.

2 The branch equality officer must give one month's notice before they resign.

### **Rule 38a Branch youth officer**

1 The branch youth officer will be responsible for encouraging young people to join the union and promoting young people's issues into the branch's activities.

2 The branch youth officer must give one month's notice before they resign.

### **Rule 38b Branch race officer**

- 1 The branch race officer will be responsible for encouraging black and ethnic-minority people to join the union and promoting black and ethnic-minority issues into the branch's activities.
- 2 The branch race officer must give one month's notice before they resign.

### **Rule 39 Collecting stewards**

- 1 The collecting steward will be directed by the branch secretary and branch committee.
- 2 A collecting steward will collect cash membership contributions and levies in person. The collecting steward (or the branch secretary) will record members' payments on their contribution cards.
- 3 The collecting steward will hand over to the branch secretary their book and all money they have collected at every contribution night (or during any other period). The branch secretary will give them a receipt.

### **Rule 40 Branch member auditors**

- 1 The branch member auditors must finish their examination within 14 days of the end of the quarter.
- 2 The branch member auditors will have free access to all the branch's books and documents, and to any collecting stewards' books.
- 3 The branch member auditors must not accept any receipt which is not dated for the accounts they are examining.
- 4 The branch member auditors will report on that quarters' balance sheet at the next branch meeting.
- 5 Branch member auditors whose examinations turn out to be inaccurate will be held responsible if any funds are stolen or misused as a result.

6 The examinations branch member auditors carry out must not replace the audit chartered accountants carry out under rule 29.

#### **Rule 41 Branch members**

1 Each member must pay their contributions regularly. The member is responsible for keeping their payments up to date, not the branch secretary, collecting steward or other officer.

2 If we find out that someone has become a member of the union by giving false information, we will cancel their membership.

3 Any member taking part or waiting to take part in a meeting must behave properly. If they do not, they will be refused access to the meeting or, if the meeting has already begun, asked to leave.

4 Any member who changes address must let the branch secretary know as soon as possible.

5 Every member should help other members to find suitable employment.

#### **Rule 42 Dissolving branches**

1 Branches can only be dissolved (closed down) if the regional committee chooses to do so. When considering this, the regional committee must take account of the views of that branch's members.

2 If a branch is dissolved, the regional secretary will immediately organise an audit of all the branch's books and arrange a meeting for the members if necessary.

3 The officials of the branch must send all money, books and other property of the Union to the regional secretary, together with a full statement of the branch's funds. We will begin legal proceedings against any officers who fail to do so.



4 If any member of a dissolved branch wants to stay in the union, they will be transferred to the nearest branch.

### **Rule 43 Representatives in the workplace**

1 Shop stewards or staff representatives will be appointed (or elected by the members employed where necessary), if approved by the branch committee or regional secretary (if more than one branch is involved).

2 These representatives will be appointed in any of the following ways, depending on which is the most suitable.

a By a majority vote, through a show of hands or a ballot, of the members at the workplace.

b By a majority vote, through a show of hands, at a branch meeting.

c If all the members concerned agree that a member appointed by the regional secretary should act as representative.

d By shop stewards or staff representatives at the workplace electing one of themselves as convenor or chief staff representative.

3 The shop stewards and staff representatives and their convenor or chief staff representative will work under the authority of the regional committee. They must follow the decisions and policies set out by the governing authorities of the union.

4 Once a shop steward or staff representative has been appointed, their name, address and branch should be sent to the regional secretary, who will then give that person a credential card, shop steward's or staff representative's badge, and a handbook. When that shop steward or staff representative no longer holds office, they must return the credential card and badge to the regional secretary.

5 With the regional committee's permission, a branch may be allowed to levy its members to help create a fund to pay loss of earnings to shop stewards and staff representatives. The regional committee will only give permission once the branch has sent a report, setting out its income and expenses, which has been examined by the branch auditors.

6 Shop stewards or staff representatives who have been appointed in line with clause 2 of this rule will also take on the role of safety representative, in line with the conditions of the Health and Safety at Work Act 1974 and any schedules, regulations and codes of practice issued under that act.

7 If, after consulting the regional committee, the branch committee feels that people other than the shop stewards or staff representatives are needed, safety representatives should be appointed separately, in the same way as set out under clause 2 of this rule.

8 Safety representatives appointed under clause 7 of this rule will report to the shop stewards' or staff representatives' committee, and will work under the authority of the regional committee.

9 Clauses 1 to 5 of this rule will apply to learning representatives in the same way as they apply to shop stewards and staff representatives.

## **Industrial action**

### **Rule 44 Disputes**

1 If any dispute arises, the members concerned should tell their branch secretary, who will immediately report it to the regional secretary. The regional secretary will then put the matter to the regional committee or Central Executive Council. Members must not stop or threaten to stop working without the permission of the regional committee or Central Executive Council. Regional committees have the power to approve a strike where up to 300 members are involved.

2 If any branch or group of members want us to take steps to increase their wages or improve their conditions of employment, the branch secretary will report the claim to the regional secretary or other recognised official in the region, who will then pass the matter to the Central Executive Council. The form used to make the claim will set out the number of members entitled and not entitled to benefit, the number of non-members at the workplace (if any) and the number of votes the branch or group of members has recorded as being for and against the claim. In cases where wages may

be reduced or working conditions made worse, the form will clearly set out all the details relating to this.

3 Except where the Central Executive Council decides otherwise, members must not stop working unless the branch members or group of members concerned have taken a vote, and two-thirds of those members who vote have voted in favour of stopping working (and then only with the approval of the Central Executive Council or regional committee). Every member affected will have an opportunity to record their vote for and against stopping work. Members will not be entitled to strike benefit if they begin a strike without the Central Executive Council's approval. The Central Executive Council will have the power to refer a dispute to arbitration. Members who receive strike benefit should sign the vacant book once every day between 9am and 11am (or whichever other hours are decided on).

4 The strike committee will have the power to grant a member three days' leave to find employment. If the employment they find is temporary, the case will be referred to the strike committee, which may decide to award the member dispute pay.

5 If there is a strike or lockout, a committee of up to nine people can be elected from and by the members involved. This committee will be subject to the authority of the regional committee, Central Executive Council or officials of the region. When a dispute arises in an industry over an area that covers more than one town and affects a number of branches, the regional committee will have the power to appoint any strike committees it feels are necessary.

6 The strike committee can give members general duties relating to signing sheets, picket arrangements and other routine work. Unless told to do so, it must not authorise any action on questions of law, policy or the methods to follow in relation to the dispute.

7 The strike committee will enter the names of all members receiving dispute pay, together with the amount paid and the date the payment was made, in the books or forms provided. The secretary of the strike committee will be paid £2 a day and the members of the strike committee £1 a day for their services.

## Contributions and benefits

### Rule 45 Contributions

1 Once they join the union, members will pay a contribution in line with this rule.

Members will pay £3.00 a week and be classed as grade-1 members, **unless** they are:

- part-time members employed for 20 hours or less;
- young people under 18; or
- recruited as being unemployed;

in which case, they will pay £1.75 a week and be classed as grade-2 members. However, grade-2 members can choose to pay the contribution rate for, and be classed as, a grade-1 member.

The above grades are only used for deciding what contributions members should pay and the benefits they may receive.

2 Branch committees will have the power to fix the amount lapsed members (members who joined but later stopped paying contributions) need to pay to rejoin. This amount will be between £3.00 and £10 for grade-1 members, and between £1.75 and £5.50 for grade-2 members, except in particular circumstances when we may increase the amount with the approval of the regional committee.

3 All members who reach retirement age but continue to work will pay full contributions.

4 In these rules, a 'financial member' is a member who owes up to six weeks' contributions, and a 'full financial member' is a financial member who has been a member for at least six months and has paid contributions for 27 weeks in a row. In each case, 'paying contributions' means paying the full amount of the member's appropriate contribution rate as set out in these rules.

However, to be entitled to any benefit under rules 53, 54, 56 and 57, the members must pay grade-1 or grade-2 contributions for 27 or 53 weeks in a row (depending on which rate applies).

*[Note: New rates come into force on 1 October 2016.]*

#### **Rule 46 Promotional contribution rate**

1 Congress and the Central Executive Council may sometimes use the power they have under this rule to set contribution levels ('promotional contribution rates') lower than those set out in rule 45.

2 A promotional contribution rate will apply in place of the contribution rates set by rule 45 to any types of members Congress or the Central Executive Council feel are appropriate. Regional committees have the final say as to which members are appropriate, and members will not be able to appeal, under rule 6, to the Central Executive Council or Appeals Tribunal.

3 A promotional contribution rate may change (whether by going up or down) if the types of members it applies to are amended, or otherwise.

4 The types of members a promotional contribution rate applies to may be excluded from any benefits we provide.

5 A promotional contribution rate will continue to be in force for as long as specified or is necessary, after which it will no longer apply. Congress or the Central Executive Council may cancel the rate at any time, but must give at least two months' notice before doing so.

6 Once a promotional contribution rate is no longer in force, the members it applied to will pay the appropriate contribution rate as set out in rule 45.

#### **Rule 47 Paying reduced contributions when unemployed or ill**

1 This rule gives members:

- who are temporarily out of work, either through being unemployed or ill (this includes when the employer has a sick-pay scheme in force or when the member is pregnant); and
- whose ordinary wage is significantly reduced or stopped as a result;

the right to pay a reduced contribution to continue to be entitled to those benefits which they would normally be entitled to when paying full contributions, in line with the conditions set out in these rules.

2 If a member is ill but their employer does not have a sick-pay scheme in force, we may credit the member's contributions in full for up to 26 weeks in a row, in line with the conditions set out below.

3 The benefits of this rule will apply only to full financial members who have been a member for 52 weeks.

4 Any member who is out of work or ill and is covered by their employer's sick-pay scheme can apply to the branch secretary to have their contributions reduced to 5p a week. The member must do this no more than six weeks from the date they stopped working. The reduced rate will apply for the time the member is out of work or ill, and will allow them to continue to receive the same benefits as if they were paying full contributions.

5 A member cannot pay a reduced rate for more than 26 weeks in a row. If the member is ill or unemployed for more than 26 weeks, the branch secretary must notify the regional secretary. The regional committee will consider the member's circumstances and will either give or refuse permission for the member's reduced rate to continue for more than 26 weeks.

6 If a member is unable to work because of an accident for which they are receiving a cash benefit, they must pay full contributions while claiming this benefit. If the member's employer does not have a sick-pay scheme in force, the member will be allowed to pay the reduced rate. In all cases, the branch secretary should report the matter to the regional secretary. The member must continue paying full contributions when they return to work.

7 Members who are unemployed are responsible for applying to their branch to pay the reduced rate. Members who are ill or unable to apply themselves must get someone to apply on their behalf.

8 Without affecting rule 49.3, we will pay a member's contributions for any week they receive benefit under rules 49, 50 or 51.

#### **Rule 47a Retired life members**

1 When retiring permanently from paid work, people who have been members for at least five years and who want to stop paying contributions under rules 45 and 46 may apply in writing to become retired life members of the union. Until their application for retired life membership has been accepted, members will continue to pay their contributions in line with rules 45 and 46.

2a If a member retires on or after 1 July 2015, they can apply for free retired life membership within three months of no longer paying contributions in line with rules 45 or 46.

2b If the member owes contributions on the date their application is accepted, they will need to pay them. If they fail to do this, the member's name will be taken off the books and they will lose all the contributions they have made

3 A retired life member will be a financial member within rule 45.4, and may be a full financial member.

4 A retired life member will not be eligible for any benefits we provide, except the following.

a Legal assistance under rule 26, as long as they:

- are 60 or over;
- have been a member for 10 years; and
- are registered by the union as a retired life member.

If they meet these conditions, they will not need to pay any contributions while we are dealing with a legal claim on their behalf.

b Funeral benefit under Rule 53.

5 Where this applies, the contributions a retired life member pays under rule 18.2 will depend on their grade on the day immediately before the date their application for retired life membership was accepted under this rule.

6 If a retired life member returns to paid work, they will no longer be a retired life member and will start to pay contributions in line with rule 45. We will refund the lump sum they paid if they became a retired life member before July 1, 2015.

**Rule 48 Qualifying for benefits**

1 A member will be entitled to any benefits (except the disablement grant, funeral benefit and fatal accident benefit (occupational or non-occupational), paid in line with rules 52, 53, and 56) as long as they are a grade-1 or grade-2 member and a full financial member at the time they claim. The Union will not pay the disablement grant and fatal accident benefit (occupational or non-occupational) until the person has been a continuous member for 12 months and has paid contributions for 53 weeks in a row. Funeral benefit is not payable to any member with less than five years' continuous membership. Whether they are entitled to any benefit will depend on whether they keep to the conditions set out in this rule and the appropriate rules relating to those benefits. We will not pay any benefit if the member owes more than six weeks' contributions on the date they claim.

2 Any member who owes more than six weeks' contributions at the time they claim benefit will lose all their rights to claim. They will become eligible to claim benefits for other reasons 14 days after paying any contributions they owe. They will not be able to claim for benefits relating to anything that happened during the 14-day period referred to above.

3 Any member who, for reasons other than owing contributions, is not entitled to benefit at the beginning of a dispute will not become entitled for as long as that dispute continues.

4 If any member fails to pay contributions for more than 26 weeks, the



union may remove their name from the books, and they will lose all the contributions they made.

5 We will not pay any cash benefits under rules 52, 53, and 56 unless the member makes a claim for those benefits within 12 months of the date the reason for their claim first arose.

#### **Rule 49 Strike benefit**

1 If members stop working unconstitutionally, no benefit can be paid without the approval of the Central Executive Council. If members stop working as a result of a strike approved by the Central Executive Council in line with these rules, every full financial member who stopped working will receive £10 a day for 10 weeks (the limit being £50 a week). In any dispute, the Central Executive Council may increase these rates by any amount, at any time, and for as long as it feels is appropriate.

2 Members will not receive benefit until they have been on strike for three full days (whether all at once or added together) within a period of two months, after which they will be entitled to three full days' benefit. Days on strike can only be added together for the same dispute, and the Central Executive Council will make the final decision on whether to pay benefit.

3 Any contributions members owe will be taken from the first payment and any payments after that. At the end of 10 weeks, the Central Executive Council will review the circumstances and extend the benefit if they feel it is appropriate to do so.

#### **Rule 50 Lockout benefit**

A lockout is when an employer refuses to allow their employees to enter the workplace until the employees accept the conditions they are trying to introduce (and which we have authorised them to reject). Members who are locked out in this way will be entitled to benefit in line with the conditions of rule 49.

## **Rule 51 Benefit for other stoppages**

1 If members are prevented from working because of a trade dispute at their workplace and are not directly involved in the dispute, the Central Executive Council will have the power to decide the rate of benefit (if any) which should be paid.

2 Benefits for disputes, lockouts or other stoppages will not be paid if a member is entitled to receive or is receiving State Unemployment Benefit.

3 The contribution a member pays the Union only entitles them to the types of dispute pay set out in the rules mentioned so far. It does not entitle them to unemployment pay. If the member can claim State Unemployment Benefit, they will not have the right to claim lockout or dispute benefit at the same time.

## **Rule 52 Disablement grants**

1 The Union will pay a grant of up to £10000 to any member who is permanently unable to work as a result of an accidental injury sustained whilst at work, as long as that person, at the time of the accident, had been a continuous member for 12 months and did not owe more than six weeks' contributions.

2 Members must make a claim for total disablement benefit using the relevant form (together with the necessary medical certificates form) and give it to the regional secretary within a reasonable period from the date of the accident.

3 The Central Executive Council will make the final decision for claims for total disablement benefit. It will consider medical and other evidence, and decide whether to award a disablement grant. Any member claiming total disablement benefit must, if asked to by the Central Executive Council, be examined by an independent medical practitioner we have appointed.

4 Where legal action has been undertaken in respect of an incident arising from which there is an entitlement to Total Disablement Benefit under this rule, and as a result of the legal action the member is awarded at

least ten times the maximum level of the Total Disablement Grant, then the Total Disablement Benefit will not be paid to the member, and will be recoverable from the member if previously paid.

### **Rule 53 Funeral benefit**

1 If a full financial member, who has been a continuous member for 5 years dies, the regional secretary will, having been given a copy of the death certificate, pay the widow, widower, member of the family or nominated person a funeral grant of £350. (This person will need to show that they are responsible for paying funeral expenses.)

2 If the member owed any contributions before they died, we will take them from the funeral payment.

3 We will not pay this benefit if a member's widow, widower or relative makes a claim for fatal accident benefit under Rule 56.

### **Rule 54 Members of Her Majesty's Armed Forces**

If any member joins the armed forces continuity of membership and eligibility for benefits will be retained if the member rejoins the Union within 3 months of leaving the armed forces.

Payment of benefits to any member serving with the armed forces will be entirely at the discretion of the Central Executive Council

### **Rule 55 The maximum amount assurable**

We will not have the power to pay more than £4000, either as a lump sum or in payments of £825 a year.

### **Rule 56 Fatal accident benefit**

1 In line with clause 3 below, we will normally pay fatal accident benefit to the husband, wife, child, parent or partner (including same-sex partners) of a member who has died and who was a full financial member. The relative

claiming benefit must have completely or partly depended on the member for the ordinary necessities of life according to their circumstances.

We will pay fatal accident benefit as follows.

- For a full financial member who:
  - dies in an accident (within 12 months of the accident);
  - was working at their usual place of employment; and
  - has been a continuous full member for 12 months;

we will pay up to £10000.

- For a full financial member who has an accident (other than while working at their usual place of employment) from which they die within 12 months, we will pay up to £5000.

We will only pay one type of fatal accident benefit for any one financial member. The Central Executive Council will have the power to decide which of the above people we will make the payments to. If more than one person is entitled to the payment, the Central Executive Council has the final decision about how the payment should be divided.

We will only pay the benefit if, at the time of the accident and when making a claim, the member had been paying full grade-1 or grade-2 contributions (unless they were paying contributions at a different rate under rule 47.7) and did not owe more than six weeks' payments.

2 The member's relative must make a claim for fatal accident benefit by sending the correct form, and the death certificate, to the regional secretary within six weeks of the date the member died. The member must have been a continuous member for at least one year on the date they had the accident.

3 The Central Executive Council will have the power to make decisions based on all the evidence, and to consider whether to pay fatal accident benefit. The Central Executive Council can take any steps necessary to find out whether the member is entitled to benefit in line with

the conditions set out in these rules. However, we will not pay benefit for members who die as a result of an accident they had:

a while they are serving with any armed forces or any irregular force (other than while training as a volunteer or reservist with a regular armed force);

b while they were insane; or

c as the result of:

- an injury they have deliberately given themselves;
- their aggressive behaviour towards someone else (not including genuine self-defence);
- a disease or natural causes;
- carrying out an illegal act; or
- deliberately taking part in a riot.

4 Where legal action has been undertaken in respect of an incident arising from which there is an entitlement to Fatal Accident Benefit under this rule, and as a result of the legal action there is an award of at least ten times the maximum level of the Fatal Accident Grant, then the Fatal Accident Benefit will not be paid, and will be recoverable if previously paid.

5 We will take any benefit paid under rule 52 (disablement grants), and any funeral benefit paid under rules 53 and 54, from the fatal accident benefit.

6 The Central Executive Council will have the final decision about whether to pay benefit.

### **Rule 57 Weekly accident benefit**

1 A full financial member who is absent from work because of an accident will be entitled to accident benefit of £1.85 a day (and up to £9.25 a week). We will not pay accident benefit for more than 11 weeks. Also, we will not pay benefit to a member who has an accident when they are not working.

2 We will not pay benefit if the member is absent from work for less than two weeks. The benefit will apply from the third and later weeks the member is absent from work.

3 The Central Executive Council will have the power to make decisions based on all the evidence, and to consider whether to pay benefit.

## **Disputes with elections**

### **Rule 58 Appeals and disputes**

1 This rule will apply to all complaints, grievances and disputes arising from any election to the Central Executive Council (except the election of the general secretary and treasurer). Rule 6 will not apply to any matter falling within this rule. The regional office and branch secretary must receive any of these types of complaints no later than one month after the results of the election have been announced.

2a Each regional council will elect a regional elections committee from its own members. The committee will be made up of the region's representative on the Appeals Tribunal panel (who will be the committee's president) and two other representatives. Three other people should also be elected as 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> possible replacements if the first choices are disqualified for any reason (see below).

b The following people must not be chosen to sit on the committee.

- Election candidates, returning officers or scrutineers who are involved in the election which the complaint, grievance or dispute relates to.
- Members of a branch, or employees who work at a workplace, where there is a dispute over the votes made in an election.

If one or more members of the regional elections committee are disqualified, the person elected as a replacement will sit in their place for as long as the committee deals with that particular dispute.

3 If any member has a complaint relating to any matter falling within this rule, they must put it to the appropriate regional elections committee by writing to or phoning the regional office. They must also tell their branch secretary at the same time.

4 If a member complains about their entitlement to vote or to vote by post in an election, and they make their complaint on or before the day (or, if the election is held on more than one day, the last day) of voting, this paragraph will apply unless the complaint says otherwise.

The regional elections committee can ask for and consider a written or spoken report from the returning officer, and should make every effort to make a decision on the matter before the end of the last day of voting. The person complaining will have the right to support their case with written statements, but will not have the right to:

- go to any of the meetings of the regional elections committee;
- present their case to the committee direct;
- use witnesses; or
- see or hear any report the returning officer makes to the committee.

Members of the regional elections committee can either meet to decide the matter or do so over the phone.

5 Where paragraph 4 does not apply, the person complaining, and any person or branch who the regional elections committee reasonably considers to have an interest in the outcome of the complaint, will have a reasonable opportunity to present their case to the committee. They can present their case direct or in writing, and will have the right to support their case with written statements or by using witnesses (or both). They will have the right to see and hear the evidence against them and any report from the returning officer (which the committee may seek), and have the opportunity to reply to it and question witnesses. The regional elections committee will, in line with normal practice, consider the matter in private. The regional elections committee may order a complaint to be struck out for scandalous, vexatious or unreasonable behaviour by a complainant or for excessive delay in proceeding with the complaint. Before making such an order the complainant will be sent notice giving them an opportunity to show why the order should not be made.

6 If a regional elections committee accepts all or part of a complaint, it may make any order it feels is necessary in line with our rules and by-laws.

In particular, it may make an order for:

- a any person to be entitled to vote or be disqualified from voting;
- b any person to be entitled to vote by post;
- c any person to be entitled to stand for election or be disqualified from standing;
- d all or any of the votes in any branch or workplace to be counted or rejected; or
- e a new election to be held.

The regional elections committee must tell the person complaining, and any person or branch with an interest in the outcome of the complaint, about what the committee have decided and any orders they have made. If, in the committee's opinion, a rule or by-law was only broken in a way that would not have affected the result of an election, it can make an order for the result of that election to stand.

7 If any member or branch is not satisfied with the decision of the regional elections committee, they can appeal by writing, within one month of the decision, to the general secretary, who will refer the case to the Appeals Tribunal. The Appeals Tribunal will make the final decision. Clause 5 above will apply to a hearing before the Appeals Tribunal as it does to the regional elections committee. The Appeals Tribunal will have the same powers as a regional elections committee does under clauses 5 and 6.

### **Rule 59 Appeals and disputes relating to senior officers**

1 This rule will apply to all complaints, grievances and disputes arising from an election for a general secretary and treasurer. Rule 6 will not apply to any matter falling within this rule.

2 The national returning officer must receive any complaint under this rule in writing, within the following timescales.

- a If a member complains that the Central Executive Council has decided, under rule 15.3, that he or she is not eligible to stand as a candidate in an election, the officer must receive the complaint no later than one week after the Central Executive Council's decision.



- b In all other cases, the officer must receive the complaint no later than one month after the result of the election is announced.

A committee of the Central Executive Council will deal with any complaints under this rule. If the person complaining appeals against the decision (the national returning officer must receive the appeal, in writing, no later than one week after the decision is made), a different committee of the Central Executive Council will deal with the appeal. This committee will make the final decision, and the person complaining will not have any further right to appeal. A complaint falling within paragraph 2a of this rule will be treated as an appeal. When we refer to 'the committee' in the following clauses, we mean the relevant committee of the Central Executive Council, in line with this paragraph. The relevant committee of the Central Executive Council may order a complaint to be struck out for scandalous, vexatious or unreasonable behaviour by a complainant or for excessive delay in proceeding with the complaint. Before making such an order the complainant will be sent notice giving them an opportunity to show why the order should not be made.

3 The person complaining, and any person who the committee reasonably considers to have an interest in the outcome of the complaint, will have a reasonable opportunity to present their case to the committee direct or in writing. They will also be able to support their case with written statements or by using witnesses (or both). They will have the right to see and hear the evidence against them and any report from the national returning officer (which the committee may seek), and have the opportunity to reply to it and question witnesses. The committee will, in line with normal practice, consider the matter in private.

4 If the committee accepts all or part of the complaint, it may make any order it feels necessary in line with our rules and by-laws. In particular, it may make an order for:

- a any person to be eligible to stand for election or be disqualified from standing; or
- b a new election to be held.

If, in the committee's opinion, a rule or by-law was broken in a way that would not have affected the result of an election, it may make an order for the result of that election to stand.

## **Rule 60 Election disputes**

1 With any complaint or dispute about any election - whether this is for the Central Executive Council, general secretary and treasurer, organisers or otherwise - this rule will apply.

2a The Central Executive Council may rule that, before making a decision about the complaint, the candidate appearing to have the highest number of votes should take office or be excluded from taking office.

2b The Central Executive Council may also rule that, before a decision is made about the complaint (or complaints), the person should hold office and exercise the powers relating to that office, as if they had been validly elected without any complaint or dispute being made.

3 If, as in paragraph 2a above, the Central Executive Council rule that the candidate appearing to have the highest number of votes should take office, they will automatically be classed as having ruled as in paragraph 2b above, unless it makes another ruling against this.

## **Affiliations**

### **Rule 61 Affiliations to trades councils and similar organisations**

1 Branches will not be entitled to affiliate (officially link themselves) to a trades council or other organisation, without getting the regional committee's approval and unless the council or organisation it wants to affiliate to is approved by the Central Executive Council.

2 All fees for regions or branches to affiliate themselves to local trades councils, conciliation boards, federated trade unions and similar industrial or trade-union organisations will be paid for out of the regional funds. Affiliation fees should not go over £7 for every 100 financial members (not including sick and retired members). If the fees are more than £42 a year for any one branch, they must be approved each year by the regional committee.

## Public and political

### Rule 62 Candidates for local public organisations

Members who are candidates for local public organisations will be chosen by our members from a list of Branch nominations. The candidates must have been in the union for at least 12 months before they can be nominated, and must be approved by the regional committee. The regional committee can choose whether to give financial support to these candidates (see rule 2.8).

### Rule 63 Political fund

1 The objects of the GMB shall include the furtherance of the political objects to which Section 72 of the Trade Union and Labour Relations (Consolidation) Act 1992, applies, 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/her attendance as such shall, for the purposes of paragraph (e) 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 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 (hereinafter called the "Political Fund" of the Union).

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 Central Executive Council shall ensure that 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 Branch Office of the Union or from the Certification Office for Trade Unions and Employers' Associations, 22<sup>nd</sup> 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 or sent to the Secretary of the Branch to which the member belongs.

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 journal which is circulated to members. A copy of the notice shall be posted up and kept up for at least 12 months in a conspicuous place, accessible to members, at the office or meeting place of each branch of the Union. The Secretary of each branch shall also take steps to secure that every member of the branch, so far as is reasonably practicable, receives a copy of the notice, and shall supply a copy to any member on request. The Central Executive Council shall provide the Secretary of each branch 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 Rule 5 or by a written request in a form to the like effect, that he objects to contribute 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 Branch Office of the Union or at, or by post from, the Head Office or any Branch Office of the Union or from the Certification Office for Trade Unions and Employers' Associations, 22<sup>nd</sup> Floor, Euston Tower, 286 Euston Road, London NW1 3JJ

5 The form of exemption notice shall be as follows:

<p><b>GMB</b></p> <p><b>POLITICAL FUND (EXEMPTION NOTICE)</b></p> <p>I HEREBY give notice that I object to contribute to the Political Fund of GMB, and am in consequence exempt, in the manner provided by Chapter VI of the Trade and Labour Relations (Consolidation) Act, 1992, from contributing to that fund.</p> <p>Signature.....Name of Branch.....</p> <p>Address.....</p> <p>.....</p> <p>Date.....day of.....20.....</p>
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The Central Executive Council shall provide a sufficient number of such forms at the Head Office and at each Branch Office of the Union for such members of the Union as require them; and a copy of such form shall be delivered either by the Central Executive Council or by the Secretary of any Branch to any member on his/her request, or on a request made on his/her behalf either personally or by post.

6 Any member of the Union may at any time give notice on such form of exemption notice or on a form to the like effect that he/she objects to contribute to the Political Fund of the Union. Such notice shall be sent to the Secretary of the Branch to which the member belongs, and, on receiving it, the Secretary shall send an acknowledgement of its receipt to the member at the address appearing upon the notice, and shall inform the General Secretary of the name and address of the member.

7 On giving such notice, a member of the Union shall be exempt, so long as his/her notice is not withdrawn, from contributing to the Political Fund of the Union as from the first day of January next after the notice is given or, in the case of a notice given within one month after the notice given to members under rule 3 or after the date on which a new member admitted to the Union is supplied with a copy of these Rules under Clause 13 hereof, as from the date on which the member's notice is given.

8 The Central Executive Council 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 hereinafter 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/her, is a contribution to the Political Fund, it is hereby provided that the annual contribution to the Political Fund of the Union shall, for Grade 1 members be the sum of £7.65, for Grade 2 members the sum of £4.29, and for members paying the reduced rate under Rule 48 the sum of 15p. The contribution to the Political Fund shall be payable in three equal instalments on the first contribution nights of the quarters ending March, September and December.

Any member who is exempt as aforesaid shall be relieved from payment of the said sum of £7.65, £4.29 and 15p respectively. The Central Executive Council shall have power to suspend at any time payment to the Political Fund for any quarter or quarters, in which event, that portion of the member's contribution allocated to political purposes shall be credited to the Central Fund.

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 of the Union) by reason of his/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/she is aggrieved by a breach of any of the rules for the political fund, being a rule or rules made pursuant to Section 82 of the Act, he/she may complain to the Certification Officer, and the Certification Officer, after giving the complainant and any representative of the organisation an opportunity of being heard, may, if the Certification Officer considers that such a breach has been committed, make such order for remedying the breach as the Certification Officer 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/her notice of exemption on notifying his/her desire to that effect to the Secretary of his/her Branch, who shall thereupon send such member an acknowledgement of receipt of the notification and inform the General Secretary of the name and address of the member so withdrawing.

13 The Central Executive Council shall cause to be printed a number of copies of these Rules for the Political Fund of the Union, having at the end a copy of the certificate of approval sufficient for the members of the Union and a further number for new members and shall send to the Secretary of each Branch a number of copies sufficient for the members of the Branch. The Secretary of each Branch shall take steps to secure that every member of the Branch, so far as practicable, receives a copy of these Rules, and shall supply a copy to any member at his/her request. A copy thereof shall also be supplied forthwith to every new member on his/her admission to the Union.

14 A return in respect to the Political Fund of the Union shall be transmitted by the Union to the Certification Officer for Trade Unions and Employers' Associations before the first day of June in every year prepared and made up to such date and in such form and comprising such particulars



as the Certification Officer may from time to time require, and every member of the Union shall be entitled to receive a copy of such return, on application to the Treasurer or Secretary of the Union, without making any payment for the same.

### **Rule 63A Political Fund (Northern Ireland)**

1 Under Article 59 of the Trade Union and 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/she has delivered, as provided in Clause 4, to the Head Office or some branch office of the Union, a notice in writing, in the form set out in Clause 2, of his/her willingness to contribute to that Fund, and has not withdrawn the notice in the manner provided in Clause 3. 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 Clause 3, 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.

2 The form of notice 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 GMB, 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 branch office of the Union, a written notice of withdrawal. I also understand that after delivering such a notice of withdrawal I shall continue to be liable to contribute to the political fund until the next following first day of January.

Name:.....

Address:.....

Membership Number:.....

.....day of.....20.....

3 If at any time a member of the Union, who has delivered such a notice as is provided for in Clauses 1 and 2, gives the notice of withdrawal thereof, delivered as provided in Clause 4, to the Head Office or at any branch office of the Union, he/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.

4 The notices referred to in Clauses 1 and 3 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 Office or branch office of the Union if it has been sent by post properly addressed to that office.

5 The Central Executive Council 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, for Grade 1 members the sum of £7.65, for Grade 2 members the sum of £4.29, and for members paying the reduced rate under Rule 48 the sum of 15p payable in three equal instalments on the first contribution nights of the quarters ending March, September and December. No moneys of the Union other than the amount raised by such separate levy shall be carried to the political fund.

6 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.

7 Contribution to the political fund of the Union shall not be made a condition for admission to the Union.

8 If any Northern Ireland member alleges that he/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/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/she may make an order for remedying it as he/she thinks just in the circumstances. Under Article 70 paragraph 4 (b) of the Industrial Relations (Northern Ireland) Order 1992 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/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/she may complain to the GB Certification Officer, 22<sup>nd</sup> 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/she may make an order for remedying it as he/she thinks just in the circumstances. Any such order of the GB 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.

## **Delegate conferences**

### **Rule 64 National and regional delegate conferences**

- 1 We will hold any national delegate conferences the Central Executive Council, with Congress' approval, feel are necessary.
- 2 National delegate conferences will report to and advise the Central Executive Council and our negotiators. Any decisions the conferences make in relation to our industrial policies and negotiations will need to comply with Central Executive Council and Congress policies.
- 3 The Central Executive Council and Congress may issue guidelines on what work the national and regional delegate conferences should carry out, when the conferences should be held, and how delegates should be elected.

### **Rule 65 Voting options**

- 1 Wherever in these rules officials or other representatives need to be chosen by the votes of members, and when important questions have to be settled by that kind of vote, the Central Executive Council (or, with regions, the regional committee) can decide:
  - a whether the vote is held by an individual ballot or by a show of hands;
  - b whether the voting should take place in the workplace, at branch meetings, or by post (or by a combination of these); and
  - c whether the votes should be counted in total, or by the majority vote of financial members in a branch carrying the total financial membership of the Branch.

2 The financial membership of the branch, as shown on the last balance sheet, will be counted for or against in line with any decisions made by the majority of members present at the meetings.

3 If the vote relates to electing permanent officials, any question on the method of voting, if raised before the voting takes place, will be decided by the Central Executive Council.

## **Transfers of engagements**

### **Rule 66 Transfers of engagements**

The terms and conditions of the Transfers of engagement of Unions who now form part of GMB can be found on the Union's website.

## **SECTION RULES**

### **Rule**

- A1 The sections of the union**
- A2 National committees**
- A3 Section national conferences**

### **Rule A1 The sections of the union**

Members of the union will be grouped into four sections.

- The manufacturing section
- The commercial services section
- The public-services section
- The fine manufacturing section

### **Rule A2 National committees of the sections**

- 1 Each section will have a national committee made up of:
  - a all members of the section who are members of the Central Executive Council;
  - b the President of the section (if they are not a member through being a member of the Central Executive Council);

- c the other members of the section, if any, as set out in clause 2 of this rule; and
- d the Section National Secretary.

2 Each national committee will also include any other members it chooses from time to time (as long as the Central Executive Council approves these members), as long as doing so would not give it the power to create a national committee of more than 16 members.

3 The members of each committee will hold office during the term of office of the Central Executive Council under core rule 11, and will leave office as soon as this term has passed. The committees will, at all times, have a duty to work under the authority and direction of the Central Executive Council and Congress.

4 Each committee will consider and may make recommendations to the Central Executive Council for promoting the interests of the section's members and for organising and recruiting members. The committees will also carry out any other duties the Central Executive Council gives it the authority to do, and will be responsible for organising and planning the national conference. Otherwise committees must not consider any matter within the responsibilities of the Central Executive Council.

### **Rule A3 Section national conferences**

1 We will hold a national conference for the members of each section every two years. The conferences will report to and advise the Central Executive Council and the union negotiators, and all decisions of the conferences must be approved by the Central Executive Council and Congress. The conferences must not consider any matter Congress is responsible for. The Central Executive Council and Congress may, from time to time, issue guidelines on what matters the conferences can consider.

2 National conferences will be held every two years during a break in GMB Congress. There will be one regional delegate for every 1,500 financial members of the section in each region. Delegations will be made up of Congress delegates who are members of the section, together with any

additional delegates required to reflect the numerical strength of the section in each region. Delegates will hold office for two years.

3 A section national president will be elected in 2008 and at every second Section Conference from then on, from among the members of the Section Conference elected in line with rule A3.2 for that year, and from the members of the Section National Committee. The section president will hold office for four years, chair the Section Conference after that at which they are elected and be eligible to be nominated and re-elected after their four-year term of office. During their term of office the section president will chair all meetings of the Section National Committee.