



# **RULE BOOK**

**As agreed by The National Executive Committee & Delegates  
in attendance at Annual Delegates conference 2016**

**and amended in May 2018**

**Independent Democratic Union, 8 Fairfields Road, Basingstoke, RG24 9TB**

# INDEX

1. TITLE AND OFFICES .....	3
2. STATUS OF THE RULES .....	3
3. OBJECTS .....	3
4. MEMBERSHIP .....	3
5. PRIVACY NOTICE .....	6
6. SENSITIVE AND CONFIDENTIAL INFORMATION .....	9
7. ADMINISTRATION AND GENERAL .....	9
8. IDU STRUCTURE, BRANCHES .....	11
9. BRANCH POSTAL REPRESENTATIVES .....	13
10. REGIONAL SECRETARIES .....	14
11. NATIONAL EXECUTIVE COMMITTEE .....	14
12. PRESIDENT .....	15
13. GENERAL SECRETARY AND TREASURER .....	16
14. GENERAL TRUSTEES .....	17
15. LAND AND BUILDINGS .....	17
16. INVESTMENTS AND PROPERTY OF THE UNION .....	17
17. ELECTORAL APPEALS AND DISPUTES .....	17
18. HEALTH AND SAFETY STRUCTURE .....	18
19. ANNUAL DELEGATES CONFERENCE .....	19
20. ALTERATION OF CONSTITUTION .....	20
21. RETIRED MEMBERS BRANCH .....	20
22. OFFICIALS AND OFFICERS .....	21
23. BENEFITS .....	21
24. FINANCE .....	21
25. INDUSTRIAL ACTION .....	22
26. WINDING UP/MERGER .....	22
<b>Appendix A DEFINITIONS AND INTERPRETATIONS .....</b>	<b>23</b>
<b>Appendix B PRÉCIS OF INDEPENDENT DEMOCRATIC UNION STRUCTURE .....</b>	<b>25</b>
<b>Appendix C IDU REPRESENTATIVE, ROLE DEFINITIONS &amp; EXPECTATIONS .....</b>	<b>27</b>

## **1. TITLE AND OFFICES**

- a) Title of the Union shall be the “Independent Democratic Union” (“the IDU”).
- b) National offices of the IDU are currently held at 8 Fairfield Road, Basingstoke Hampshire RG21 3DR. Any changes will be as determined by the National Executive Committee subject to rule 13 and 14.

## **2. STATUS OF THE RULES**

These Rules shall apply to all the activities, structures and members of the IDU.

## **3. OBJECTS**

The objects of the IDU shall be:

- a) To recruit and organise persons employed by or retired from (under rule 16) the appropriate business, companies and organisations within the spheres of influence of the IDU.
- b) To provide representation on behalf of all members on matters relating to their employment, at the appropriate level of Management within the appropriate business, companies and organisations and at any other forum where such representation is deemed to be in the interest of the membership.
- c) To promote the welfare of its members.
- d) To negotiate agreements with the appropriate business, companies and organisations, to improve and protect the main terms and conditions of all staff employed by the appropriate business, companies and organisations and subject to the Recognition and Procedural Agreements between the appropriate companies and the IDU.
- e) To educate, inform, and involve its members to enable them to extend their ability to represent their own interests and influence employment decisions made on their behalf.
- f) To consider matters referred to it by the appropriate organisations to the mutual interest of its members.

## **4. MEMBERSHIP**

- a) Person or group of people who wish to be represented by the IDU shall be eligible for membership of the IDU [subject to Rule 4b), e) & j) and Rule 5k) 1.
- b) Application for membership must be signed by the applicant. Applicants who are accepted for membership shall be provided with an IDU membership card. All applications for membership shall be made on an appropriate membership application form.

- c) Rates will be determined by the NEC and will be ratified by the ADC.
- d) The event of any appropriate business, companies and organisations initiatives, reorganisation, business transfer, merger or acquisition (“Reorganisation”) any duly elected IDU Representative may, at the discretion of the NEC, in agreement with their originating Branch Committee / Regional Secretaries Committee / constituency Branch Committee/s, continue to serve in their originally elected Offices until the next Biennial Election.
- e) The NEC may determine from time to time limits and conditions on membership (including as to representation, support and claims).
- f) Each member of the IDU shall be a member of that Branch of the IDU, which shall be specified from time to time by the NEC. A member shall remain a member of their specified Branch until they cease to be a member of the IDU, or until a different Branch shall be specified by the NEC.
- g) Any member may resign from the IDU by giving notice in writing to the IDU National Secretary through the IDU National Office to terminate their membership at the end of any period covered by their subscription. Subject to Rules 4 e) and f), any member shall cease to be a member immediately upon him not being eligible for membership as referred to in Rule 4 a). Subject to Rules 4 e) and f) any person who, for whatever reason, ceases to be a member shall forthwith vacate any office or post with the IDU save where the NEC may determine that, in the interests of continuity or efficiency, such person should remain in office until a replacement may be appointed or elected (as the case may be).
- h) Any person failing to continue their financial subscriptions shall cease to be a member of the IDU at the end of any period covered by their last payment (save as determined from time to time by the NEC)
- i) Subject to rule 4 g) and 4 h) such a person may re-join the IDU. The NEC may require such a person to pay outstanding subscriptions. The NEC may determine from time to time limits and conditions on such membership (including as to representation, support and claims)
- j) Upon cessation of membership, the giving of notice or resignation (whichever is the earlier) any representation, support or claims by the IDU will cease save as determined from time to time by the NEC.
- k) Every person upon being admitted a member of the IDU shall thereby be deemed to agree to and abide by the Rules. In the event of any breach of the Rules by a member they may be subjected to the exercise of disciplinary powers as provided in Rule 4 k) to p) (inclusive).
- l) Subject to any legislation from time to time and Rules 8, 9 and 10, the NEC may suspend or bar for any period from holding membership and / or any office whatsoever in the IDU, any member who in the opinion of the NEC:
  - i. Not a fit and proper person to hold office within the IDU

- ii. Failed to observe any agreement with the IDU or member or members thereof or has broken, ignored or failed to abide by any Rule, regulation or instruction of the IDU
  - iii. Been guilty of conduct prejudicial to or acting against the interests of the IDU or any of its members or to the policy of the IDU.
- m) Before any decision is reached by the NEC to suspend or bar from office any member pursuant to the aforesaid power such member shall be entitled to be given a reasonable opportunity to be heard in person by the NEC and shall, prior to such hearing be given notice in writing of the grounds of concern in relation to them. Suspension or bar by the NEC pursuant to the aforesaid power shall be effective immediately upon the decision of the NEC to that effect being notified to the member concerned provided that such member shall be entitled to appeal as in Rule 4 o) to p) (inclusive) set forth to the Appeals Committee against such suspension which shall notwithstanding such appeal be effective pending the hearing of any such appeal. Alternatively and without detracting from the foregoing the member may be reprimanded or admonished by the NEC. In no case will ignorance of a Rule be excuse for a breach thereof or failure to comply therewith.
- n) To facilitate the hearing of disputes between members amongst themselves or between any member and the NEC or any of its Committees or Officers which have not been dealt with by the procedure set forth in the preceding sub clauses of this Rule and to provide for the hearing of appeals against suspension or barring from membership / office by the NEC pursuant to its powers under Rule, the ADC shall elect an Appeals Committee.
- o) The Appeals Committee shall be comprised of a panel of 4 members of the IDU, none of whom shall hold office in the NEC. Three members of the Appeals Committee shall constitute a quorum. In the event of a quorum not being present within 30 minutes from the time appointed for the AC meeting, the meeting shall stand adjourned to the same day and time in the next week. At that adjourned meeting if a quorum is not present within 30 minutes from the time appointed the members of the AC present in person or by proxy shall constitute a quorum and shall have power to decide upon all matters which could properly have been disposed of. The AC shall appoint from within a Chair who shall have a casting vote.
- p) A person desiring to appeal to the AC against a decision of the NEC to suspend or bar them from membership / office pursuant to their powers under Rule 4 j) shall give notice in writing to the National Secretary of the IDU within 14 days of receipt of written notification of the decision of the NEC against which they desire to appeal. Such notice shall state the grounds upon which the proposed appeal is based. Upon receipt of such notice the National Secretary shall convene the AC within 28 days. The AC shall subject to Rule 4 p), sit within 14 days of being thus convened for the hearing and disposal of the Appeal.
- q) Before any appeal is disposed of the Appellant shall be entitled to be given a reasonable opportunity to be heard in person by the AC who shall hear any witness called by the

Appellant and may hear any person they deem it desirable to hear in relation to such appeal provided that in such case the Appellant shall be given the reasonable opportunity to be heard by the AC after such person has been heard. In the event that any appeal is not progressed with reasonable expedition or diligence (including, without limitation, where the Appellant or witnesses do not attend any hearing or meeting, whether by reason of ill-health or otherwise), the AC shall have the power to proceed to determine the appeal on the basis of the information then available to the AC. The AC shall pay full regard to and shall be guided by the Rules, agreements in force, and prevailing policies of the IDU. The written determination of the AC shall be issued within 14 days of such determination being made and shall be final and conclusive as to any appeal under the Rules of the IDU. In making such determination the AC shall be entitled to amend, vary, quash or uphold the decision of the NEC against which the appeal is made, and such determination shall be acted upon by the members and employees of the IDU, the Officers of the NEC and any other persons concerned.

## 5. PRIVACY NOTICE

Your privacy is important to us, and so is being transparent about how we collect, use, and share information about you. This policy is intended to help you understand:

### a) What information we collect about you

Depending on the nature of your relationship to the IDU, we may collect:

- Personal and contact details, such as title, gender, full name, address and date of birth
- Family members (only if relevant to the product or service)
- Your employment details, such as employer's name, workplace, job title, working hours, employment type (permanent, temp etc.) and work contact details where appropriate.
- Products and services you hold with us and the associated payment methods used. If you pay by Direct Debit your bank details may be stored briefly whilst we setup your account with our financial services partner, and these are then deleted [with exception of 2 digits for reference]. We never store Credit Card details within the IDU.
- Within the database we hold the following: Personal details, Membership Details, Employment Details, Payment History, Communication preferences, Contact History

### b) How we collect information about you

We collect information via paper and online application forms or over the phone or email.

### **c) How we manage and take care of your data**

Once received, all your data is held and updated within a single master inhouse database with limited access by authorised staff and representatives of the IDU (also see “How we share information we collect”).

The data is stored no longer than necessary (also see “How long we keep your information”) and solely for the purposes of your membership activities.

As a trade union we have a legal duty to be able to contact you for balloting, and therefore your provision of an optional email address is received as your preferred comms method by default. Please see “How to access and control your information” to alter these preferences. Personal data may also be held in email.

### **d) How we share information we collect**

We do not share any of your information that we have collected from or regarding you except as described below.

- Information shared with your employer’s payroll department – for the purpose of membership fees deductions from you wages
- Information shared with reputable UK financial services – for the purposes of direct debit payments
- Information shared with our service providers - we do not sell on your data to third parties, though we may engage third party service providers to work with us to administer and provide the services. These third party service providers have limited access to a small amount of your information only for the purpose of performing services on our behalf and are expressly obligated to secure your information and not to disclose or use your information for any other purpose.

### **e) How to access and control your information**

We want to make sure that your information is accurate and up-to-date and will delete or amend any information that you think is inaccurate.

Amendments to your details can be made by contacting us by e-mail at [admin@idu.org.uk](mailto:admin@idu.org.uk) or by phone 01256 841153.

You are free to cancel your IDU membership at any time.

### **f) How long we keep your information**

We don't keep your information for longer than we need to, which is usually up to five years after your relationship with the union ends. Information held on database is anonymised at 18th months.

#### **g) Cookies**

Cookies are text files placed on your computer to collect standard internet log and visitor behaviour information. This information is used to track visitor use of the Website and to compile statistical reports on Website activity.

If you would like more information about this practice, including how to prevent it, please visit [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org).

#### **h) Other websites**

Our Website contains links to other websites. This privacy policy only applies to this Website, so when you link to other websites you should review their own privacy policies. Also see "How we share information we collect".

#### **i) How to contact us**

Please contact us if you have any questions about our privacy policy or information we hold about you:

by email [admin@idu.org.uk](mailto:admin@idu.org.uk)

or write to us at IDU, 8 Fairfields Road, Basingstoke, RG24 9TB

- How do you remove your name from the database?

You can contact us to request for your account to be closed at any time, which will be confirmed by IDU.

- How do you unsubscribe from future mailings?

If are on our mailing list, you can stop receiving emails by updating your contact preferences. Please note that in some cases, asking us to do this may mean that we are no longer able to provide you with full service.

- How can you obtain information held about you?



You have the right to request a copy of the information that we hold about you. If you would like a copy of some or all of your personal information, please email us at [admin@idu.org.uk](mailto:admin@idu.org.uk).

#### **j) Changes to our Privacy Notice**

We keep our privacy notice under regular review and we place any updates on this web page. This policy was last updated on 14th May 2018.

### **6. SENSITIVE AND CONFIDENTIAL INFORMATION**

- a) The IDU will from time to time be privy to confidential information that will be of a personal and business sensitive nature, officers, staff and elected Reps must ensure they comply with all necessary data protection legislation.
- b) Officers, staff or elected Representatives may not disclose any information to the press or public, in relation to the affairs of the IDU, or which may affect the IDU, without first obtaining permission from the General Secretary or NEC.
- c) You may not during the course of your employment or elected term (except as required for the performance of your duties) or after its termination use or disclose confidential information to any person, firm or company not authorised to know it. This includes any information which concerns a third party and where the IDU is subject to a confidentiality obligation. This will not prevent you from using or disclosing information as required by law or authorised in writing in the appropriate work or representation role.
- d) Utmost care must be taken not to discuss any of your work, which may be confidential other than as strictly required to carry out your job. You must ensure confidential files and papers are stored securely when you are not working and ensure that no such information falls into the hands of anyone who is not authorised to receive it.
- e) Any unauthorised disclosure of information will be dealt with under rule 4 k)

### **7. ADMINISTRATION AND GENERAL**

- a) The overall control of the affairs of the IDU shall be vested in the NEC. Subject to the Rules and Statute the NEC and the General Secretary shall have the control and management of the expenditure of the IDU finances. The General Secretary shall act in accordance with the NEC's reasonable and lawful directions.
- b) Without prejudice to the general powers of the NEC matters concerning the local administration of the affairs of the IDU in a Branch shall be under the control of a Branch Committee the members of which shall be elected every four years by the Branch members.

- c) Any decision of the NEC upon the interpretation of the terms of the Rules or any by-laws made there under shall be final and binding on the members of the IDU. Any IDU member affected or who may be reasonably likely to be affected by such interpretation may appeal to the AC. Any such appeal shall be dealt with on the same basis as set out in Rule 4 n) to p) (inclusive) save, of course, in respect of the reference in such Rule to the nature of that appeal
- d) Each member of each Council or Committee (including the NEC) shall retire at the end of the appropriate next election at which their successor is elected but shall be eligible for re-election if otherwise qualified and willing to serve. Any casual vacancy on any Branch Committee or Regional Secretaries Committee may be filled on the nomination of the appropriate Committee or Council by any member of that Branch or Regional Secretaries Committee as appropriate and the member so nominated shall fill the vacancy until the end of the appropriate next four yearly election.
- e) At all Committee or Council meetings the Chair or Vice Chair or in their absence a member of the Committee or Council selected by the members then present, shall take the Chair. At every such meeting every member of that Committee or Council present shall (subject to the provisions of Rule 5 i) hereof) be entitled to 1 vote upon every resolution and every resolution shall be deemed to be passed if passed by a majority of the votes cast. The Chair of any meeting shall where there is equality of voting and shall have a second or casting vote.
- f) The NEC shall have power if they think fit to make Rules or procedures or arrangements for enabling members entitled but unable to be present at any meeting (including, without limitation, of the ADC) to vote by proxy in which event a resolution shall be deemed to be passed if passed by a majority of all those voting.
- g) Minutes of all meetings shall be kept. Each meeting shall consider the Minutes of the previous meeting, which if approved shall be signed accordingly by the Chair. A copy of the Minutes thus substantiated shall be forwarded to the General Secretary as soon as possible after the holding of such meetings. The Minutes of the Committee or Council shall be open to inspection by its members at reasonable times and upon reasonable notice.
- h) Any member of a Committee or Council (including, without limitation, the NEC) shall be entitled to receive reasonable notice of a meeting which they would be entitled to attend but failure to receive such notice shall not invalidate such meetings or the proceedings thereat.
- i) Any Council or Committee of the IDU (including, without limitation, the NEC) shall have the power to co-opt to such Council or Committee any person who it is considered can contribute advice or information that may help in reaching a decision on any particular matter. Any person so co-opted shall not be entitled to vote.
- j) Any officer or committee or council member (other than an ADC) may participate in a meeting of which he is a member by means of a conference telephone or similar

communications equipment whereby all persons participating in the meeting can hear each other and participation in a meeting in this manner shall be deemed to constitute presence in person at such meeting and, subject to these Rules, he shall be entitled to vote and be counted in a quorum accordingly. Such a meeting shall be deemed to take place where the largest group of those participating is assembled or, if there is no such group, where the chairman of the meeting then is.

- k) Subject to Rule 5 l) and m) the NEC may from time to time take such action or make such arrangements as are necessary for or ancillary to the efficient attainment of the objectives of the IDU and may make such rules or by-laws as they may deem necessary or expedient or convenient for the proper conduct and management of the IDU, and in particular but without prejudice to the generality of the foregoing, it may by such rules or by-laws regulate:
  - i. The admission and classification of members of the IDU, and the rights and privileges of such members, and the conditions of membership and the terms on which members may resign or have their membership terminated and the subscriptions and other fees or payments to be made by members.
  - ii. Conduct of members of the IDU in relation to one another, and to the IDU's employees or officers.
  - iii. Setting aside of the whole or any part or parts of the IDU's premises at any particular time or times or for any particular purpose or purposes.
  - iv. Procedure at meetings and committees constituted pursuant to the Rules in so far as such procedure is not regulated by the Rules.
  - v. All such matters as are commonly the subject matter of such Rules.
- l) The NEC's power under Rule 5 k) shall not entitle it to make any action or arrangements, rule or by-law which shall be detrimental to, inconsistent with, or shall permanently affect or repeal anything contained in the Rules without ratification by the following ADC. Where ADC does not ratify such change, any steps pursuant to any action or arrangements prior to the ADC shall remain valid.
- m) The NEC may delegate any of its powers to any committee consisting of 1 or more of its members. It may also delegate to General Secretary or President such of its powers as it considers desirable to be exercised by him. Any such delegation may be made subject to any conditions it may impose and either collaterally with or to the exclusion of their own powers and may be revoked or altered.

## **8. IDU STRUCTURE, BRANCHES**

- a) To enable members of the IDU to participate in the activities and democracy of the IDU, members shall be organised into IDU Branches. The scope and extent of Branches will be as designated by the NEC from time to time subject to ratification by the ADC. In the event of any Branch designation not being ratified by the ADC this should not affect the validity of any matters up to the date of such ADC decision.
- b) Each Branch shall hold a four-yearly election for Branch representatives, which shall be held at such times as shall be directed by the NEC.
- c) Elections for Branch representatives shall be in accordance with guidelines issued by the NEC from time to time. The NEC shall ensure all those eligible to stand and vote are given the opportunity to participate. NEC decision on newly elected representatives is final.
- d) Any candidate wishing to stand for election as a Branch representative should be proposed and seconded in writing by members of their Branch before their Branch election, and should, prior to the election, indicate to the Branch Secretary in writing their willingness to act if elected.
- e) Those successfully elected will constitute the Branch Committee.
- f) As soon as practicable after each Branch election the Branch committee shall meet and elect from its numbers a Chair, Vice Chair, Branch Secretary & H&S representative. Numbers and geographical / business boundaries shall be as determined by the NEC. The members of the Branch Committee shall be no more in number than prescribed by the NEC from time to time in guidelines.
- g) The branch shall send as many delegates to ADC as prescribed by NEC.
- h) Each Branch Committee shall meet at such time as the business of the IDU shall require but not less frequently than twice per year.
- i) The quorum for a meeting of the Branch Committee shall be a majority of its members. Should the meeting not reach its quorum then issues may be discussed but no resolution of the Branch may be reached or voted upon and resolutions and votes may be made at the next quorate meeting.
- j) It shall be the duty of the Secretary of each Branch to convene other meetings of the Branch members as follows:
  - i. On receipt of a requisition signed by not less than such number of members who constitute a quorum, stating their reasons for such a meeting.
  - ii. If so directed by a quorum of the Branch Committee.
  - iii. If so directed by the Branch Chair.
  - iv. If so directed by the NEC or Regional Secretary
  - v. To receive and consider the report of the NEC, Business Councils and the accounts of the IDU.
  - vi. To consider Motions to the ADC and other appropriate arenas.
  - vii. To receive and consider a report upon the ADC.

- k) Meetings of Branch members shall be convened by notice issued in such manner as the NEC shall direct or in the absence of any such direction as the Branch Committee shall decide.
- l) The Branch Committee shall consider communications from its members, local matters affecting the Branch and such other Business as may be referred to it by the NEC or Regional Secretaries. Any resolutions affecting the employment of a Branch member which are passed by the Branch or the Branch Committee shall if appropriate first be discussed with the appropriate management with a view to settlement (subject to rule 6 n) hereof).
- m) If no satisfactory result is achieved the matter may be referred to the Regional Secretaries for further consideration. Any other resolutions passed by a Branch or Branch Committee may be passed on to the Regional Secretaries or the NEC as appropriate. A Branch member who has raised with their Branch Committee a matter affecting them as an individual and who is dissatisfied with the action on such matter by the Branch Committee shall be entitled to ask the Regional Secretaries or NEC as appropriate to consider the matter. The procedure for any such reference or appeal to the Regional Secretaries or the NEC shall be as prescribed from time to time by the NEC.
- n) Branch Committees are not empowered to negotiate separate Conditions of Service for members that would affect National Terms, Conditions and / or contracts of employment. Any matter raised on conditions of service shall be passed to the appropriate Regional Secretaries or the NEC for attention.
- o) Where any member of a Branch Committee is transferred to another Branch that member shall cease to be a member of the Branch Committee. Subject to rules 4 e), f), g) and h).
- p) If any Branch Committee officer or member ceases to be a financial IDU member his office shall forthwith cease subject to rules 4 e), f), g) and h).
- q) An election/appointment the NEC may appoint a person as a temporary officer or member of the Branch Committee where a vacancy exists provided that that person is a fully financial IDU member.

## **9. BRANCH POSTAL REPRESENTATIVES**

- a) Elections for Branch Postal representatives shall be in accordance with guidelines issued by the NEC from time to time.
- b) Candidate wishing to stand for election as a Branch Postal representative should be proposed and seconded in writing by members of their Branch.
- c) Candidate successfully proposed and seconded shall treated as an elected Representative for the purposes of Branch Committee invitations, Branch Representative communications and Branch Representative training.
- d) Representatives are not eligible to stand for Branch Council positions

## 10. REGIONAL SECRETARIES

- a) The Regional Secretaries shall be elected from constituencies formed from IDU Branches. The successful candidates will hold office subject to and in accordance with the Rules for a term of 4 years.
- b) The boundaries of each IDU constituency shall be as prescribed from time to time by the NEC.
- c) Any member seeking election as a Regional Secretary shall be fully financial at the date of nomination and election.
- d) The Regional Secretaries shall meet as often as required, but not less frequently than twice per year.
- e) Any member seeking election from the prescribed constituency shall be a member of that constituency.
- f) Each financial member will be entitled to 1 vote for Regional Secretary within their own constituency.
- g) Ballot will be conducted by an Independent Scrutineer.
- h) All qualified candidates will be given the opportunity to prepare and have circulated to those persons entitled to vote an election address of no less than 100 words and no more than 500. The NEC may determine what constitutes a word for these purposes.
- i) Guidelines and procedures will be issued by the NEC prior to the election process.
- j) Any Regional Secretary who ceases to be a fully financial member of the IDU shall forthwith cease to hold the position, save where the NEC may determine that, in the interests of continuity or efficiency, such person should remain in office until a replacement may be elected. Any Regional Secretary may resign his post on giving not less than 3 months' notice in writing. Any subsequent vacancies occurring shall be filled by election in accordance with this Rule 8 and from that constituency. Pending such election, the NEC (in agreement with the constituency Branch Committee/s) may appoint an acting Regional Secretary where a vacancy exists provided that such member shall not be entitled to vote at meetings.
- k) Regional Secretaries shall attend ADC in their own right.

## 11. NATIONAL EXECUTIVE COMMITTEE

- a) As soon as practicable after elections each group of Regional Secretaries shall elect from its own members a National Chair. These National Chairs shall make up the National Executive Committee NEC.
- b) The National Chair will hold office subject to and in accordance with the Rules for a term of 4 years.

- c) The groups of Regional Secretaries from which the National Chair is to be elected shall be as prescribed from time to time by the NEC.
- d) Any member seeking election as a National Chair shall be fully financial at the date of nomination and election.
- e) Any National Chair who ceases to be a fully financial member of the IDU shall forthwith cease to be a National Chair save where the NEC may determine that, in the interests of continuity or efficiency, such person should remain in office until a replacement may be elected. Any National Chair may resign his post on giving not less than 3 months' notice in writing. Any subsequent vacancies occurring shall be filled by election in accordance with Rule 9. Pending such election, the NEC, in agreement with the Regional Secretaries, may appoint an acting National Chair where a vacancy exists provided that such member shall not be entitled to vote at NEC proceedings.
- f) As soon as practicable following NEC elections the NEC shall appoint the IDU National Health & Safety Chair. Guidelines & procedures will be issued by the NEC prior to the election process.
- g) The NEC shall meet at such times and places as the business of the IDU shall require but not less frequently than 4 times per year. Extraordinary meetings of the NEC may be convened by the National President. Not less than 14 days' notice in writing of any such meeting shall be given to every member of the NEC which period may be reduced at the discretion of the National President. The quorum for a meeting of the NEC shall be 50% of its members.
- h) The NEC shall consider all resolutions, communications and relevant matters received.

## **12. PRESIDENT**

- a) As soon as practicable following elections the NEC shall elect from its members the President.
- b) The President shall hold office subject to and in accordance with the rules for a term of 4 years.
- c) During the term of his or her office the President shall preside at all meetings of the ADC, NEC and such other meetings as the NEC may direct.
- d) Member seeking election to the position of President shall be fully financial at the date of nomination and election.
- e) If the President ceases to be a fully financial member of the IDU his office of President shall forthwith cease save where the NEC may determine that, in the interests of continuity or efficiency, such person should remain in office until a replacement may be elected. The President may resign his post on giving not less than 3 months' notice in writing. Any subsequent elections shall be held in accordance with this Rule. Pending any election, the NEC may appoint from the NEC an acting President where a vacancy exists.

### 13. GENERAL SECRETARY AND TREASURER

- a) The General Secretary of the IDU shall act as Treasurer of the Union by virtue of his/her office as General Secretary.
- b) The General Secretary shall be an ex-officio (non-voting) member of the NEC.
- c) Following rules shall apply to the election of the General Secretary and Treasurer of the IDU, who shall hold office for a term of 4 years.
- d) Any member seeking election to the position of General Secretary shall be a financial member at the date of nomination and election.
- e) Nominations shall be sought from the Branches of the IDU by the NEC 3 months before the term of office expires, or forthwith in the event of a vacancy. Nominations shall be sent by Branches to a Returning Officer appointed by the NEC.
- f) No member shall be eligible to stand as a candidate in an election under this rule unless the NEC (subject to TULR(C)A 1992), on receiving his/her nomination, is satisfied that:
  - g) He/she is qualified under these rules to stand for election to the office.
  - h) He/she is capable of discharging efficiently the duties of the office.
  - i) Only candidates who have so satisfied the NEC as to their qualifications and capability shall be validly nominated.
  - j) All qualified candidates will be given the opportunity to prepare and have circulated an election address of no less than 100 words and no more than 500. The NEC may determine what constitutes a word for these purposes.
  - k) Guidelines and procedures will be issued by the NEC prior to the election process.
  - l) Each financial IDU member will be entitled to 1 vote.
  - m) The ballot will be conducted by an Independent Scrutineer.
  - n) The successful candidate will be employed and bound by a full contract of employment between the individual and the IDU. The duties of the General Secretary shall be as the NEC may from time to time determine. In the event of a conflict or ambiguity between the Rules and such contract of employment in relation to the holding of office of General Secretary/ Treasurer, the Rules shall prevail.
- o) The General Secretary/Treasurer shall cease to be a financial member of the IDU his offices shall cease forthwith save where, in the interests of continuity or effectiveness the NEC may determine that such person should remain in office until the subsequent election. The General Secretary/Treasurer may resign his office on giving not less than 3 months' notice in writing. Any subsequent elections will be held in accordance with this Rule. Pending any election, the NEC may appoint from the NEC an acting General Secretary/Treasurer where a vacancy exists provided that such person shall not be entitled to vote at any NEC proceedings.



#### **14. GENERAL TRUSTEES**

- a) There shall be 2 Trustees. The General Trustees shall be elected in such manner as the NEC may determine either from its own number or otherwise and for such period as may be deemed necessary.
- b) Any member seeking election to the position of trustee shall be a fully financial member at the date of nomination and election.
- e) The NEC may with immediate effect or on such notice as it may specify remove any General Trustee and appoint a successor.

#### **15. LAND AND BUILDINGS**

- a) All property of the IDU will be vested in the names of the Trustees in accordance with s12 of the Trade Union and Labour Relations (Consolidation) Act 1992. All provisions under this section of the Rule Book ('22. Land and Buildings') and section 23 below shall be in accordance with TULR(C)A 1992.
- b) The IDU may, in the name of the Trustees, purchase, take or lease or otherwise acquire any land and buildings (union land).
- c) The Trustees shall not in any way sell, transfer or otherwise deal with, property of the union or part with any document relating thereto except under the direction of the NEC, evidenced by a minute or clear written instruction to that effect, a copy of which, signed by the General Secretary shall be supplied to each of the Trustees.
- d) The Trustees shall carry out all lawful directions of the NEC and shall sign all documents and do all acts and things which may be necessary to carry out those directions.

#### **16. INVESTMENTS AND PROPERTY OF THE UNION**

- a) The Trustees shall invest any funds of the IDU in shares, stocks, securities, land (whether freehold or leasehold), buildings or other investments or property of whatever nature as the Trustees may think fit as authorised by the NEC.
- b) The Trustees will carry out any directions of the NEC as to investment made on behalf of the IDU.

#### **17. ELECTORAL APPEALS AND DISPUTES**

- a) To address any issues or complaints relating to elections carried out within the IDU, the member must first raise their issues with the NEC. A person desiring to appeal to the NEC with concern to the electoral process or issues which affects their entitlement to stand for any elected positions shall give notice in writing to the National President within 7 days of

the opening date of said elections. Such notice shall state the grounds upon which the proposed appeal is based. Upon receipt of such notice the National President shall convene the NEC within 7 days for the hearing and disposal of the Appeal.

- b) Any appeal is disposed of the person appealing (“the Appellant”) shall be entitled to be given a reasonable opportunity to be heard in person by the NEC who shall hear any witness called by the Appellant and may hear any person they deem it desirable to hear in relation to such appeal provided that in such case the person appealing shall be given the opportunity to be heard by the NEC after such person has been heard. In the event that any appeal is not progressed with reasonable expedition or diligence (including, without limitation, where the Appellant or witnesses does not attend any hearing or meeting, whether by reason of ill-health or otherwise), the AC shall have the power to proceed to determine the appeal on the basis of the information then available to the AC. The NEC shall pay full regard to and shall be guided by the Rules, agreements in force, and prevailing policies of the IDU. The written determination of the NEC shall be issued within 7 days of such determination being made. In making such determination the NEC shall be entitled to amend, vary, quash or uphold its previous decisions against which the appeal is made, and such determination shall be acted upon by the IDU, the Officers of the NEC and other persons concerned.
- c) Should the member be dissatisfied with the outcome from the NEC they may appeal to the Appeals Committee (as defined in Rule 4 n) in accordance with Rule 12d) hereof).
- d) Before any appeal is disposed of the person appealing shall be entitled to be given a reasonable opportunity to be heard in person by the AC who shall hear any witness called by the Appellant and may hear any person they deem it desirable to hear in relation to such appeal provided that in such case the Appellant shall be given the opportunity to be heard by the AC after such person has been heard. In the event that any appeal is not progressed with reasonable expedition or diligence (including, without limitation, where the Appellant or witnesses does not attend any hearing or meeting, whether by reason of ill-health or otherwise), the AC shall have the power to proceed to determine the appeal on the basis of the information then available to the AC. The AC shall pay full regard to and shall be guided by the Rules, agreements in force, and prevailing policies of the IDU. The written determination of the AC shall be issued within 7 days of such determination being made and shall be final and conclusive as to any appeal under the Rules of the IDU. In making such determination the AC shall be entitled to amend, vary, quash or uphold the decision of the NEC against which the appeal is made, and such determination shall be acted upon by any members or employees of the IDU, the Officers of the NEC and any other persons concerned.

## **18. HEALTH AND SAFETY STRUCTURE**

- a) As soon as practicable following each Branch election, the Branch Committee may elect as many H&S reps (from amongst the elected representatives) as it finds necessary. From amongst those Branch H&S Reps 1 rep will be nominated as Branch H&S Chair who will be responsible for co-ordinating the Branches H&S activities.
- b) As soon as is practicable following Branch committee elections the Branch H&S Chairs shall elect from their numbers (Subject to rule 13 c) hereof) Delegates of the National H&S
- c) The numbers of National H&S Committee Delegates and the boundaries of their relevant H&S constituencies shall be as prescribed from time to time by the NEC.
- d) Delegate of the National H&S Committee will be responsible for co-ordinating their Constituency H&S activities.
- e) The National H&S committee shall elect from its number a national Vice Chair who will assist in co-ordinating the National Health & Safety activities. Each National H&S Committee delegate will be entitled to stand and will be entitled to 1 vote.
- f) All positions will be for 4 years or until the following Branch elections.

## 19. ANNUAL DELEGATES CONFERENCE

- a) An Annual Delegates Conference shall be held at a time and place to be decided by the NEC. The Chair of the ADC shall be the National President or such deputy as appointed by the NEC. The business of the ADC shall be to receive, and if approved, adopt the report and an audited statement of the latest accounts and to deal with any matter which the NEC desires to bring before the Delegates, and to receive and consider Motions from Branches and the NEC or any other matter in respect of which the ADC is competent within the Rules. In addition, extraordinary conferences of Branch Delegates may be convened upon not less than 14 days' notice either by the NEC or by not less than 51% of the aggregate number of Branch Committees.
- b) The number of additional delegates entitled to attend ADC per Branch shall be as determined from time to time by the NEC
- c) A Standing Orders Committee shall be elected by the ADC. Each Branch delegate may propose 1 nominee to the SOC. Any lay member of the IDU shall be eligible for nomination, so long as they have previously attended an ADC and have an understanding of the procedures of the ADC.
- d) The ADC shall elect by simple majority, 2 members of the SOC, a further 3 members shall be elected from the NEC and all shall serve until the conclusion of the ADC 2 years following election. All other nominees to the SOC shall be held in reserve in order to fill any vacancy that may arise on the SOC. The SOC shall elect from amongst their own number a Chair.
- e) The SOC shall meet to fulfil the procedures regarding the ADC agenda set out as a preliminary to Standing Orders.

- f) The Report of the NEC and any matter which the NEC wishes to bring before the Conference shall, except in the case of emergency, be notified to Branches at least four weeks before the date of each ADC.
- g) Branches of the IDU shall have the right to submit Motions and amendments for inclusion in the agenda of the ADC.
- h) Any motion that fails at ADC cannot be resubmitted in the next two annual delegates conferences.
- h) The NEC shall exceptionally, and only with the agreement of the SOC, bring before the ADC issues affecting the members of the IDU and may have such debates or reports in private. If deemed appropriate, no such notice will be given to delegates prior to the ADC. The SOC may, in such circumstances, deem a private session to exclude visitors and/or all non-elected attendees at the ADC.

## **20. ALTERATION OF CONSTITUTION**

- a) Each ADC (or special Conference) shall have the power to adopt and ratify rule changes. A proposal for any alteration or addition to this Constitution shall be made by Motion of a Branch or Regional Secretaries to the NEC for consideration by the ADC. Alternatively, such a proposal may be initiated by the NEC. The terms of such proposed changes shall be notified to the Secretary of each Branch at least 4 weeks prior to the ADC for discussion at meetings of members of each Branch. If at least two-thirds of the Delegates attending the Conference indicate that they approve the proposed change or addition, then the proposed change or addition shall form part of the Constitution.

## **21. RETIRED MEMBERS BRANCH**

- a) Subject to Rule 16 b), for an annual membership fee as determined by NEC and ratified by ADC, any IDU member who retires from the appropriate business, companies and organisations with individual pension provision shall be entitled to become a member of the IDU retired membership Branch.
- b) Any persons who are receiving either company or private pension provision, but still actively employed will be eligible to membership of the IDU under Rule 4 a). But shall not be eligible to membership of the retired members Branch until active employment ceases.
- c) Retired members will be entitled to Union advice, and where necessary assistance with personal injuries claims, but restrictive representation will apply on any matter not relating directly to their previous business, companies and organisations. Any such restrictions to be determined from time to time by the NEC.

- d) In order that Retired members are given the opportunity to remain in contact with former work colleagues they will be allocated to a Branch local to their geographic location and appropriate to the type of work they did prior to retirement.
- e) Members will not be eligible to stand for election to any office or post or have voting rights within the IDU.
- f) The request of the Branch or other union committees retired members can carry out specific ex-officio duties for that Branch or committee.
- g) Efforts will be made such that Retired members are sent copies of National / local communications as appropriate

## **22. OFFICIALS AND OFFICERS**

- a) Appointments of Field Officers to the IDU shall be made by the NEC. Field Officers shall not be eligible for election to any lay positions within the IDU
- b) The Chair of the National Equal Opportunities Committee shall be an ex-officio member of the NEC if not already an elected member of the NEC.

## **23. BENEFITS**

- a) A member shall be entitled to any benefit as determined by the NEC and ratified at the ADC.

## **24. FINANCE**

- a) The contribution rates for members of the IDU shall be as determined by the NEC from time to time (subject to ratification by ADC).
- b) The IDU finances shall be controlled by the NEC.
- c) The banking accounts of the IDU shall be in the name of the “Independent Democratic Union” or such other name specified by the NEC from time to time.
- d) All administration expenses including travel and subsistence expenses of members, officers or employees while upon the service of the IDU shall be defrayed out of the funds of the IDU unless such arrangements are agreed by the NEC to receive monies in compensatory form from either the appropriate company, or associated organisations.
- e) Financial year of the IDU shall terminate on the 31st December of each year or as otherwise determined from time to time by the NEC.
- f) The NEC shall appoint an auditor of the IDU who shall be independent and professionally qualified as specified by section 25 TULR(C)A 1992. The auditor may be removed only by the ADC voting by a simple majority to that effect. The accounts of the IDU shall be compiled for the NEC and the General Secretary by the appointed accountant, an audited

copy of the income and expenditure account together with the balance sheet shall be submitted to the NEC and to the ADC.

## **25. INDUSTRIAL ACTION**

- a) In the event that any issue between the appropriate business, companies and organisations and IDU cannot be resolved through the use of the procedures laid out within the relevant recognition and procedural agreements held between the appropriate business, companies and organisations and IDU, authority to hold any consultative or industrial action ballot and/or call for industrial action shall be held by the NEC.

## **26. WINDING UP/MERGER**

- a) The IDU may only be dissolved or amalgamated with the consent of five-sixths of those Fully Financial IDU members who vote in a ballot of its members which the NEC is hereby authorised to call and make all necessary arrangements such that the ballot complies with the relevant statutory requirements.

## Appendix A

### DEFINITIONS AND INTERPRETATIONS

- a) The Rules the following expressions shall have the following meanings and bear the following interpretations:
- b) "Committee" or "AC" means the committee elected by the ADC as referred to in Rule 4 n).
- c) "Annual Delegates Conference" or "ADC" means the conference as referred to in Rule 14;
- d) "Branch" (as referred to in rule 6) means an area office of the appropriate business, companies and organisations and such other individual offices, areas, head office departments or units or such groups of such other offices, shops, areas, departments or units as may from time to time be designated "IDU Branches" by the NEC;
- e) "Branch Committee" or "BC" means the committee as referred to in Rule 6.
- f) "Branch Secretary" means the secretary referred to in Rule 6;
- g) "Financial Member" means any current employee of the appropriate business, companies and organisations who has paid not less than 4 consecutive weekly contributions.
- h) "Fully Financial Member" means a current employee of the appropriate business, companies and organisations who has paid not less than 53 consecutive weekly contributions.
- i) "Independent Scrutineer" has the meaning given to it in Section 49 TULR(C)A 1992;
- j) "Industrial Matters" means matters relevant to the day to day employment, morale and welfare of employees including working practices, terms and conditions of employment, shift patterns, disciplinary and grievance matters (including any variation or proposed variation in the same):
- k) "Management" means all members of the AA staff or such other persons having managerial status as the appropriate business, companies and organisations may from time to time prescribe;
- l) "NEC" or "National Executive Committee" means the council as referred to in Rule 8;
- m) "Regional Secretaries Committee" means the committee referred to in Rule 7;
- n) "Business Negotiating Groups / Forums" means the groups / Forums referred to in Rule 8 d);
- o) "Officer" means a non-elected representative who carries out certain activities or functions on behalf of a BC, Regional Secretary or National Chair
- p) "H&S" means Health and Safety as referred to in Rule 14
- q) "Standing Orders Committee" or "SOC" means the committee referred to in Rule 14;
- r) "TULR(C)A 1992" means the Trade Union & Labour Relations (Consolidation) Act 1992
- s) References to any legislation shall, unless provided otherwise, be deemed to refer to any modification or re-enactment from time to time;

- t) Importing the masculine gender only shall include the feminine gender and the neuter (as appropriate).
- u) “Business” shall be deemed a semi-autonomous business of the Company as defined from time to time by the Chief Executive.
- v) B, C and D to the Rules are provided for clarity and guidance and their contents shall be capable of amendment from time to time in accordance with the Rules.



## Appendix B

### PRÉCIS OF INDEPENDENT DEMOCRATIC UNION STRUCTURE

#### BRANCHES

Members are organised into Branches. Each branch holds biennial (once every two years) elections to elect the Branch Representatives.

#### STRUCTURE OF BRANCH COMMITTEES

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As soon as practicable following the Branch Elections, the Representatives convene and elect from themselves a committee, which includes a Branch Chair, Vice Chair, Secretary, ADC Delegates, Alternate Delegate and Health and Safety Rep.

#### TYPES OF BRANCH MEETINGS

##### GENERAL MEMBERS MEETING

- Gives the opportunity for Branch members to meet and discuss issues

##### COMMITTEE MEETING

- Discuss items from members
- Agree action
- Report back Local/Regional and National issues

#### BRANCH COMMITTEE FUNCTIONS

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- Organise and facilitate the recruitment and retention of IDU Members
- Individual and collective concerns and/or grievances
- Members at disciplinary hearings
- Agreements and procedures are adhered to
- Formally with local management at Industrial Relations meetings

#### REGIONAL SECRETARIES COMMITTEES

The Regional Secretaries Committees are made up those elected from the constituencies. As soon as practicable following the four yearly elections each of the Regional Secretaries

Committees convenes and elects from themselves a National Chair, plus members to form the Union Negotiating team on their appropriate Business Negotiating Groups / Forums. This team negotiate, amongst other things, issues on terms and conditions and the annual pay award relevant to their individual businesses.

## **REGIONAL SECRETARY COMMITTEE FUNCTIONS**

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- Organise and facilitate the recruitment and retention of IDU Members
- Terms and conditions of employment (relevant to their individual business)
- Processes and plans for recruitment and retention of IDU members
- Industrial resolutions specific to the business
- and act upon where necessary, issues raised by Members, Branches, NEC and ADC

## **NATIONAL EXECUTIVE COMMITTEE (NEC)**

The National Executive Committee is made up of National Chairs elected by the Regional Secretaries Committee. The Term of office is 4 years.

## **NATIONAL EXECUTIVE COMMITTEE FUNCTIONS**

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- Control of the affairs of the IDU
- The policies and rules of the IDU and their application
- And monitor the finances of the IDU
- With the appropriate business, companies and organisations
- Receive and consider reports and recommendations from Branches and Regional Secretaries
- The Annual Delegates Conference
- Membership Retention

## **STANDING ORDERS COMMITTEE**

### **STANDING ORDERS COMMITTEE FUNCTIONS**

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- Agenda and timetable for ADC
- Rules of debate
- On motions to be included or excluded from final agenda
- On motions brought forward as emergency motions

## Appendix C

### IDU REPRESENTATIVE, ROLE DEFINITIONS & EXPECTATIONS

*N.B. The following points are for guidance only and are not exhaustive*

#### BRANCH REPRESENTATIVE (the basis for all IDU positions)

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- Recruit and retain Union members
- IDU member communication
- Liaise with management
- Take part in debate
- Share workload
- Raise and tackle Health and Safety problems
- Keep confidentiality
- Keep up to date with changes to Terms and Conditions etc
- Undertake training

#### BRANCH CHAIR

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- Direct and focus the needs and requirements for the Branch Committee
- Clarify issues raised by Branch / Committee members
- Control debate (balanced view)
- Give all the chance to take part in debate
- Mentor new representatives

#### BRANCH SECRETARY

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- Organise meetings and release
- Book venues
- Compile agendas
- Update Branch membership records
- Hold information (agreements/terms and conditions etc)
- Deal with all correspondence in and out of branch
- Take and distribute minutes

## **REGIONAL SECRETARY**

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- Attend Regional Secretary meetings
- Attend Annual Delegates Conference
- Take forward ideas, motions and issues not resolved at branch/area level
- Address Regional Secretaries Committee or ADC to formally propose motions raised by Branch
- Cascade information from Regional Secretaries Committee

## **HEALTH AND SAFETY CHAIR**

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- Focal point for branch Health & Safety issues
- Carry out joint Management inspections
- Attend Health and Safety Committee
- Supply and put forward Health and Safety report at Branch meetings
- Attend Health and Safety training courses
- Inform Branch of accident information
- Investigate and report accidents and dangerous occurrences

## **NATIONAL SECRETARY**

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- Excellent verbal and written communication skills
- Good oratory (public speaking) skills
- Proven organisational and planning skills
- Overall business awareness
- Good understanding of IDU structure and processes
- Financial acumen
- Flexible approach to working practices
- Up to date knowledge of employment law

## **PRESIDENT**

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- Proven ability to lead National negotiations
- Good oratory (public speaking) skills
- Ability to lead and motivate
- Control debate, ensure that all participants are given the chance to take part in debate (balanced view)
- Excellent verbal and written communication skills

- Up to date knowledge of employment law
- Proven organisational and planning skills
- Flexible approach to working practices
- Overall business awareness
- Excellent understanding of IDU structure and processes

## **GENERAL SECRETARY**

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- Proven track record in membership recruitment and retention
- Excellent verbal and written communication skills
- Good oratory (public speaking) skills
- Up to date knowledge of employment law
- Ability to lead National negotiations
- Proven ability for financial acumen
- Management skills
- Proven organisational and planning skills
- Flexible approach to working practices
- Relevant Trade Union experience