

nipsa

# Rule Book

revised July 2023



Biedlin Public Services  
Heftin' Waarkers in the Public Airt

Protecting Public Services  
Supporting Public Servants

Ag Cosaint Seirbhísí Poiblí  
Ag Tacú le Seirbhísigh Phoiblí





Latest Revision: July 2023

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# nipsa Constitution

## SECTION 1: NAME AND OBJECTS

- 1.1** The name of the union shall be the Northern Ireland Public Service Alliance, hereinafter referred to as “NIPSA”.
- 1.2** The registered office of the NIPSA shall be 54 Wellington Park, Belfast, Northern Ireland, BT9 6DP, or such other place as the General Council shall from time to time decide. The registered office shall be the place of meeting for the business of the NIPSA. Notice of any change in the situation of the registered office shall be sent forthwith to the Certification Officer in the form prescribed by law.

### Objects

- 1.3** The objects of the union shall be:
- (a) To represent, protect and promote the interests of its members.
  - (b) To participate in the regulation of relations between its members and their employers for the purpose of furthering and protecting the interests of its members.
  - (c) To provide such benefits and services for its members and employees and for such other persons, as may be determined by the General Conference.
  - (d) To co-operate with those trade unions affiliated to the Irish Congress of Trade Unions in order to protect and advance the interests of working people generally.
  - (e) To promote equal opportunities for all members and to develop positive policies to promote equality of opportunity regardless of colour, race, ethnic or national origins, political opinion, religious belief, sex, disability, age, marital status, or sexual orientation.
  - (f) To promote the development of a democratic socialist economy.
  - (g) To promote independent, cross-community, anti-sectarian trade unionism.
  - (h) To do any thing which in the opinion of the General Council is incidental or conducive to the attainment of any of the above objects.

- 1.4** Without prejudice to any other provisions of these rules the union may in furtherance of any one or more of these objects:

- (a) raise funds by way of subscriptions, levies or otherwise, and accept gifts of money or in kind and carry out any trusts in relation to any such gifts which are in conformity with any of the objects of the union;
- (b) acquire, purchase, lease, hold, charge, exchange, sell or otherwise deal with land and buildings of any tenure and property of all kinds which it is lawful for the union to hold;
- (c) contribute to the funds of or guarantee money for or otherwise aid, or combine with or affiliate to, or enter into agreement or working arrangements with any other organisation, whether corporate or incorporate, having objects similar to those of the Union;
- (d) maintain pension schemes and/or funds for the benefit of employees or past employees of the union or their dependants and/or effect policies of insurance for these purposes; and
- (e) carry out educational work in the interests of its members and print and publish books, journals and other suitable material.

- 1.5** The union may do anything not specified above which will in the opinion of the General Council further any of the objects of the union.

## SECTION 2: MEMBERSHIP

### Categories of Membership

#### *Ordinary Membership*

- 2.1** It shall be a qualification for ordinary membership that the applicant or member is:
- (a) employed in the Northern Ireland Civil Service; or
  - (b) employed by any public authority which is based in Northern Ireland and which has been created by statute or charter or by a body acting on behalf of the Crown; or

- (c) employed in Northern Ireland by an organisation or company which is financed wholly or partly out of public funds; or
- (d) employed by an organisation or company undertaking functions which have been transferred from the Northern Ireland Civil Service, or from the public authorities or bodies specified by paragraph (b) of this rule or from the organisation or company specified by paragraph (c) of this rule; or
- (e) a trainee who is not an employee but who is placed in the Northern Ireland Civil Service, or in any of the public authorities, public bodies, companies or organisations specified by paragraphs (b), (c) and (d) of this rule, with such trainee retaining his or her membership as a trainee after the end of his or her traineeship until such times as he or she enters full-time education, or further training or employment; or
- (f) employed by any other body or person designated by the General Council.

**2.2** The procedure for admission as an ordinary member shall be as follows:

- (a) Application for membership shall be made to the General Secretary at the head office of the union. The application shall be made in such form and with such particulars as the General Council shall prescribe.
- (b) Membership shall commence on the date of acceptance of the application by the General Secretary.
- (c) If the application is rejected the General Secretary shall forthwith notify the applicant. The applicant shall be informed in writing by first class post that an appeal can be made against that decision to the General Council, and that written notice of appeal must be received by the General Secretary within 28 days of the receipt of such notification.
- (d) Upon receipt of a valid notice of appeal the General Council shall invite the General Secretary and the applicant to present their cases in writing to the Council and provide reasonable time limits for so doing. The Council may accept or reject the appeal or impose conditions as to the payment of monies or subscriptions previously unpaid or such other conditions as it may think fit. The decision of the Council shall be final.

#### *Associate Membership*

**2.3** An ordinary member who is made redundant, or who resigns in order to care for a close relative and who plans to return to his or her previous employment, shall be qualified to remain in membership as an associate member. An application for associate membership shall be made in such form and with such particulars as the General Council may prescribe. Associate membership shall cease automatically in the event that either: (a) the member reaches the age of 65; or (b) the member becomes qualified again for ordinary membership; or (c) the member takes up employment in any area in which the member is not qualified to be an ordinary member of the Union.

#### *Honorary Membership*

**2.4** All employees of NIPSA shall be honorary members of NIPSA from the date of appointment and until such times as they are no longer employed.

#### *Life Membership*

**2.5** No provision shall exist to confer life membership on any person. Therefore any references and provisions for life members expressly provided for in these rules shall relate to those members who received life membership prior to 2012.

#### *Membership: General*

**2.6** Where any dispute arises as to the qualification for membership of an applicant, the question at issue shall be referred to the General Council, whose decision shall be final.

**2.7** A member whose employment is terminated shall continue in membership at the discretion of the General Council.

**2.8** The membership of any person may be terminated by the General Council where such termination is required in order to comply with a Disputes Committee Report of the Irish Congress of Trade Unions. A person whose membership is so terminated shall not have the right of appeal which is provided for elsewhere in these rules.

**2.9** A person who has been expelled from membership or has had his or her membership terminated in accordance with these rules, shall not again be admitted to membership, except with the approval of the General Council.

**2.10** A member may, by not less than four weeks' notice in writing to the General Secretary, resign from the union.

**2.11** Rules 2.6 to 2.10 are subject to the right prescribed by law for a person not to be unreasonably refused membership to or unreasonably expelled by a trade union.



**2.12** A member shall cease to be an ordinary member of the Union (subject to the provisions of rule 2.7 hereof) if and when he or she ceases to be qualified for ordinary membership pursuant to the provisions of rule 2.1 hereof.

### **Rights and Duties of Members**

#### *Ordinary Members*

**2.13** Ordinary members shall be entitled to take part in all the activities of the branch to which they belong, to vote on any matter requiring decision by vote, and shall be qualified (subject to any restrictions imposed by these rules) to hold any office in the union, and to be entitled to such benefits as are provided by these rules or are determined in accordance with these rules.

#### *Associate Members*

**2.14** Associate members shall be entitled to take part in all the activities of the branch to which they belong, save that they shall not be eligible to vote on any matter requiring decision by vote, nor to be nominated for or elected to any office in the union. Associate members shall be entitled to no other rights and benefits except those which may be determined by the General Council at its discretion, and those which may be expressly provided for in these rules.

#### *Honorary Members*

**2.15** Honorary members shall have no rights and benefits as honorary members except those which may be determined by the General Council at its discretion and those which may be expressly provided for in these rules, but nothing in this rule shall limit the powers of an honorary member who is an official employed by the union in the performance of all or any of the duties of his or her post.

#### *Life Members*

**2.16** Life members shall be entitled to receive a free copy of the union journal. They shall have no other rights and benefits except those which may be determined by the General Council at its discretion, and those which may be expressly provided for in these rules.

#### *Duties of Members*

**2.17** The following duties shall apply to all members (whether ordinary, associate, honorary or life):

- (a) Members (except for honorary members and life members) shall belong to such branch as the General Council may direct.
- (b) Members shall pay all subscriptions and other sums required to be paid under these rules, as and when payable.

(c) Members shall at all times observe the rules of the union and any regulations made thereunder. They shall abide by any decisions properly made under the rules and shall carry out any duty or obligation imposed and any orders or directions given by or under the rules.

(d) Members shall ensure that the head office of the union is kept informed of their proper address at all times. A member's proper address shall be their home address by default. Some other address (including a workplace address) which they wish the union to treat as their postal address can be used if specifically requested in writing by the member.

(e) A person ceasing to be a member of the union for any reason shall cease to have any interest or right whatsoever in or over the funds and property of the union.

(f) Ordinary members ceasing for any reason to be ordinary members shall be deemed to have relinquished any office in the union to which they were elected or appointed as an ordinary member, and shall cease to represent the union on any other body.

## **SECTION 3: SUBSCRIPTIONS**

**3.1** Ordinary and associate members shall pay as a condition of continuing membership subscriptions determined by the General Conference from time to time.

**3.2** Honorary and life members shall not be required to pay any subscription.

**3.3** Where any doubt arises as to the rate of subscriptions applicable to a member or the means by which subscriptions will be paid, the question shall be referred to the General Council whose decision shall be final.

**3.4** A member who has validly authorised the deduction of subscriptions from salary shall at all times be considered a fully paid up member.

**3.5** Where subscriptions are paid in cash they shall be payable on the 1st day of each calendar month. Subscriptions which are paid in cash to a branch, shall be forwarded by the Branch Treasurer to the General Secretary of the union at the head office as soon as practicable, and in any event by not later than the 21st day of each month. Such subscriptions shall be remitted in accordance with directions given to Branch Treasurers by the General Secretary of the union.

**3.6** A member in arrears with subscriptions at any time amounting to 3 months' subscriptions shall be given notice in writing by the General Secretary and s/he shall be excluded from the union unless within 28 days of the date on which the notice was dated:

- (a) the arrears are paid; or
- (b) an explanation is given in writing to the General Council which in the opinion of the Council is satisfactory; or
- (c) arrangements satisfactory to the General Council for payment of the arrears are made.

**3.7** If a member gives an explanation which the General Council considers unsatisfactory it shall notify the member in writing. The decision of the Council shall be final.

**3.8** Unless the General Council shall otherwise direct by reason of exceptional circumstances, no subscription, or any part of a subscription, shall be repaid to a member or a person who has ceased to be a member.

## SECTION 4: BRANCHES

**4.1** The membership of the union shall be organised into branches at the direction of the General Council. A list of branches, the number allocated to each branch, the ordinary and associate membership of each branch and such other details as the General Council consider appropriate shall be circulated annually to members. No member may belong to more than one branch at one time.

**4.2** Branches shall wherever possible be organised on the basis of a number of members sharing the same employer in a single place of work or located within reasonable proximity to one another or on the basis of the same or related occupations.

**4.3** The following matters shall be dealt with at general meetings of the branch:

- (a) Nomination of Officers for the Group where applicable.
- (b) Nomination of Executive Committee for the Group.
- (c) Nomination of Standing Orders Committee for the Group.
- (d) Nomination of Officers for the General Council.
- (e) Nomination of General Council.

- (f) Nomination for Standing Orders Committee for the General Conference.
- (g) Selection of delegates to Annual Delegate Conferences.
- (h) Submission of motions to Annual Delegate Conferences.
- (i) Conference Agenda.
- (j) Affiliation of branch to local councils of trade unions.
- (k) Disciplinary action against members.
- (l) Removal of branch committee members.

**4.4** Where it is not practicable to hold a branch meeting the branch committee together with branch representatives appointed in accordance with these rules shall constitute a special branch meeting at which the matters listed in rule 4.3 above shall be dealt with.

**4.5** The responsible body in each branch shall be the branch committee. In general the branch committee shall constitute the link between individual members, the Group Executive Committee and the General Council. In particular they shall be responsible for:

- (a) the day to day management of branch affairs including representation on matters of sole concern to the members of the branch and the distribution of all circulars and literature issued by NIPSA;
- (b) recruitment within the branch;
- (c) collection of subscriptions from branch members and remittance of subscriptions to the General Secretary, where appropriate;
- (d) calling and organising branch meetings as prescribed in these rules;
- (e) rendering such returns of information as the General Council may from time to time require; and
- (f) rendering an account to the General Secretary not later than 3 months after the end of each financial year for any money which the branch receives from NIPSA funds.

**4.6** A branch committee shall consist of a Chairperson, a Vice-Chairperson, a Secretary, a Women's Officer, a Treasurer and/or Organiser, Learning Representative/s, an Equality Officer and a Safety

Representative, together with at least one member for each 30 members in the branch. In a small branch the duties of an Organiser may be coupled with those of Vice-Chairperson. The duties of the Branch Chairperson, Vice-Chairperson, Secretary, Women's Officer, Organiser or Treasurer, Learning Representative, Equality Officer and Safety Representative are set out in Annex A to these rules. At a branch committee meeting a majority of those entitled to attend shall form a quorum.

- 4.7 A branch committee shall hold office for one year and shall retire at the annual general meeting, which shall be held in October of each year, subject to the powers, set out elsewhere in these rules, of a general meeting of branch members to remove a member from the branch committee.
- 4.8 The selection of a branch committee shall be carried out as follows:
  - (a) At the Annual General Meeting in October.
  - (b) Nominations will be made at the Annual General Meeting. Voting will be in accordance with the wishes of the members present.
  - (c) The names of the new branch committee shall be announced and the first meeting fixed for a date before 15 November.
- 4.9 At its first meeting the branch committee shall:
  - (a) arrange regular meetings, which normally will be at monthly intervals; and
  - (b) deal with any current business.
- 4.10 Not later than 31 December the Branch Secretary shall send to the General Secretary the names of the elected officers of the branch.
- 4.11 The Branch Committee shall have power to fill vacancies on the Committee during the year by co-option from amongst the membership of the branch.
- 4.12 Necessary expenditure incurred in branch business which it is desired to recover shall be certified by the Chairperson of the Branch Committee and submitted to the General Secretary for reimbursement.
- 4.13 A branch may invite any member or official to attend a branch meeting but, on specific individual issues, the General Council, or one of its Executive bodies, may provide a list of relevant persons for a branch to select from.
- 4.14 Each branch shall be governed in accordance with the Model Branch Rules set out in the Annex B to these rules, save that branches may make amendments to their rules subject to the following conditions:

- (a) any motion to amend the rules of the branch must be supported by not less than two-thirds of the votes cast at a General Meeting, in order to be carried; and
- (b) all such amendments shall be subject to the approval of the General Council, or of a body delegated by it and shall not be valid or binding until so approved.

## SECTION 5: DELEGATE CONFERENCES

### Annual Delegate Conference

- 5.1 The Annual General Conference shall determine the principles and policies of the Union.
- 5.2 The Annual General Conference and Annual Group Conferences shall be held on such dates and at such times and places as the General Council may decide. The Council shall give branches at least 3 months' notice of the date of the General and Group Conferences. The branches will also be notified at the same time of:
  - (a) the last date for the circulation of the Annual Report, which date will be no later than 9 weeks before the date of Conference; and
  - (b) the last date for the receipt of Conference motions and nominations, which date will be 7 weeks before the date of General Conferences or 2 weeks after the last date for the circulation of the Annual Report, whichever is the earlier.
- 5.3 In respect of each financial year there shall be published for the information of members, an audited Statement of Accounts showing details of all income and expenditure and a balance sheet setting out the financial position of the union. The Financial Statement and the Accounts shall be rendered to members at least 2 weeks before the General Conference.
- 5.4 The agenda for the General and Group Conferences shall be circulated to branches not later than 2 weeks before the first day of the Conference.

### Special Delegate Conference

- 5.5 A Special Delegate Conference may be summoned at any time on the receipt by the General Secretary of a written application by branches together representing one third or more of the ordinary membership, or at the discretion of the General Council.

- 5.6** The timetable for convening a Special Delegate Conference shall be determined by the General Council, save that the Council shall give branches at least 2 weeks' notice of the date of the Conference.
- 5.7** Only business detailed on the notice paper convening a Special Delegate Conference shall be dealt with.

### **Delegate Conferences: General**

- 5.8** The proceedings of Delegate Conferences shall be governed by the Standing Orders contained in Annex E to these rules, and shall not be invalidated by any accidental omission to give any notice required by these rules or by any defect in the election or qualification of any member of such Conferences.
- 5.9** The quorum at Conference shall be by a simple majority of those delegates registered to attend Conference.
- 5.10** The President of the union shall preside as Chairperson at General Conference. In the absence of the President the Chairperson of the Conference shall be decided in accordance with Standing Orders.
- 5.11** Members of the General Council shall attend at Conferences but shall not be entitled to take part in any vote or election, save that the officer presiding at the time shall be entitled to a casting vote in the event of an equal number of votes being cast on each side of a motion.
- 5.12** Voting shall be by show of hands except when a card vote is either called by the officer presiding or demanded by at least 10 delegates. No one other than a delegate shall be entitled to take part in any vote at Conference. The basis of a card vote shall be one vote for each ordinary member of the branch.
- 5.13** Conferences shall be attended by officials employed by the union, and such staff and other personnel as the General Secretary may authorise. Trustees may also attend the Conferences.
- 5.14** The General Council shall have power to invite visitors to Conferences at the expense of the union.
- 5.15** The General Council shall be empowered, after consultation with branches, to appoint observers and trainee delegates, who shall not be entitled to speak or vote on Conference business. The Council shall select tellers, for the purpose of ensuring where necessary the counting of votes cast during Conference proceedings. The tellers may be appointed from the trainee delegates present.

### **Conference Representation**

- 5.16** Representation at General and Group Conferences shall be from branches on the basis of fully paid up branch membership on 31 December preceding Conference. The number of delegates to be selected shall be as follows:
- Branches with up to 80 ordinary members - 1 delegate.
  - Branches with 81-200 ordinary members - 2 delegates.
  - Branches with 201-300 ordinary members - 3 delegates.
  - With one additional delegate for each complete 100 ordinary members thereafter.
- 5.17** Delegates shall be fully paid-up members of the branch concerned. Members of the General Council and the General Standing Orders Committee and Trustees shall not be eligible to be appointed as branch delegates to the General Conference and members of a Group Executive Committee or a Group Standing Orders Committee shall not be eligible to be appointed as branch delegates to the Conference for their Group.
- 5.18** The expenses of delegates and those appointed to attend conference under rules 5.11, 5.13, 5.14 and 5.15 shall be met by the union from central funds.

### **Conference Motions**

- 5.19** Motions must proceed either from branches or from the General Council or the Group Executive Committee and be received by the date specified in rule 5.2(b). Motions proceeding from a branch shall only be valid if certified by a Branch Officer of the branch concerned and passed at a properly constituted meeting of the members of that branch. The date, time, location or digital platform of the meeting must be supplied. Where signatures are required, digital/typed signatures are acceptable.
- Motions proceeding from the General Council or the Group Executive Committee must have been passed at a properly constituted meeting of the Council or the Executive Committee. Motions may be submitted digitally, in accordance with the requirements as set out in the Conference section of the NIPSA website. The same requirements apply to motions submitted digitally.
- 5.20** For the General Conference motions must be of concern to more than the members of one Group.
- 5.21** Emergency motions may be submitted in accordance with Standing Orders.

### **Standing Orders Committee**

- 5.22** A Standing Orders Committee of 4 members, consisting of at least one member of each Group, shall be elected by ballot vote at the General Conference and shall serve for three years being then eligible for re-election. The Chairperson shall be elected annually by the Committee at its first meeting following the Annual Conference. Members of the General Council shall not be eligible to serve on the Committee. In the event of a vacancy occurring on the Committee, the Council may appoint a member from that Group to serve until the next succeeding Annual General Conference.
- 5.23** The Secretary to the Standing Orders Committee shall be an employee of NIPSA designated by the General Secretary.
- 5.24** Nominations for the Standing Orders Committee shall be forwarded by branches to reach the General Secretary by the date specified in rule 5.2(b).
- 5.25** The Standing Orders Committee shall have transmitted to it by the General Secretary all motions submitted by branches and General Council for the consideration of Annual or Special Conference.
- 5.26** The Committee shall have authority to refer to the Standing Orders Committee of the appropriate Group, any motion submitted for inclusion on the Agenda for General Conference, on the grounds that it is a matter of common concern to the membership of only one Group.
- 5.27** The Committee shall have sole responsibility for the acceptance and rejection of motions and nominations for Conference consideration in relation to the time of their arrival at Headquarters, ie 2.00 pm on the date specified.
- 5.28** The Committee shall arrange all motions received into a convenient Agenda.
- 5.29** The Committee, in consultation with the Chairperson of Conference, shall draw up a timetable for Conference covering the Agenda.
- 5.30** The Committee shall supply the General Secretary with all material with which it is concerned to enable rule 5.4 to be observed.
- 5.31** The Committee shall submit Agenda, timetable and any other recommendations to facilitate Conference business to Conference for consideration and decision.

- 5.32** During the period of Conference the Committee shall consider all matters relating to Conference procedure and recommend thereon, as necessary.

### **Elections at Delegate Conferences**

- 5.33** Subject to these rules, the General Secretary shall prepare for the consideration of the General Council such regulations as the General Secretary, may consider necessary for the conduct of elections at Delegate Conferences of the Union. Such regulations as are approved by the Council shall be published to branches and shall be binding on all members as if part of these rules.
- 5.34** The General Secretary shall make all the necessary arrangements for the conduct of the elections.
- 5.35** Nominations may be made by branches and in so far as is provided for elsewhere in these rules by the General Council or a Group Executive Committee.
- 5.36** Nominations by branches may be made only at branch meetings duly held of which due notice, including notice of the business to be transacted, has been given to all members. Nominations proceeding from the General Council or at the Group Executive Committee must have been passed at a properly constituted meeting of the Council or Executive Committee.
- 5.37** The consent of the nominee must be obtained in order for the nomination to be valid.
- 5.38** A nomination shall only be valid if made on the requisite form and certified by a Branch Officer of the branch concerned that it has been passed at a properly constituted meeting of the members of that branch. The date, time, location or digital platform of the meeting must be supplied. Where signatures are required, digital/typed signatures shall be accepted. The General Secretary shall maintain a supply of requisite forms so as to be available at all times. Nominations may be submitted digitally, in accordance with the requirements as set out in the Conference section of the NIPSA website. The same requirements apply to nominations submitted digitally.
- 5.39** The General Secretary shall satisfy himself/herself that the rules relating to any nominations have been complied with and that the consent of the nominee to stand has been given.

## SECTION 6: GENERAL COUNCIL

### Composition of the General Council

- 6.1** Between meetings of the Delegate Conference, the general management and control of the Union and the handling of the whole affairs shall be vested in the General Council (hereinafter referred to as “the Council”). The Council shall conduct its affairs in accordance with these rules, and with the principles and policies of the Union as determined by the Delegate Conference.
- 6.2** The Council shall consist of the President, the Vice-president and Honorary Treasurer (together called “the Honorary Officers”) and 22 other members (called “the Ordinary Members”).
- 6.3** The Council shall be elected annually in accordance with these rules.
- 6.4** A successful candidate for Honorary Officer must accept that position and decline any more junior position on the Council (including another Honorary Officer position) to which they may have been elected.
- 6.5** Subject to nominations having been received:
- (a) members of the Public Officers’ Group shall fill at least 5 seats on the Council; and
  - (b) members of the Civil Service Group shall fill at least 5 seats on the Council.
- 6.6** For the purpose of rule 6.5 the Honorary Officers shall be counted.
- 6.7** Where a vacancy arises in the offices of President, Vice-president or Honorary Treasurer a fresh election for the office in question shall be held within the Council.
- 6.8** Where a vacancy arises on the Council during the office of that Council (except in the offices of President, Vice-president and Honorary Treasurer), the Council shall have the discretion of filling that vacancy by calling upon the person, who is then standing highest on the list of unsuccessful candidates at the last relevant election, who is still a member and who is still willing to serve on the General Council, subject to satisfying the provisions of rule 6.5. If it should not be possible to fill the vacancy by using the list of unsuccessful candidates, the Council shall have discretion to hold a by-election. The person appointed under this rule shall hold office until the next Annual or Special Conference and shall have full voting rights.

### Powers of the General Council

- 6.9** The Council shall in particular but without limiting its general or other powers under these rules have power:
- (a) Subject to these rules and to consultation with those concerned, to organise, open, amalgamate, sub-divide or close Branches, Sections, Panels, Departmental Committees or other bodies of the Union comprising members in the same occupation or performing similar functions, or employed by the same employer or in the same branch, section or department of an employer or in the same geographical area.
  - (b) Except as specifically provided for elsewhere in these rules, to make, vary, suspend or rescind regulations and by-laws for the conduct of the business of the Union and all committees, or bodies of the Union.
  - (c) To fill any vacancy in any office filled by election for which no other provision is made in these rules.
  - (d) To co-opt one or more additional members on to the Council or its Committees, but such members shall be without voting powers.
  - (e) To invite to its meetings one or more persons to act in an advisory capacity in respect of matters regarding which they possess special knowledge or competence, but such persons shall be without voting powers.
  - (f) To invite to its meetings observers from the executives of affiliated organisations.
  - (g) To engage and discharge officers and staff of the Union, determine their pay and terms and conditions of employment, and enter into any agreement with them as it considers appropriate, subject to these rules.
  - (h) To make levies in addition to subscriptions if it considers this necessary.
  - (i) To appoint Committees of the Council for the conduct of Union business with all decisions of such Committees being subject to ratification by the Council.
  - (j) To appoint Advisory Committees which may include members who are not members of the Council.

- (k) To call conferences of any group or section of members or officers for the purposes of consultation.
- (l) To require the attendance of any member or employee of the Union at any meeting of the Council or of its Committees.
- (m) To establish, subject to these rules, an Equality Committee. The Equality Committee will be elected by ballot vote at the NIPSA Annual Delegate Conference. The Committee shall comprise 12 members and shall include at least two members from the Public Officers' Group and two members from the Civil Service Group.
- (n) To establish, subject to these rules a NIPSA News Editorial Committee. The Editorial Committee will be elected by ballot vote at the NIPSA Annual Delegate Conference. The Committee shall comprise 5 members and shall include at least one member from the Public Officers' Group and one member from the Civil Service Group.
- (o) To establish, subject to these rules, a Global Solidarity Committee. The Global Solidarity Committee will be partly elected by ballot vote at the NIPSA Annual Delegate Conference and partly by NIPSA General Council. The Committee shall comprise ten members. Six members will be elected at NIPSA Annual Delegate Conference and shall include at least two members from the Public Officer Group and two members from the Civil Service Group. Four members will be elected from members of the NIPSA General Council to be elected at the first General Council meeting after the NIPSA Annual Delegate Conference.

### **Powers and Duties of President**

- 6.10** The President shall preside at all meetings of the Council with the right to speak and vote on all questions, see that the business is conducted with propriety and order, and be the judge of order. The decision of the President (subject to the rules relating to Presidential rulings) shall be binding. The President shall sign all minutes of meetings of the Council when they have been confirmed.
- 6.11** In the absence of the President, the Vice-president (and in the absence of the Vice-president the Honorary Treasurer) shall preside and act with the authority of the President under these rules.

### **Committees of the General Council: General**

- 6.12** Any Committee of the Council shall conduct its business in accordance with such procedures as

these rules provide, or in the absence of such rules as the Council may direct, or in the absence of such directions as the Committee may itself decide.

### **Disputes Committee**

- 6.13** Industrial action by a member of the Union shall only be authorised or endorsed by the Union when it has been so approved by the General Council, or by the Disputes Committee acting under delegated powers. No decision to take industrial action shall be made unless the members, who are the subject of the decision, have first had the opportunity to vote in a ballot on the proposal to take industrial action.
- 6.14** The General Council shall draw up a procedure for industrial action, which, inter alia, shall provide for powers to be delegated to a Disputes Committee.
- 6.15** A Disputes Committee may be established from time to time consisting of the President, Vice-President, Honorary Treasurer, the Chairperson of the Civil Service Group Executive for disputes affecting members within the Civil Service Group, the Chairperson of the relevant panel(s) for disputes affecting members within the Public Officer Group, and the General Secretary. The Disputes Committee may co-opt or invite to attend to its meetings such persons as it considers may make a useful contribution to the deliberations of the Committee. Such persons shall not be entitled to participate in any vote on the Committee. The General Secretary shall act as Secretary to the Committee and shall be responsible for convening its meetings.
- 6.16** The decisions of the Disputes Committee shall be reported to the next meeting of the General Council but they shall be binding until then.
- 6.17** The quorum for meetings of the Disputes Committee shall be 4.
- 6.18** The General Council shall determine whether strike pay shall be paid, and if so at what rate, in any particular dispute, but it may delegate some or all these powers to the Disputes Committee in relation to a specific dispute.
- 6.19** Acting in the name of the General Council the Disputes Committee shall be empowered to withdraw official authority from any industrial action.

### **Procedures of the General Council**

- 6.20** The Council shall normally meet at least once every month. It shall meet at such other times as the President or General Secretary deems necessary, or at the request in writing of a majority of the ordinary members (in this last event for the purpose of dealing only with matters for which such members request the meeting).

- 6.21** The quorum for any meeting of the Council or for any of its Committees shall, except where expressly provided otherwise in these rules, consist of a majority of the voting members thereof.
- 6.22** Any member absent from a Council meeting shall furnish a reason for such absence. Any member who is absent from 2 consecutive regular meetings shall be deemed to have resigned from office save that absence shall be disregarded if it is caused by ill-health or for some other reason which is satisfactory in the opinion of the Council.
- 6.23** A statement shall be appended to the Annual Report of the Union showing the number of meetings of the Council and its Committees during the previous year and the attendance of the members during their periods of office.
- 6.24** All questions arising at a meeting, except any questions which by these rules or by any agreement or contract made by the Council are to be decided in a special manner, shall be decided by a majority of the votes cast. In the event of an equality of votes the presiding officer shall have a casting vote.
- 6.25** At meetings of the Council which determine the policies of the Union in relation to the bi-annual conferences of the Irish Congress of Trade Unions, these affairs shall be vested in the Council.
- 6.26** The Council shall in all matters where its procedure is not expressly laid down in these rules determine its own procedure.
- 6.27** The Honorary Officers and the General Secretary shall be ex-officio members of all Committees and Sub-committees of the Council and shall be entitled to participate in any meeting of members of the Union.

### **General Council Elections**

- 6.28** The following rules shall govern the elections for all members of the Council.

### **Conduct of Elections**

- 6.29** These elections shall be conducted on the basis of individual membership voting in secret. Only ordinary members shall be entitled to vote.
- 6.30** An independent scrutineer appointed by the General Council shall act as Returning Officer for the elections and shall supervise the elections.
- 6.31** The General Secretary shall draw up regulations for the conduct of the elections following consultations with the Returning Officer. The regulations shall

be subject to the approval of the General Council. The regulations shall be published to members and shall be binding on all members as if part of these rules.

- 6.32** The General Secretary shall, with the assistance of the Returning Officer, make all the necessary arrangements for the conduct of the elections.
- 6.33** The Returning Officer shall conduct the elections and supply the President and General Secretary with a certified statement of the results thereof.

### **Nominations**

- 6.34** Nominations may be made only by Branches.
- 6.35** Nominations may be made only at Branch meetings duly held of which notice of the business to be transacted, has been given to all members.
- 6.36** Nominees must give their consent in order for their nominations to be valid.
- 6.37** Official nomination papers shall be issued to all Branches by the General Secretary not later than 20 weeks before the first day of the Annual Delegate Conference and shall be received by the General Secretary duly completed not later than 2.00 pm on the Friday preceding 17 weeks before the first day of such Conference.
- 6.38** A nomination shall only be valid if made on an official nomination form and certified by a Branch Officer of the branch concerned that the rule relating to the holding of branch meetings has been complied with. The date, time, location or digital platform of the meeting must be supplied. Where signatures are required, digital/typed signatures shall be accepted. Nominations may be submitted digitally, in accordance with the requirements as set out in the relevant section of the NIPSA website. The same requirements apply to nominations submitted digitally.
- 6.39** Branches may make nominations only in respect of elections in which one or more members of the Branch is entitled to vote, in accordance with a resolution carried at a meeting by those members so entitled held in accordance with Branch rules.
- 6.40** Nominees must be members entitled to vote in the elections or part thereof to which their nomination relates, as at the final date for receipt of nomination. Once elected no member shall be required to resign their position by reason of any change in their employment, provided they remain an ordinary member of the Union.
- 6.41** Nominees shall be entitled to submit a written or



digital election address not exceeding 100 words in length. Such election addresses shall be received by the General Secretary not later than 2.00 pm on the Friday preceding 17 weeks before the first day of Annual Delegate Conference. A copy of each such address shall be sent with the voting paper for the election, to each member who is entitled to vote in the election.

- 6.42 The General Secretary shall satisfy himself/herself that the rules relating to any nominations have been complied with and that the consent of the nominee to stand has been given. If the General Secretary is not satisfied he or she shall refer the matter to the Returning Officer.
- 6.43 The General Secretary shall refer the matter to the Returning Officer in any case where there is a complaint as to the validity of a nomination.

**Complaints concerning General Council Elections**

- 6.44 Any complaint as to an alleged breach of the rules relating to General Council elections shall be made in writing to the Returning Officer. If in the opinion of the Returning Officer there has been a breach of these rules, the Returning Officer shall consult the President. The Returning Officer shall then decide whether the election shall proceed, whether an election shall be declared void or the election of any person void or any nominee disqualified, and take such decisions as may seem proper to him or her.
- 6.45 The decision of the Returning Officer on any matter under this section of the rules shall be final and binding on all members. The General Secretary shall publish to Branches the written report of the Returning Officer on any investigation conducted by him/her, together with the Returning Officer’s decision thereon.
- 6.46 Rules 6.44 and 6.45 are subject to the rights prescribed by law for a person who claims that a trade union has failed to comply with statutory requirements on secret ballots for trade union elections.

**Elections for Honorary Officers**

- 6.47 Nominations for President, Vice-president and Honorary Treasurer shall be made by the Council or by any branch from among members elected to the Council. Names of the candidates submitted must be accompanied by the signed consent of the candidates to act if elected. Nominations must reach the General Secretary by the date specified in rule 5.2(b). Nominations may be submitted digitally, in accordance with the requirements as set out in the Conference section of the NIPSA website.

The same requirements apply to nominations submitted digitally.

Nominations submitted digitally shall only be valid if certified by a Branch Officer of the branch concerned that the nominations submitted are those of the branch. Where signatures are required, digital/typed signatures shall be accepted.

- 6.48 No one shall hold the office of President for more than 3 consecutive years.
- 6.49 The President, Vice-president and the Honorary Treasurer may be removed from Office by a decision of not less than a three-fourths majority of the members of the Council present and voting on such a proposition. Where the President, Vice-president or the Honorary Treasurer has been so removed s/he shall have the right of appeal to Annual Conference.

**Elections for Equality Committee**

- 6.50 Nominations for the members of the Equality Committee to be elected by the annual delegate conference may be made only by branches. Names of the candidates submitted must be accompanied by the signed consent of the candidates to act if elected. Nominations must reach the General Secretary by the date specified in rule 5.2(b). Nominations may be submitted digitally, in accordance with the requirements as set out in the Conference section of the NIPSA website. The same requirements apply to nominations submitted digitally. Nominations submitted digitally shall only be valid if certified by a Branch Officer of the branch concerned that the nominations submitted are those of the branch. Where signatures are required, digital/typed signatures shall be accepted.

**Elections for Global Solidarity Committee**

- 6.51 Nominations for the members of the Global Solidarity Committee to be elected by the annual delegate conference may be made only by branches. Names of the candidates submitted must be accompanied by the signed consent of the candidates to act if elected. Nominations must reach the General Secretary by the date specified in Rule 5.2(b). Nominations may be submitted digitally, in accordance with the requirements as set out in the Conference section of the NIPSA website. The same requirements apply to nominations submitted digitally. Nominations submitted digitally shall only be valid if certified by a Branch Officer of the branch concerned that the nominations submitted are those of the branch. Where signatures are required, digital/typed signatures shall be accepted.

## Elections for NIPSA News Editorial Committee

**6.52** Nominations may be submitted digitally, in accordance with the requirements as set out in the Conference section of the NIPSA website. The same requirements apply to nominations submitted digitally. Nominations submitted digitally shall only be valid if certified by a Branch Officer of the branch concerned that the nominations submitted are those of the branch. Where signatures are required, digital/typed signatures shall be accepted.

## SECTION 7: OFFICERS AND STAFF

### Secretariat

**7.1** There shall be a secretariat which shall comprise the General Secretary and such other staff as the General Council deem necessary.

### General Secretary

**7.2** In the event of a vacancy for General Secretary, the General Council shall make the necessary arrangements for an election to be held. The vacancy shall be open to members and employees of the Union. Candidates for General Secretary must also be nominated by at least 10 branches of the Union or by the General Council of the Union. The procedure for the election shall be that currently in use for the election of the General Council with the exception of the timetable which shall be that which is appropriate to the vacancy, and that an election address of not more than 500 words shall be permitted for each candidate. A copy of each such address shall be sent, with the voting paper for the election, to each member who is entitled to vote in the election. The successful candidate in the election shall serve a term of 5 years in office or, if earlier, until the normal retirement date then applying, but a General Secretary may remain in post without re-election of a period longer than 5 years up to the age of retirement, provided all of the following conditions are met:

- (a) s/he must have been elected not more than 10 years before retirement age;
- (b) the election must have been a postal election which satisfied the statutory requirements for postal elections in force when it was held;
- (c) s/he must be a full-time employee of the union and have been so for at least 10 years (but not necessarily consecutively); and
- (d) s/he must be within 5 years of retirement age.

**7.3** When a term of office of a General Secretary expires or s/he retires a fresh election shall be held.

**7.4** The General Secretary shall supervise the general work of the Union, and shall:

- (a) Be responsible for a correct record being made of the names of all members present at meetings of the General Council and Committees and for minutes of the proceedings at all such meetings being duly recorded. Copies of such minutes, authenticated by the signatories of the respective Chairpersons, shall be duly bound and retained by the General Secretary in the offices of the Union.
- (b) Give up all books, documents and property belonging to the Union when ordered so to do by a resolution of the General Council or of the General Conference. The General Secretary shall keep the documents and papers of the Union in such manner and for such purposes as the Council may decide.
- (c) Have the power after consultation with the President to convene meetings of the General Council or other Committees when necessary, and shall have the power to attend all meetings of the Council and its Committees.
- (d) Prepare all documents and returns required by statute or statutory regulations.
- (e) Exercise overall responsibility for the management of the finances of the Union.
- (f) Be empowered, under the direction of the General Council, to deal with all matters affecting other staff of the Union including the number required, appointment, dismissal, discipline, pay, promotion, and other conditions of service.
- (g) Be empowered in individual cases to delegate the rights and duties of the General Secretary to any other full-time Officer.

### Officers and Staff: General

**7.5** The Union shall recognise and deal with an independent trade union or trade unions representing Officers and staff for the purposes of collective bargaining.

**7.6** The Union shall pursue a policy of equal opportunities for its employees.

**7.7** The Union shall maintain a superannuation fund or scheme for the provision of benefits to employees of the Union. The General Council shall be

responsible for the administration of such fund or scheme. The Council shall apply such sums out of the general funds of the Union as may be needed; and may arrange such policies of assurance or other matters as may be deemed proper in furtherance of this rule.

### Complaints against Staff

- 7.8** Complaints against the staff of the union by an ordinary member or by a body established under rule 6.9(a) or by a Group Executive Committee established under rule 8 shall be made in writing to the General Secretary within 3 months from the day on which the aggrieved member or body or Group Executive Committee had notice of the matter alleged in the complaint, or not later than such other date as the General Council may, in the circumstances of any case, determine.
- 7.9** The member of staff, who is the subject of the complaint, shall be notified in writing by the General Secretary of the complaints and the grounds supplied in support of it. The General Secretary shall afford the member of staff the opportunity of making a submission in writing to him or her on the complaint.
- 7.10** The General Secretary will consider the written submission of the member or of the body or of the Group Executive Committee making the complaint and the submission of the member of staff and respond to the member or body or Group Executive Committee within one month of the complaint being received. A copy of this response will be sent to the member of staff concerned.
- 7.11** If the member or body or Group Executive Committee is not satisfied with the General Secretary's response to the complaint, s/he or the body or Group Executive Committee may ask the General Secretary in writing for the matter to be referred to the General Council and state the grounds of the appeal.
- 7.12** The right of referral to the General Council must be exercised within one month of the date of the response of the General Secretary and this right and the time limit associated with it will be explained in the response of the General Secretary.
- 7.13** The General Secretary shall notify the member of staff concerned of the appeal and the grounds supplied in support of it. The General Secretary shall afford the member of staff concerned the opportunity of making a submission on the appeal in writing to the General Council.
- 7.14** The General Council will consider any complaint referred to them in whatever way they consider appropriate and consistent with the principles of natural justice. The Council's decision on the matter will be final.
- 7.15** The member or the body or Group Executive

Committee and the member of staff concerned will be informed within 3 months of the decision of the General Council on the complaint.

- 7.16** If at any stage in the consideration of a complaint disciplinary proceedings are instituted against the member of staff concerned the normal disciplinary procedures will apply.

## SECTION 8: GROUPS

- 8.1** Groups of members shall be established by the General Council. A Group may be composed of all those members within a sphere of employment designated by the Council.
- 8.2** Each Group shall be represented by a Group Executive Committee. The Group Executive Committee shall be elected annually by ballot vote of branches at its Group Conference.
- 8.3** The duties of each Group Executive Committee shall be:
- (a) To protect and promote the interests of the members of the Group and to deal with all matters within its area of competence affecting members from more than one Branch, subject to the overriding authority of the General Council and to the role of other bodies of the Union as set up under rule 6.9 or any other rule.
  - (b) To represent the Union at Group level.
  - (c) In conjunction with the General Council, to establish effective Branch machinery, including inter-Branch co-ordinating machinery, and to give such assistance to the Branches concerned as may be required.
  - (d) To ensure that effective arrangements are made for recruitment and retention of membership, and to keep such records, and render such returns and information, as the General Council may require.
  - (e) To deal with any matter remitted to it by the General Council, and generally to assist the Council in the conduct of the Union's affairs.
- 8.4** A Group Executive Committee shall have authority:
- (a) To establish such advisory committees as may be required.
  - (b) To prepare resolutions on matters within the Group's area of competence, which shall be considered by the General Council.
- 8.5** Each Group shall be governed in accordance with the Group constitutions set out in the Annexes to

these rules. Amendments may be made to these Group rules as follows:

- (a) Branches within each Group can propose amendments to the rules for their Group. Such proposed amendments shall be forwarded to the Group Executive Committee. If an alteration is accepted by the Executive Committee it shall be submitted to the General Council for approval. If the amendment is rejected by the Executive Committee, the Branch concerned shall have the right to appeal to the General Council to have the amendment approved.
- (b) The Executive Committee shall have power to submit such amendments as it thinks necessary to the General Council for approval. Before doing so, however, it shall circulate the terms of the proposed amendment to branches within the Group. In the event of objections being raised by branches such objections shall be forwarded to the General Council together with the proposed amendment for decision. A period of 2 months shall elapse between the notification to branches and submission to the General Council.

**8.6** The funds of each Group shall consist of the monies remitted to it by the General Council, together with such other funds as the Group may raise by social activities. A Group shall not be entitled to raise funds except on a voluntary basis, nor to expend funds except in accordance with these rules.

## SECTION 9: FUNDS OF THE UNION

**9.1** All the property and funds of the Union shall be vested in, and be held in the names of, the Trustees. The Trustees shall at all times act under the direction of the General Council.

**9.2** There shall be a maximum of five Trustees who shall serve for a period of up to three years, which period may be renewed for a maximum period of one further period of three years. The Trustees shall be appointed by the General Council and may not be appointed from the categories of Ordinary, Associate or Honorary Members of the Union.

A Trustee may be removed by a decision of the General Council on, inter alia, the following grounds:

- (a) They are deemed to be incapable of carrying out their duties on medical or other grounds;
- (b) They have failed either to attend meetings or have failed to respond to communications within a reasonable period of time.

**9.3** All the property and funds of the Union shall be used for the furtherance of the objects of the Union

and in accordance with any direction given or decision made by or under these rules.

**9.4** All the monies, funds, accounts, books, records and other properties (real and personal) of the Union, including all those held by Group Executive Committees, Departmental Committees, Section Committees, Branches, and all other units or bodies of the Union, shall be vested in the Trustees on behalf of the Union. The Trustees shall have the power at any time to require the surrender to them of any such monies, funds, accounts, books, records and other property.

**9.5** The Trustees of the Union shall have power to sell, exchange, lease, charge, or agree to let, any real or personal property of the Union, as required by the General Council. They may borrow or lend money with or without security and may cause to be opened or closed such bank accounts as may be required by the General Council. They may accept any real or personal property given to the Union or lawfully acquired by the Union.

**9.6** The General Council shall have power to vote any monies required to carry on the affairs of the Union, and to invest, reinvest or vary the investments of the Union as may be resolved upon with the concurrence of the Union's Trustees in any investment in which the Trustees are for the time being by law authorised to invest trust funds. The Trustees have express power to invest in the purchase of land or of freehold or leasehold property; for all of which purposes and for the development, reconstruction and upkeep thereof the Council shall be empowered to raise monies by way of loan, mortgage or by a charge on any assets of the Union.

**9.7** The General Secretary, or a member of staff nominated by him or her, shall take charge of those funds of the Union which are not invested.

**9.8** The General Secretary or his or her nominee shall:

- (a) Pay all demands when ordered to do so by the General Council.
- (b) Render a full and clear account whenever the accounts of the Union are audited, or whenever required so to do by the General Council.
- (c) Give up all monies, books, records and other property belonging to the Union which comes into their possession whenever required to do so by the General Council.

**9.9** The General Secretary or his or her nominee shall give, at the cost of the Union, security to the General Council, either by bond or through a guarantee society, for such amounts as the Council

may determine.

**9.10** The General Council shall control the system of authorisation of cheques drawn on the Union's accounts.

**9.11** Expenses may be paid on the following basis:

- (a) Members attending a Delegate Conference of the Union shall be paid from the Union's central funds such expenses as may be approved by the General Council.
- (b) Members attending General Council meetings or those of Committees of the Union, and any member or full-time Officer or member of staff who with the authority of the Council incurs them, shall be paid expenses on a basis determined by the General Council while acting in a representative capacity on behalf of the Union.
- (c) Every member claiming expenses shall sign a declaration that they have been incurred on the business of the Union and are not chargeable in whole or in part to any other body.
- (d) Where, in addition to any of the above expenses, loss of earnings has been necessarily incurred, it shall be paid by the Union at the minimum rate or the actual loss if greater.

### General Fund

**9.12** There shall be a General Fund which may be used for any purpose that the General Council considers to be for the benefit of and in accordance with the objects of the Union.

### Benevolent Payments

**9.13** The General Council may make payments to members to provide benefit on redundancy or retirement, or during sickness, or during incapacity due to personal injury or disease, or for accident, or to pay funeral expenses of a member or member's spouse, or for the children or widow(er) of a deceased member, or for any compassionate and/or charitable purpose. Payments may be in the form of grants and/or loans.

**9.14** The General Council shall decide whether and to what extent a request for a benevolent payment shall be accepted. The decision of the Council shall be final.

### Fighting Fund

**9.15** The General Council shall establish a Fighting Fund.

**9.16** The Fighting Fund shall be applied by the General Council solely for the purposes of financing any industrial action or campaign or demonstration duly authorised by the Council.

**9.17** The General Council may apply sums out of the General Fund to the Fighting Fund.

### Legal Assistance

**9.18** Free legal assistance may be given to any member who is qualified under these rules (or their dependants in the event of the death of a member who is so qualified) if they sustain injury or illness while carrying out their employment, or travelling to or from their employment, or in any other case as the General Council may at its discretion think fit. Any member requiring free legal assistance shall apply to the head office and give any information about the matter reasonably required by the Council.

**9.19** Any member who resigns or lapses their membership while still eligible to belong to the Union shall not upon rejoining the Union be entitled to free legal assistance until such times as they have been a member for 3 months and paid their subscription for this period of time.

**9.20** The General Council will from time to time set out the conditions and make regulations for the grant of legal assistance and the termination of the grant of such assistance.

### Indemnities

**9.21** Any member of the General Council, any other member of the Union holding office to which they have been elected or appointed under these rules, and any employee of the Union, shall be indemnified in such manner and to such extent as the Council may determine out of the General Fund of the Union against all losses or liabilities which they may sustain or incur in connection with the discharge of the duties of their office, unless caused by the wilful neglect or default or fraud or misconduct of the member or person concerned.

**9.22** The General Council may in its absolute discretion indemnify out of the General Fund of the Union in full or in part any member or employee of the Union against losses sustained or liabilities incurred or accident sustained in connection with any industrial action authorised under these rules.

**9.23** The General Council may indemnify any member or employee of the Union to such extent as the Council may in its discretion think expedient against loss or damage sustained by accident arising out of, or in the course of the performance of, any duty imposed or accepted by or under these rules or employment by the Union or in the course of

travelling in the performance of such duties.

**9.24** The General Council where it considers it expedient may effect such policies of assurance against all or any liabilities under this section of the rules and pay out of the General Fund any premiums in respect thereof and may receive and dispose of any sum payable under any such policy as the Council may consider proper.

**9.25** Nothing in these rules or indemnities shall debar a member from seeking a Benevolent payment in accordance with rules 9.13 and 9.14 above.

## **SECTION 10: ACCOUNTS AND AUDIT**

### **Financial Year**

**10.1** The financial year of the Union shall run from 1 January to 31 December.

### **Audit of Accounts**

**10.2** The auditors of the Union's accounts for each calendar year shall be professional accountants who shall be qualified by law to be auditors of a trade union. They shall be appointed by the General Council and who may (subject to statutory requirements) be removed by a Delegate Conference of the Union on the recommendation of the Council.

**10.3** The General Council shall cause the accounts of the Union to be regularly entered in proper books, and shall as soon as possible in each calendar year submit for audit by the duly appointed auditors the accounts up to the previous 31 December, with a general statement of the same and all necessary vouchers. The auditors shall have access to all the books and accounts of the Union, and to relevant documents, shall examine the accounts submitted to them and verify the same and shall either sign the same as found by them to be correct, duly vouched and in accordance with the rules of the Union, or shall specially report in what respects they find them incorrect, unvouched or not in accordance with the rules, and shall have discretion to report on other matters connected with the accounts.

**10.4** The General Council shall present to the next Annual Delegate Conference following the completion of the audit:

- (a) The audited accounts of the Union, showing the receipts and expenditure for the preceding year and balance sheets relating to the funds and effects of the Union.
- (b) The report of the auditors.
- (c) A statement of the financial affairs of the Union during the preceding year.

**10.5** The President may request the auditors to appoint one of their number to attend Annual Delegate Conference and to address the Conference on any matter solely related to their examination of the accounts.

**10.6** The General Council may at any time request the auditors or may appoint other persons as special auditors to examine and report on such accounts (including Branch accounts), documents, vouchers, deeds, securities and receipts which they may require to see, and they may take possession of any of them provided a written acknowledgement of possession is given.

### **Inspection of Books**

**10.7** Every member shall be entitled to a copy of the annual accounts of the Union. Any member may, on giving not less than 10 working days' notice in writing to the General Secretary, inspect at the head office any books of the Union.

## **SECTION 11: DISCIPLINARY PROCEDURES**

**11.1** The rules in this section are subject to the right prescribed by law not to be unjustifiably disciplined by a trade union.

**11.2** A Disciplinary Sub-committee of the General Council, set up in accordance with rule 11.11 or a general meeting of a branch to which a member belongs, shall have power to take disciplinary action against a member who:

- (a) fails to conform to the rules, or
- (b) acts deliberately in a manner inimical to the interests of the Union, or
- (c) discriminates for or against any person or intimidates any person on grounds of his or her colour, race, ethnic or national origins, political opinion, religious belief, sex, disability, age, marital status or sexual orientation.

**11.3** A member cannot be disciplined for an offence by the General Council, if a branch has already dealt with the same offence in accordance with these rules. Similarly a branch cannot discipline a member, if the General Council has already dealt with the same offence in accordance with these rules.

**11.4** If disciplinary action is being considered by a branch, the Branch Committee should conduct the preliminary enquiries and if it has reasonable grounds for believing that there is a case to be answered it shall formulate the charge to be put to

the member concerned. If disciplinary action is being considered by the General Council, it shall conduct the preliminary enquiries and if it has reasonable grounds for believing that there is a case to be answered, it shall formulate the charge to be put to the member concerned.

**11.5** The disciplinary action which a branch or the Disciplinary Sub-committee of the General Council can take against a member in accordance with these rules shall be:

- (a) remove the person for a specified period of time from any office that s/he may be holding, provided it is not an office for which the rules on the removal of the occupant are provided for elsewhere in these rules;
- (b) prohibit the person from holding for a specified period of time, such office as the General Council or the branch determine;
- (c) the forfeiture for a specified period of time of specified benefits, rights and privileges of membership, excluding the forfeiture of all benefits, rights and privileges; and
- (d) expel the person from membership.

**11.6** If disciplinary action is being considered by a branch, the members of the branch, and specifically the member being considered for disciplinary action, shall receive at least 10 days notice in writing of the disciplinary charge and the date of the general meeting of members at which it is to be considered. The member against whom disciplinary action is being considered shall have the opportunity of stating his or her case orally and in writing to the general meeting of branch members before a decision is taken.

**11.7** Where a branch has decided to take disciplinary action against a member of the branch it shall give written notice of its decision to the member and the General Secretary. The branch shall inform the member in the notice that s/he may appeal against the decision to the General Council not later than a date one month from the date upon which s/he receives the notice or not later than such other date as the General Council may, in the circumstances of any case, determine. A member desiring to appeal shall give written notice to that effect both to the branch and the General Secretary.

**11.8** On an appeal to it, in accordance with rule 11.7, the General Council shall before deciding the appeal afford an opportunity to the branch and to the member, of stating their cases in writing or follow such other procedure as it may determine. The General Council shall give the branch and the member at least 10 days in which to prepare written

submissions on the appeal.

**11.9** The General Council may allow or disallow the appeal, or may vary the decision appealed against and shall give written notice to the member, and to the branch of its decision.

**11.10** The exercise of the right of appeal set out in rule 11.7 shall not render the disciplinary action ineffective in the interval between the date of the decision by the general meeting of branch members and the date of the decision on the appeal by the General Council.

**11.11** If disciplinary action is being considered by the General Council, the member concerned shall be given at least 10 days in which to prepare a written reply to the disciplinary charge and the General Council shall set up a Disciplinary Sub-committee drawn from members of the General Council, to give consideration to the written reply (if any) of the member concerned and to give the member the opportunity of appearing before the Disciplinary Sub-committee to present his or her case orally. The member shall receive at least 10 days notice in writing of the date on which his or her case is to be heard by the Disciplinary Sub-committee.

**11.12** The Disciplinary Sub-committee shall give written notice of its decision to the member and to his or her branch and shall inform him or her that s/he may appeal against the decision to Annual General Conference.

**11.13** A member, who wishes to appeal to the Annual General Conference in accordance with rule 11.12 shall by the date specified in rule 5.2(b) notify the General Secretary in writing of his or her desire and shall supply him or her with a statement in writing of the grounds of his or her appeal. Such notification shall be deemed to be a motion to be moved by the member concerned.

**11.14** The exercise of the right of appeal set out in rule 11.12 shall not render the disciplinary action ineffective in the interval between the date of decision by the General Council and the date of the decision on the appeal by the Annual General Conference.

**11.15** The membership of any person may be terminated by the General Council where such termination is required in order to comply with a Disputes Committee Report of the Irish Congress of Trade Unions. A person whose membership is so terminated shall not have the right of appeal which is provided for elsewhere in these rules.

**11.16** A person who has been expelled from membership or has had his or her membership terminated in accordance with these rules, shall not again be admitted to membership, except with the approval

of the General Council.

## SECTION 12: RULES

- 12.1** All members are bound by these rules.
- 12.2** Except as expressly provided for elsewhere in these rules, these rules (including the provisions of the Annexes thereto) shall not be rescinded, added to or altered except by a Delegate General Conference of the Union. A motion to rescind, add to or alter these rules should be submitted in accordance with rule 5.19. Notice of any such amendment shall be given on the agenda of the Conference, and in order to be carried a resolution approving an amendment shall require no dissent on a show of hands or support by at least two-thirds of the total votes cast on a card vote.
- 12.3** Should any question arise as to the interpretation or meaning of these rules the President shall determine the same. Should any question arise as to whether or not the rules are silent on any matter the President shall answer that question. Should any question arise on a matter upon which the rules are silent the General Council shall determine the same.
- 12.4** When by reason of industrial action, force majeure, or other cause beyond the control of the Union, or in case of emergency, any time limit within which any matter is to be done, or Conference or meeting is to be held, cannot in the reasonable opinion of the General Council be fulfilled, the Council may notwithstanding any other provisions of these rules alter any such times or alter the date of any Conference or meeting as the Council considers necessary.
- 12.5** The transitional provisions contained in the Annexes to these rules shall come into effect on 1 January 1994 or on the date of registration of the instrument of amalgamation whichever is the later (herein after called the "effective date") and shall remain in effect for such period of time as may be specified therein. In respect of the matters referred to in the transitional provisions and for such time as may be specified for their application, the provisions shall supersede the relevant parts of the rules of the Union and the Annexes thereto, and shall have effect as if they were part of those rules.
- 12.6** All members shall be entitled to a copy of these rules on request.

### Presidential Rulings

- 12.7** Any ruling made by the President under the powers

conferred by this section of the rules may only be challenged by:

- (a) A Delegate General Conference; or
- (b) A Branch of the Union; or
- (c) A member of the General Council.

- 12.8** The procedure for challenging a Presidential ruling shall be as follows:

- (a) In the case of a Delegate General Conference, by the proposal of a motion which states, "This Conference challenges the President's ruling made in connection with ...."
- (b) In the case of a Branch, by conveying a written motion challenging the President's ruling to the General Secretary; any such motion must have been passed at a properly constituted meeting of the Branch.
- (c) In other cases, by the proposal of a motion, which is supported by at least 4 members of the General Council and which states, "This General Council challenges the President's ruling in connection with..."

- 12.9** The decision as to whether or not a Presidential ruling be upheld shall be as follows:

- (a) In the case of a challenge at a Delegate General Conference, by delegates voting on the motion "That the President's ruling be upheld" which shall be put to Conference, without debate by the Vice-president immediately after the passing of a motion challenging the President's ruling: the motion shall only be defeated by a majority of not less than two-thirds of the votes cast; the decision of Conference shall be final and binding on all members of the Union.
- (b) In all other cases, by not less than two-thirds of the members of the General Council present, voting against such a ruling.

- 12.10** Subject to the provisions prescribed by law no meeting and no vote, act or proceeding at any meeting of Conference or in relation to a ballot or card vote, or any meeting of the General Council or of any committee appointed by the General Council shall be rendered void or voidable by reason only that:

- (a) it is afterwards discovered that there was a defect in the appointment, election or nomination of any person attending, or voting at, the meeting; or



- (b) there was some accidental omission to give due notice to any person, or any person failed to receive such a notice; or
- (c) there was not issued to any person any ballot paper or card which should have been issued to him or her or any person failed to receive such a paper or card.

### SECTION 13: NOTICES

**13.1** Any notice or order required to be given under these rules may - except where otherwise expressly provided - be given:

- (a) To a member, by sending the same by ordinary pre-paid post to the last known address of the member or delivered personally, or
- (b) To the members of the Union, by notice published in the official journal of the Union or in circulars or other official publications to Branches and sent to the Branch Secretaries for publication to the members as provided in paragraph (c) of this rule, or
- (c) To the member of any Branch, by notice circulated as provided in paragraph (a) of this rule or published as provided in paragraph (b) of this rule or by displaying such notice at the usual place of work of such members on the Union notice board, or
- (d) To a Branch, Group, or other body of the Union, by sending the same by ordinary pre-paid post or by delivering it to any officer thereof at the officer's last known address, or
- (e) To the Union, by sending the same by ordinary pre-paid post to or delivered at the head office of the Union, or
- (f) Where notices or orders as in (d) above require action to be taken by Branches a minimum of 14 days' notice shall be given to Branches to allow adequate time for any necessary meeting or consultation with the members to be arranged.

**13.2** Any such notice shall be deemed to have been received, if sent by letter post, within 7 days of the date of despatch, or if personally delivered at the time when it was so delivered, and in the case of publication in the official journal 14 days after the same is despatched to the Branch Secretaries, or if published by display at place of work on the day following the first display of such notice.

### SECTION 14: AFFILIATIONS

**14.1** Affiliations to any outside body shall require the

approval of Annual or Special General Conference.

### SECTION 15: DISSOLUTION

**15.1** The Union may not be dissolved nor its funds divided except with the consent of not less than five-sixths of the membership voting in a ballot.

### SECTION 16: DEFINITIONS

**16.1** In these rules where the context so admits or requires:

- (a) Words in the singular shall include the plural and vice-versa.
- (b) References to a statute shall include any statutory modification or re-enactment thereof for the time being in force.
- (c) References to the General Council shall include any Committee thereof, except where the context otherwise provides.
- (d) References to "rules" shall include any addition or amendment for the time being in force.
- (e) References to an Honorary Officer, a full-time Officer or any other officer of the Union or of any body of the Union shall include any person for the time being performing the duties of that office.

## ANNEX A: DUTIES OF BRANCH OFFICERS

1. The Branch Chairperson shall preside at branch and committee meetings. In his or her absence the Vice-Chairperson, if present, shall deputise, otherwise a Chairperson shall be elected.
2. The Branch Vice-Chairperson will assist the Chairperson and will deputise for him or her in his or her absence. In smaller branches s/he may also carry out the duties of Organiser as described in paragraph 6 below.
3. The Branch Secretary shall be responsible for the action prescribed in rule 4.10 of the NIPSA constitution. S/he shall keep the General Secretary informed of any changes which may take place during the year in the composition of the Branch Committee. The Branch Secretary shall convene meetings of the branch or of the Branch Committee in accordance with the branch rules and shall keep minutes of all such meetings. S/he shall be responsible for correspondence and any records of returns required from time to time by the General Secretary or the General Council.
4. The responsibility of the Branch Women's Officer will relate to those matters of special interest to female members of the branch. Among his or her duties will be:
  - (a) to ensure that women's issues are raised, discussed and acted on by the branch and that issues such as health, childcare and special leave are given proper priority in local negotiations;
  - (b) to provide the initial contact for female members on all women's issues, including health problems, and especially for those who feel that they are victims of sexual harassment;
  - (c) to consider issues under negotiation which have either specific or general implications for women and to give and obtain advice to the branch in the light of discussions with female members;
  - (d) to assist and to encourage the branch to feed ideas, suggestions, comments and criticisms through to the NIPSA Equal Opportunities Committee;
  - (e) to ensure that women in the branch know about and make use of the educational provision available to women trade unionists, including NIPSA Women's Issues/Health Courses open to all members and ICTU Courses of a similar nature;
  - (f) to monitor with women members developments, such as the introduction of new technology and changes in work arrangements and to ensure that the branch is aware of their implications for women;
  - (g) to promote women's participation in all aspects of NIPSA activities;
  - (h) to encourage the Branch Committee to arrange regular all member meetings on women's issues; and
  - (i) to assist in the recruitment of women to NIPSA.
5. The Branch Treasurer shall arrange for the collection of subscriptions from those members whose subscriptions are not deducted from salary and shall see that they are remitted to the General Secretary. S/he shall keep and furnish to the General Secretary records of subscriptions collected and such other records as may be required.
6. The Branch Organiser shall be responsible for membership matters and the circulation of union literature within the branch. Among his or her duties will be:
  - (a) to keep the General Secretary informed of details of all individual membership changes arising from recruitment, transfer, resignation or retirement;
  - (b) to maintain a register of members of the branch;
  - (c) to organise contact with potential members making use of recruitment material from the head office of the union;
  - (d) to organise membership recruitment campaigns making use of the union's publicity materials;
  - (e) to maintain a branch circulation list for the distribution of the union's circulars and other literature to members of the branch; and
  - (f) to make arrangements for the appointment of Branch Safety Representatives and Branch Union Learning Representatives.
7. The Branch Organiser shall arrange that a Branch Representative is appointed in each room or office

within the Branch. In rooms with large numbers of staff there should be a Branch Representative to each 30 members (or nearest convenient number). Offices where few staff are employed should be grouped in units of 30 (or nearest convenient number). A Branch Representative shall interview new members of staff joining the room or rooms under his or her purview and if they are not members it shall be his or her duty to encourage their recruitment into the union.

**8.** The Branch Organiser shall arrange for Branch Safety Representatives to be appointed in accordance with the provisions of Safety Representatives and Safety Committee Regulations (Northern Ireland) 1979. The Branch Safety Representative shall have the following functions:

- (a) to investigate potential hazards and dangerous occurrences at the workplace and to examine the causes of accidents at the workplace;
- (b) to investigate complaints by any member s/he represents relating to that member's health, safety or welfare at work;
- (c) to make representations to the employer on matters arising out of sub-paragraphs (a) and (b);
- (d) to make representations to the employer on general matters affecting the health, safety or welfare at work of members at the workplace;
- (e) to carry out inspections in accordance with the Safety Representatives and Safety Committee Regulations;
- (f) to represent members s/he was appointed to represent in consultations at the workplace with inspectors of any enforcing authority;
- (g) to receive information from inspectors in accordance with the Health and Safety at Work (Northern Ireland) Order 1978; and
- (h) to attend meetings of safety committees established under the Safety Representative and Safety Committee Regulations in his or her capacity as a Safety Representative in connection with any of the above functions.

**9.** The Branch Organiser shall arrange for Branch Union Learning Representatives to be appointed in accordance with the provisions of the Employment (Northern Ireland) Order 2003. The Branch Learning Representative shall have the following functions:

- (a) to promote the value of learning and training and improve learning opportunities within the workplace;
- (b) to analyse members' learning or training needs;
- (c) to provide information and advice about learning or training matters;
- (d) to arrange learning or training for members; and
- (e) to make representations to the employer on matters arising out of the preceding paragraphs;

**10.** The Branch Equality Officer shall promote and engage in equality work that will bring real benefits to NIPSA members. The role of an Equality Officer will be to:

- (a) promote equality to help ensure a fair, non-discriminatory workplace in which all members are treated with dignity and respect at all times;
- (b) raise awareness and keep members informed on equality matters;
- (c) offer advice and support to members on equality related personal matters;
- (d) advise and support other Branch Officers on equality matters;
- (e) play a leading role in raising awareness of members to the need for a zero tolerance approach to bullying and harassment within the workplace;
- (f) work to ensure that policies and practices within a workplace are equality proofed in accordance with Section 75 of the Northern Ireland Act 1998;
- (g) carry out branch equality surveys;
- (h) to ensure that the branch is kept informed of the work of the NIPSA Equal Opportunities Committee; and
- (i) to assist and to encourage the branch to feed ideas, suggestions, comments and criticisms through to the NIPSA Equal Opportunities Committee;

**11.** It shall be the aim of branches to spread the work and responsibility of branch management as widely as possible. Ordinarily one person should not, provided the branch is sufficiently large, hold more than one position or fulfil more than one function within the branch, eg one person should not act as Branch Secretary and Treasurer/Organiser at the same time.

## ANNEX B: MODEL BRANCH RULES

1. The objects of the Branch shall be:
  - (a) To protect and promote the interests of its members.
  - (b) To ensure the regular collection and remittance of subscriptions.
  - (c) To assist in the recruitment and maintenance of membership.
  - (d) To co-ordinate the views of its members, and to take appropriate action on matters of Branch interest.
  - (e) To support and implement decisions of the General, Group and Departmental/Section Conferences where appropriate.
  - (f) To protect and promote the effectiveness of the service or services in which members are employed.
  - (g) To provide the General Council, Group Executive Committee, Panels and Department/Section Committee(s) with such returns of information as they may require.
  - (h) To arrange the distribution or sale of all circulars and literature issued by the union.
  - (i) Generally to assist the General Council in compliance with the rules of the union.
2. Notice giving the time, date and place of general meetings of the branch should be circulated with the agenda for the meeting normally 7 days prior to the date of the meeting.
3. At a general meeting and branch committee meetings the agenda should be framed with the following order of business:
  - (a) Minutes of previous meetings.
  - (b) Matters arising therefrom (other than those itemised on agenda).
  - (c) Officers' Reports.
  - (d) Other matters requiring separate consideration.
  - (e) Other business.
4. The Annual General Meeting shall receive the Branch Annual Report, the Branch Financial Report and it shall elect the Branch Officers and the Branch Committee in accordance with rules 4.6, 4.7 and 4.8.
5. Routine decisions at all branch meetings may be taken at the call of the Chairperson for a vote thereon without a formal resolution having been proposed. In such cases the Chairperson shall be deemed the proposer.
6. At general branch meetings and branch committee meetings no motion shall be spoken to except by the mover until it has been seconded.
7. Voting at general branch meetings and branch committee meetings shall be by show of hands, except when a ballot of the meeting is demanded by a majority of those present and entitled to vote, but any vote may be taken by ballot of those present at the discretion of the Chairperson, or at the request of a majority of members present provided that such request is made before the question is put.
8. A debate at any branch meeting shall be closed if:
  - (a) A motion "that the vote now be taken" is carried. If such a motion is moved and seconded it shall be put to the vote without discussion. Such motion shall not be moved or seconded by a member who has previously spoken in the debate. If such a motion is carried the mover of the motion under debate shall, before the motion is put, exercise any right of reply that s/he may have, but no other speeches shall be allowed.
  - (b) A motion "that the meeting proceed to next business": is carried. If such a motion is moved and seconded it shall be put to the vote without discussion. Such a motion shall not be moved or seconded by a member who has previously spoken in the debate. If such a motion is carried, the meeting shall proceed forthwith to the next item of business.
9. On matters not dealt with in these rules, the Chairperson's ruling shall apply unless his or her ruling is challenged and rejected by a two-thirds majority of those present.

- 10.** The Chairperson or his or her Deputy on the Branch Committee shall have a casting vote in addition to his or her ordinary vote.
  - 11.** The branch committee shall conduct the business of the branch in conformity with the policy of the union and in accordance with the instructions of the branch General Meetings.
  - 12.** The branch committee shall deal with all business remitted to the branch by the union and shall take such action in connection therewith as may be required.
- 13.** The Branch shall be governed by the rules of the union and of the Group in so far as their provisions are applicable in addition to these rules. If these rules and those of the union are incompatible, the latter shall prevail.
  - 14.** The Branch shall not be dissolved except with the consent of the General Council. Upon dissolution any monies remaining in the hands of the branch, together with all documents, vouchers and records, shall be handed over to the union.

## ANNEX C: CIVIL SERVICE GROUP CONSTITUTION

### Name

1. The name of the Group shall be the “Civil Service Group of the Northern Ireland Public Service Alliance”, herein referred to as “the Civil Service Group”.

### Composition

2. The Civil Service Group shall be composed of all those Union members employed by the Northern Ireland Civil Service and such other bodies as the General Council may direct.

### Object

3. The objects of the Civil Service Group shall be to protect and promote the interests of the members in the Group, and to further the objects of the Union (as set out in the rules of the Union) in relation to the members in the Group.

### Management

4. The management of the Civil Service Group shall, subject to the overriding authority of the General Council, be vested in the Civil Service Group Delegate Conferences and between such Conferences in the Civil Service Group Executive Committee.
5. The membership of the Civil Service Group shall be formed into branches. The Civil Service Group Executive Committee may propose to the General Council that branches be combined, divided or closed, or that new branches be established.
6. The Civil Service Group Executive Committee shall, in conjunction with the General Council, establish Departmental/Section Committees, Panels and other committees as necessary to enable branches to co-operate on common negotiating problems. Such committees or panels may be established on the basis of a particular establishment, or employing authority, or occupational group, or geographical area, and shall be composed of representatives elected by the members of the branches concerned.
7. No branch or panel or committee set up under rule 6 above shall, without approval of the Civil Service Group Executive Committee, enter into negotiations with any body on matters affecting members in another branch.
8. The constitution of a panel or committee set up under rule 6 shall not conflict with the Civil Service

Group Constitution, and such constitution and any amendments to it shall not be valid or effective until approved by the Civil Service Group Executive Committee.

### Group Delegate Conference

9. The Civil Service Group shall hold an Annual Group Delegate Conference with notice being given that provides for the last date of receipt of motions and nominations which shall be 7 weeks before the date of the Annual Group Delegate Conference.
10. A Special Civil Service Group Delegate Conference may be called with the prior consent of the General Council either:
  - (a) at the request of branches between them comprising at least one-third of the members in the Civil Service Group or;
  - (b) by decision of the Group Executive Committee at a meeting of which notice, including notice of the intended motion to request the convening of a Special Conference, has been given to all members of the Committee.
11. At least 2 weeks’ notice shall be given to branches of the place and date of a Special Conference and of the business which is to be dealt with. The Conference shall not deal with business not specified in the notice.
12. The Civil Service Group Delegate Conferences shall be attended by:
  - (a) Delegates from branches within the Group.
  - (b) The members of the Group Executive Committee.
  - (c) The members of the Group Standing Orders Committee.
  - (d) Branch observers and trainee delegates who shall be appointed by the Civil Service Group Executive Committee and who shall not be entitled to speak or vote on conference business.
  - (e) Visitors invited by the Civil Service Group Executive Committee.
  - (f) Such staff and other personnel of the Union as the General Secretary may authorise.

13. Branches shall be entitled to send delegates on the basis set out in the rules of the Union for Delegate Conferences thereof.
14. For the purpose of representation at the Civil Service Group Delegate Conferences the membership of a branch shall be calculated on the same basis as for representation at a Delegate Conference of the Union, as set out in the rules thereof.
15. The body electing delegates to the Civil Service Group Delegate Conferences shall be the only body to instruct those delegates.
16. The quorum at any Civil Service Group Delegate Conference shall be a simple majority of the delegates attending.
17. The Civil Service Group Chairperson or, in the absence of the Group Chairperson the Vice-Chairperson shall preside at Group Delegate Conferences. Members of the Civil Service Group Executive Committee shall not be entitled to take part in any vote or election at Civil Service Group Delegate Conference, save that the Officer presiding at the time shall be entitled to a casting vote in the event of an equal number of votes being cast on each side of a motion.
18. Voting at Civil Service Group Delegate Conferences shall be by show of hands except when a card vote is demanded by at least 10 delegates, or by the decision of the Chairperson.
19. Delegates to the Annual Civil Service Group Conference shall receive a copy of the annual report of NIPSA. The agenda and any conference papers, shall be prepared and circulated to branches on the same basis as set out in the rules of the Union; save that for any reference to “the General Council”, “the President” and “the Vice-President” there shall be substituted “the Civil Service Group Executive Committee”, and “the Civil Service Group Chairperson” and the “Civil Service Group Vice-Chairperson” respectively.
20. The procedures governing the preparation and submission of motions including the timetable thereof, shall be the same as those set out in the rules of the Union, save that:
  - (a) for any reference to “Delegate Conferences”, the “General Council” and the “President” there shall be substituted “the Civil Service Group Delegate Conference” the “Civil Service Group Executive Committee” and “the Civil Service Group Chairperson” respectively; and
  - (b) the closing date for receipt of nominations for the Civil Service Group Executive

Committee will be the same date as that for receipt of motions, 7 weeks before the date of the Annual Group Delegate Conference.

21. (a) Nominations for Group Officers may be made by branches or the Group Executive Committee. Nominations for ordinary members of the Group Executive Committee may be made only by branches.
- (b) Nominations from branches may be made only at branch meetings duly held, of which notice of the business to be transacted has been given to all members.
- (c) Nominees must give their consent in order for their nomination to be valid.
- (d) Official nomination papers shall be issued to all branches by the General Secretary not later than 20 weeks before the first day of the Annual Delegate Conference.
- (e) A branch nomination shall only be valid if made on an official nomination paper with a certificate signed by the Branch Chairperson and Secretary (or in the case of absence, by another Branch Officer) that the rule relating to the holding of branch meetings has been complied with and giving the date and place of the meeting held.
- (f) Branches may make nominations only in respect of elections in which one or more members of the branch is entitled to vote, in accordance with a resolution carried at a meeting by those members so entitled held in accordance with branch rules.
- (g) Nominees must be members entitled to vote in the elections or part thereof to which their nomination relates, as at the final date for receipt of nomination. Once elected no member shall be required to resign their position by reason of any change in their employment, provided they remain an ordinary member of the Union.
- (h) The General Secretary shall satisfy himself/herself that the rules relating to any nominations have been complied with and that the consent of the nominee to stand has been given.

#### **Standing Orders Committee**

22. The functions of the Standing Orders Committee and the Standing Orders for the Civil Service Group Delegate Conferences shall be as set out in the rules of the Union; save that for any reference to “Delegate Conference”, “the General Council” and

“the President” there shall be substituted “the Civil Service Group Delegate Conference”, “the Group Executive Committee” and “the Civil Service Group Chairperson” respectively.

23. A Civil Service Group Standing Orders Committee of 3 members shall be elected by the Civil Service Group Conference with at least one member from the General Service, Typing and Secretarial, Support or comparable grades and one member from the Professional, Scientific and Technical or comparable grades. Members will normally serve for 3 years and will then be eligible for re-election. The Chairperson of the Committee shall be elected by the Committee at its first meeting following the Annual Group Conference. Members of the Group Executive Committee shall not be eligible to serve on the Committee. In the event of a vacancy occurring on the Standing Orders Committee the Group Executive Committee may appoint the unsuccessful candidate with the highest vote from the same category at the previous Group Standing Orders Committee election. If it should not be possible to fill any such vacancy, it may be filled by co-option by the Group Executive Committee of a member other than a member of the Group Executive Committee.
24. Nominations for the Civil Service Group Standing Orders Committee shall be forwarded by Branches to reach the General Secretary 7 weeks before the date of the Annual Group Delegate Conference. Voting for the Group Standing Orders Committee shall be by ballot vote at the Civil Service Group Conference.
25. The Secretary to the Standing Orders Committee shall be an employee of NIPSA designated by the General Secretary.

#### **Civil Service Group Executive Committee**

26. The Civil Service Group Executive Committee shall consist of a Group Chairperson and 2 Group Vice-Chairpersons (together known as the “Group Officers”) together with 22 Ordinary Members.
27. The General Secretary, shall have no vote at meetings of the Civil Service Group Executive Committee or its Sub-committees.
28. The Civil Service Group Executive Committee shall be elected by ballot vote at the Group Conference.
29. Subject to nominations being received the Civil Service Executive Committee will consist of the first 22 members receiving the highest vote at the Civil Service Group Conference, as per rule 28.

30. The duties of the Civil Service Group Executive Committee shall be as follows:
  - (a) To protect and promote the interests of members in the Group and to deal with matters within its area of competence affecting members from more than one branch, subject to the overriding authority of the General Council and to the role of other bodies of the Union as set up under Rule 6.9 or any other rule of the rules of the Union.
  - (b) In conjunction with the General Council, to establish effective branch machinery, including Departmental/Section Committees and Panels, and to give such assistance to the branches concerned as may be required.
  - (c) To ensure that effective arrangements are made for the recruitment and retention of membership.
  - (d) To keep such records, and render such returns and information, as the General Council may require.
  - (e) To deal with any matter remitted to it by the General Council, and generally to assist the Council in the conduct of the Union’s affairs.
31. The Civil Service Group Executive Committee shall have authority to prepare resolutions on matters within the Group’s area of competence, which shall be considered by the General Council.
32. The Civil Service Group Executive Committee shall establish such advisory sub-committees as are considered necessary, and shall prescribe their terms of reference and delegate to them the authority necessary for the effective management of their business. The Group Chairperson shall have the right to attend any meeting of any Sub-committee, and a report on each Sub-committee shall be presented to each meeting of the Group Executive Committee.
33. The Civil Service Group Executive Committee shall normally meet at least once every 2 months.
34. The quorum for a meeting of the Civil Service Group Executive Committee and of any of its Sub-committees shall be a simple majority of those entitled to vote.
35. A member absent from a meeting of the Civil Service Group Executive Committee shall furnish an explanation. A member who fails to attend 2 consecutive meetings of the Committee, and does not submit explanations for their absence which



are acceptable to the Committee, shall be deemed to have resigned.

- 36. A record of attendance by members of the Civil Service Group Executive Committee at meetings of the Committee shall be included in the annual report of the Union.
- 37. The Civil Service Group Executive Committee may fill any casual vacancy among the Officers of the Group from among its voting members. It may fill any further vacancy resulting therefrom and other vacancies with the candidate(s) then standing highest among the unsuccessful candidates at the last election still available and qualified to serve subject to the requirements of paragraph 29 above.
- 38. The Civil Service Group Executive Committee may, after consultation with the General Council, co-opt or invite to attend meetings such persons as it considers may make a useful contribution to the deliberations of the Committee. Such persons may take part in the Committee's discussions but shall not vote.
- 39. The Chairperson of any meeting of the Civil Service Group Executive Committee or of its Sub-committees may in the event of an equal number of votes being cast on each side of a motion exercise a casting vote.

**Funds**

- 40. The funds of the Civil Service Group shall consist of the moneys remitted to the Group by the General Council and such other funds as the Group may raise by social activities. The Group shall not be entitled to raise funds except on a voluntary basis nor to expend funds except in accordance with the rules of the Union.
- 41. The funds of the Civil Service Group shall be administered by the Group Executive Committee for the purpose of the Group and in accordance with the provisions of the Group constitution, subject to the overriding control of the General Council.
- 42. Expenses necessarily incurred in attendance at Civil Service Group Delegate Conferences, Group Executive Committee meetings or Sub-Committee meetings or for other authorised purposes of the Group shall be reimbursed within the limits laid down by the General Council.

**Civil Service Group Constitution**

- 43. The Civil Service Group shall be governed by this Constitution subject to its compatibility with the rules of the Union. In the event of any conflict the rules of the Union shall prevail.

- 44. These rules may be altered only as provided for in Rule 8.5 of the rules of the Union.
- 45. The Civil Service Group Chairperson shall rule upon any matter on which the Group Constitution is silent, or where a question arises as to the interpretation of the Constitution.
- 46. Any ruling made by the Civil Service Group Chairperson under the power conferred by these rules may only be challenged by:
  - (a) A Group Delegate Conference; or
  - (b) A Branch with a member(s) in the Group; or
  - (c) The Group Executive Committee; or
  - (d) An ordinary member in the Group.
- 47. The procedure for challenging a ruling by the Civil Service Group Chairperson shall be as follows:
  - (a) In the case of a Group Delegate Conference, by the proposal of a motion which states: "This Conference challenges the Group Chairperson's ruling made in connection with . . ."
  - (b) In the case of a branch, by conveying to the General Secretary a written motion challenging the Group Chairperson's ruling; any such motion must have been passed at a properly convened meeting of the branch.
  - (c) In the case of the Group Executive Committee by the proposal of a motion which is supported by at least 4 members of the Executive Committee and which states, "This Executive Committee challenges the Group Chairperson's ruling made in connection with ..."
  - (d) In the case of an ordinary member, by a notice in writing to the General Secretary stating the reasons for such a challenge.
- 48. The decision as to whether or not a ruling by the Civil Service Group Chairperson be upheld shall be made as follows:
  - (a) In the case of a challenge at a Group Delegate Conference, by delegates voting on the motion "That the Group Chairperson's ruling be upheld" which shall be put to Conference, without debate, by one of the Group Vice-Chairpersons immediately after the passing of a motion challenging the Group Chairperson's ruling; the motion shall only be defeated by a majority of not

less than two-thirds of the votes cast; the decision of Conference shall be final and binding on all members of the Group.

- (b) In all other cases, by not less than two-thirds of the members of the Group Executive Committee present, voting against such a ruling.

## ANNEX D: PUBLIC OFFICERS' GROUP CONSTITUTION

### Name

1. The name of the Group shall be "Public Officers' Group of the Northern Ireland Public Service Alliance" herein referred to as "the Public Officers' Group".

### Composition

2. The Public Officers' Group shall be composed of all those Union members employed by District Councils, Education and Library Boards, Health and Social Services Boards, the Northern Ireland Housing Executive and such other bodies as the General Council may direct.

### Object

3. The objects of the Public Officers' Group shall be to protect the interests of the members in the Group, and to further the objects of the Union (as set out in the rules of the Union) in relation to the members in the Group.

### Management

4. The management of the Public Officers' Group shall, subject to the overriding authority of the General Council, be vested in Group Delegate Conferences and between such Conferences in the Public Officers' Group Executive Committee.
5. The membership of the Public Officers' Group shall be formed into branches. The Group Executive Committee may propose to the General Council that branches be combined, divided or closed, or that new branches be established.
6. The Public Officers' Group Executive Committee shall, in conjunction with the General Council, establish panels or other committees as necessary to enable branches to co-operate on common negotiating problems. Such committees or panels may be established on the basis of a particular establishment, or employing authority, or occupational group, or geographical area, and shall be composed of representatives elected by the members of the branches concerned.
7. No branch or panel or committee set up under rule 6 above shall, without the approval of the Public Officers' Group Executive Committee, enter into negotiations with any body on matters affecting members in another branch.
8. The constitution of a panel or committee set up under rule 6 above shall not conflict with the Public

Officers' Group Constitution, and such constitution and any amendments to it shall not be valid or effective until approved by the Public Officers' Group Executive Committee.

### Public Officers' Group Delegate Conferences

9. The Public Officers' Group shall hold an Annual Group Delegate Conference with notice being given that provides for the last date of receipt of motions and nominations which shall be 7 weeks before the date of the Annual Group Delegate Conference.
10. A Special Public Officers' Group Delegate Conference may be called with the prior consent of the General Council either:
  - (a) at the request of branches between them comprising at least one-third of the members in the Group or;
  - (b) by decision of the Group Executive Committee at a meeting of which notice, including notice of the intended motion to request the convening of a Special Conference, has been given to all members of the Committee.
11. At least 2 weeks' notice shall be given to branches of the place and date of a Special Conference and of the business which is to be dealt with. The Conference shall not deal with business not specified in the notice.
12. The Public Officers Group Delegate Conferences shall be attended by:
  - (a) Delegates from branches within the Group.
  - (b) The members of the Group Executive Committee.
  - (c) The members of the Group Standing Orders Committee.
  - (d) Branch observers and trainee delegates who shall be appointed by the Public Officers' Group Executive Committee and who shall not be entitled to speak or vote on conference business.
  - (e) Visitors invited by the Group Executive Committee.
  - (f) Such staff and other personnel of the Union as the General Secretary may authorise.

13. Branches shall be entitled to send delegates on the basis set out in the rules of the Union for Delegate Conferences thereof.
14. For the purpose of representation at Public Officers' Group Delegate Conferences the membership of a branch shall be calculated on the same basis as for representation at a Delegate Conference of the Union, as set out in the rules thereof.
15. The body electing delegates to Public Officers' Group Delegate Conferences shall be the only body to instruct those delegates.
16. The quorum at any Public Officers' Group Delegate Conference shall be a simple majority of the delegates attending.
17. The Public Officers' Group Chairperson or, in the absence of the Group Chairperson, the Vice-Chairperson, shall preside at Group Delegate Conferences. Members of the Group Executive Committee shall not be entitled to take part in any vote or election at Group Delegate Conference, save that the Officer presiding at the time shall be entitled to a casting vote in the event of an equal number of votes being cast on each side of a motion.
18. Voting at Public Officers' Group Delegate Conferences shall be by show of hands except when a card vote is demanded by at least 10 delegates, or by the decision of the Chairperson.
19. Delegates to the Annual Public Officers' Conference shall receive a copy of the annual report of NIPSA. The agenda and any conference papers, shall be prepared and circulated to branches on the same basis as set out in the rules of the Union; save that for any reference to the "General Council", "the President" and "the Vice-President" there shall be substituted "the Public Officers' Group Executive Committee", "the Public Officers' Group Chairperson" and "the Public Officers' Group Vice Chairperson" respectively.
20. The procedures governing the preparation and submission of motions including the timetable thereof, shall be the same as those set out in the rules of the Union, save that:
  - (a) for any reference to "Delegate Conferences", the "General Council" and the "President" there shall be substituted "the Public Officers' Group Delegate Conference", the "Public Officers' Group Executive Committee" and "the Public Officers' Group Chairperson" respectively; and
  - (b) The closing date for receipt of nominations for the Public Officers' Group Executive Committee will be the same date as that for receipt of motions, 7 weeks before the date of the Annual Group Delegate Conference.
21.
  - (a) Nominations for Group Officers may be made by branches or the Group Executive Committee. Nominations for ordinary members of the Group Executive Committee may be made only by branches.
  - (b) Nominations from branches may be made only at branch meetings duly held, of which notice of the business to be transacted has been given to all members.
  - (c) Nominees must give their consent in order for their nomination to be valid.
  - (d) Official nomination papers shall be issued to all branches by the General Secretary not later than 20 weeks before the first day of the Annual Delegate Conference.
  - (e) A branch nomination shall only be valid if made on an official nomination paper with a certificate signed by the Branch Chairperson and Secretary (or in the case of absence, by another Branch Officer) that the rule relating to the holding of branch meetings has been complied with and giving the date and place of the meeting held.
  - (f) Branches may make nominations only in respect of elections in which one or more members of the branch is entitled to vote, in accordance with a resolution carried at a meeting by those members so entitled held in accordance with branch rules.
  - (g) Nominees must be members entitled to vote in the elections or part thereof to which their nomination relates, as at the final date for receipt of nomination. Once elected no member shall be required to resign their position by reason of any change in their employment, provided they remain an ordinary member of the Union.
  - (h) The General Secretary shall satisfy himself/herself that the rules relating to any nominations have been complied with and that the consent of the nominee to stand has been given.

**Standing Orders Committee**

- 22. The functions of the Standing Orders Committee and the Standing Orders for the Public Officers' Group Delegate Conferences shall be as set out in the rules of the Union; save that for any reference to "Delegate Conferences", the General Council" and "the President" there shall be substituted "the Public Officers' Group Delegate Conference", "the Public Officers' Group Executive Committee" and "the Public Officers' Group Chairperson" respectively.
- 23. A Public Officers' Standing Orders Committee of 3 members shall be elected by the Public Officers' Group Conference with at least one member being employed by the Health and Social Services Boards or comparable bodies and one member not being employed by the Health and Social Services Boards or comparable bodies. Members will normally serve for 3 years and will then be eligible for re-election. The Chairperson of the Committee shall be elected by the Committee at its first meeting following the Annual Group Conference. Members of the Group Executive Committee shall not be eligible to serve on the Committee. In the event of a vacancy occurring on the Standing Orders Committee the Group Executive Committee may appoint the unsuccessful candidate with the highest vote from the same category at the previous Group Standing Orders Committee election. If it should not be possible to fill any such vacancy, it may be filled by co-option by the Group Executive Committee of a member other than a member of the Executive Committee.
- 24. Nominations for the Public Officers' Group Standing Orders Committee shall be forwarded by Branches to reach the General Secretary 7 weeks before the date of the Annual Group Delegate Conference. Voting for the Group Standing Orders Committee shall be by ballot vote at the Public Officers' Group Conference.
- 25. The Secretary to the Standing Orders Committee shall be an employee of NIPSA designated by the General Secretary.

**Public Officers' Group Executive Committee**

- 26. The Public Officers' Group Executive Committee shall consist of a Group Chairperson and 2 Group Vice-Chairpersons (together known as the "Group Officers") together with 22 Ordinary Members.
- 27. The General Secretary shall have no vote at meetings of the Public Officers' Group Executive Committee or its Sub-committees.
- 28. The Public Officers' Group Executive Committee shall be elected by ballot vote at the Group Conference.

- 29. Subject to nominations having been received:
  - (a) members employed by District Councils or comparable bodies shall fill at least 2 seats;
  - (b) members employed by Education and Library Boards or comparable bodies shall fill at least 2 seats;
  - (c) members who are employed by Health and Social Services Boards or comparable bodies and who are in the Administrative and Clerical or comparable grades shall fill at least 2 seats;
  - (d) members who are employed by Health and Social Services Boards or comparable bodies and who are in the Social Services or comparable grades shall fill at least 2 seats; and
  - (e) members who are employed by the Northern Ireland Housing Executive or comparable bodies shall fill at least 2 seats.
- 30. For the purpose of paragraph 29 above, the Group Officers shall be counted.
- 31. The duties of the Public Officers' Group Executive Committee shall be as follows:
  - (a) To protect and promote the interests of the members in the Group and to deal with all matters within its area of competence affecting members from more than one branch, subject to the overriding authority of the General Council and to the role of other bodies as set up under rule 6.9 or any other rule of the rules of the Union.
  - (b) In conjunction with the General Council, to establish effective branch machinery, including panels, and to give such assistance to the branches concerned as may be required.
  - (c) To ensure that effective arrangements are made for the recruitment and retention of membership.
  - (d) To keep such records, and render such returns and information, as the General Council may require.
  - (e) To deal with any matter remitted to it by the General Council, and generally to assist the Council in the conduct of the Union's affairs.
- 32. The Public Officers' Group Executive Committee shall have authority to prepare resolutions on matters within the Group's area of competence, which shall be considered by the General Council.

33. The Public Officers' Group Executive Committee shall establish such advisory Sub-committees as are considered necessary, and shall prescribe their terms of reference and delegate to them the authority necessary for the effective management of their business. The Group Chairperson shall have the right to attend any meeting of any Sub-committee, and a report on each Sub-committee shall be presented to each meeting of the Group Executive Committee.
34. The Public Officers' Group Executive Committee shall normally meet at least once every 2 months.
35. The quorum for a meeting of the Public Officers' Group Executive Committee and of any of its Sub-committees shall be a simple majority of those entitled to vote.
36. A member absent from a meeting of the Public Officers' Group Executive Committee shall furnish an explanation. A member who fails to attend 2 consecutive meetings of the Committee, and does not submit explanations for their absence which are acceptable to the Committee, shall be deemed to have resigned.
37. A record of attendance by members of the Public Officers' Group Executive Committee at meetings of the Committee shall be included in the annual report of the Union.
38. The Public Officers' Group Executive Committee may fill any casual vacancy among the Officers of the Group from among its voting members. It may fill any further vacancy resulting therefrom and other vacancies with the candidate(s) then standing highest among the unsuccessful candidates at the last election still available and qualified to serve, subject to the requirements of paragraph 29 above.
39. The Public Officers' Group Executive Committee may, after consultation with the General Council, co-opt or invite to attend meetings such persons as it considers may make a useful contribution to the deliberations of the Committee. Such persons may take part in the Committee's discussions but shall not vote.
40. The Chairperson of any meeting of the Public Officers' Group Executive Committee or of its Sub-committees may in the event of an equal number of votes being cast on each side of a motion exercise a casting vote.

#### **Funds**

41. The funds of the Public Officers' Group shall consist of the moneys remitted to the Group by the General Council and such other funds as the Group

may raise by social activities. The Group shall not be entitled to raise funds except on a voluntary basis nor to expend funds except in accordance with the rules of the Union.

42. The funds of the Public Officers' Group shall be administered by the Group Executive Committee for the purpose of the Group and in accordance with the provisions of the Group constitution, subject to the overriding control of the General Council.
43. Expenses necessarily incurred in attendance at Public Officers' Group Delegate Conferences, Group Executive Committee meetings or Sub-committee meetings or for other authorised purposes of the Group shall be reimbursed within the limits laid down by the General Council.

#### **Public Officers' Group Constitution**

44. The Public Officers' Group shall be governed by this Constitution subject to its compatibility with the rules of the Union. In the event of any conflict the rules of the Union shall prevail.
45. These rules may be altered only as provided for in rule 8.5 of the rules of the Union.
46. The Public Officers' Group Chairperson shall rule upon any matter on which the Group Constitution is silent, or where a question arises as to the interpretation of the Constitution.
47. Any ruling made by the Public Officers' Group Chairperson under the power conferred by these rules may only be challenged by:
  - (a) A Group Delegate Conference; or
  - (b) A Branch with a member(s) in the Group; or
  - (c) The Group Executive Committee; or
  - (d) An ordinary member in the Group.
48. The procedure for challenging a ruling by the Public Officers' Group Chairperson shall be as follows:
  - (a) In the case of a Group Delegate Conference, by the proposal of a motion which states: "This Conference challenges the Group Chairperson's ruling made in connection with...."
  - (b) In the case of a branch, by conveying to the General Secretary a written motion challenging the Group Chairperson's ruling; any such motion must have been passed at a properly convened meeting of the branch.

- (c) In the case of the Group Executive Committee by a proposal of a motion which is supported by at least 4 members of the Executive Committee and which states, “This Executive Committee challenges the Group Chairperson’s ruling made in connection with ...”
- (d) In the case of an ordinary member, by a notice in writing to the General Secretary stating the reasons for such a challenge.

**49.** The decision as to whether or not a ruling by the Public Officers’ Group Chairperson be upheld shall be made as follows:

- (a) In the case of a challenge at a Group Delegate Conference, by delegates voting on the motion “That the Group Chairperson’s ruling be upheld” which shall be put to the Conference, without debate, by one of the Vice-chairpersons immediately after the passing of a motion challenging the Group Chairperson’s ruling; the motion shall only be defeated by a majority of not less than two-thirds of the votes cast; the decision of Conference shall be final and binding on all members of the Group.
- (b) In all other cases, by not less than two-thirds of the members of the Group Executive Committee present, voting against such a ruling.

## ANNEX E: STANDING ORDERS FOR CONFERENCES

1. These standing orders will apply to General and Group Conferences until they are amended or rescinded by a motion adopted by an annual Delegate General Conference. If any such motion is adopted it shall not come into effect until the conclusion of the conference at which it is adopted.

### Reports of Standing Orders Committee

2. Subject to the provisions of these standing orders, the Standing Orders Committee will draw up reports for each conference, setting out its recommendations on the timetable, agenda and such other matters as it considers necessary for the business of the conference. The reports of the Standing Orders Committee will be presented to the conference for consideration and decision.
3. The Standing Orders Committee may, if it considers it necessary recommend **additional standing orders** on matters not covered in these standing orders. Such additional standing orders shall apply only to the conference at which they are adopted.
4. The first report of the Standing Orders Committee to an Annual Conference hereinafter referred to as "**Report No 1**", shall comprise the agenda, which shall contain all the motions received in accordance with these standing orders and the Committee's recommendation on the timetable and other matters.

### The Agenda

5. The Standing Orders Committee will include in a **primary agenda** those motions which require a decision by conference and will place the remaining motions in a secondary agenda.
6. In each section of the primary agenda any motions which relate to pay and conditions of service shall be placed at the beginning of the section.
7. The **secondary agenda** will include the following categories:
  - (a) Category A - motions which are covered by a composite or comprehensive motion on the primary agenda.
  - (b) Category B - motions which restate existing union policy.
  - (c) Category C - motions which can be dealt with by correspondence with Union Headquarters.

- (d) Category D - motions which are competent to be dealt with by a body established under rule 6.9(a) of the rules of the Union and which are to be remitted to the General Council for reference to that body.
- (e) Category X - motions which the President has ruled are out of order.

8. **Composite motions** will be used whenever possible to cover a number of motions directed at the same issue. The motion selected as a composite is the one which, in the opinion of the Standing Orders Committee, incorporates the points made in motions covered by it.
9. **Comprehensive motions** will whenever possible be constructed by the Standing Orders Committee to cover motions, when although directed on the same issue, contain a number of diverse points. The Standing Orders Committee will recommend who should move a comprehensive motion.
10. The passage of a **composite or comprehensive motion** does not imply acceptance of the detailed variants in the motions which they cover.
11. Motions which seek to **amend the rules of the Union or the annexes to them or which would require an amendment to the rules of the Union or the annexes to them** will be out of order, unless they are presented in a form which sets out clearly the wording of the amendment(s) necessary.
12. An emergency motion shall deal only with urgent business which has arisen since the final date for the submission of motions to conference and shall require a decision by conference. The Standing Orders Committee shall include in Report No I, the procedure for dealing with emergency motions.
13. The Standing Orders Committee shall have the sole authority to decide whether or not a motion is competent for consideration as a matter of urgency. It shall publish those motions which it considers to be emergency motions in a report which shall also include provisions for their discussion.

### The Timetable

14. The Standing Orders Committee will arrange motions in the primary agenda into **sections** and specify periods of time for the discussion of each section and for other conference business. If alterations to the timetable become necessary during the course of a conference the Standing Orders Committee shall submit recommendations



to the conference. For such an alteration it is not necessary to resort to the procedure set out in Standing Order No 35.

15. The time allotted to each section of the agenda shall be adhered to as far as possible.
16. The Standing Orders Committee may recommend an opportunity, before motions in a section of the agenda are discussed, for the General Council to place before the delegates any **factual material necessary to bring up-to-date the annual report** in respect of subjects to which the section relates. The time allocated for this purpose to a speaker for the General Council shall be limited to 4 minutes, subject to the President's discretion in exceptional circumstances.
17. Motions shall be taken in the order in which they appear on the agenda. The time allotted to each motion shall be at the discretion of the President.
18. In order to make the maximum use of conference time for the discussion of motions on which there may be differing opinions, the General Council will indicate which **motions, if any, on the primary agenda it is willing to have adopted without discussion**. These motions will be listed in a report of the Standing Orders Committee and by adopting the report the conference will carry the motions.
19. **Motions which are not taken because of lack of time** shall be dealt with as if they had been remitted by conference to the General Council.

### Conduct of Debates

20. It shall **not be necessary to second motions** or emergency motions included in a Standing Orders Committee report which has been adopted by conference.
21. If the **mover of any motion is not present** when it is called, the President may invite a Branch or the General Council, to move the motion. If the motion is not moved, it will be deemed to have fallen.
22. Each **speaker shall announce his or her name** and Branch or, in the case of a person speaking on behalf of the General Council or the Standing Orders Committee, his or her name and office before speaking on any point.
23. Speeches by movers of motions shall be limited to **4 minutes** and other speeches to **3 minutes**, but these times may be varied at the discretion of the President.
24. The mover of a motion on the agenda shall have the **right of reply** at the close of the debate upon the motion, if anyone has expressed opposition to the motion.

25. Immediately before the mover of a motion on the agenda exercises his or her right of reply or before the vote is taken if there is no right of reply or it is waived, a **speaker on behalf of the General Council** will be afforded the opportunity of addressing conference.
26. A **motion may be withdrawn** only by the proposers with the approval of conference.
27. No one other than a delegate or a member of the Standing Orders Committee may address conference unless authorised by the General Council.
28. Speakers must on all occasions confine themselves strictly to the matter under discussion.
29. **Points of information** shall be allowed only at the discretion of the President.
30. If the President, rises **to call a member to order**, or for any purpose connected with the proceedings, the member speaking shall thereon resume his or her seat and no other member shall rise until the chair is resumed.
31. **The ruling of the President** on any question under standing orders or on points of order or explanation, shall be final unless challenged by not less than 10 delegates. In the event of such a challenge the President shall vacate the chair. The Vice-President, failing whom a member of the General Council, shall then take the chair and shall put it to the vote that the ruling of the President be upheld. Unless two-thirds of the delegates present and voting vote against the motion that the ruling of the President be upheld, the ruling of the President shall stand. When the result of the vote has been declared, the President shall resume the chair and proceed in accordance with the result of the vote.
32. Subject to the rules of the union, a **card vote** may be taken. Card votes for, against or abstaining on the motion under debate will be collected simultaneously.
33. No question which has not been included in Report No 1 of the Standing Orders Committee and no emergency motion shall be decided on a card vote.

### Procedural Motions

34. Motions on procedural matters must be moved **and** seconded by delegates or members of the General Council. The mover of a procedural motion may speak on the motion only once and no other speeches shall be allowed save as provided elsewhere in these standing orders.

35. **These standing orders** or any part of them or any provision of a Standing Orders Committee report made under them shall be **suspended** if a motion to that effect is supported by two-thirds of the delegates present and voting. The mover of such a motion shall be allowed by the President sufficient time to explain the purpose of the proposed suspension within the time limit for speeches then applying. If the motion is seconded the President shall similarly allow the Standing Orders Committee to reply before taking the vote.
36. When the motion to adopt a report of the Standing Orders Committee has been moved the President may call any Branch or the General Council, which wishes to move reference back to vary or delete a part of the report. The Standing Orders Committee may reply to such a **reference back** before it is voted upon. If subsequently the motion to adopt the report is carried, the report shall have effect as amended by any reference back accepted by the conference.
37. Reference back of Report No 1 of the Standing Orders Committee or any part of it, must be notified to the Committee in writing at least one week before the start of conference and should be discussed with the Committee before the conference. The Standing Orders Committee shall announce arrangements for such discussions.
38. A debate shall be closed if:
- (a) A motion **“that the vote now be taken”** is carried but such a motion cannot be put to Conference until the opportunity to oppose the motion under debate has been given. Then if such a motion is moved and seconded it shall be put to the vote without discussion. Such a motion shall not be moved or seconded by a delegate who has previously spoken in the debate. If such a motion is carried the mover of the motion under debate shall, before the motion is put exercise any right of reply that s/he may have but no other speeches shall be allowed.
  - (b) A motion **“that conference proceed to next business”** is carried but such a motion cannot be put to Conference until the opportunity to oppose the motion under debate has been given. Then if such a motion is moved and seconded it shall not be moved or seconded by a delegate who has previously spoken in the debate. If such a motion is carried, conference shall proceed forthwith to the next item on the agenda.

39. A motion **“that this motion be remitted to the General Council”** may be moved and seconded by delegates or members of the General Council. The debate on the original motion may continue after the motion to remit it to the General Council has been proposed and seconded, unless the President decides otherwise. At the conclusion of the debate the mover of the original motion shall exercise his or her right of reply, following which the President shall immediately put to conference the proposal that the motion be remitted to the General Council. If the motion to remit is carried, conference shall proceed forthwith to the next item on the agenda, otherwise the original motion will be put to conference.

#### Miscellaneous

40. In the **absence of the President** the Vice-President shall preside at conference. In the absence of both the President and Vice-President, the General Council shall elect a member of the Council to preside. The use of the term “President” in these standing orders shall be construed to include the person, other than the President, who presides at conference in accordance with this standing order.
41. Delegates must give one week’s notice in writing to the General Secretary of their intention to ask any question on **the annual report** or the **financial statement**.
42. Delegates must give one week’s notice in writing to the General Secretary of their intention to move a **reference back** of part of the **annual report** and **financial statement** specifying which section(s) they propose to refer back. A motion to refer back the annual report or financial statement must be moved and seconded by delegates. The mover of the motion may speak on the motion only once and no other speeches shall be allowed, save that a speaker on behalf of the General Council will be afforded the opportunity of addressing Conference.
43. During conference **smoking** will not be permitted.

# NORTHERN IRELAND PUBLIC SERVICE ALLIANCE

## PROCEDURE FOR INDUSTRIAL ACTION

### General

1. Rule 6.13 states that industrial action by a member of the NIPSA can be authorised or endorsed by the Union when only it has been so approved by the General Council, or by the Disputes Committee acting under delegated powers. No decision to take industrial action can be made unless the members, who are the subject of the decision, have first had the opportunity to vote in a ballot on the proposal to take industrial action.

### Composition of Disputes Committee

2. In accordance with rule 6.15 the Disputes Committee shall consist of the President, Vice-President, Honorary Treasurer, the Chairperson of the Civil Service Group Executive for disputes affecting members within the Civil Service Group, the Chairperson of the relevant panel(s) for disputes affecting members within the Public Officer Group, and the General Secretary. The Disputes Committee may co-opt or invite to attend to its meetings such persons as it considers may make a useful contribution to the deliberations of the Committee. Such persons shall not be entitled to participate in any vote on the Committee. The General Secretary shall act as Secretary to the Committee and shall be responsible for convening its meetings.
3. Rule 6.17 stipulates that the quorum for meetings of the Disputes Committee shall be four.
4. The Disputes Committee shall have power to authorise any form of industrial action, other than the exceptions specified in paragraph (9) below, to terminate any industrial action or to withdraw official authority from any industrial action.

### Requests for Industrial Action

5. Before the Disputes Committee can consider a request to hold a ballot on industrial action the action must be recommended by the appropriate branch committee, the panel, the Departmental/Section Committee or the Executive Committee. Where the proposed industrial action is to be taken solely by members within a particular branch, that branch committee will be the appropriate recommending body for the purpose of this paragraph. Similarly where the industrial action is to be taken solely by members covered by a particular panel or Departmental/Section Committee, that panel or committee should be the recommending body for the purpose of this paragraph. In any other cases the recommending body will be determined by the Disputes Committee.

6. To initiate this procedure the secretary to the recommending body, mentioned in paragraph (5), shall convey the recommendation in writing to the General Secretary, together with the following information:
  - (a) the background to the dispute;
  - (b) the steps which have been taken to resolve the dispute;
  - (c) the date of the meeting at which the decision to recommend a ballot on industrial action was taken and the number who voted for and the number who voted against recommending the ballot;
  - (d) an assessment of the consequences of the industrial action being recommended; and
  - (e) the length of notice which it is intended to give management of the implementation of industrial action.
7. Ballots are now compulsory. As the type of ballot required under the Industrial Relations (NI) Order 1992 can be a time-consuming exercise, the General Secretary should receive as much advance notice as possible of industrial action.
8. In circumstances which the Disputes Committee consider to be wholly justified requirements set out in paragraphs (5) and (7) may be waived in whole or in part.

### Powers of the Disputes Committee

9. The Disputes Committee shall not have power to authorise industrial action which involves the whole membership of the NIPSA or strike action by any group of members lasting longer than one day. This power shall be reserved to the General Council, who may notwithstanding the previous sentence delegate its power in whole or in part to the Disputes Committee for a particular dispute. The above rules do not preclude a Disputes Committee making recommendations about how the General Council should exercise its power in cases where the Disputes Committee does not have power to act. It will be open to a Disputes Committee to refer a request for industrial action to the General Council, even where the Disputes Committee has power to act.

- 10.** Without prejudice to the generality of paragraph 4 above the type of industrial action which the Disputes Committee will have power to authorise, will include:
- (a) Ban on travelling on official business outside normal working hours.
  - (b) Claiming in advance for out of pocket expenses - eg travelling and subsistence.
  - (c) Ban on the use of private cars for official business.
  - (d) Refusal to handle any communications unless they are typewritten or printed.
  - (e) Refusal to handle telephone calls.
  - (f) Adhering strictly to safety, security, public health and other regulations.
  - (g) Protest meetings during working hours.
  - (h) Ban on work outside normal hours.
  - (i) A half-day or a one-day strike.
- 11.** The Disputes Committee shall satisfy itself that any ballot which it authorises on industrial action is held in accordance with the requirements of the law.

- 12.** The result of the ballot will be notified to the recommending body referred to in paragraph 5 above. In the event of a vote in favour of industrial action, in such a ballot, the Disputes Committee will decide when to call on members to take the action and shall notify this decision to the recommending body.
- 13.** In accordance with rule 6.16 the decisions of the Disputes Committee shall be reported to the next meeting of the General Council but they shall be binding until then.

#### **Strike Pay**

- 14.** Strike pay or compensation for loss of earnings, etc will not normally be paid for the industrial action specified in paragraph 10 above. In all cases strike pay or compensation will be authorised only by the General Council. The level of strike pay or compensation will be determined by the General Council, having taken into account the circumstances of the dispute.

#### **Fighting Fund**

- 15.** A Fighting Fund will be set up to be used solely for the purpose of supporting industrial action by members of the NIPSA or supporting industrial action by union analogous to the NIPSA. For financing such industrial action only the funds of the Fighting Fund may be used to finance campaigns on issues which could directly affect the terms and conditions of employment of members.

## NORTHERN IRELAND PUBLIC SERVICE ALLIANCE

### GUIDANCE ON PROCEDURES FOR DISCIPLINING NIPSA MEMBERS

1. From 1 July 1992 the Industrial Relations (NI) Order 1992 reduced NIPSA powers to discipline its members. Branches must therefore ensure that the provisions of this Order are complied with. Guidance is given below.
2. This guidance is concerned solely with situations where the disciplinary action is initiated by a branch.
3. It is of the utmost importance that the disciplinary rules are followed scrupulously. Trade union rights have not been easily won and the trade union movement has fought vigorously over the years to defend them in the face of attacks, as in the case of GCHQ. Because we treasure trade union rights, denying them in whole or in part to any member is a most serious step. For this reason alone, it is essential that the rules are adhered to closely. Moreover in cases where disciplinary action is thoroughly deserved for outrageous behaviour, it may have to be declared null and void if the procedures have not been properly followed.

#### Role of General Meeting

4. A branch has powers to discipline members, subject to the Industrial Relations (NI) Order 1992.

#### Role of Branch Committee

5. If a suggestion arises that disciplinary action should be taken against a member, the matter should be referred to the Branch Committee. At this stage the Branch Committee's only function is to try and establish whether or not there are reasonable grounds for believing that a union disciplinary offence may have been committed and to decide what charge should be put to the member concerned. It is **not** for the Branch Committee to decide whether or not a member is guilty of a disciplinary offence as that can only be decided by a **general** meeting to which **all** members of the branch are invited. The function of the Branch Committee is to make preliminary enquiries of a fact finding nature to see if there **appear to be** reasonable grounds for a case against the member. Disciplinary action should not normally be considered if **more than 6 months have elapsed since the alleged offence took place**. It should also be remembered that if the General Council has already dealt with an offence, then the branch cannot discipline the member for the same offence.

#### Grounds for Disciplinary Action

6. The grounds which justify disciplinary action are threefold but a member also has the right under the Industrial Relations (NI) Order 1992 not to be 'unjustifiably disciplined'. Guidance on this is given in paragraphs 10 and 11 below.
7. The first ground for disciplinary action is where a member fails to conform to the rules of the union.
8. The second ground for disciplinary action is where a member acts deliberately in a manner inimical to the interests of NIPSA. It must be stressed that the action must be deliberate and not unintentional. "Inimical to the interests of NIPSA" is normally interpreted as being damaging to the interests of members as determined by the General Council, Executive Committee, conference, etc.
9. The third ground for disciplinary action is unfair discrimination by a member against another person. This has been specifically incorporated into our rules at the suggestion of the Irish Congress of Trade Unions. It means that disciplinary action can be taken against a member who discriminates against or intimidates another person, including other members and members of the public, because of that person's:
  - (a) religious belief,
  - (b) political opinion,
  - (c) sex,
  - (d) age,
  - (e) marital status,
  - (f) disability,
  - (g) ethnic or national origins,
  - (h) colour,
  - (i) race, or
  - (j) sexual orientation.

#### Action before General Meeting

10. Under Article 34 of the 1992 Industrial Relations

Order a member has the right not to be unjustifiably disciplined by NIPSA. Unjustifiable disciplinary action is action taken for reasons connected with industrial action. Examples are disciplinary action taken:

- (a) because a member failed to take part in or support a strike or other industrial action; or
- (b) because a member indicated opposition to or lack of support for a strike or industrial action; or
- (c) because a member is **believed** to have been engaged in conduct set out at (a) and (b) above.

11. The examples given in the preceding paragraph are by no means exhaustive but they should cover most of the circumstances which branches are likely to encounter. The strike or industrial action referred to in the preceding paragraph covers not only action by NIPSA but also by other unions. A member cannot therefore be disciplined because s/he failed to take action in support of industrial action by another union or expressed opposition to such action. If a branch is in any doubt about the application of this paragraph and paragraph 10 above, the branch secretary should contact the NIPSA Headquarters official for his or her branch.

12. If a Branch Committee comes to the conclusion that there appears to be a case to be answered it should formulate the charge to be put to the member. This must state precisely what the member is accused of and must not be in general terms, which would make it difficult for the member to prepare his or her response. All members, irrespective of grade, group, etc must be treated even-handedly.

13. Once a charge in writing has been formulated it should be put to the member concerned and s/he should be given at least 10 days to prepare a response if s/he so wishes. This letter should also deal with the points covered in paragraph 15 below. At the same time or at a later date, all members of the branch should receive at least 10 days notice of the date, time and place of the general meeting at which the disciplinary cases are to be considered. The notice for this meeting must include the names of those being threatened with disciplinary action and indicate clearly that the meeting will be deciding whether or not to take disciplinary action.

14. Members against whom disciplinary action is being considered should receive individual written notice of the meeting, but other members may be informed by way of notice boards, circulars, etc, provided reasonable steps are taken to ensure that all members will receive at least 10 days notice of the meeting.

15. A member against whom disciplinary action is being considered has the opportunity of stating his or her case in writing and orally. A written case may be submitted at any time up to and including the general meeting. If it is submitted in advance, the Branch Committee can, with the agreement of the member concerned, circulate it to all members, if it so wishes.

16. In advance of the general meeting of the branch, the Branch Committee should meet to decide:

- (a) the precise terms of the disciplinary offence which in its opinion the member has committed;
- (b) the penalty that it considers appropriate;
- (c) on the wording of the proposal which is to be put to the general meeting and which reflects the Committee's views on (a) and (b) above; and
- (d) which members of the Branch Committee should propose and second the motion referred to at (c) above.

#### Penalties

17. With regard to 16(b) the penalties that can be imposed by the branch are set out below and that branches **cannot** add other penalties:

- (a) A member can be removed from any office that s/he may be holding, but this cannot include an office for which the rules on removal of the occupant are contained in the NIPSA Rule Book, eg membership of an Executive Committee. The removal cannot be for an indefinite period. The period of removal must start from a date not earlier than the date of the general meeting and must end on a specific date.
- (b) A member can be debarred from holding any office in future, but the debarment cannot be for an indefinite period. Once again the period of debarment must start from a date not earlier than the date of the general meeting and end on a specific date
- (c) A member can be debarred from enjoying certain benefits, rights or privileges of membership, but the member cannot be debarred from **all** benefits, rights and privileges. For example a member might be debarred from the benefits of NIPSA legal schemes or the right to be represented by NIPSA in a situation where s/he is aggrieved over the treatment that s/he is receiving from

his or her employer. Again debarment from any benefit must be for a specified period of time starting not earlier than the date of the general meeting.

- (d) A member can be totally expelled from membership for an indefinite period of time, but from a date not earlier than the date of the general meeting.

- 18. In deciding which of the penalties set out in paragraph 17 to advocate at the general meeting, the Branch Committee must consider carefully the nature of the offence. Any penalty must be commensurate with the gravity of the offence committed. For example in the case of a member who has been charged with a disciplinary offence for the first time, it would not normally be justifiable to impose the same penalty as for a member who has repeatedly broken union discipline. It **must be emphasised** that expulsion from membership should be imposed only in the most grave circumstances. Suspension from membership is not a penalty that is available in disciplinary cases.

#### **Debate at General Meeting**

- 19. With regard to 16(d) the Branch Chairperson should not be involved in proposing or seconding the motion on disciplinary action.
- 20. At the general meeting, immediately after the motion on disciplinary action has been proposed, seconded and the speeches of the proposer and seconder have been concluded, the member being threatened with disciplinary action should be invited to speak. This right to speak exists regardless of whether or not s/he has made a written submission, but if the member chooses not to exercise the right to speak his or her wishes should be respected. The proposal should then be

open to any member to debate. Throughout the debate the Branch Chairperson should as usual act in an impartial manner. At the conclusion of the debate the Branch Chairperson should invite the member under threat of discipline to reply to any points made in the debate and then invite the member of the Branch Committee who proposed the disciplinary action to exercise his or her right of reply. As soon as this right of reply has been exercised or waived, the vote should be taken and the result declared.

#### **Action after General Meeting**

- 21. If disciplinary action is decided upon the member must be notified **no later than one month** after the general meeting of the full details of the action in writing by the Branch Secretary, regardless of whether or not s/he was at the branch general meeting. The letter must also inform the member that s/he can appeal against the action to the General Council, but s/he must give notice both to the branch and to the General Secretary that s/he is exercising this right of appeal within one month of receiving the letter. It should also be explained that the General Council can extend this time limit when it considers that the circumstances justify it.
- 22. At the same time as the branch notifies the member of the disciplinary action, it must also notify the General Secretary. In many cases this can best be done by copying the letter to the member to the General Secretary with an appropriate covering note.
- 23. Once an appeal is lodged, the branch and the member will be advised by the General Secretary on the procedure which will be followed in dealing with the appeal, but the disciplinary action comes into effect on the date specified by the branch even though an appeal has been lodged.

## DISCIPLINING NIPSA MEMBERS

### CHECKLIST OF MAIN STEPS THAT MUST BE FOLLOWED

**NOTE:** The following checklist is only a summary of the main steps which must be gone through in order to discipline NIPSA members. Branches must ensure that there is full adherence to the guidance set out in the preceding section of this Rule Book on the procedures for disciplining NIPSA members.

#### Action before a General Branch Meeting

1. Any suggestion for disciplinary action against a member should be referred to the Branch Committee in the first instance.
2. The first task for the Branch Committee is to decide whether or not there are reasonable grounds for believing that a union disciplinary offence may have been committed. Disciplinary action should not normally be considered if more than 6 months have elapsed since the alleged offence took place.
3. The Branch Committee does not have power to discipline members. This power is reserved to a general meeting of all members of a branch.
4. The Branch Committee should formulate the charge to be put to the member in precise terms and not in vague terms. All members, irrespective of grade, group, etc, must be treated even handedly.
5. The Branch Secretary (or any Officer authorised by the Branch Committee to do so) must send a letter to each member concerned containing:
  - (a) the precise charge;
  - (b) at least 10 days' notice to prepare a response; and
  - (c) notice that the member will have the opportunity of stating his or her case orally and in writing to a general branch meeting and if a written case is submitted before the general meeting that the Branch Committee can circulate it to all branch members if the member so wishes.
6. The Branch Secretary (or another Officer authorised by the Branch Committee to do so) must send out a notice at least 10 days before the date of the general meeting to all members of the branch giving the following information:
  - (a) the date of the meeting;
  - (b) the time of the meeting;
  - (c) the place where the meeting is to be held;

- (d) the fact that the meeting will be deciding whether or not to discipline members; and
- (e) the names of the members against whom the Branch Committee will be proposing disciplinary action.

7. The Branch Secretary (or other Branch Officer) must ensure that a copy of the notice referred to at 6 above is sent personally to every member named at 6(e).

#### Grounds for Disciplinary Action

8. Subject to the Industrial Relations (NI) Order 1992 disciplinary action can be taken on the following grounds:
  - (a) the member has failed to conform to union rules;
  - (b) the member has acted deliberately in a manner inimical to the interests of NIPSA; or
  - (c) the member has discriminated unfairly against another person on grounds of sex, religious belief, political opinion, disability, sexual orientation, etc.

#### Penalties

9. The penalties which a branch can impose are set out below. It must be emphasised that expulsion should be imposed only in the most grave circumstances and that branches do not have any authority to add other penalties to the following list:
  - (a) remove the member from any office for a specified period of time, subject to certain exceptions;
  - (b) debar a member from holding any office for a specified period of time, subject to certain exceptions;
  - (c) debar a member from certain benefits, rights or privileges for a specified period of time; and



- (d) expel the member for indefinite period.

**Debate at the General Meeting**

- 10. The Branch Chairperson must act impartially and must not propose or second any motion on disciplinary action.
- 11. The following order of debate must be observed:
  - (a) the speech of the mover of the motion to discipline the member;
  - (b) the speech of the member seconding the motion to discipline the member;
  - (c) the speech of the member against whom disciplinary action is proposed, but this opportunity may be waived by the member concerned;
  - (d) the speeches of any other members of the branch;
  - (e) the reply of the member under threat of disciplinary action to the points made by other branch members, but this right of reply may be waived if the member so wishes;
  - (f) the reply of the branch committee member, who moved the disciplinary motion, to the points made by the member under threat of

disciplinary action and by other members of the branch, but this right of reply may be waived by the mover;

- (g) the vote on the motion to discipline the member; and
- (h) the declaration of the result of the vote at (g) above.

**Action after the General Meeting**

- 12. The Branch Secretary must notify the member in writing of the result of the vote on the motion on disciplinary action as soon as possible and no later than one month after the general meeting.
- 13. If disciplinary action is decided upon, the Branch Secretary must notify the member in writing that s/he can appeal to the General Council but s/he must notify the Branch Secretary and the General Secretary within one month of receiving the Branch Secretary's notification that s/he is exercising his or her right of appeal.
- 14. Once an appeal is lodged, the General Secretary will advise the branch and the member of the procedure to be followed.

## NORTHERN IRELAND PUBLIC SERVICE ALLIANCE

### REGULATIONS FOR DISCIPLINING SECONDED OFFICERS

1. Exercising its powers under rule 6.9(b) the General Council makes these regulations for the procedure to be followed if consideration is to be given to disciplinary action against a seconded officer.
2. A motion calling for a seconded officer to be disciplined must first be tabled by a member of the panel, departmental or section committee for consideration at a meeting of the NIPSA panel, departmental or section committee which he or she serves. In the interests of natural justice the motion must not specify what form of disciplinary action is considered appropriate. Under rule 11.5 this is a matter for the disciplinary sub-committee of the General Council having given careful consideration to the gravity of the matter and the frequency with which it has occurred. In carrying-out its task the disciplinary sub-committee must not be seen to be put under any pressure to come to a particular conclusion.
3. The members of the panel, departmental or section committee and the seconded officer must be notified in writing of the terms of the motion calling for the disciplinary action at least 10 days before the date of the meeting at which the motion is to be tabled.
4. No action will be taken on a motion which calls for disciplinary action against a seconded officer if it receives less than 2/3rds of the votes of those present and voting at a properly constituted meeting referred to in regulation 2 above.
5. If a motion calling for disciplinary action against a seconded officer receives at least 2/3rds of the votes of those present and voting at a properly constituted meeting referred to in regulation 2 above, it shall be referred to the General Secretary. The General Secretary shall set up a committee having the same composition (though not necessarily the same people) as that for appointing a person to the seconded position. It shall be set up in the same way as an appointment committee for a seconded position.
6. The investigatory committee referred to in regulation 5 above shall make preliminary enquiries and come to a conclusion as to whether there are reasonable grounds for disciplining the seconded officer. If it concludes that there are reasonable grounds it shall formulate the charge to be put to the member.
7. The grounds for considering whether to institute disciplinary proceedings must relate to the performance by the seconded officer of his or her duties as a seconded officer or to conduct by a seconded officer which could call into question his or her capacity to carry out his or her seconded duties. In particular the investigatory committee must determine whether or not the grounds for disciplinary action appear:
  - (a) to fall within the terms of rule 11.2 (viz failing to conform to the NIPSA rules, acting deliberately in a manner inimical to the interests of NIPSA, or discriminating on grounds of race, political opinion, religious belief, sex or disability, etc);
  - (b) to be substantial; and
  - (c) to be not vexatious.
8. The investigatory committee shall prepare a written report covering:
  - (a) the motion of the panel, departmental or section committee;
  - (b) the nature of its preliminary enquiries;
  - (c) the grounds for disciplinary action;
  - (d) its conclusion as to whether the grounds are within the terms of regulation 7(a) above;
  - (e) its conclusion as to whether the grounds appear to be substantial and appear not to be vexatious; and
  - (f) the charge (if any) which it recommends be put to the seconded officer.
9. The report of the investigatory committee referred to in regulation 8 above should be made available to members of the General Council and the seconded officer at least 10 days before the meeting of the General Council at which it is to be considered. The seconded officer will be given the opportunity to make a written submission to the General Council on any charge made against him or her before a decision is taken.

- 10.** Having considered the report of the investigatory committee and given preliminary consideration to any written submission by the seconded officer, the General Council will decide whether or not to set up a disciplinary sub-committee in accordance with rule 11.11.
- 11.** In deciding on the composition of the disciplinary sub-committee the General Council shall exclude:

  - (a) members of the investigatory sub-committee;
  - (b) members of the panel, departmental or section committee referred to in regulation 2 above; and
  - (c) members having a close family or personal relationship with the seconded officer.
- 12.** If the General Council decides to set up a disciplinary sub-committee, it shall conduct its business in accordance with rules 11.11 and 11.12 and in coming to its conclusions shall take into account rules 11.2 (grounds for disciplinary action) and 11.15 (disciplinary penalties).

## NORTHERN IRELAND PUBLIC SERVICE ALLIANCE

### CONDITIONS FOR HQ OFFICIALS AND SECONDED OFFICERS ASSISTING MEMBERS WITH PERSONAL CASES

1. The assistance of NIPSA is available to members on matters related to their employment. Normally this assistance will be obtained from an officer or representative of the branch to which a member belongs, but the assistance of NIPSA Headquarters Officials or members seconded to NIPSA (Seconded Officers) is available on the basis set out below.
2. Headquarters Officials or Seconded Officers will give a member assistance on the basis that it is consistent with:
  - (a) NIPSA's rules,
  - (b) NIPSA policies, and
  - (c) good trade union practice.
3. With regard to 2(a) above, under NIPSA rules assistance from a Headquarters Official or Seconded Officer cannot be given beyond initial advice and guidance, unless either:
  - (a) the branch to which the member belongs has referred it to the Headquarters Official or Seconded Officer, or
  - (b) after a direct approach by the member, the Headquarters Official or Seconded Officer has successfully sought the approval of the branch to which the member belongs to give the member assistance.
4. The process of consultation on references to NIPSA Headquarters are set out in the NIPSA circular on **"Handling Branch Issues and Personal Cases"** issued to branches on 11 December 1997. In accordance with that circular the branch must give the Headquarters Official or Seconded Officer full authority to conduct the case without reference back to the branch, if either of these officials is to render assistance.
5. On assuming responsibility for a case the Headquarters Official or Seconded Officer must have sufficient time to review any action to date. As a result of his or her review of the case the Headquarters Official or Seconded Officer must have authority to decide on a different course of action in consultation with the member concerned.
6. Tribunal proceedings can only be instituted by the NIPSA Headquarters/Seconded Official, cases must therefore be presented to the relevant official in a timely manner to provide for possible consideration of a tribunal application. Under no circumstances should NIPSA or a NIPSA Headquarters/Seconded Official be named in connection with any tribunal proceedings without prior approval. NIPSA retains the absolute right not to become involved in any proceedings that do not comply with the terms of this document and the rules for Legal Representation (Employment Matters).
7. The member is required to notify the Headquarters Official or Seconded Officer of any material change in circumstances relating to his or her case and in particular is required to make available to the Headquarters Official or Seconded Officer any fresh evidence, information or papers which is or might be relevant to the case.
8. At all times the member must co-operate with requests from the Headquarters Official or Seconded Officer for information and comments and for attendance at meetings, tribunal hearings, etc. In particular s/he must not make false or misleading statements or engage in unreasonable conduct.
9. If at any stage a member decides to involve another representative or organisation on his or her behalf or enters into negotiations on his or her case, without knowledge or consent of the Headquarters Official or Seconded Officer, NIPSA assistance will be deemed to have been terminated.
10. In accordance with the regulations on NIPSA's legal assistance (employment matters) if it considered that legal advice may be necessary, the case must be referred to the appropriate NIPSA Headquarters Official. Having reviewed the case s/he will decide if legal advice is needed.
11. NIPSA does not normally provide Legal Representation at Tribunals, save in the most exceptional circumstances. The rules for provision of Legal Representation (Employment Matters) are detailed in the NIPSA Guide to Legal Services. Nothing in this document can set aside the rules for Legal Representation nor the ultimate authority of the General Council.
12. Information or papers obtained for the purpose of legal proceedings, such as an Industrial Tribunal, must not be disclosed outside of these proceedings and must not be used for any other purpose.
13. The member should not contact, speak with or write to representatives of the press or media without prior notification and consultation with the Headquarters Official or Seconded Officer.

14. The assistance of Headquarters Officials or Seconded Officers is subject to review and periodically an assessment will be made of the merits of the case and the likelihood of it succeeding.
15. The assistance of a Headquarters Official or Seconded Officer may be withdrawn after a review, particularly if there has been a breach of any of the conditions herein.
16. If assistance is withdrawn the member will be informed and given the reasons for the withdrawal in writing. The member will also be made aware that s/he can ask for a further review by the NIPSA Deputy General Secretary or the appropriate NIPSA Assistant General Secretary to decide whether or not the assistance of the Headquarters Official or Seconded Officer should continue.

17. NIPSA will not meet any costs awarded against a member by a Tribunal or court or as a result of other legal proceedings. Where costs, including legal costs, have been properly authorised by NIPSA, they will be met from NIPSA funds for the period up to the conclusion of the case or the withdrawal of the assistance of a Headquarters Official or Seconded Officer.

I (Name): .....  
(the Applicant)

Of (Address): .....

.....  
.....  
.....  
.....

**am a fully paid-up member of NIPSA. I have read and fully understand the above conditions and I accept the offer of NIPSA to grant assistance on the conditions set out above.**

Signature: .....  
(the Applicant)

Date: .....

## NORTHERN IRELAND PUBLIC SERVICE ALLIANCE

### GUIDELINES FOR EDITORS OF DEPARTMENTAL, PANEL, BRANCH OR OTHER NEWS SHEETS

#### 1. INTRODUCTION

- 1.1 Branch, Departmental, Panel or other news sheets, no less than NIPSA Bulletins or “NIPSA News”, are regarded by the General Council as invaluable aids to the dissemination of information and opinion within the union. Properly edited and produced, such publications can provide a useful local focus of identity and interest.
- 1.2 The Council encourages the development and continued production of local news sheets and is prepared to make available advice and technical assistance to any Branch, Departmental or Panel which wishes to begin production of its own publication. (See Appendix 1 for further information on production of news sheets).
- 1.3 It is essential that published material meets certain standards designed to protect the rights of individuals. The General Council also considers that minimum standards of editorial content are required to provide guidelines for editors of local news sheets etc, and to protect NIPSA from ridicule or adverse comment.
- 1.4 It is also essential that proper control be exercised at local level over the content of news sheets and the guidelines which follow make it clear that Branch or Departmental Committees Panels etc, have explicit responsibility for the standards and content of the news sheets under their control.
- 1.5 The Council recognises that in Branch news sheets, with the possible exception of large Branches, the editorial may, generally, be concerned to a major extent with local events and light banter. It is not intended that this should change in any radical way. However, a sense of proportion about content is important.

#### 2. GUIDELINES

These guidelines are to be taken as the working rules under which Departmental, Branch, Panels or other Committees and their editors will operate.

- 2.1 The relevant Committee (ie Department, Branch, Panel or otherwise) will appoint one of their number as editor of the relevant news sheet. If anyone outside the Committee is appointed s/he will be co-opted to the Committee as a non-voting member.
- 2.2 Committees will retain responsibility for the control of the content and general conduct of their news sheet. Such responsibility cannot be delegated to the editor or any other person or sub-committee.
- 2.3 All copies of news sheets must carry:—
  - 2.3.1 the name and official address of the editor;
  - 2.3.2 the name of the producing Committee; and
  - 2.3.3 a rider in the following terms:  
“Except where otherwise stated, the views expressed in this news sheet are not those of the Northern Ireland Public Service Alliance, or those of its Branches, Committees or Panels.”
- 2.4 If the news sheet is produced locally, six copies must be sent to NIPSA Headquarters.
- 2.5 News sheets will not carry any matter which could be construed as impugning the character or integrity of any person. Members may, however, use news sheets to criticise the views expressed by any person or the action taken by any person on union business. (See Appendix 1 on libel).
- 2.6 Special care should be taken to ensure that the contents of news sheets are presented in non-sexist terms.
- 2.7 A minimum of 60% of the editorial content of news sheets must be concerned with NIPSA or trade union business.

- 2.8 Other material which might give offence to individuals or groups must be avoided eg jokes, cartoons etc, on the subject of:

- Religious belief
- Race
- Colour
- Ethnic or national origins
- Political opinion
- Physical or mental disability or handicap
- Sex
- Marital Status
- Sexual Orientation.

- 2.9 In the event of the General Council being concerned about the content of any issue of

a news sheet, or about its general content or conduct, it will try to resolve the matter with the Committee concerned. If a satisfactory solution can not be found the Council may determine that the news sheet shall cease publication either for a stated period.

### **3. GENERAL**

- 3.1 These guidelines will be made available to members of Committees with responsibility for news sheets and to their editors. Each Editor will sign a copy certifying that s/he has read, understood and agrees to abide by the guidelines. The signed copy will then be forwarded to NIPSA HQ.

## APPENDIX I – HOW TO AVOID LIBEL

If you follow the guidelines for editors you will in most events avoid libel. However it is important that you know what constitutes a libel so that with the exercise of some care you will be able to avoid it should a libellous article slip through the safety of the guidelines.

### WHAT IS LIBEL?

The legal definition is a published false statement that exposes a person to hatred, ridicule or contempt, or causes that person to be shunned, or lowers that person's reputation in the estimation of right-thinking members of society generally, or injures or tends to injure that person in his or her office, profession or trade.

A libel action will not succeed if it can be proved that the statement was true. An additional defence is that an opinion expressed was fair comment made in good faith and without malice on a matter of public interest. It is also possible, under the law, to demonstrate that a libel was unintentional ('all reasonable care' having been taken) and to offer to make amends by publishing a correction and apology.

A libel action may be brought against a writer, editor, publisher, printer or distributor, individually or together. But the editor takes prime responsibility.

Newspapers enjoy special protection for certain types of report (termed absolute and qualified privilege), but the legal definition of a newspaper for this purpose is that it is sold and published at intervals not exceeding 36 days. The protection of privilege is therefore not available to branch news-sheets and magazines.

### HOW DOES LIBEL OCCUR?

Libel may occur by accident or through carelessness. It may also be caused by a chance combination of circumstances. It can refer to a person the writer did not know existed. A libel need not be explicit; it may be committed by innuendo or implication. To constitute a libel the words used must refer to an individual or individuals who can be identified. Thus it is not possible to libel an organisation or group of people as such, but a false statement about a group may by implication be taken to refer to identifiable individuals within the group.

### THE 'DANGER AREAS'

Anything you 'publish' (ie write and disseminate) carries a libel risk, if it contains inaccurate, unclear, ambiguous or unchecked facts that could be taken as reflecting unfavourably on an individual or individuals. Even truthful statements carry a risk, if the truth cannot be proved. In your own interests and in NIPSA's you should therefore be constantly on guard. In particular, take care when

- referring to individuals
- referring to groups
- referring to organisations
- criticising behaviour
- questioning attitudes
- being humorous.

For example, the way your comment on a departmental reorganisation could imply doubts about the abilities or motives of the head of department; a hostile reference to 'management' might be taken, in the context, as an unjustified attack on the good name of the chief executive. Remember that it is not a question of what is meant, but what 'right-thinking' people would think is meant.

### SAFEGUARDS

When reading your copy for accuracy and clarity, always ask yourself: 'Could anyone say that this casts doubt on his or her integrity and good name?' If the answer is 'yes', change the copy or delete the relevant words. If the answer is 'perhaps', either change or delete, or seek advice—from NIPSA Headquarters.

The simple rule is: WHEN IN DOUBT, LEAVE IT OUT.

If you receive a solicitor's letter suggesting you have committed a libel, DON'T REPLY YOURSELF. A solicitor's letter should be answered by a solicitor's letter. So consult NIPSA Headquarters. And keep the branch secretary informed.



## NORTHERN IRELAND PUBLIC SERVICE ALLIANCE

### GUIDELINES ON THE SUBMISSION OF MOTIONS

1. These guidelines offer advice on how to formulate motions for the 3 main annual conferences of NIPSA; the General Conference, the Civil Service Conference and the Public Officers' Conference.

#### GENERAL CONFERENCE

2. The business of the General Conference is matters which concern members of both the Civil Service Group and the Public Officers' Group. In other words motions for the General Conference should be on broad policy issues. They would include motions on matters of broad **principle or policy** relating to such subjects as:

Public service pay and matters relating to the pay and conditions of **all** NIPSA members  
NI Cost of Living  
National Minimum Wage  
Regional Pay  
Public Expenditure Cuts  
Unified Public Service  
Public Service Pensions  
Social Security Policy  
Information Technology  
International issues  
Social issues  
Law and Order matters  
Industrial Relations Law  
NIPSA HQ Staff  
NIPSA Finance  
NIPSA Premises  
NIPSA Membership  
Branch Organisation  
"NIPSA News"  
NIPSA Training  
Services for members (ie Legal Assistance, Insurance, Countdown, etc)  
Relationships with other unions and organisations  
Constitutional matters.

#### PUBLIC OFFICERS CONFERENCE

3. The business of the Public Officers Conference is matters of sole concern to members of the Public Officers Group. Motions for this conference should therefore deal with details of pay and conditions. **If however a motion is framed in such a way as to relate solely to a section of members for**

**whom there is a special panel etc, it will not normally be included in the primary agenda for the PO Group Conference.** This arises because Conference Standing Order No. 7(d) stipulates that motions which can be dealt with by a body such as a panel, set up under Rule 6.9(a) of the NIPSA constitution, will be included in the secondary agenda.

4. Consequently motions for the PO Conference must be framed in such a way as to relate to broad sections of the Group and not deal solely with members of one public body or one specific section such as District Councils. They should also relate to detailed aspects of the following matters:

Pay  
Job Evaluation  
Grading  
Hours  
Leave  
Travelling, subsistence and other allowances  
Staffing  
Personnel management  
Recruitment  
Promotion  
Retirement  
Superannuation  
Disciplinary and grievance procedures  
Conduct  
Welfare  
Health and Safety  
Accommodation  
Industrial relations systems and procedures  
Staff suggestion schemes.

#### CIVIL SERVICE CONFERENCE

5. The business of the Civil Service Conference is matters of sole concern to members of the Civil Service Group. **If however a motion is framed in such a way as to relate solely to a section of members for whom there is a Departmental committee, panel, etc, it will not normally be included in the primary agenda for the Civil Service Conference.** This arises because Conference Standing Order No 7(d) stipulates that motions which can be dealt with by a body such as a panel set up under rule 6.9(a) of the NIPSA constitution will be included in the secondary agenda.

6. Generally speaking motions should be on aspects of Civil Service conditions which apply across Departments and occupations. The range of topics would include:

- Pay
- Job Evaluation
- Grading
- Hours
- Leave
- Travelling, subsistence and other allowances
- Staffing
- Personnel management
- Recruitment
- Promotion
- Retirement
- Superannuation
- Disciplinary and grievance procedures
- Conduct
- Welfare
- Health and Safety
- Accommodation
- Industrial relations systems and procedures
- Staff suggestion schemes.

#### **POLITICAL MOTIONS**

7. Branches can submit motions on matters of public policy, provided they do not contain any matter of a party political nature. For example motions dealing with matters relating to human rights, peace, unemployment, public expenditure, education, social security, health, etc. would be in order. However motions would be out of order if they dealt with party political issues such as the organisation of political parties or groups, elections to Parliament or other public bodies, the constitutional status of Northern Ireland or campaigns, meetings etc run by a political organisation or a group of political organisations. Motions which express support for or opposition to particular forms of government or social systems are likely to be ruled out of order. If a motion, which would otherwise be in order, contains any matter of a party political nature, it would be ruled out of order even if the party political element is only an incidental statement or comment, etc. Branches should not therefore import any party political elements into their motions.





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