



# INSTRUMENT OF AMALGAMATION

between the Civil, Public and  
Services Union, Irish Municipal Public &  
Civil Trade Union (IMPACT) and the  
Public Service Executive Union  
to form the new union, Fórsa



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# CONTENTS

INSTRUMENT OF AMALGAMATION .....	4
APPENDIX 1: RULES OF THE AMALGAMATED TRADE UNION .....	7
NOTES NOT FORMING PART OF THE RULES.....	34
APPENDICES TO THE RULES .....	35
APPENDIX A: AMALGAMATED TRADE UNION MEMBERSHIP SUBSCRIPTION INCOME .....	36
APPENDIX B: AMALGAMATED TRADE UNION PROCEDURES TO APPLY AT MEETINGS .....	38
APPENDIX C: TRANSITIONAL PROVISIONS .....	40
APPENDICES NOT FORMING PART OF THE RULES.....	47
APPENDIX 2: CODE OF SERVICE STANDARDS OF THE AMALGAMATED UNION .....	48
APPENDIX 3: DISCIPLINARY ACTION PROCEDURES .....	54

## INSTRUMENT OF AMALGAMATION

THIS INDENTURE made the [DATE] between the Civil Public and Services Union (CPSU), the Irish Municipal, Public and Civil Trade Union (IMPACT), and the Public Service Executive Union (PSEU) (the Amalgamating Trade Unions),

WHEREAS it has been agreed that the Civil Public and Services Union (CPSU), the Irish Municipal, Public and Civil Trade Union (IMPACT), and the Public Service Executive Union (PSEU) shall be amalgamated,

### NOW THIS INDENTURE WITNESSETH

1. That the Amalgamation shall take effect on 1st January 2018 or on the date on which this Instrument is registered by the Registrar of Friendly Societies, if later.
2. That with effect from the day of the Amalgamation the Rules of the Amalgamated Trade Union shall be those set out in Appendix 1 hereto which may thereafter be amended in accordance with the provisions of those Rules. The transitional provisions contained in Appendix C cannot be amended.
3. That with effect from the day of the Amalgamation:
  - (i) The members of the Amalgamating Trade Unions shall become members of the Amalgamated Trade Union and be subject to that Trade Union's Rules,
  - (ii) The Branches of the Amalgamating Unions shall become Branches of the Amalgamated Trade Union, and be subject to that Trade Union's Rules,
  - (iii) The National Committees established under Rule 10 of the CPSU Constitution and Rules shall become National Committees of the Amalgamated Trade Union and be subject to that Trade Union's Rules,
  - (iv) The Vocational Groups of IMPACT trade union shall become Equivalent Grade Committees of the Amalgamated Trade Union and be subject to that Trade Union's Rules and additional Equivalent Grade Committees will be established by the National Executive of the Amalgamated Trade Union,

- (v) The Retired Members of the Amalgamating Trade Unions shall become Retired Members of the Amalgamated Trade Union and be subject to that Trade Union's Rules, and
- (vi) The Trainee Members of the Amalgamating Trade Unions shall become Trainee Members of the Amalgamated Trade Union and be subject to that Trade Union's Rules.

4. That on the day the Amalgamation takes effect:
  - (i) The assets and liabilities, rights and obligations of the Amalgamating Trade Unions shall become assets, liabilities, rights and obligations of the Amalgamated Trade Union,
  - (ii) All of the property and assets of the Amalgamating Trade Unions shall be vested in the appropriate Trustees of the Amalgamated Trade Union,
  - (iii) The Dispute Fund of IMPACT and the Contingency Fund of the CPSU, and 10% of PSEU assets shall become the Contingency Fund of the Amalgamated Trade Union, and
  - (iv) The Employees of the Amalgamating Trade Unions shall become Employees of the Amalgamated Trade Union on no less favorable terms and conditions of employment than those enjoyed by them as Employees of the respective Amalgamating Trade Unions.
5. The Superannuation schemes and funds of the amalgamating trade unions will become superannuation schemes and funds of the amalgamated union.

Signed on behalf of the Civil Public and Services Union (CPSU)

1. Member of Executive Committee:
2. Member of Executive Committee:
3. Member of Executive Committee:
4. General Secretary:

Signed on behalf of the Irish Municipal, Public and Civil Trade Union (IMPACT)

1. Member of Executive Committee:
2. Member of Executive Committee:
3. Member of Executive Committee:
4. General Secretary:

Signed on behalf of the Public Service Executive Union (PSEU)

1. Member of Executive Committee:
2. Member of Executive Committee:
3. Member of Executive Committee:
4. General Secretary:

## **APPENDIX 1**

### **RULES OF THE AMALGAMATED TRADE UNION**

#### **1. NAME**

The name of the Union shall be Fórsa.

#### **2. REGISTERED OFFICE**

The registered office and principal place of business of the Union shall be Adelaide House, 19/20 Adelaide Road, Dublin 2, or at such other place as may be determined from time to time by the National Executive.

#### **3. OBJECTS**

(i) The principal objects of the Union shall be:

- to protect and promote the interests of its members,
- to protect, maintain and improve its members' remuneration and conditions of employment,
- to regulate the relations between its members, and between them and their employers,
- to provide and maintain services for the benefit of its members,
- to promote education and training for its members,
- to promote and safeguard the interests of its members by co-operating, affiliating, or federating with other representative bodies of workers,
- to promote excellence and effectiveness throughout the public sector, including in co-operation with other organisations,
- to promote justice, equity and equality in the workplace and in society, including in cooperation with other organisations.

(ii) The assets of the Union shall be applied only to the promotion of the objects of the Union.

#### **4. POWERS**

The Union may, in furtherance of its objects, do all such things, including the holding of property, as are incidental or conducive to the attainment of the objects and without prejudice to the generality of the foregoing, the Union may alone, through its Trustees or in partnership with one or more trade unions, engage with or enter into agreements, contracts or arrangements with external bodies, organisations, professional advisers or agents of any kind to provide services to the Union and/or Union members including, but not limited to, the provision of financial, investment, insurance, auditing, accounting, legal, consulting, administrative or custodial services or financial supports of any kind whatsoever.

#### **5. ELIGIBILITY FOR MEMBERSHIP**

Persons in employments deemed to be appropriate by the National Executive, who accept the Union's objects and rules, shall be eligible for membership. Persons who are retired from such employment, who accept the Union's objects and rules, shall be eligible for membership as retired members. Persons who are trainees in an appropriate employment, or who are third-level students in a discipline that will lead to employment in an appropriate employment, who accept the Union's objects and rules, shall be eligible for membership as trainee members.

#### **6. ENTRY INTO MEMBERSHIP**

- (i) Application for membership shall be made to the appropriate Branch or to the National Executive on such forms and subject to such conditions as may be prescribed by the National Executive from time to time.
- (ii) Acceptance of an applicant into membership by the Branch or by, or on behalf of, the National Executive shall not be treated as final until the application has been approved by both the appropriate Branch and by, or on behalf of, the National Executive.
- (iii) Subject to the above, an applicant's membership shall be treated as effective for all Union purposes from the date and time of its approval by the appropriate Branch or by, or on behalf of, the National Executive.

- (iv) In the event that an application for membership is not approved by both the appropriate Branch and by the National Executive, any matter arising in relation to the status of the applicant in the period following the original approval by the Branch or National Executive shall be determined by the National Executive.

#### **7. RETIRED MEMBERS**

- (i) A member of the Union who is in retirement from an appropriate employment may continue in membership of the Union, or reapply to join the Union in accordance with Rule 6.
- (ii) A member who is in retirement shall be entitled only to such rights and such benefits as may be determined from time to time by the Biennial Union conference.

#### **8. TRAINEES AND SIMILAR MEMBERS**

Persons who are trainees in an appropriate employment, or who are third-level students in a discipline that will lead to employment in an appropriate employment, may apply for membership in accordance with rule 6. Such members shall be entitled only to such rights and such benefits as may be determined from time to time by Union Conference.

#### **9. MEMBERSHIP OF AN ORGANISED BODY**

The Union, through the National Executive, may receive into membership all or any of the members of an organised body of employees on such terms as may be mutually agreed, subject to the approval of the Union conference.

#### **10. CESSATION OF MEMBERSHIP**

- (i) A member shall cease to be a member:
  - a. on cancelling their deduction at source mandate with their employer or on cancelling a payment mandate with a financial institution, or
  - b. on ceasing to be employed in an appropriate role or by an appropriate employer, or

- c. on acceptance by the Union of a written resignation, or
  - d. on foot of a decision by the National Executive to comply with a ruling of the Irish Congress of Trade Unions on a dispute between unions on the organisation of members, or
  - e. on being expelled from the Union.
- (ii) Responsibility for ceasing to pay the Union subscription shall rest with the person who has ceased to be a member.

## **11. DISTINGUISHED SERVICE AWARD AND HONORARY LIFE MEMBERSHIP**

- (i) Subject to the approval of the National Executive, a branch may confer a distinguished service award on any person who, while a member of that branch, gave distinguished service to the Union.
- (ii) On the recommendation of the National Executive, the Union Conference may confer a distinguished service award on any person who, while a member, gave distinguished service to the Union.
- (iii) The National Executive may grant honorary life membership of the Union to a member or former member who has given outstanding service to the Union. No more than one such award may be made in any one year. Honorary life members shall not be liable for any subscription payments.

## **12. BRANCHES**

- (i) The National Executive shall be responsible for the organisation of members into branches, and there shall be such branches of the Union as the National Executive determines from time to time.
- (ii) The Branch shall be the basic unit of organisation for the members of the Union and shall promote the objects of the Union.
- (iii) Every member shall be a member of the appropriate Branch as determined by the National Executive.
- (iv) A Branch may, subject to the approval of its members and of the National Executive, levy members and hold assets subject to any conditions and procedures as the National Executive may determine

from time to time. Such assets shall be held on behalf of the Union in the names of Trustees for the time being of the Branch, who shall be appointed and may be removed from office by the Branch.

- (v) The management of each branch shall be vested in a committee elected in accordance with its branch rules/standing orders, or as approved by the Executive Committee.
- (vi) A Branch shall make an annual return of finances and membership for the preceding calendar year in such a form, and before any deadline, as may be set by the National Executive, subject to such deadline not being earlier than 31st March of the year. Exceptionally, following a written appeal from a branch, the National Executive may give an extension of this deadline in respect of that branch. Branch accounts may be subject to audit at the discretion of the National Executive.
- (vii) A Branch shall furnish to the National Executive, or to the Divisional Executive of any Division with members in the Branch, such information as may be requested from time to time by the National Executive or the appropriate Divisional Executive.
- (viii) All Branches and Branch Executives shall be subject to the overriding authority of the National Executive.

## **13. CONSULTATIVE COUNCIL**

- (i) There shall be a Consultative Council, consisting of members of the National Executive Committee, Divisional Executive Committees and Branch Chairpersons and Branch Secretaries, to facilitate communication in the Union and the co-operation of Union members in the promotion of the objects of the Union. The Consultative Council shall be subject to the overriding authority of the National Executive and Union Conference.
- (ii) The Consultative Council shall meet at least twice in any calendar year on dates to be determined from time to time by the National Executive.
- (iii) The procedures for the conduct of the business of the Consultative Council shall be as determined from time to time by the National Executive.

#### 14. DIVISIONS

- (i) There shall be six Divisions in the Union:
  - The Civil Service Division
  - The Education Division
  - The Health and Welfare Division
  - The Local Government and Local Services Division
  - The Municipal Employees' Division
  - The Services and Enterprises Division.
- (ii) Every member shall be allocated to the appropriate Division by the National Executive.
- (iii) Each Divisional Conference shall determine policy on pay, conditions and other matters affecting only the members in the Division,
- (iv) Divisional Conferences may also consider other matters provided that they are not matters which are of sole concern to the members of another Division or which conflict with policy as previously determined by the Union Conference,
- (v) Decisions of Divisional Conferences in relation to such other matters shall constitute Divisional policy having the status of recommendations to the National Executive which shall decide on any action to be taken.

#### 15. DIVISIONAL COUNCIL\*

- (i) There shall be a Council for each Division to provide a forum for communication and consultation between Branches and the Divisional Executive.
- (ii) Each Divisional Council shall consist of the Divisional Executive and one representative from each Branch that has members in the Division.
- (iii) Such representatives shall be selected by each Branch at an annual meeting of the Branch from the members in the Division of that Branch who are on the Branch Executive. When such a representative is unable to attend a meeting of a Divisional Council, the Branch Executive may appoint a substitute to attend.

- (iv) Each Divisional Council shall meet at least once in any calendar year.
- (v) The National Secretary shall convene a meeting of a Divisional Council at the request of the National Executive, or of the Divisional Executive, or of not less than five Branches representing members in the Division.

#### 16. DIVISIONAL CONFERENCE\*

- (i) There shall be a Divisional Conference for each Division which shall consist of the Divisional Executive and delegates nominated by Branches from their members in the Division.
- (ii) The National Executive shall have discretion to determine the total number of Branch delegates at Divisional Conference.
- (iii) The National Executive shall allocate the number of delegates that each Branch is entitled to nominate to Divisional Conference. This shall be done by calculating the percentage of the Division's total membership in the membership of each Branch as at the preceding 31 December. Each Branch shall be allocated that percentage of the total number of Branch delegates, rounded to the nearest whole number and adjusted to provide for a minimum of one delegate from each Branch with members in the Division.
- (iv) Only delegates and members of the Divisional Executive may vote at a meeting of a Divisional Conference.
- (v) A Branch may opt to be represented at a meeting of a Divisional Conference by a lesser number of delegates than it is entitled to by notice in writing to the Standing Orders Committee in advance of the meeting specifying the name of a Principal Delegate whose vote shall additionally reflect the shortfall in delegates.
- (vi) Voting on any motion at a meeting of a Divisional Conference shall be on a show of hands.

## 17. BIENNIAL MEETINGS OF DIVISIONAL CONFERENCES\*

- (i) The National Secretary shall convene a Biennial Meeting of the Divisional Conference during the first six months of every second calendar year.
- (ii) The date of each Biennial Meeting of each Divisional Conference shall be as determined by the National Executive.
- (iii) Each Biennial Meeting of each Divisional Conference shall consider a report from the Divisional Executive and such motions and amendments thereto as may have been proposed by the Divisional Executive or by any Branch with members in the Division.
- (iv) The National Secretary shall give each Branch with members in the Division and each member of the Divisional Executive not less than 98 days' notice of each Biennial Meeting of each Divisional Conference.
- (v) Notice of motions and nominations for consideration at each Biennial Meeting of each Divisional Conference shall be given to the National Secretary not later than midday on the 77th day before the meeting is to commence.
- (vi) A preliminary agenda, prepared by the Standing Orders Committee and containing the motions of which notice has been given, shall be circulated by the National Secretary to each Branch with members in the Division and each member of the Divisional Executive not later than 56 days before the meeting is to commence.
- (vii) Notice of amendments to motions contained in the preliminary agenda shall be given to the National Secretary not later than midday on the 42nd day before the meeting is to commence.
- (viii) A final agenda, prepared by the Standing Orders Committee and containing motions and amendments of which notice has been given, shall be circulated by the National Secretary to each Branch with members in the Division and to each member of the Divisional Executive not later than 14 days before the meeting is to commence.
- (ix) A motion or amendment not included in the final agenda shall not be considered at any Biennial Meeting of any Divisional Conference except when two thirds of the delegates present and voting at such a meeting agree to add to the final agenda a motion of which timely notice could not have been given, in which case that motion and any amendment thereto shall be added to the business of the meeting.

## 18. SPECIAL MEETINGS OF DIVISIONAL CONFERENCES\*

- (i) The National Secretary shall convene a Special Meeting of the Divisional Conference at the request of the National Executive or of the Divisional Executive or if 10% or more of the members of the Division sign a requisition seeking a special meeting.
- (ii) The National Secretary shall give each Branch with members in the Division and each member of the Divisional Executive not less than 35 days' notice of a Special Meeting of the Divisional Conference advising of the terms of the requisition which shall specify the business to be conducted at the meeting and no other business shall be conducted thereat.
- (iii) The Divisional Executive or any Branch with members in the Division may propose amendments to any motion contained in the notice only by giving notice of such amendments to the National Secretary not later than midday on the 21st day before the meeting is to commence.
- (iv) The National Secretary shall issue an agenda prepared by the Standing Orders Committee to each Branch with members in the Division and to each member of the Divisional Executive not later than 14 days before the meeting is to commence.

## 19. DIVISIONAL EXECUTIVE\*

- (i) There shall be a Divisional Executive for each Division which shall conduct the business of the Division in accordance with and subject to the decisions of meetings of the Divisional Conference and subject to the overriding authority of the National Executive.
- (ii) With the exception of the Civil Service Divisional Executive, each Divisional Executive shall consist of a Chairperson or Cathaoirleach, Vice-Chairperson or Leas-Cathaoirleach and not more than 13 other members elected by each Biennial Meeting of the Divisional Conference from the nominees of Branches with members in the Division provided that:
  - (a) such nominees shall be selected from members in the Division,
  - (b) the Chairperson or Cathaoirleach and Vice-Chairperson or Leas-Cathaoirleach shall not be from the same Branch and not more than one of the other members of the Divisional Executive shall be from the same Branch,

(c) each Biennial Meeting of the Divisional Conference shall elect one or more of the other members of the Divisional Executive (elected by a separate ballot at that meeting) to be members of the National Executive in addition to the Chairperson or Cathaoirleach and Vice-Chairperson or Leas-Cathaoirleach, in order to fill the following total divisional representation on the National Executive:

- Civil Service Division (six members)
- Education Division (three members)
- Health and Welfare Division (six members)
- Local Government and Local Services Division (three members)
- Municipal Employees' Division (two members)
- Services and Enterprises Division (three members),

(d) the terms of office of the Chairperson or Cathaoirleach, Vice-Chairperson or Leas-Cathaoirleach and other elected members of the Divisional Executive shall commence at the conclusion of the meeting at which they were elected and shall cease at the conclusion of the following Biennial Meeting of the Divisional Conference,

(e) when a vacancy arises in the office of Chairperson or Cathaoirleach, it shall be filled by the Vice-Chairperson or Leas-Cathaoirleach;

when a vacancy arises in the office of Vice-Chairperson or Leas-Cathaoirleach the Divisional Executive shall elect a member of the Divisional Executive to fill the vacancy;

when a vacancy arises in one of the other places on the Divisional Executive, and should the Divisional Executive decide that it be filled, it shall be filled by the person who, in the election held at the previous Biennial Meeting of the Divisional Conference, most closely failed to be elected, provided that, when there is no such person the Divisional Council shall elect a member in the Division to fill the vacancy, and

(f) a member of the Divisional Executive who becomes an Officer of the Union shall be deemed to have resigned from the Divisional Executive.

(iii) In the case of the Civil Service Division, the Divisional Executive shall consist of a Chairperson or Cathaoirleach, two Vice-Chairpersons or Leas-Cathaoirleach, and not more than 26 other members elected by the Biennial Meeting of the Divisional Conference from the nominees of Branches with members in the Division provided that:

- (a) such nominees shall be selected from members in the Division,
- (b) there shall be three constituencies consisting of branches that were formerly branches of the CPSU, formerly branches of the PSEU, and formerly branches of IMPACT.
- (c) the Chairperson or Cathaoirleach and Vice-Chairpersons or Leas-Cathaoirleach shall not be from the same constituency,
- (d) ten members shall be nominated and elected by the constituency consisting of branches that were formerly branches of the CPSU, ten members shall be nominated and elected by the constituency consisting of branches that were formerly branches of the PSEU and six members shall be nominated and elected by the constituency consisting of branches formerly of IMPACT.

(iv) The Divisional Executives shall normally meet monthly unless otherwise decided.

(v) The National Secretary shall convene a meeting of a Divisional Executive at the request of the National Executive or of the Divisional Executive or of half of the members of the Divisional Executive or of the Chairperson or Cathaoirleach thereof.

(vi) A meeting of the Divisional Executive shall be quorate if half of the Divisional Executive members are present at the commencement of the meeting.

(vii) A Divisional Executive may delegate powers or authorities under such conditions as the Divisional Executive may decide.

(viii) The members of a Divisional Executive may be removed from office by a Special Meeting of the Divisional Conference convened for that purpose, in which case that meeting shall elect replacements.

- (ix) A member of a Divisional Executive Committee who fails to attend at three consecutive meetings of the Executive, and whose absence has not been excused, may be removed from office by a decision of the National Executive.
- (x) The National Secretary shall ensure that minutes of all meetings are kept. The National Secretary shall also circulate a report of decisions reached at the meeting to all Branches with members in the Division.

## 20. UNION CONFERENCE

- (i) There shall be a Union Conference, which shall be the governing body of the Union, and which shall consist of the National Executive and delegates nominated by Branches from their members.
- (ii) The National Executive shall have discretion to determine the total number of Branch delegates at Union Conference.
- (iii) The National Executive shall allocate the number of delegates that each Branch is entitled to nominate to Union Conference. This shall be done by calculating the percentage of the Union's total membership in the membership of each Branch as at the preceding 31 December. Each Branch shall be allocated that percentage of the total number of Branch delegates, rounded to the nearest whole number and adjusted to provide for a minimum of one delegate from each Branch of the Union.
- (iv) Only delegates and members of the National Executive may vote at a meeting of a Union Conference.
- (v) A Branch may opt to be represented at a meeting of a Union Conference by a lesser number of delegates than it is entitled to by notice in writing to the Standing Orders Committee in advance of the meeting specifying the name of a Principal Delegate, whose vote shall be enhanced to ensure that the Branch maintains its full voting entitlement.
- (vi) Voting on any motion at a meeting of a Union Conference shall be on a show of hands.

## 21. BIENNIAL MEETING OF UNION CONFERENCE

- (i) The General Secretary shall convene a Biennial Meeting of the Union Conference during the first six months of every second year.
- (ii) The date of each Biennial Meeting of the Union Conference shall be as determined by the National Executive.
- (iii) Each Biennial Meeting of the Union Conference shall consider a report from the National Executive and such motions and amendments thereto as may have been submitted by the National Executive or by any Branch.
- (iv) The General Secretary shall give each Branch not less than 98 days' notice of each Biennial Meeting of the Union Conference.
- (v) Notice of motions and nominations for consideration at each Biennial Meeting of the Union Conference shall be given to the General Secretary not later than midday on the 77th day before the meeting is to commence.
- (vi) A preliminary agenda, prepared by the Standing Orders Committee and containing the motions of which notice has been given, shall be circulated by the General Secretary to each Branch and to each member of the National Executive not later than 56 days before the meeting is to commence.
- (vii) Notice of amendments to motions contained in the preliminary agenda shall be given to the General Secretary not later than midday on the 42nd day before the meeting is to commence.
- (viii) A final agenda, prepared by the Standing Orders Committee and containing motions and amendments of which notice has been given, shall be circulated by the General Secretary to each Branch and to each member of the National Executive not later than 14 days before the meeting is to commence.
- (ix) A motion or amendment not included in the final agenda shall not be considered at the meeting except when two thirds of the delegates present and voting at the meeting agree to add to the final agenda a motion of which timely notice could not have been given in which case that motion and any amendments thereto shall be added to the business of the meeting.

## 22. SPECIAL MEETINGS OF UNION CONFERENCE

- (i) The General Secretary shall convene a Special Meeting of the Union Conference at the request of the National Executive or of 10% or more of Branches representing 10% or more of the members of the Union.
- (ii) The General Secretary shall give each member of the National Executive and each Branch not less than 35 days' notice of any Special Meeting of the Union Conference advising of the terms of the requisition which shall specify the business to be dealt with at the meeting and no other business shall be dealt with thereat.
- (iii) The National Executive or any Branch may propose amendments to any motion contained in the notice only by giving notice of such amendments to the General Secretary not later than midday on the 21st day before the meeting is to commence.
- (iv) The General Secretary shall issue an agenda prepared by the Standing Orders Committee to the National Executive and to each Branch not later than 14 days before the meeting is to commence.

## 23. NATIONAL EXECUTIVE

- (i) There shall be a National Executive which shall exercise the powers of the Union in furtherance of the objects of the Union and which shall manage, direct and control the affairs of the Union in accordance with and subject to the decisions of the Union Conference.
- (ii) The Officers of the Union shall be the President, the Treasurer and three Vice Presidents who shall ensure that the decisions of the National Executive are carried out. The National Executive shall consist of:
  - (1) the Officers of the Union, elected by each biennial meeting of the union Conference, from nominees of branches provided that:
    - (a) the President, Treasurer and three Vice Presidents shall be from different divisions. For the purposes of this rule, the Local Government and Local Services Division, and the Municipal Employees' Division shall be combined.
    - (b) the President shall be the Officer primarily responsible for ensuring that the General Secretary fulfils the responsibilities of the office,

- (c) the Treasurer shall be the Officer with primary responsibility for financial matters and each of the three Vice-Presidents shall be allocated by the National Executive primary responsibility for one of the following matters: the Union's administrative functions, equality and equal opportunities, and health and safety.
  - (d) the terms of office of the Officers shall commence at the conclusion of the Conference at which they were elected and shall cease at the conclusion of the following Biennial Meeting of the Union Conference,
  - (e) when a vacancy arises in the office of President, it shall be filled by the Senior Vice-President;
  - (f) when a vacancy arises in an office of Vice-President, subject to (1) (a) of this rule, it shall be filled by the person who, in the election held at the previous Biennial Meeting of the Union Conference, most closely failed to be elected, provided that, when there is no such person, the vacancy shall be filled by the election of a member by the National Executive;
  - (g) the Senior Vice-President shall be the Vice-President first elected with the highest vote; or, in the event of there being no election or an equality of votes, the longest serving Vice-President; or, in the event of equality of service as Vice-President, the Vice-President with longest service on the National Executive; or, in the event of equality of service on the National Executive, by the drawing of lots.
  - (h) A person who holds, or who has held, office as President, shall be eligible to be re-elected to that office once, but only once.
- (2)\* the Chairperson or Cathaoirleach and Vice-Chairperson or Leas-Cathaoirleach for the time being of each Divisional Executive, whose terms of office as members of the National Executive shall commence on 1 July following their election and shall cease on 30 June two years later,

- (3)\* other members of each Division elected by the Biennial Meeting of the Divisional Conference from the members elected to the Divisional Executive by that meeting in accordance with the schedule set out in Rule 20 (ii) (c) above provided that:
- (a) the terms of office of such members on the National Executive shall commence on 1 July following their election and shall cease on 30 June two years later, and
  - (b) when a vacancy occurs the Divisional Executive shall elect a member of the Divisional Executive to fill the vacancy.
- (iii) Not more than one member of any Branch shall be a member of the National Executive at any time.
  - (iv) The National Executive shall meet monthly unless otherwise agreed.
  - (v) The General Secretary shall convene a meeting of the National Executive at the request of the National Executive, or of half of the members thereof, or of half of the Officers, or of the President.
  - (vi) A meeting of the National Executive shall be quorate if half of the National Executive members are present at the commencement of the meeting.
  - (vii) The General Secretary and staff nominated by the General Secretary shall attend National Executive meetings, but shall have no vote.
  - (viii) The National Executive may delegate powers or authorities under such conditions as the National Executive may decide.
  - (ix) The members of the National Executive may be removed from office by a Special Meeting of the Union Conference convened for that purpose in which case that meeting shall elect replacements.
  - (x) A member of the National Executive who fails to attend at three consecutive meetings of the Executive, and whose absence has not been excused, may be removed from office by a decision of the National Executive.
  - (xi) The General Secretary shall ensure that minutes of all meetings are kept. The General Secretary shall also circulate a report of decisions reached at the meeting to all Branches.

## 24. STANDING ORDERS COMMITTEE

- (i) There shall be a Standing Orders Committee whose duty it shall be to prepare the agenda for each meeting of the Union Conference and of each Divisional Conference and to make recommendations to each such meeting on such matters as the Standing Orders Committee may deem necessary for the efficient and expeditious dispatch of the business of the meeting or as may be referred to it by the National Executive, by the Divisional Executive, or by the meeting.
- (ii) The Standing Orders Committee shall have no role in deciding Union policy, and its members shall not vote at conference.
- (iii)\* The Standing Orders Committee shall consist of members elected at Biennial Meetings of the Divisional Conferences who may not, while members of the Standing Orders Committee, act as delegates to any meeting of the Union Conference or as members of the National Executive or of any Divisional Executive.
- (iv) Each Biennial Meeting of each Divisional Conference, shall elect two members of the Standing Orders Committee, from nominees of Branches with members in the Division, provided that:
  - (a) such nominees shall be selected from the members in the Division,
  - (b) such members' terms of office shall commence on the following 1 July and shall cease on 30 June two years later, and
  - (c) when a vacancy occurs, the relevant Divisional Executive shall appoint a member in the Division to fill the vacancy.
- (v) The members of the Standing Orders Committee shall elect a Chairperson from amongst themselves.
- (vi) The quorum for meetings of the Standing Orders Committee shall be 50% present at the commencement of the meeting.
- (vii) For each meeting of each Divisional Conference the Standing Orders Committee shall select three of its members who shall carry out the duties of the Standing Orders Committee at that meeting provided that at least one of those selected shall be from the relevant Division and none of those selected shall be delegates to the relevant Conference.

- (viii) The General Secretary shall appoint a member or members of staff to assist the Standing Orders Committee in its work for each meeting of the Union Conference and Divisional Conference.

## 25. EQUIVALENT GRADE COMMITTEES

- (i) The National Executive may grant or withdraw recognition to a body of members as an Equivalent Grade Committee. An Equivalent Grade Committee may also be known as a Professional Committee.
- (ii) An Equivalent Grade Committee shall be entitled to:
- (a) make representation to the Union on matters relating to the salaries and conditions of service of its members,
  - (b) be informed and consulted by the Union on matters of interest to its members,
  - (c) promote coordination among members with similar pay and conditions across the divisions of the Union,
  - (d) participate in negotiations and the development of negotiating strategies affecting its members, including related research and preparation, and
  - (e) representation at meetings of the Union Conference and of appropriate Divisional Conferences by two members who may speak but not vote thereat.
- (iii) An Equivalent Grade Committee may, subject to the approval of its members and the National Executive, levy members and hold assets subject to any conditions and procedures as the National Executive may from time to time determine. Such assets shall be held on behalf of the Union in the names of the Trustees for the time being of the Equivalent Grade Committee who shall be appointed and may be removed from office by the Equivalent Grade Committee.
- (iv) Equivalent Grade Committees shall conduct their business in accordance with such procedures, including procedures to elect an Equivalent Grade Committee Executive, as are approved by the National Executive.
- (v) An Equivalent Grade Committee shall furnish a return of its finances and membership where required by the National Executive and in such form and for such period as is determined by the National Executive.

## 26. STRIKES AND INDUSTRIAL ACTION

- (i) The provisions of this rule shall apply notwithstanding any other provision contained in these rules.
- (ii) In this rule the terms "strike" and "industrial action" shall have the same meaning as in the Industrial Relations Act 1990.
- (iii) Members may take strike or other industrial action only when authorised to do so by the National Executive, or the appropriate Divisional Executive, or a sub-committee of the National Executive or Divisional Executive to which authority has been delegated under this Rule.
- (iv) The Union shall not organise, participate in, sanction or support a strike or other industrial action without a secret ballot, entitlement to vote in which shall have been accorded equally to all members whom it is reasonable at the time of the ballot to believe will be called upon to engage in the strike or other industrial action.
- (v) (a) A Branch may authorise a ballot on industrial action of the membership of the branch;
- (b) The appropriate Divisional Executive may authorise an aggregate ballot on industrial action of the membership or sections of the membership in that Division;
- (c) The National Executive may authorise an aggregate ballot on industrial action of the membership or sections of the membership in more than one Division;
- (vi) The Union shall take reasonable steps to ensure that every member entitled to vote in the ballot votes without interference from, or constraint imposed by, the union or any of its members, officials or employees, and, so far as is reasonably possible, that such members shall be given a fair opportunity of voting.
- (vii) The National Executive or the appropriate Divisional Executive shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in paragraph (ix) of this rule, favours such strike or other industrial action.

- (viii) The National Executive or Divisional Executive shall not organise, participate in, sanction or support a strike or other industrial action against the wishes of a simple majority of the Union's members, voting in a secret ballot, except where, in the case of a ballot by more than one trade union, an aggregate majority of all the votes cast favours such strike or other industrial action.
- (ix) Where the outcome of a secret ballot conducted by the Union, or in the case of ballots conducted by the Union and any number of other trade unions which are affiliated to the Irish Congress of Trade Unions, records an aggregate majority of all the votes cast in favour of supporting a strike organised by another trade union, a decision to take such supportive action shall not be implemented by the Union without the sanction of the Irish Congress of Trade Unions.
- (x) Notwithstanding any other provisions of this Rule, the National Executive may overrule a decision of any Divisional Executive to authorise, or not to authorise, members to take strike or other industrial action.
- (xi) The National Executive may authorise strike or other industrial action to be taken by members of Branches in more than one Division following a secret ballot of the members concerned in which a simple majority of those entitled to vote, supported the proposed action.
- (xii) The ballot papers for a strike or other industrial action ballot may be issued to the appropriate members by post to members' home or work addresses or may be distributed in the workplace or at meetings called in connection with or to consider the proposed strike or other industrial action. Members may return the completed ballot papers to the Union's registered office or to the appropriate Union branch by post or may place the completed ballot papers in secure ballot boxes in the workplace or at the meetings of members called in connection with the dispute.
- (xiii) As soon as practicable after the conduct of a ballot under this Rule the union shall take reasonable steps to make known to the members of the union entitled to vote in the ballot
  - (a) the number of ballot papers issued;
  - (b) the number of votes cast;
  - (c) the number of votes in favour of the proposal;

- (d) the number of votes against the proposal; and
- (e) the number of spoiled votes.

- (xiv) The National Executive or a Divisional Executive may delegate authority under this Rule to a sub-Committee of the National Executive or Divisional executive respectively..
- (xv) Nothing in this rule shall constitute an obstacle to negotiations for the settlement of a trade dispute nor the return to work by members of the Union party to the trade dispute, and any decision taken in accordance with this rule to organise, participate in, sanction or support a strike or industrial action may be rescinded or amended without the necessity of a further ballot of the members concerned.

## 27. DISCIPLINARY ACTION

- (i) The National Executive shall promulgate disciplinary procedures and may amend those procedures from time to time provided that such amendments shall not have effect in respect of disciplinary proceedings commencing prior to the date of amendment unless the member who is the subject of such proceedings agrees to the contrary.
- (ii) The said disciplinary procedures shall provide for the appointment of a Disciplinary Sub-Committee to determine disciplinary proceedings at first instance and for the appointment of a person or body to determine disciplinary proceedings on appeal.
- (iii) The said disciplinary procedures shall provide that the Disciplinary Sub-Committee may, on foot of a complaint made to it, examine the complaint, appoint an investigator, and impose one or more sanctions upon a member on the grounds that:
  - (a) the member has taken any action or been guilty of any conduct which is detrimental to the interests of the Union, or
  - (b) the member has failed to comply in any respect with these rules.
- (iv) The said disciplinary procedures shall set out the manner in which a complaint against a member shall be determined at first instance. They shall provide that where the member who is the subject of a complaint attends a meeting arising out of the complaint, he or she may be accompanied or represented by another person but he or

she shall not be accompanied or represented by a lawyer. They shall provide that the member shall be made aware of the evidence against him or her and shall have the opportunity to challenge that evidence and, where deemed appropriate by the Disciplinary Sub-Committee or the investigator appointed by the Disciplinary Sub-Committee, shall have the opportunity to put questions to witnesses.

- (v) One or more of the following sanctions may be imposed:
  - i. Debar the member from attending Union meetings indefinitely or for a period to be decided;
  - ii. Debar the member from participating in any way in Branch or Union administration indefinitely or for a period of time to be decided;
  - iii. Subject the member to financial penalties not to exceed twice the member's annual subscription;
  - iv. Formally censure the member;
  - v. Suspend the member from membership of the union for a specified period or until stated conditions are met. A member who is suspended shall not be relieved of any duties imposed by these Rules (including liability to pay the Union subscription) but shall not be entitled to take part in the affairs of the Union or to hold any office in the Union.
  - vi. Expel the member from membership and set an earliest potential re-application date, if any.
- (vi) The said disciplinary procedures shall set out the manner in which a complaint against a member shall be determined on appeal. They shall provide that the appeal shall be an appeal against error whereby the record of the proceedings at first instance only shall be considered in order to determine whether the Disciplinary Sub-Committee came to a correct or sustainable decision. The decision at first instance may be set aside, varied or affirmed.

## **28. SERVICE STANDARDS AND OMBUDSMAN**

- (i) The National Executive shall issue a written code of service standards which any member may expect to be met, and amend the code from time to time. The General Secretary shall appoint a senior official to hear and decide on any complaints on failure to adhere to these standards.
- (ii) The National Executive shall appoint an Ombudsman.
- (iii) The role of the Ombudsman will be to hear appeals, by members or groups of members, against decisions taken by Union Branches, Divisional Executive Committees or the National Executive. Procedures for the conduct of such appeals shall be published by the National Executive from time to time.
- (iv) Individual members or groups of members who believe the Union is not representing or servicing them to the standard set out in the code of service standards may appeal a decision of the senior official to the Ombudsman.
- (v) The Ombudsman shall also adjudicate on complaints raised by members or groups of members in respect of the implementation of the Instrument of Amalgamation.

## **29. CLAIMS AND OFFERS**

- (i) A decision to accept or reject an offer on foot of a claim shall be taken by the Members directly affected.
- (ii) The National Executive or appropriate Divisional Executive may sanction the aggregation of votes of Members directly affected with those of similar members in another union or unions where it considers it appropriate to do so.

## **30. FINANCIAL CONTROL**

- (i) The National Executive shall be responsible for the general management, direction and control of the financial affairs of the Union, subject only to the financial functions of the Trustees and the Union Conference.
- (ii) The General Secretary shall be responsible to the Union Officers and to the National Executive for the financial administration of the Union.

### **31. ASSETS TO BE IN THE NAMES OF TRUSTEES**

All of the assets of the Union shall be held for and on behalf of the Union in the names of the Branch trustees or the Equivalent Grade Trustees or the Union Trustees as provided under these Rules.

### **32. TRUSTEES**

- (i) Three Union Trustees, being members of the Union, shall be appointed and may be removed from office by the Union Conference, which shall determine the duration of any appointment.
- (ii) A member of the National Executive or of a Divisional Executive or an employee of the Union shall not be eligible to be a Union Trustee.
- (iii) In the event of any Trustee becoming unable or unwilling to act as such, the National Executive shall remove that Trustee from office, if necessary, and shall appoint a replacement from a panel of members approved by the Union Conference provided that, pending such replacement, the other Union Trustees shall act as the Trustees of the Union.

### **33. MEMBERSHIP SUBSCRIPTION**

- (i) The Union subscription payable by members, including retired and trainee members, shall be as set out in Appendix B to these Rules.
- (ii) Responsibility for ensuring that the Union subscription is paid at the correct rate, and for the payment of any arrears arising, shall rest with the member.
- (iii) Without prejudice to Rule 10, the National Executive may, following a recommendation from a branch, reduce, refund or waive subscriptions in the following circumstances:
  - (a) where a member has had a prolonged absence from duty, or
  - (b) where a member has suffered financial loss as a result of prolonged sick leave
  - (c) on other grounds of hardship.

### **34. CONTINGENCY FUND**

An amount of the Union subscription, as determined from time to time by the Union Conference, shall be set aside and kept separately from the general funds of the Union in a Contingency Fund. Income earned on the assets of the Contingency Fund shall be added to the Contingency Fund, expenditure to maintain and enhance the assets of the Contingency Fund shall be charged to the Contingency Fund. This fund shall be administered by the National Executive and shall be used for disputes, including legal disputes, and such purposes as may be determined from time to time by the Union Conference.

### **35. FINANCIAL YEAR**

The financial year of the Union shall be 1 January to 31 December.

### **36. ANNUAL ACCOUNTS**

Audited accounts for each financial year shall be approved by the National Executive and shall be submitted to the next Biennial Meeting of the Union Conference held following the end of the calendar year.

### **37. AUDITORS**

Auditors, not being members of the Union, shall be appointed annually by the Trustees.

### **38. INSPECTION OF RECORDS**

The financial records of the Union, and a list of the names of the members, shall be kept at the registered office and may be inspected by any member. Such financial records include the audited accounts, which shall be available for inspection within six months of the end of the financial year in question, regardless of when a meeting of the Union Conference is next due to be held.

### **39. INVESTMENT OF FUNDS**

Such funds of the Union as are not immediately required may be invested on the authority of the National Executive.

#### **40. GENERAL SECRETARY AND OTHER EMPLOYEES**

- (i) The National Executive shall employ a General Secretary who shall be the Chief Executive Officer of the Union. The appointment of the General Secretary shall be subject to the ratification of the Union Conference.
- (ii) The General Secretary shall be responsible to the National Executive and its Officers for the administration of the affairs of the Union.
- (iii) The General Secretary, or their nominee, shall be entitled to attend any meeting of the Union.
- (iv) The General Secretary may, subject to the National Executive, delegate functions to other employees of the Union.
- (v) The National Executive shall employ Heads of Divisions and Functions who shall, subject to the authority of the General Secretary, be responsible for the administration of the Divisions and/or for specialist functions.
- (vi) The National Executive may employ other employees of the Union as it considers necessary.
- (vii) The National Executive shall determine the conditions of employment of all employees of the Union.

#### **41. ALTERATION OF RULES**

- (i) These Rules, including appendices to these rules, may be revoked, altered or added to by a motion carried by two thirds of the valid votes cast at a meeting of the Union Conference.
- (ii) Any change to these Rules shall have effect from the end of the meeting at which it is adopted unless the meeting decides otherwise.

#### **42. INTERPRETATION OF RULES**

National Executive decisions on the interpretation of the Rules, and on matters in respect of which the Rules are silent, shall be final unless and until a meeting of the Union Conference decides otherwise.

#### **43. UNION MEETINGS**

- (i) At any meeting a simple majority shall determine the outcome of any vote, unless otherwise provided for in these Rules.
- (ii) In the event of an equality of votes the Chairperson of a meeting shall have a casting vote in addition to the deliberative vote, if any, to which they are entitled.
- (iii) The National Executive shall be entitled to be represented at any meeting.
- (iv) Elections at National and Divisional Conferences, Executives and Standing Orders Committee shall be by proportional representation, Seanad Eireann Rules.
- (v) The procedures to apply at Union meetings shall be as provided for in Appendix B to these Rules.

#### **44. DISSOLUTION OF THE UNION**

- (i) The Union shall be dissolved by the consent of five sixths of the members.
- (ii) The assets and/or liabilities of the Union shall be divided equally among the members of the Union as at the date of dissolution.
- (iii) The Registrar of Friendly Societies shall be informed of the dissolution of the union.

#### **45. TRANSITIONAL ARRANGEMENTS**

These rules shall be subject to the transitional arrangements at Appendix C to these Rules which cannot be amended.

*\* These Rules do not apply to the Municipal Employees' Division of the Union in accordance with the 1991 Transfer of Engagements from the IMETU to IMPACT.*

### **NOTES NOT FORMING PART OF THE RULES**

Legal obligations of the Union include:

- Notification to the Registrar of Friendly Societies of any change of the address of the Registered Office of the Union,
- Notification to the Registrar of Friendly Societies of any change of name or other amendment to the Rules of the Union,
- Provision of an Annual Return, including the Union's accounts, together with a copy of the current rules, to the Registrar of Friendly Societies before 1st June each year,
- Provision of a copy of the Rules to members on demand.

### **APPENDICES TO THE RULES**

- A. Amalgamated Trade Union: Membership subscription income
- B. Amalgamated Trade Union: Procedures to apply at meetings
- C. Amalgamated Trade Union: Transitional and other arrangements

**APPENDIX A**  
**AMALGAMATED TRADE UNION MEMBERSHIP**  
**SUBSCRIPTION INCOME**

**1. RATE OF MEMBERSHIP SUBSCRIPTION**

- (i) Persons, including members in retirement, who become members of the Amalgamated Trade Union on the date on which the Amalgamation takes effect shall continue to have the rate of their Union subscription calculated on the same basis as on the previous day.
- (ii) For members (other than retired members) who join the Amalgamated Trade Union after the date on which the amalgamation takes effect, the rate of Union subscription shall be €370 per annum or 0.8% of basic salary where the latter is a lesser amount. The subscription shall be adjusted in line with movements in the maximum point of the Civil Service Higher Executive Officer standard salary scale.
- (iii) In the case of members serving in the grades of the former CPSU Constituency, the rate of subscription shall be 1% of basic salary. 20% of this amount shall be assigned to the Benefits Fund which provides schemes for benefits to these members. On leaving the grades of the former CPSU Constituency, a member will cease to be covered by the Benefits Fund and their rate of subscription shall be €370 per annum or 0.8% of basic salary where the latter is a lesser amount.
- (iv) The rate of subscription payable by members in retirement shall be €96 per annum or 0.4% of pension if the latter is a lesser amount.
- (v) A nominal rate of subscription for trainees may be set by the National Executive
- (vi) Responsibility for ensuring that the Union subscription is paid at the correct rate, and for the payment of any arrears arising, shall rest with the member.
- (vii) Branches may impose a branch levy in addition to the above union subscriptions subject to national executive approval.

**2. ALLOCATION OF SUBSCRIPTION INCOME TO VARIOUS FUNDS**

- (l) With the exception of branch levies, the subscription income of the Amalgamated Trade Union shall be divided and allocated to a Developing World Fund, a Contingency Fund, and a General Fund on the following basis:
  - Developing World Fund 3.0%
  - Contingency Fund 5.0%
  - General Fund 92.0%.

**3. FUNDING OF BRANCHES FROM CENTRAL FUNDS**

Branches of the Amalgamated Trade Union shall be funded from Central Funds to the extent of 10% of the subscriptions paid by branch members in addition to an amount determined by branch size as follows:

1-25 members:	€290
26-50 members:	€575
51-75 members:	€860
76-100 members:	€1,145
101-125 members:	€1,430
126-300 members:	€2,860
301-700 members:	€3,810
Over 700 members:	€4,765

**APPENDIX B**  
**AMALGAMATED TRADE UNION PROCEDURES**  
**TO APPLY AT MEETINGS**

- (1) A member shall, when speaking, address the Chairperson.
- (2) A member who speaks shall speak strictly to the motion or amendment under discussion or to a question of order.
- (3) A member shall not speak more than once on any motion or amendment, and shall not occupy the time of the meeting for a longer period than five minutes, save with the permission of the meeting, but the mover of a resolution may reply before a vote is taken thereon, or on an amendment thereto, and the reply shall be strictly confined to answering previous speakers, and shall not introduce any new matter into debate. Provided always that a member may, with the permission of the Chairperson, speak to a point of order, or in explanation of some material part of a speech which has been misunderstood.
- (4) Every motion or amendment shall be written and shall be read or circulated before it is proposed.
- (5) A motion or amendment, once moved and seconded, shall not be withdrawn save with the consent of the meeting.
- (6) Every amendment shall be relevant to the motion on which it is moved, and shall be either:—
  - (a) to leave out a word or words;
  - (b) to leave out a word or words and insert or add another or others;
  - (c) to insert or add a word or words; or
  - (d) to refer back for further consideration.
- (7) Whenever an amendment has been moved and seconded, no other amendment shall be moved until the first amendment has been disposed of, but notice of any number of amendments may be given.
- (8) If an amendment is rejected, another amendment may be moved.
- (9) If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the question on which any further amendment may be moved.
- (10) Any member may move or second a motion or amendment reserving the right to speak for a later period of the debate.
- (11) Whenever any member is called to order by the Chairperson, the member so called shall immediately be seated and shall not address the meeting until the Chairperson has disposed of the question of order.
- (12) Any member who refuses to obey the ruling of the Chairperson may be removed on the order of the Chairperson.
- (13) Whenever two or more members seek to speak at the same time the Chairperson shall decide the order of speakers.
- (14) A member moving that the meeting do now adjourn may speak for not more than five minutes, and, if the motion is seconded, it shall be seconded without a speech, and put by the Chairperson without debate and, if carried, the meeting shall be adjourned by the Chairperson.
- (15) A member moving that the meeting do now proceed to the next business, or that the debate be adjourned, may speak for not more than five minutes, and, if the motion is seconded, it shall be seconded without a speech. The Chairperson shall then call on the mover of the motion under discussion to speak to the motion just moved, and, subject thereto, the latter motion shall forthwith be put to the vote and, if carried, the Chairperson shall proceed to the next business or adjourn the debate, as appropriate.
- (16) A second motion – that the meeting do now adjourn, or that the meeting proceed to the next business, or that the debate be adjourned – shall not be made within a period of half an hour unless it is moved by the Chairperson.
- (17) The meeting may adopt such additional procedures as are necessary for the expeditious dispatch of business.
- (18) In the event of a tied vote, the casting vote may be exercised by the Chairperson of the meeting.

**APPENDIX C**  
**TRANSITIONAL PROVISIONS**

1. The following transitional provisions shall apply notwithstanding any provision to the contrary in the rules of the Amalgamated Union.
2. Prior to the date of amalgamation:
  - 2.1. The amalgamating unions shall nominate members to sit on the Services and Enterprises Divisional Executive Committee of the Amalgamated Union as follows:
    - CPSU: 2 members;
    - PSEU: 2 members;
    - IMPACT: the members of the IMPACT Services and Enterprises Divisional Executive.
  - 2.2. The amalgamating unions shall nominate members to sit on the Standing Orders Committee of the inaugural meeting of the Civil Service Divisional Conference as follows:
    - CPSU: 2 members;
    - PSEU: 2 members;
    - IMPACT: the two Civil Service members of the IMPACT Standing Orders Committee.
  - 2.3. The Standing Orders Committee of the inaugural meeting of the Services and Enterprises Divisional Conference shall be comprised of members from the IMPACT Standing Orders Committee.
  - 2.4. The amalgamating unions shall nominate members to be trustees of the Amalgamated Union as follows:
    - CPSU: 1 member;
    - PSEU: 1 member;
    - IMPACT: the three IMPACT trustees.
  - 2.5. The IMPACT Health and Welfare Divisional Executive will, by proportional representation, nominate three members of its Executive to sit on the National Executive Committee of the Amalgamated Union in addition to the ordinary Health and welfare Divisional members of the IMPACT Central Executive Committee.
3. Upon the date of amalgamation:
  - 3.1. The committees of the Amalgamated Trade Union shall be comprised of the members of the amalgamating unions as nominated by those unions prior to the date of amalgamation as set out above.
  - 3.2. The Presidents and Vice Presidents of the former CPSU, IMPACT and PSEU shall constitute the Presidents and Vice Presidents of the Amalgamated Union pending the election of the Presidents and Vice Presidents of the Amalgamated Union in the first six months of 2018;
  - 3.3. These, along with the other Officers of the former IMPACT will become Officers of the Amalgamated Trade Union;
  - 3.4. The National Executive of the Amalgamated Union, for the period up to the inaugural biennial meeting of the Union Conference, shall be comprised of the Officers of the Amalgamated Union, together with the ordinary members of the IMPACT Central Executive Committee from the Education, Local Government and Local Services Division, Services and Enterprises Division, Municipal Division and Health and Welfare Division, three additional members from the Health and Welfare Division elected in accordance with section 2.4 and ten members of the Civil Service Division elected in accordance with section 4.1;
  - 3.5. The Civil Service Divisional Executive of the amalgamated union, for the period from the date of amalgamation until the special Divisional Conference of the Civil Service Division in the first six months of 2018, shall be comprised of the Civil Service members of the CPSU and PSEU Executives and the members of the IMPACT Civil Service Divisional Executive;
  - 3.6. The trustees of the Amalgamated Trade Union shall be the members of the amalgamating trade unions as nominated by those unions prior to the date of amalgamation as set out above;

- 3.7 Notwithstanding the provisions of Rule 40, as a transitional measure, subject to the rights of the National Executive, there shall be three General Secretary positions which shall be filled by the current General Secretaries of the CPSU, PSEU and IMPACT. The IMPACT General Secretary shall be the Senior General Secretary. The functions of the Public Service General Secretary and General Secretary for Organisation and Development shall be allocated initially to the PSEU and CPSU General Secretaries respectively. The IMPACT Deputy General Secretary will succeed to the position and role of Senior General Secretary when that position becomes vacant.
- 3.8 The contributions to be paid by members and the application of subscription income of the Amalgamated Trade Union shall be as provided for in Appendix A hereto;
- 3.9 Procedures for the conduct of business which have been adopted by any Branch, Group or National Committee of any of the Amalgamating Trade Unions under the Rules of that Trade Union shall continue. The procedures at Appendix B shall apply to any other Branch;
- 3.10 The Code of Service Standards will initially apply in the Civil Service Division of the Amalgamated Union and, following a review of their operation, similar codes will be prepared and issued for the other Divisions of the Amalgamated Union.
- 4 As soon as practicable following the date of amalgamation:
- 4.1 The Civil Service Divisional Executive Committee shall hold an inaugural meeting and shall, at that meeting, in the order shown below, do the following:
- 4.1.1 Elect a Chairperson or Cathaoirleach;
- 4.1.2 Elect two Vice Chairpersons or Leas-Cathaoirligh provided that no more than one of each of the three positions (i.e. Chairperson and two Vice Chairpersons) are filled by members of the constituencies of former CPSU, former PSEU and former IMPACT;
- 4.1.3 Elect a further seven members, along with the Chairperson and two Vice Chairpersons, to sit on the National Executive Committee of the Amalgamated Union.
- 5 During the first six months of 2018:
- 5.1 The Amalgamated Union shall hold the inaugural biennial meeting of the Union Conference;
- The President, Treasurer and Vice Presidents of the Amalgamated Union shall be elected at the inaugural biennial meeting of the Union Conference;
- 5.2 There shall be an inaugural meeting of the Civil Service Divisional Conference.
- The conference will consider a report, debate and decide on motions, and elect an executive provided that no more than one of the positions of Chairperson or Cathaoirleach and the two Vice Chairpersons or Leas-Cathaoirligh are filled by members of the constituencies of former CPSU, former PSEU and former IMPACT;
- 5.3 There shall be an inaugural meeting of the Services and Enterprises Divisional Conference.
- The conference will consider a report, debate and decide on motions, and elect an executive;
- 5.4 Notwithstanding Rules 17 (iv) and 21 (iv), less than 98 days' notice of Divisional and Biennial meetings of the Union Conference may be given in 2018 in the event of the amalgamation being registered by the Registrar of Friendly Societies later than 1st January 2018.
- 5.5 Following the inaugural meetings of the Civil Service Conference and the Services and Enterprises Divisional Conference and the inaugural biennial meeting of the Union Conference, any of the Officers of the Amalgamated Union referenced in paragraphs 3.2 and 3.3 who is not a member of a Divisional Executive or the National Executive shall have the option of becoming an additional ex officio member of their appropriate Divisional Executive Committee for the period to biennial Divisional Conferences 2019.

- 5.6 The Standing Orders Committee shall be comprised of the members elected by the IMPACT Health and Welfare, Education, Local Government and Local Services, Services and Enterprises and Municipal Divisions. In addition, the Standing Orders Committee of the inaugural meeting of the Civil Service Divisional Conference established under Clause 2.2 of this Appendix shall elect three of their number to the Standing Orders Committee for the inaugural biennial meeting of the Union Conference;
  - 5.7 The National Executive of the Amalgamated Trade Union will develop model Branch rules, which may be used by new Branches established by the Amalgamated Trade Union;
  - 5.8 The National Executive of the Amalgamated Union will establish sub-committees to guide policy and activity on a variety of issues;
  - 5.9 Equivalent Grade Committees for Civil Service Clerical and Executive grades and their equivalents in other Divisions will be established, and shall be provided with the necessary administrative support.
- 6 During the first six months of 2019 there shall be Divisional Conferences of all Divisions of the Amalgamated Union, which will be treated as a biennial meetings of the Divisional Conferences.
  - 7 During the first six months of 2020 there shall be a meeting of the Union Conference which shall be treated as a Biennial Meeting of the Union Conference.
  - 8 In the year 2021 the National Executive of the Amalgamated Trade Union shall, on its own initiative, conduct a review of the operation of the Amalgamated Trade Union, including giving consideration to the appropriate number of Union Officers.
  - 9 There will be 17 ordinary members of the services and Enterprises Divisional Executive until the conclusion of the Biennial Divisional Conference 2023.
  - 10 Until the commencement of the meeting of Biennial Delegate Conference 2024 these Rules may only be revoked, altered or added to by a motion carried by three quarters of the valid votes cast at a meeting of the Union Conference.

11. Until the conclusion of the meeting of Biennial Delegate Conference 2024:
  - 11.1 There shall be ten members of the Civil Service Division on the National Executive, comprised of the Chairperson, two Vice Chairpersons and seven additional members;
  - 11.2 There shall be standing committees of the constituencies to advise the Civil Service Divisional Executive Committee on industrial relations issues and liaison between branches and equivalent grade committees in respect of matters relating solely to that constituency. The standing committees shall comprise the members of the Divisional executive Committee elected from the relevant constituency.
  - 11.3 Subject to the provisions of Rule 32, one of the three Trustees of the Amalgamated Trade union will be a member of the Civil Service Division;
  - 11.4 No member shall be eligible for election to the former CPSU constituency of the Civil Service Divisional Executive, unless s/he is nominated by the branch of which s/he is a serving member and unless s/he is a serving member of the outgoing Branch Committee and is elected to the incoming Branch Committee;
  - 11.5 Except in the case of a transfer of engagement, Rule 19 (iii) may not be amended;
  - 11.6 Rule 23 (iii) and the following section of Rule 19 (b) 'and not more than one of the other members of the Divisional Executive shall be from the same Branch' shall not apply to the former PSEU constituency;
  - 11.7 If, at any time prior to the conclusion of the meeting of the Biennial Delegate Conference in 2024 the majority of the members of any of the Constituencies of the former unions request the National Executive of the Amalgamated Union to do so, the National Executive of the Amalgamated Union shall initiate a review of the operation of the amalgamation including matters arising under the instrument of amalgamation and these transitional provisions. If it is not possible to reach agreement, the General Secretary of the Irish Congress of Trade Unions will nominate an arbitrator. The findings on any matters dealt with by an arbitrator shall be binding;

- 11.8 The National Executive may grant up to three awards of honorary life membership in any one year;
  - 11.9 A Branch may opt to continue Branch funding arrangements that were in place prior to the date of amalgamation;
  - 11.10 The procedures for the conduct of Union meetings shall apply;
- 12 Following the Biennial Delegate Conference in 2024:
- 12.1 Branch funding arrangements, if in place prior to the date of amalgamation, shall be reviewed.
  - 12.2 The National Executive will review Rule 19 (ii) (c) and Rule 23.

**APPENDICES NOT FORMING PART OF THE RULES**

**Appendix 2 - Code of Service Standards of the amalgamated union.**

**Appendix 3 - Amalgamated Trade Union: Disciplinary procedures.**

## APPENDIX 2

### CODE OF SERVICE STANDARDS OF THE AMALGAMATED UNION

#### INTRODUCTION

1. It is recognised that the delivery of service to individual members and Branches is a central part of union activity. The question as to whether the new union might establish a centralised information unit will be for the new union to consider, in which case this document will need to be reviewed. In the meantime, the new union will deliver on the service obligations set out in this document. Timelines set out will be adhered to and members will have a means of making complaints, should the timelines not be met for any reason.
2. The obligations set out below shall rest with full time officials (FTO) and full time seconded staff (FTSS). Normal channels of communications with branches and local representatives will remain in place.
3. There are three ways in which members can contact FTOs and/or FTSS;
  - i) By telephone
  - ii) By email
  - iii) By post

This document sets out the obligations of the FTOs and FTSS in each case.

#### CONTACT BY TELEPHONE

4.
  - i) There shall be contact number(s) available exclusively for use by members, local representatives and branches
  - ii) A member who contacts these numbers will be advised which FTO and/or FTSS is appropriate to deal with the issue
  - iii) All calls will be logged to ensure that timeframes set out will be met
  - iv) The relevant FTO and/or FTSS will be advised that day of all calls received, to which they are expected to reply
  - v) Details will be taken of the caller and the issue concerned

- vi) Within 2 working days, the member concerned will receive a call back, either from the relevant FTO/FTSS or from somebody directed by the relevant FTO/FTSS to do so
- vii) It is impossible to prescribe the nature of these return calls, however, at the very least, the call will advise the member about how best their query or problem might be resolved and, if necessary, the member may be referred to their local Branch representative. In the latter case, the member will be provided with the relevant contact details. Primary responsibility for service delivery rests with the FTOs and FTSS. Members who are dissatisfied with service by local Branch representatives may revert to the FTO or FTSS (in some cases, it needs to be recognised that local Branch representatives are the most appropriate contact and that the role of the FTO/FTSS may be limited).
- viii) In circumstances where the FTO/FTSS advises that contact with the employer and/or a third party is required, the member will be given an idea of the likely timescale involved and will be given an idea when they can expect to receive word from the FTO/FTSS on progress
- ix) A log will be kept of returned calls with details of the advice/information offered.

#### CONTACT BY EMAIL

5.
  - i) There shall be contact email address(es) for the exclusive use of members
  - ii) A member shall be expected, in making email contact, to provide their name, details of employer and details of the query/problem
  - iii) Every day, emails received at the relevant email address(es) will be forwarded to the relevant FTO/FTSS
  - iv) Within two working days, the relevant FTO/FTSS shall reply to emails received. Such replies to the member(s) concerned shall be directed via the contact email address, to which the email concerned was addressed
  - v) All email correspondence through the contact email address(es) will be retained until the issue/query raised has been brought to a conclusion

- vi) It is impossible to prescribe the nature of email replies but all replies will advise member(s) how best their query/problem might be resolved. In some cases, this may mean referring the member to the local Branch representative, in which case contact details will be provided to the member. Primary responsibility for service delivery rests with the FTOs and FTSS. Members who are dissatisfied with service by local Branch representatives may revert to the FTO or FTSS (in some cases, it needs to be recognised that local Branch representatives are the most appropriate contact and that the role of the FTO/FTSS may be limited).
- vii) Where the response suggests a need to contact the relevant employer and/or a third party, the member will be advised of the likely timescale involved and will be given an idea of when they can expect word from the FTO/FTSS on progress

#### **CONTACT BY POST**

- 6 i) Letters sent to the union by members will be logged
- ii) All correspondence will be passed to the relevant FTO/FTSS on the day that it is received.
- iii) A reply will be issued to the member within five working days
- iv) A log will be kept of correspondence to members
- v) Where the reply to a member refers the member to the relevant Branch representative, contact details will be provided.

#### **OVERSIGHT**

- 7 A senior official in the union shall be assigned to ensure that the timeframes set out above are met. Any member who is dissatisfied with the service received may write to the senior official involved, who will, if he/she deems it necessary, investigate the complaint.

#### **EXCEPTIONS**

- 8 The timeframes set out above shall be the norms that members can expect. It is recognised that exceptional circumstances can arise e.g. a 'write in' by a large number of members. In such circumstances, it is accepted that it would not be reasonable to expect that the time limits set out would, or could, be met. It is recognised also that due to the temporary absence, (e.g. annual leave), of the relevant FTO/FTSS, it may not always be possible to give a reasoned response to queries/issues in the timeframes set out.

However, when an FTO or FTSS is absent, they will arrange with their line manager to have 'cover' provided by a colleague. In such cases, it is acknowledged that there is a higher likelihood that any communications with members will refer them to local representatives or that they will advise members to await the return of the relevant FTO/FTSS. In such cases, the member will be provided with the contact details of the relevant line manager, should they not be in a position to await the return of the relevant FTO/FTSS.

#### **OMBUDSMAN**

- 9 The new union will appoint an outside Ombudsman to deal with complaints by members or Branches of the Union. Such complaints can include failure to meet the time lines set out in this document. Any such complaints must be referred to the senior official referred to in 7 above in the first instance and only after that senior official has indicated that he/she has finished with the complaint. Any inordinate delay on the part of the senior official may, itself, be referred to the Ombudsman for investigation. In cases where the senior official has finished with a complaint, the referral to the Ombudsman shall be an appeal against the finding of the senior official to the effect that the conclusion reached by the senior official was not justified by the facts or that the senior official did not take adequate steps to rectify the problem brought to attention. The senior official's actions in response to a complaint shall, therefore, be the basis for appeal to the Ombudsman and it shall be a matter for the senior official to respond to the complaint referred to the Ombudsman.

## BRANCH COMPLAINTS

- 10 In accordance with the existing practice in the three amalgamating unions, any Branch that wishes to make a complaint regarding service provided by an FTO or FTSS may do so, in writing, to the General Secretary. Groups of members with service complaints regarding an FTO or FTSS more generally may make such complaints through their local Branch. If the Branch is agreeable they may forward such complaints to the General Secretary. A complaint to the Ombudsman by a Branch may only be made when the General Secretary has indicated that he/she has finished with the complaint. Any inordinate delay on the part of the General Secretary in dealing with such a complaint may, itself, be referred to the Ombudsman for investigation. A referral to the Ombudsman shall be based on the General Secretary's actions in response to a complaint and it shall be a matter for the General Secretary, or an official appointed by the General Secretary for the purpose, to respond to the complaint referred to the Ombudsman. The referral of a decision of the General Secretary to the Ombudsman may be made on the grounds that the decision of the General Secretary was not justified by the facts or that the actions of the General Secretary were an insufficient response to the issue raised.

## GROUPS

- 11 Groups of members within a Branch may make a complaint to the senior official referred to in 7 above if they believe that the time limits set out in this document have not been met. Groups of members with service complaints regarding an FTO or FTSS more generally may make such complaints through their local Branch. Should the Branch be agreeable to do so, they may choose to forward such complaints to the General Secretary, in accordance with 10 above.

## COMPLAINTS AGAINST LOCAL REPRESENTATIVES

- 12 It is recognised that the union is a voluntary organisation, hugely dependent on the volunteers who act as local representatives. It is not reasonable to expect voluntary representatives, who combine their role with working for their employer, to meet the tight time frames set out above.

Any member or members who are unhappy with the service provided by local representatives should, in the first instance, raise the issue with the relevant FTO or FTSS. If the member(s) concerned are unhappy with the outcome, they may refer the matter to the senior official referred to in 7 above. If the matter is not resolved at that stage, the member(s) concerned may refer the issue to the General Secretary, who shall call for a report from the local representative, the relevant FTO/FTSS and the senior officer referred to in 7 above. The General Secretary may then investigate the complaint. The General Secretary shall issue a response to the complaint, following investigation. Complainants may refer the General Secretary's decision to the Ombudsman on the grounds that the decision reached was not justified by the facts or that the actions taken by the General Secretary were an insufficient response to the issue raised.

## REPORTING

- 13 The senior official referred to at 7 above shall report to the biennial conference detailing the number of complaints, the number upheld and, where he/she deems it useful to do so, the follow up actions. Nothing in these reports shall be capable of identifying individuals.

The Ombudsman shall produce a report to the biennial conference and may make recommendations regarding service delivery. Nothing in this report shall be capable of identifying individuals.

## REVIEW

- 14 The amalgamated union will keep the processes and timelines set out in this document under continuous review, with particular regard to any recommendations from the Ombudsman.

**APPENDIX 3**  
**DISCIPLINARY ACTION PROCEDURES**

**1. COMPLAINTS AGAINST MEMBERS**

- 1.1. This Annex to the rules sets out the process which shall be used to deal with complaints made by member(s) against (an)other member(s).
- 1.2. Any confidentiality requirements that may be expressed or implied under this Annex are subject to the limitation that the Union may be required, by law, to report an allegation or the outcome of an investigation to an external body.

**Disciplinary Committee**

- 1.3. The Union shall have a Disciplinary Committee. This Committee shall consist of the President, the Vice-President and seven other members of the Executive Committee appointed by the Executive Committee from amongst its members. The Disciplinary Committee shall be appointed by the Executive Committee as soon as may be convenient subsequent to the Annual Delegate Conference and shall hold Office until the conclusion of the ensuing Annual Delegate Conference.
- 1.4. The Executive Committee shall fill any vacancy arising among the members of the Disciplinary Committee from amongst its members as soon as may be convenient. In the event that the Executive Committee is satisfied that a member of the Disciplinary Committee is not prepared or able to fulfil the functions of a member of the Disciplinary Committee through non-attendance at meetings of the Disciplinary Committee, the Executive Committee may replace this member by another member of the Executive Committee. In the event that a member of the Disciplinary Committee has a direct involvement in a complaint to be considered by that Committee, whether as a complainant or the person complained of or as a witness or otherwise, or is otherwise subject to a conflict of interest in respect of a particular complaint (whether actual or perceived), this matter shall be

reported to the Executive Committee by the General Secretary and the member in question shall be replaced by the Executive Committee by another member of the Executive Committee for the purposes of the investigation of the case in question. The quorum for a meeting of the Disciplinary Committee shall be

- 1.5. The Chairperson of the Disciplinary Committee shall be the President, or in his/her absence, the Vice-President, or in the absence of both, a person appointed by the Committee to act as Chairperson.
- 1.6. The Disciplinary Committee shall have no function other than the functions set out in this Annex.
- 1.7. The General Secretary shall act as Secretary to the Disciplinary Committee, shall attend all meetings of the Committee and keep such records of the Committee as are appropriate. The General Secretary may nominate another Official to act as Secretary of the Disciplinary Committee – either on a continuing basis or for a particular case. Where another Official is nominated to act as Secretary of the Committee, he/she shall carry out the functions assigned to the General Secretary in this Annex. Where the General Secretary has a direct involvement in a complaint to be considered by that Committee, whether as a complainant or the person complained of or as a witness or otherwise, the General Secretary shall nominate another Official who has no such involvement to act as Secretary of the Committee for the case in question.

**A Complaint**

- 1.8. Any Member or any Branch Committee (“complainant”) may make a complaint against a member to the effect that that member (“respondent”) has engaged in an action or activity which is a breach of the Rules of the Union or is otherwise conduct injurious to the interests of the Union or its members. (Conduct deemed to be injurious to the interest of the union shall include the failure to act in accordance with the instructions of the Executive Committee during the course of an industrial dispute). The complainant and the respondent shall be known, collectively, as “the parties”. Any

such complaint shall be made in writing to the General Secretary, or an officer appointed by the General Secretary for this purpose and shall specify the precise nature of the action and/or activity which is the source of the complaint and must be made within 60 working days of the alleged action or activity

- 1.9. On receipt of a complaint, the General Secretary, or an officer appointed by the General Secretary for this purpose, shall notify the respondent(s) of the complaint and, also, the source of same. The General Secretary, or an officer appointed by the General Secretary for this purpose, shall seek to resolve the matter informally within 20 working days of receipt of the complaint. If the General Secretary, or an officer appointed by the General Secretary for this purpose, believes that an extension of this time will assist in a resolution, the parties shall be so advised and the permission of the Disciplinary Committee shall be sought for an extension of a further 20 working days. A request for such permission shall not include any details of the complaint.
- 1.10. In the event that it is not possible to resolve the matter informally, the General Secretary, or an officer appointed by the General Secretary for this purpose, shall refer the complaint to the Disciplinary Committee which shall meet to consider same. The Committee may, if it considers it necessary, ask the complainant(s) to clarify allegations that are to be the subject of the investigation. The Disciplinary Committee shall meet no later than 20 working days following receipt of a complaint.
- 1.11. The Disciplinary Committee, may, if it receives a complaint or complaints against more than one member, which it considers to be the same complaint, or essentially the same complaint, or a number of complaints against a member and if this appears to be practicable, treat the complaints collectively as one complaint for the purposes of this Rule. However, any outcome of the procedures set out in this Annex for individual members shall be stated in the form of outcomes for individual members.

### **Preliminary assessment of Complaint**

- 1.12. The Disciplinary Committee shall appoint two of its members to examine any complaint and determine whether there appears to be a prima facie basis for the complaint which, if it were established, could constitute a material or deliberate breach of the Rules of the Union or is otherwise conduct injurious to the interests of the Union or the members. Save in exceptional circumstances, the two people concerned should reach their conclusions within 20 working days of the matter being referred to them. In the event that they deem it necessary, they may make a request to the Disciplinary Committee for an extension of this time.
- 1.13. In the event that these two members of the Disciplinary Committee conclude that there is such a prima facie basis for the complaint, the General Secretary, or an officer appointed by the General Secretary for this purpose, shall notify the complainant(s) of that decision and the complaint shall proceed in accordance with this Annex. Save in exceptional circumstances, the General Secretary or an officer appointed by the General Secretary for this purpose, shall issue this notification within 5 working days of receipt of the conclusion reached under 1.12 above.
- 1.14. In the event that these two members of the Disciplinary Committee conclude that there is not such a prima facie basis for the complaint, the General Secretary, or an officer appointed by the General Secretary for this purpose, shall notify the complainant(s) of the decision not to proceed to investigation and no further action will be taken by the Disciplinary Committee unless this decision is appealed. Save in exceptional circumstances, the General Secretary, or an officer appointed by the General Secretary for this purpose, shall issue this notification within 5 working days of receipt of the conclusion reached under 1.12 above.
- 1.15. In notifying the complainant(s) of such decision, the General Secretary, or an officer appointed by the General Secretary for this purpose, shall advise them of their right to appeal same to the full Disciplinary Committee.

- 1.16. Where the complainant(s) object to this decision, they shall be free to appeal same to the full Disciplinary Committee. Any such appeal must be received by the General Secretary, or an officer appointed by the General Secretary for this purpose, within 10 working days of the date of the notification of the original decision to the complainant(s). The basis of the appeal shall be set out in the notice of appeal.
- 1.17. In the event of such an appeal, the respondent(s) shall be advised of the fact of the appeal and the basis for same and shall be invited to comment on same in writing. Comments should be limited to the issue of whether or not there is a prima facie basis to proceed. Any such comment must be received by the General Secretary within 10 working days of the date of the notification to the respondent(s).
- 1.18. The appeal shall be determined by a meeting of the Disciplinary Committee which shall not be attended by the two members of that Committee who took the original decision. Any decision of the Disciplinary Committee on the appeal of a preliminary assessment of a complaint shall be final. The Disciplinary Committee shall make its determination within 20 working days of receipt of the correspondence referred to in 1.16 and 1.17 above or it should advise the parties within that time if it is unable to do so and, if so, why is this the case.
- 1.19. The General Secretary, or an officer appointed by the General Secretary for this purpose, shall advise the parties, in writing, of the outcome of the appeal within 5 working days of that outcome

#### **Right to Representation**

- 1.20. At any stage of the process set out in this Rule where one or other of the parties is involved in a meeting, he/she may be accompanied by a colleague, friend, fellow member of the Union or legal representative. The function of this person shall be to support and assist the party concerned. Not more than one person may accompany a party. It shall not be deemed appropriate for the accompanying person to seek to answer questions posed to a party on behalf of the party concerned. In order to minimise delays in dealing with the complaint, where the person due to accompany a party to a meeting under this Annex is unable to be present

for such meeting and the party wishes to have a person accompanying him or her to a meeting, the Mediator, Investigator or Disciplinary Committee, as the case maybe, may request the party involved to arrange for another person to accompany him or her to the meeting.

#### **Mediation Stage**

- 1.21. The Disciplinary Committee may, if it considers that the nature of the complaint is such that a mediated solution might be a possibility, propose to the parties that they should engage with an external mediator, nominated by the Disciplinary Committee, with a view to reaching a resolution of the complaint. It shall be a matter for the parties to the complaint to decide whether to attempt a mediated solution or otherwise. Mediation can only take place with the agreement of all parties. It must not be used as a delaying tactic by any party and, if agreed to, must be utilised in good faith. Unless agreed otherwise by both parties, mediation will conclude within 20 working days. Either party may withdraw from mediation at any point.

#### **Investigation Stage**

- 1.22. In the event that a mediated solution is not possible, the Disciplinary Committee shall appoint an external investigator ("Investigator") to examine the complaint. This appointment shall be notified in the correspondence referred to in 1.19 above. This appointment shall, save in exceptional circumstances, be made within 20 days of it being identified that mediation is not possible. The Investigator shall meet with the complainant(s) and the respondent(s) and any witnesses which either of them may wish to bring forward, along with any relevant documentation they wish to produce. The Investigator shall provide all the information obtained from the complainants and the witnesses in the course of the investigation to the respondent.
- 1.23. In the event that either party maintains that, in order to protect his rights in the investigation, it is essential that he/she be permitted to ask questions of any witness or of the other party in the course of the investigation, that party shall provide a written

statement setting out the basis of which he/she considers that this would be necessary to protect his/her rights. In the event that the Investigator agrees to provide this facility, the party involved may ask questions of any witness interviewed by the Investigator and/or of the other party. Any such questions shall be posed in the presence of the Investigator. The questions shall be relevant to the matter under investigation.

The questions may be asked by the person accompanying the member if the party is accompanied. Only one person may ask questions, either the party or the person accompanying him/her, but not both. The Investigator shall rule on the relevance of the questions and any other procedural issues which may arise.

- 1.24. The Investigator shall provide a factual report of the results of the investigation to the General Secretary on the complaint which shall set out the facts established in the investigation ("Investigator's Report"). This report shall be produced within 60 working days of the appointment of the Investigator. If the Investigator is not in a position to do so in that time, the Investigator shall issue an explanation to the Disciplinary Committee, which shall be conveyed to the parties by the General Secretary, or an officer appointed by the General Secretary for this purpose. The Disciplinary Committee shall meet to determine if more time should be allowed for the investigation to be concluded.
- 1.25. The Parties to the complaint shall each be provided with a copy of the Investigator's Report and invited to comment in writing on same. Any comments must be reported within 20 working days of receipt of the report.
- 1.26. The Disciplinary Committee shall be provided with a copy of the Investigator's Report and any comments made by the parties on same and shall meet no later than 20 days after the receipt of any comments under 1.25 above.

### **Deliberative Meeting of Disciplinary Committee**

- 1.27. The Investigator's Report shall be considered at a meeting of the Disciplinary Committee held for the purpose of determining whether, based on the facts established in that Investigator's Report, the complaint made can be upheld or not. The parties shall be entitled to attend at any part of such meeting as may be considered appropriate by the Committee, if they wish, in order to make a statement on the matter and, if necessary, to answer any questions which the Disciplinary Committee may wish to pose. In the event that both parties wish to attend the meeting, they shall attend separately.
- 1.28. Having regard to the complaint, the Investigator's Report, the comments of the parties on same (whether in writing or in person before the Disciplinary Committee) and any other statements made by the parties (whether in writing or in person before the Disciplinary Committee), the Disciplinary Committee shall determine:
  - whether the action or activity complained of has taken place;
  - if so, whether that action or activity is a breach of the Rules of the Union or is otherwise conduct injurious to the interests of the Union or its members; and,
  - if so, what penalty should be imposed on the member found guilty of same.

### **Penalties which may be imposed**

- 1.29. A respondent against whom a complaint is upheld may be:
  - debarred from attending Union meetings indefinitely or for a period to be decided; and/or
  - debarred from participating in any way in Branch or Union administration indefinitely or for a period of time to be decided; or
  - subjected to financial penalties not to exceed twice the member's annual subscription or

- Formally censured by letter. Any such censure may be made known to the Disciplinary Committee in any future disciplinary case involving the person or Branch concerned
- expelled from membership.

*(Note) A person whose membership is suspended shall not be relieved of any duties imposed by these Rules (including liability to pay the Union subscription) but shall not be entitled to take part in the affairs of the Union or to hold any office in the Union.*

*In the event of a member being debarred from attending meetings or from holding office, their Branch shall be notified.*

- 1.30. The General Secretary, or an officer appointed by the General Secretary for this purpose, shall convey the decisions of the Disciplinary Committee under either or both of the two preceding paragraphs to the complainant(s) and the respondent(s) within 5 working days of the decision, save in exceptional circumstances
- 1.31. In advising a member against whom a complaint has been upheld of this fact and the penalty imposed by the Disciplinary Committee, the General Secretary, or an officer appointed by the General Secretary for this purpose, shall advise the member of his/her right of appeal and shall state the latest date for receipt of the notice of appeal. The latest date for receipt of appeal shall be 20 days after the notification of the outcome.

### **Appeal Against a Decision of the Disciplinary Committee**

- 1.32. Where a member has been found guilty of a breach of the Rules of the Union or of conduct injurious to the interests of the Union or its members, he/she may give notice that he/she wishes to appeal against the decision of the Disciplinary Committee by sending notice of such appeal to the General Secretary, or an officer appointed by the General Secretary for this purpose, within 20 working days of the issue of the notification specified in the preceding paragraph.
- 1.33. In the event of an appeal, it shall be made to an external party in accordance with the following arrangements:

- the external person should be agreed between the Disciplinary Committee and the appellant within 15 working days of notification received from the appellant that he/she wishes to appeal the decision of the Disciplinary Committee,
- in the event of failure to agree on a suitable person, the General Secretary of the Irish Congress of Trade Unions will be asked to nominate a suitable party to determine the appeal, within 15 working days of the failure to reach agreement
- the person appointed shall convene a hearing within 20 working days of their appointment. If they are unable to do so, they shall advise the General Secretary, or an officer appointed by the General Secretary for this purpose, who shall advise the Disciplinary Committee and the appellant. In such case, either the committee or the appellant can seek to have an alternative appointed to hear the appeal, in accordance with the provisions of this section, as set out above.
- the appeal will be solely to determine whether the decision of the Disciplinary Committee to uphold the complaint(s) against the appellant was warranted or not and, if so, whether the penalty imposed was appropriate or not;
- the appellant and the Disciplinary Committee should prepare written submissions which should be provided to the person conducting the appeal at least 5 working days in advance of the date of the appeal hearing and, also, to each other at the same time;  
the person conducting the appeal should meet with the appellant (and a friend, colleague or legal adviser of his/her choice, if he/she wishes to be accompanied) and Disciplinary Committee Representatives (not more than two people) in joint session to hear the arguments of both sides,
- the terms of reference of the person conducting the appeal is whether he/she can uphold a decision of the Disciplinary Committee or take such other decisions as may be considered suitable in all the circumstances;

- other than as stated in this Annex, the person conducting the appeal shall determine his/her own procedures for conducting the appeal; but shall in any event, save in exceptional circumstances, issue a determination within 30 working days of the meeting with the appellant
- If the person conducting the appeal is unable to issue a determination in the time frame allowed, they should notify the appellant and should state the reasons
- the person conducting the appeal should issue his/her determination on the matter in writing to the appellant, the Disciplinary Committee and the original complainant
- this determination shall be final and binding on all parties.

### **Procedures Promulgated by Executive Committee**

- 1.34. The Executive Committee shall be empowered to prepare procedures for the implementation of the details of this Rule which shall be published in the Annual Report of the Executive Committee and made available to members on request. These procedures shall also be supplied to the parties to any complaint. The Executive Committee shall have the power to amend, or suspend, the procedures from time to time as the Executive Committee may, in its sole discretion, consider appropriate.
- 1.35. In the event of any inconsistency between this Annex and the terms of any procedures for its implementation, the provisions of this Annex shall apply.

### **Vexatious Complaints**

- 1.36 The provisions of the procedure may be applied in full in respect of a complaint that a previous complaint was, itself, vexatious.

