

The Staff and Workers Association - Constitution And Rules.

ARTICLE 1: NAME

The Union shall be called SAW - The Staff and Workers Association, herein after called 'the Union.'

ARTICLE 2: REGISTERED OFFICE

The Registered Office of the Union shall be at: 28A, Monaghan Street, Newry BT35 6AA or at such other place as the Union, may, from time to time, decide.

ARTICLE 3: OBJECTS

The principal aims and objects of the Union shall be to:

- a) improve and protect the terms and conditions of the members;
- b) improve maintain and protect members' social standing;
- c) promote the primacy of members' own decision making in all matters covered by the Rules of the Union, and in the development of its policies;
- d) preserve, protect and promote the independence of the Union and its members; settle disputes between the members and their employers; regulate the relations between the members and their employers through collective bargaining, withdrawal of labour, or otherwise; provide companionship in grievance and disciplinary matters and conduct negotiations;
- e) initiate movements for increased rates of pay, or improved conditions of employment, on behalf of the members; promote opportunities for social association and recreation for the members;
- f) assist in and co-operate with the advancement of the independent representation of members generally;
- g) cooperate, directly or indirectly, with the work of any organisation, local, national or international, who hold objects or policies which are similar to those of the Union;
- h) engage in communications and publishing, for the purposes of furthering the policy of the Union or its members;
- i) work for the relief of poverty;
- j) provide advocacy and translation to all workers including migrants.

ARTICLE 4: APPLICATION OF FUNDS

All money received on account of membership subscriptions, contributions or interest in investments, shall be properly applied in carrying out the objects of the Union, and in meeting the costs and expenses of managing the Union according to these rules.

ARTICLE 5: MEMBERSHIP

- a) The Union shall consist of, and membership of the Union shall be open to, all employees, workers and any other persons who accept the principles, objective and Rules of the Union, Applications for membership can be

accepted by any Branch of the Union or by any officer authorised for the purpose by a Branch or a Committee of the Union.

- b) Every application for membership of the Union shall be made in a form approved by the Union.
- c) An applicant for
- Membership whose application has been rejected by a Branch may appeal to the Executive Committee which may grant admission to membership, or refuse the application, at its discretion.
- d) The Union conference may, at its discretion, admit any Person as an Honorary Member of the Union.

ARTICLE 6: MEMBERSHIP FEES, CONTRIBUTIONS & SUBSCRIPTIONS

. a) The Executive Committee shall establish a General Account into which all membership fees, all contributions and/or subscriptions will be paid, administered and then directed, as appropriate.

- b) Membership fees shall be established by the branches.
- c) 75% of a branch's membership fees shall be returned to the branch each month.

ARTICLE 7: LEVIES, LOCAL FUNDS

- a) The Executive Committee may should occasion arise, recommend a levy on the members.
- b) The Executive Committee shall consider applications from branches for the establishment and operation of 'local', special, issue or category specific levy funds, from time to time. The Executive Committee shall produce a 'Constitution & Standing Orders' for the operation of such funds. All such funds shall be operated within such regulations as the Executive Committee may set.

ARTICLE 8: ADMINISTRATION & ORGANISATION

- a) The Executive Committee, President and General Secretary, who shall be elected annually, shall be responsible for the organisation and administration of the Union.
- b) The Union shall be organised into branches. The appropriate number of Branches, whether by enterprise, trade, industry, locality, or otherwise shall be determined by the Executive Committee.
- c) The Union shall maintain a register of members which, together with the accounts of the Union, shall be open for inspection at all reasonable times by any member of the Union.
- d) The formation of the new branches will require the Branch's constitution to be approved by the executive committee.

ARTICLE 9: VOTING & BENEFIT RIGHTS

- a) Cognisant of the objects of the Union, and subject generally to the other provisions, any member shall be entitled to vote, in respect of Branch matters, and in respect of other Union matters.
- b) A member shall not be entitled to vote in any of the affairs of the Union nor to avail of any benefits if the member's arrears exceed two months. Such person shall hereinafter be described as "out of benefit" and shall not be entitled to be nominated to hold union office, propose or be appointed to or elected to any office within the union.

ARTICLE 10: BALLOTS

- a) Without derogating from the powers vested in the Annual Conference of the Union or those of the Executive Committee by virtue of these Rules, the Executive Committee shall have power, from time to time, to submit any matter, issue or question to the ballot vote of the members of the Union, as a whole, in a Branch or number of Branches, as the executive Committee shall determine. The Executive Committee shall issue regulations, as agreed by the Union conferences.
- b) The Regulations on Balloting, shall have regard to the members' right to have sufficient time to consider the proposition, the requirement to have clarity of the question being put, a ballot paper presented on which the question is clear and intelligible, adequate notice of the time(s) and place(s) of the conduct of the ballot, the absolute right to vote in secret free from any interference or pressure whatsoever, that the ballot be securely organised and conducted, the appointment by the members themselves of at least three scrutineers to properly count the ballot vote, and an appropriate declaration and publication of the result of the ballot.
- c) Members shall have the right to attend the place in which a ballot is being counted.

ARTICLE 11: DISCIPLINE OF MEMBERS

- a) The Executive Committee, or a sub committee appointed from among its members specifically for the purpose, shall have power to investigate the conduct of any member in order to determine if that member has been guilty of any breach of these rules or of conduct injurious to the interests of the Union or its members or of conduct unbecoming a member.
- b) Such members shall be afforded details in writing of any charge contained in such complaint or report and the source not less than one week before the meeting of the Executive Committee, or a sub committee appointed from among its members specifically for the purpose, at which such charge shall be heard and determined. Such person shall be entitled to hear all the charges made and to respond, either in writing or personally before the Executive Committee.
- c) A member who is deemed adjudged of the charges may be subject to one or more of the following penalties as the Executive Committee may decide:
 - c.1. be cautioned as to future conduct;
 - c.2. be debarred from attending Union meetings for a period as decided;
 - c.3. be debarred from holding office or participating in any way in branch or Union administration for a period as decided;
 - c.4. be suspended from membership for a period as decided;
 - c.5. be expelled from membership.
- d) A person suspended from membership shall be deemed a non-member for the duration of the suspension. A person expelled from membership may be re- admitted only with the consent of the Executive Committee and on such special terms as the conference may decide.

ARTICLE 12: APPEALS

- a) A member who has been the subject of an investigation under Rule 11.a and who is dissatisfied with the decision of the Executive Committee may appeal against such decision to the Annual Conference of the Union. Any such appeal shall be submitted in writing to the General Secretary within four weeks of the date on which the decision of the Executive Committee is conveyed to that member.

- b) The Annual Conference shall consider the written appeal submitted together with the report from the Executive Committee on its Investigation of the case.
- c) The Annual Conference may affirm or reverse the decision of the Executive Committee and may substitute one or more of the penalties prescribed in Rule 12.a for all or any of the penalties imposed by the Executive Committee.
- d) A decision of the Annual Conference on such appeal shall be final and conclusive.

ARTICLE 13 - FORMATION OF BRANCHES ●

a) The Union shall be divided into Branches as authorised by the Executive Committee who shall determine the size, location and distribution of Branches, from time to time.

● b) In order for a new branch to be formed there must be a minimum of 10 members of the branch.

● c) A member may not belong to more than one Branch of the Union except, and on terms and conditions as expressly determined by the Executive Committee.

● d) The Executive Committee may, with the authority of the Annual conference:

- d.1. dissolve a Branch or transfer members to another Branch, or Branches;
- d.2. amalgamate two or more Branches; divide a Branch into two or more Branches;
- d.3. establish a Branch for any particular trade, industry, location, occupation,
- d.4. or otherwise; abolish a Branch.

● e) Each Branch shall be required to conduct an Annual General Meeting of the members of the Branch each year.

● f) In accordance with Branch Constitutions, each Branch shall make arrangements to elect/ appoint Officers (including but not limited to: Chair, Secretary, Treasurer and two Scrutineers and Trustees), and representatives to conduct the business of the Branch within the Rules of the Union.

● g) The duties of Branch Officers shall be determined by the branches' constitutions.

ARTICLE 14: GOVERNMENT OF THE UNION ANNUAL CONFERENCE:

● a) The supreme government of the Union shall be vested in the Annual Conference which shall meet in May on the date and at a time and venue to be determined by the Executive Committee. The Annual conference shall be open to all members of the Union to attend, however only conference delegates will have the right to vote.

● b) Conference delegates shall consist of: 1. All members of the Executive Committee;

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2. In addition to Executive Committee members, each branch shall choose its delegates with the total number for each branch determined by membership as follows: 0-100 paying members: 6 delegates 101-200 paying members: 10 delegates 201-300 paying members: 15 delegates 301-400 paying members: 20 delegates 401-500 paying members: 25 delegates 501-600 paying members: 30 delegates 601-700 paying members: 35 delegates 701-800 paying members: 40 delegates 801-900 paying members: 45 delegates 901-1000 paying members: 50 delegates

c) The Union shall have the following officers; a President, Treasurer, a General Secretary, Three Trustees and an Executive Committee.

● d) All the Officers, Executive Committee members shall be elected by membership ballot, for the ensuing year. No ballot is required if an election is uncontested because there is only one candidate or only enough candidates to fill the number of positions. Arrangements for elections and nominations will be the responsibility of the Executive Committee.

- e) In the event the President, General Secretary or any other Executive Committee member shall die, resign, be removed or become unfit or incapable to act, the Executive Committee may, at any time appoint a person to fill such vacancy until the next annual elections of the Union.
 - f) Executive Committee: The Executive Committee shall consist of the President, the General Secretary, Treasurer, Branch Chairs and Branch Secretaries.
- ARTICLE 15: APPOINTMENT / REMOVAL & RETIREMENT OF TRUSTEES

- a) Three Trustees, and one substitute shall be elected annually at the Annual Conference. Following election they shall continue in office but may be removed from office by decision of an Annual or Special Conference on a decision of a two-thirds majority voting on a formal motion. If, for any cause, a Trustee is incapable or unwilling to act as such, or has resigned or retired, the Substitute elected at the previous Annual Conference shall be appointed by the Executive Committee to fill the vacant post. The Trustees shall be responsible for ensuring that a financial statement is formally presented to the Executive Committee bi-monthly.
- b) A member shall be disqualified from being or becoming a Trustee if they shall, become bankrupt or enter into any composition with their creditors; or become legally incapable of carrying out their duties as Trustee; or cease to be an ordinary member of the Union.
- c) A Trustee who refuses or neglects to carry out any lawful direction of the National Executive in accordance with the provisions of the Union Rules within 14 days of being requested in writing to do so shall be disqualified from being a Trustee.
- d) First Trustees: So soon as may be possible on or after the Vesting Day the National Executive shall appoint persons to be the first Trustees of the Union (“the first Trustees”) by an instrument in writing, and upon such appointment the relevant property of the union shall vest in the first Trustees. The first Trustees shall hold office until a new Trustee or Trustees shall be appointed in accordance with the provisions of this Rule.
- e) If a Trustee is to step down, or be removed from the position in between annual conferences, the Executive Committee shall appoint replacements, whose term shall last until the following Annual Conference.

ARTICLE 16: TREASURER

- a) The Treasurer shall receive all monies, and be responsible for the safe custody of them. Shall be responsible for all authorised disbursements from the funds of the Union.
- b) The Treasurer shall, at the Annual Conference of the Union, produce a balance sheet showing the income and expenditure of the Union during the previous twelve months, and give a correct financial statement of the affairs of the Union. The balance sheet shall be previously audited and vouched for by the Trustees of the Union.

ARTICLE 17: UNION STAFF & STAFF SALARIES

The Executive Committee shall be responsible for the appointment of staff and for the fixing of appropriate salaries for all staff employed by or on behalf of the Union, as appropriate from time to time.

ARTICLE 18: ACCOUNTS & AUDITORS

The appointment of Auditors and the fixing of their fees shall be confirmed by formal motion at the Annual Conference of the Union, tabled in the name of the Executive Committee each year. The General Secretary shall, every year, submit the accounts, together with a general statement and balance sheet for the year, for audit to an auditing firm selected by the Trustees.

ARTICLE 19: LEGAL ASSISTANCE

The Executive Committee may, at its discretion, institute or defend any legal proceedings and pay all or part of the costs thereof in any matter affecting the welfare of the Union or on behalf of any member in any matter arising out of that member's authorised activities on behalf of the Union.

ARTICLE 20: DISPUTES STRIKES OR LOCK- OUTS

Strikes, and other forms of industrial action taken during disputes will be controlled by the Branch concerned in co-operation with the Executive Committee.

ARTICLE 21: HARDSHIP/DISPUTE GRANTS During the period of any industrial action, Branches or the Executive Committee may organise a hardship fund for members involved.

ARTICLE 22: MEMBERS' EXPENSES Members who, as a result of their being engaged on the business of the Union lose their employment or otherwise, may make application to be paid such sum as the Executive Committee may decide, from time to time, for such purpose.

ARTICLE 23: AFFILIATIONS

The Union may only affiliate to such other bodies as may be decided by the annual conference of the Union or by the Executive Committee.

ARTICLE 24: INTERPRETATION

Should any question arise on which the rules are silent, the Executive Committee shall have power to decide thereon and their decision shall be binding and conclusive.

ARTICLE 25: ALTERATION OF RULES

These rules shall remain in force until such further notice, and no new rule shall be made, nor shall any of the rules herein contained or hereafter to be made, be amended, altered rescinded unless with the consent of a majority of two thirds of the delegates present at a Special or Annual Conference of the Union or by a two thirds majority of Executive Committee members.

ARTICLE 26: DISSOLUTION

The Union may at any time, be dissolved by the consent of two-thirds of the members votes cast at a Special General Meeting called for the purpose of considering the dissolution of the Union or by a ballot of all members of the Union resulting in a two-thirds majority of those voting, such majority to represent more than 50% of the membership. Notice of dissolution shall be given forthwith to the NI Certification Office on the prescribed form.

ARTICLE 27: CODE OF CONDUCT

Branch members will at all times seek to uphold the values and constitution of the union. As befits an organisation which seeks to promote and enhance the lives of its members and society in general, we expect the highest possible standards of ethical practice to be applied and demonstrated. The union neither tolerates nor condones discriminatory or abusive behaviour among its members or to and from its members to those who are not members. The union reserves the right to discipline under rule any member whose conduct falls below those standards in a way that brings the reputation of the union into disrepute. The union reserves the right to suspend or expel from or refuse admittance to membership any person whose conduct fails to uphold the aims and constitution of the union. Members are subject to the rules of the union as they are adopted from time to time by the Executive Committee.