

## NUMBER 8 UNION OF NEW ZEALAND INCORPORATED

### REGISTERED RULES 2022

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## **1. NAME**

- 1.1 The name of the Union shall be NUMBER 8 Workers Union of New Zealand Incorporated.

## **2. PHILOSOPHY OBJECTS and POWERS**

## **Preamble**

The Number 8 Workers Union of New Zealand Incorporated was formed because of worker disillusionment and disappointment with the current state of the union movement in New Zealand. In particular the union movement's support of a political agenda of the State to coerce workers into accepting so called 'vaccinations' in exchange for their jobs. We came to the conclusion that the way to prevent this situation arising in the future was to form a union devoid of political interference and to negotiate new collective agreements wherever possible that specifically forbid the coercion of workers to become the subject of medical interventions by the strategy of the threat of job loss for non compliance.

For the avoidance of doubt the Number 8 Workers Union forbids the affiliation of this union with any political party or the support of any person running for political office of any kind. Should any office holder in the union decide they wish to stand for any political office they must first resign their office in the union.

We are committed to the highest standard of health safety in the workplace by the full utilisation and defence of workers' legal rights contained in both the Employment Relations Act 2000 and the Health and Safety Act 2015

### **2.1 The Objects of the Union shall be**

2.1.1 To negotiate, protect and improve the wages and conditions of employment of its membership ; by the negotiation of collective agreements and by the protection of members' individual rights in the workplace.

2.1.2 To protect members in the workplace from incursions upon all their human rights. In particular their right to bodily autonomy and their right to retain employment unless dismissed for justifiable reasons.

2.1.3 To implement and fully support Health and Safety work groups in the workplace as defined under Part 3 of the Employment Relations Act 2000, and to encourage the use of provisional improvement notices under subpart 3 to ensure the highest standards of health and safety are upheld on a continuous basis in the workplace.

2.1.4 To support, publicise and promote worker participation, particularly in health and safety monitoring and reporting in all decision-making processes affecting the workplace.

2.1.5 To further the social and economic interests of working people, their families and communities.

2.1.6 Such other objects that are not inconsistent with the above objects.

### **2.2 The Powers of the Union shall be:**

2.2.1 To employ independent contractors to carry out all the tasks contingent on the business of the union. These independent contractors may be from any industry that the union deems appropriate to employ.

2.2.2 To hold in reserve at any one time, a strike fund on behalf of the union membership of up to \$5 million dollars.

2.2.3 Should the strike fund net reserves exceed \$5 million dollars as at 1 December of each calendar year, then a special general meeting will be held to decide upon the excess for distribution.

2.2.4 To take or authorise such legal action and/or proceedings in furtherance of these objects.

2.2.11 Such other powers as are required to achieve the above objects.

### **3 REGISTERED OFFICE**

3.1 There shall be a registered office of the Union which shall be at 8A Marine View Road Onetangi, Waiheke Island or at such other place as may from time to time be chosen by the National Executive. The General Secretary shall forthwith give notice of every change of the registered office to the Registrar of Incorporated Societies and Registrar of Unions.

### **4. INTERPRETATION**

4.1 In these rules, unless elsewhere specifically provided:

4.2 "Secretary" means General Secretary, Divisional Secretary or Regional Secretary as appropriate.

4.3 "Union" means Number 8 Workers Union of New Zealand Incorporated

4.4 " at a distance" means working 'online' either from the worker's home or from some other site, whether inside or outside of New Zealand, as long as the predominant site of work is inside New Zealand.

### **5. SECTORS**

5.1 The Union whilst recognising various sectoral interests in the workforce, nonetheless welcomes every sector as one class into the union. All sectors are covered by the union rules and membership also cover people presently looking for work or retired workers, or contractors.

5.2 Sectoral Interests of Members

5.2.1 Conferences and educational opportunities will be provided for members to address their sectoral interests.

5.3 Work Groups

5.3.1 The purpose of the Work Groups shall be to meet on a regular basis and to action decisions made by workers in regards to health and safety in the workplace.

5.3.2 The union shall endorse Work Groups in every workplace. A request for a health and safety Work Group under S62 of the HSWA will form part of any collective agreement negotiated in the workplace. The functions and powers of health and safety representatives or Work Groups are those in Schedule 2 of the Health and Safety at Work Act 2015. [HSWA]

5.3.4 Minutes shall be taken at every Work Group meeting and provided to the union electronically for archival and evidential purposes. Duties for minute taking are to be shared by members of the group on a rotational basis and they are to capture outcomes.

5.3.5 The union will provide an Organiser to coordinate Work Groups' education and training or a worker may be nominated by the group to receive training. Paid training time will be that provided for under clause 12 of Schedule 2 of HSWA.

#### 5.4 Sector Councils

5.4.1 A sector council consisting of Work Groups and Site Delegates in that sector may be formed from representatives from the Work Groups and Site Committees. The sector council will be provided with the opportunity to caucus and provide updates of issues to the Union Executive. The purpose being to inform the union members as a whole through its weekly newsletters on matters of sectoral concern.

#### 5.5 Sector Conferences

Sectors may hold regional or national conferences, subject to the consent of the National Executive. The purpose of sector conferences is to discuss matters of particular relevance to that sector

### PART II -MEMBERSHIP AND SUBSCRIPTIONS

## 6. MEMBERSHIP

### 6.1 Who may become a Member of the Union

People may become members of the Union if:

6.1.1 They are employed in any industry or workplace ( including working from home ) in territorial New Zealand ; if they are seeking work or if they are retired workers or workers who support the aim and principles of the Number 8 Workers Union of New Zealand Incorporated.

## 7. MEMBERSHIP APPLICATIONS

### 7.1 Applications to be in writing and dated

7.1.1 Applications for membership shall be made in writing, to the General Secretary of the Union.

### 7.2 Required information

7.2.1 All applications for membership must include the following information:

7.2.2 The applicant's full name, gender, postal address and email address.

7.2.3 The place where the applicant works or intends to work.

7.2.4 Subject to paragraph 7.4.1 of these rules, applicants become members of the Union when the General Secretary approves their application.

### 7.3 Refusal of membership

7.3.1 Membership may be refused to anyone who has the power to determine the conditions of employment of, or discipline or fire other people who are or may become members of the Union; or

7.3.2 They have previously been expelled from the Union; or

7.3.3 The General Secretary has good reason to believe that their application is not made in good faith or that the applicant is likely to act in a manner inconsistent with the objects of the Union; or

7.3.5 The applicant has supplied false information.

#### **7.4 Appeals Against Refusal of Membership**

7.4.1 Any person who feels that they have been improperly refused membership may appeal to the National Executive, which will make a final and binding decision on the matter.

### **8. ASSOCIATE MEMBERSHIP**

8.1 The Union shall have a membership category of Associate Member.

8.2 Associate members may include unemployed members, retired members, solidarity members or members of a Union special interest group.

8.3 The National Executive shall set the fee annually for Associate membership.

8.4 Associate Members do not qualify for the advocacy services of the Union, unless by the agreement of the General Secretary. Associate Members may access the advocacy services undertaken within the special interest group to which they belong.

### **9. REGISTER OF MEMBERS**

9.1 An electronic register of members shall be maintained by the Union.

### **10. TERMINATION OF MEMBERSHIP**

10.1 Resignation while continuing work:

A member who wishes to resign from the Union (in circumstances other than ceasing employment in work covered by the membership rule) shall provide one month's written notice to the General Secretary. The member's name shall be deleted from the Register of Members with effect from the date of the expiry of the notice specified above.

10.2 Resignation while not continuing work:

10.2.1 A member who ceases employment in work covered by the membership rule, and whose subscription is paid substantially in advance, shall provide one month's written notice to the General Secretary. The member's name shall be deleted from the Register of Members with effect from the date of the expiry of the notice specified above. On request, a refund will be issued within one month of resignation or ceasing work.

10.2.2 The member's name shall be deleted from the Register of Members with effect from the date the member ceased employment but may be reassigned to an unwaged category on request.

10.3 Retirees

Members of the Union who retire from work may remain members of the Union if they pay the required fee.

10.4 Nothing in this rule, however, shall exempt any person from liability in respect of any act or omission or failure to pay the required fee.

10.5 Where a member considers that he/she has a personal grievance or has been made redundant and requests the Union's assistance, he/she shall be deemed to continue to be a member for the purposes of pursuing the personal grievance, or for the purpose of negotiating a redundancy agreement. The membership payment at this time shall be \$2.50 per week until the conclusion of legal advocacy by the union.

## **11. FEES & SUBSCRIPTION FREQUENCY**

11.1 The membership subscription is set at \$5 for waged members and \$2.50 per week for unwaged.

11.1.1 This may be paid in monthly or quarterly amounts.

11.1.2 If not paid in full at the time a person ceases membership of the Union, fees shall remain payable.

11.2 Any member not being two months in arrears with payment of instalments shall be deemed to be a financial member. Subject to any legislative enactment, any non-financial member shall be disqualified from taking part in any meeting or voting in any ballot.

11.3 Subject to the provisions of rule 10 the General Secretary shall from time to time purge the register of members by striking off the name of any member in arrears of installments for three months and thereupon such person shall cease to be a member. No such purging shall be deemed to release any such person from arrears due.

11.5 In addition to the regular subscription, the National Executive or the General Secretary may from time to time set fees payable for services provided by the Union to Union members, which fees shall be notified to the member before the service is performed.

## **12 GENERAL MEETINGS**

12.1 The first Annual General Meeting of the Union shall be a special general meeting to elect officers to the National Executive.

12.2.1 Notification of subsequent AGMs will be through workplace information and advertised on the Union's website at least 14 days prior to the AGM

12.2.2 All financial members of the Union shall be eligible to participate and vote at the AGM.

## **13 DECISION MAKING**

13.1 The Union's membership at the AGM or special general meetings held in accordance with rule 38 shall have the authority to make decisions binding on the Union as a whole.

13.2 The quorum at any AGM and the quorum for any special general meeting shall be 20% of the membership both nationally and regionally.

13.3 Subject to Union membership decisions, the governance of the Union shall be vested in the Union Conference and the National Executive.

## **14. NATIONAL EXECUTIVE**

14.1 The National Executive shall:

14.1.1 Govern the Union subject to the decisions of conferences and general meetings;

14.1.2 Oversee and give direction to the Union management;

14.1.3 Decide upon or take any action necessary to achieve the objectives of the Union and to promote and protect the interests of members of the Union.

14.1.4 Carry out any duty vested in it by these rules;

14.2.5 The National Executive shall consist of:

(a) President

(b) Vice President

(c) General Secretary

(d) Operations Manager (non voting)

(e) Sector representatives based on the membership of each sector on 1 May of the year in which elections are held as follows:

(i) One representative nationally if membership in the sector is fewer than 3,000 members

(ii) One representative from the northern region and one representative from either the central or southern regions if membership in the sector is 3,001 - 6,000 members

(iii) One representative from each of the northern, central and southern regions if membership in a sector is 6,001 or greater

## **15 FINANCE SUBCOMMITTEE**

15.1 The Finance Sub Committee is a sub-committee of the National Executive and shall consist of:

(a) President

(b) Vice President

(c) General Secretary

(d) Two National Executive members with the appropriate interest and skills elected by the National Executive

(e) Operations Manager (non-voting)

(f) Finance Officer (non-voting)

15.2 The function of the Finance Sub-committee is to act as an internal audit committee, assist with the preparation and monitor budgets and have a surveillance and recommendatory role on finance matters to the National Executive.

15.2.1 Term of office

15.2.2 The first special meeting of the Union will elect the President, Vice President and General Secretary. Then from the time of the first Biennial Conference in accordance with rule 27, they shall be elected by indicative ballot and if required by postal ballots or electronic ballot held subsequent to such conferences in accordance with rule 42. 2

15.2.3 Indicative balloting for President, Vice President and General Secretary and any Regional Secretaries is held at the Biannual Conference and is deemed completed for each position once the ballot has been concluded for that position.

15.2.4 The President, Vice President, General Secretary, take office once the ballot for the relevant position has been completed and hold office until the completion of the subsequent ballot.

15.2.5 Ballots for President and Vice President are held at the Biannual Conference Conferences, meaning the term of office for these positions is approximately two years (although the exact period may vary according to the timing of conferences and whether or not a postal ballot or electronic ballot is required).

15.2.6 Ballots for General Secretary are held at alternate Biannual Conferences, meaning the term of office for this position is approximately four years (although the exact period may vary according to the timing of the conferences and whether or not a postal ballot or electronic ballot is required).

15.3 Other Elected National Executive members

15.3.1 Where 14.2(e)(i) applies, ballots for the sector representative shall be held at a Biannual Conference of that sector, however should there be a significant increase in a sector's membership in any a year when Biannual Conference is not scheduled then a postal ballot or electronic ballot shall be held for that sector to appoint further representatives.

15.3.2 The term of office of all National Executive sector positions elected under 15.2(e) of these rules is approximately two years.

15.6 Should any member of the National Executive be absent without leave from three consecutive meetings of the National Executive, such member shall forfeit their position and a casual vacancy shall be created. Notwithstanding this rule, attendance at a meetings may also be by conference call, or video conference call, and voting may be accepted by any electronic means that can be recorded and stored as a hard copy.

## **16. NATIONAL MANAGEMENT COMMITTEE**

16.1 The National Management Committee shall consist of the President, the General Secretary, and the Operations Manager.

16.2 The functions of the NMC are to:

16.2.1 Manage the affairs of the Union in line with these rules, policy and direction of the membership, conferences and the National Executive;

16.2.2 Implement any National Executive decisions as directed.

## **17 OTHER REPRESENTATION**

Other representation (special interest groups) may be established from time to time by resolution of the National Executive. Such groups shall have the responsibility to discuss and promote the rights and issues of the group within the union and at large. Such groups will not have an entitlement to a seat on the National Executive.

## **18 OFFICERS AND Contractors**

### 18.1 President

The President shall preside at general meetings of the Union and at National Executive meetings and at such other meetings as the National Executive shall decide. He or she shall have a deliberative vote and, in the case of equality of voting, a casting vote in favour of the status quo. He or she shall enforce the rules and endeavour to keep good order among the members.

### 18.2 Vice-President

It shall be the duty of the Vice-President to assist the President in carrying out the duties appertaining to the office. In the absence of the President, the Vice-President shall have and may exercise all the powers and shall perform all the duties of the President. In the event that the Presidency becomes vacant during the term the Vice President shall be appointed for the remainder of the term and a casual vacancy shall be declared for the Vice Presidency.

### 18.3 General Secretary

#### 18.3.1 General Secretary

The General Secretary shall be the chief executive officer of the Union and shall generally supervise the work of paid officials of the Union and its administration and report to the National Executive. It shall be the duty of the General Secretary to carry out all lawful instructions that may be given by the National Executive and to perform all the duties.

### 18.4 Assistant General Secretary

18.4.1 An assistant General Secretary and Regional Secretaries may be appointed from time to time by the National Executive from amongst the members and following a nomination by the National Management Group.

18.4.2 The Assistant General Secretary shall undertake those roles and tasks of the General Secretary that may be delegated by the General Secretary from time to time.

18.4.3 The General Secretary shall advise the National Executive of the roles and tasks that have been delegated to the Assistant General Secretary.

18.4.4 Notwithstanding the above, the General Secretary shall be responsible to the National Executive and the Union as a whole for all the roles and tasks of the General Secretary.

### 18.5 Divisional Secretaries

18.5.1 The Divisional Secretaries may be appointed from time to time and shall have the primary responsibility for the supervision of bargaining, industrial activity and staff of their own respective sectors and shall

18.5.2 Carry out the lawful instructions of the National Executive and the General Secretary.

18.5.3 Implement both Union -wide and sector-specific policies and strategies as determined by sector, regional and Biennial Conferences and by the National Executive.

18.5.4 Oversee industry strategies, campaigns, bargaining, industrial disputes, delegate and Work Group training, industry training, growth, inter-Union and international activities.

18.5.5 Manage the work of the Union contractors assigned to them.

18.5.6 Provide regular reports to the General Secretary, sector conferences and the National Executive.

## **19. REGIONAL SECRETARIES**

19.1 Regional Secretaries may be appointed from time to time, as the numbers of membership require.

19.1.1 There shall be a Regional Secretary in each region, provided that the same person may be secretary of more than one region. The role of the Regional Secretary is to:

19.1.2 Carry out the lawful instructions of the National Executive and the General Secretary.

19.1.3 Oversee the day to day running of the Union within the region, including by:

19.1.4 Facilitating meetings of the Regional Organising Committee when required;

19.1.5 Managing regional contractors in co-operation with the relevant Divisional Secretary, General Secretary and Operations Manager;

19.2 The General Secretary is deemed the Central Regional Secretary and holds this office while he/she continues to be the General Secretary.

19.3. The Northern and Southern Regional Secretaries are elected or appointed in accordance with rules 27 and 29 of these rules. Their term of office is as described in rule 15.4.

19.4 Additional Duties of Officers

19.4.1 Any secretary may from time to time be required to perform other duties by the National Executive and/or General Secretary.

## **20. OPERATIONS MANAGER**

20.1 The Operations Manager shall have the primary responsibility for assisting the General Secretary in the administrative, personnel and financial management of the Union.

## **21. ELECTION OF OFFICERS**

21.1A. For the avoidance of doubt no officer may continue in office in the union if that officer seeks political election in any form outside of the union. Officers intending to pursue such political office are requested to give at least one month's notice of their intention so that a replacement may be secured.

21.1 Nominations shall be called for the officer positions not less than three months prior to the date of the Biannual Conference held in the year in which the position is due to be elected. Such nominations must be in writing, signed by the proposer and seconder and endorsed with the nominees signed consent to the nomination.

21.1.1 At the time of nomination, the nominee for the honorary positions of President, and Vice President, must be financial members of the Union.

21.1.2 The proposer and seconder for all nominations must be financial members of the Union.

21.1.3 Nominees for the paid positions of General Secretary, Regional Secretary and Divisional Secretary are not required to be financial members of the Union at the time of nomination.

21.1.4 Nominations shall close with the Returning Officer at least 21 clear days later.

21.1.5 Where there is more than one nomination for any officer position, the Biannual Conference will conduct an indicative ballot by sector, by region or full conference, depending on the office. This indicative ballot may be at one meeting or a series of regional meetings but in either case the aggregate of all votes cast at all meetings will apply. Votes may be cast online and sent to the Returning Officer in the case of an indicative ballot.

21.1.6 Any nominee for an officer position achieving one third or more of the indicative ballot may elect to go to a postal ballot of the respective membership pursuant to rule 43. Where no postal ballot is held the highest polling candidate in the indicative ballot shall be declared elected.

21.2 Subject to the provisions of rule 28 and rule 21.1A all officers shall hold office until they die or resign or until such time as any successors may be elected, in accordance with the rule.

21.3 If, in respect of any office, the nominations received do not exceed the vacancies to be filled, the Returning Officer shall declare such candidate to be elected. Any vacancy then remaining may be filled in accordance with the provisions of rule 29.

## **22. REMOVAL OF ELECTED OFFICERS AND POSITION HOLDERS**

22.1 An elected officer or elected position holder will be removed if they cease to be a member of the Union and may be removed pursuant to this rule by reason of:

22.1.1 Knowingly acting in a manner contrary to the rules of the Union; and/or

22.1.2 Knowingly acting in a manner contrary to the policies of the Union made in accordance with these rules; and/or

22.1.3 Misappropriating Union money or property; and/or

22.1.4 Knowingly divulging information confidential to the Union, or the business of the Union (such information and business shall remain confidential to members and the National Executive, unless otherwise authorised by the National Executive); and/or

22.1.5 Wilfully ignoring a lawful resolution of the Union; and/or

22.1.6 Assaulting an officer, executive member, delegate, organiser or member of the Union; and/or

22.1.7 Incapacity.

22.2. A special meeting shall be called forthwith by the National Executive if: 20% of the members who would be eligible to vote in an election for a Union officer or position-holder present a signed requisition calling for the removal of any officer or position- holder to the General Secretary (or if the officer is the General Secretary to the President); or

22.2.2 A resolution of the National Executive is passed calling for the meeting; or

22.2.3 A resolution at any general meeting is passed calling for the meeting.

22.2.4 The members eligible to attend and vote at such a special meeting shall consist of members eligible to vote for the office or position holder concerned.

22.5 The notification and procedures for such a meeting shall be the same as the notification and procedures for meetings held in accordance with rule 38.

22.6 Should such a special meeting pass a resolution by secret ballot that such officer or position-holder be removed, such office or position shall be deemed vacant and shall be filled in accordance with the provisions of rule 29.

## **23. CASUAL VACANCIES FOR OFFICERS**

23.1 A casual vacancy occurring in any officer position may be filled temporarily at the first National Executive meeting held after the vacancy arises.

23.2 Any person appointed to fill a vacancy pursuant to this rule shall be eligible for subsequent election to that vacant office or position.

23.3 Nominations for the substantive filling of any vacancy shall be called for unless the vacancy arises in the calendar year of the next scheduled election for that office.

23.4 The calling of nominations shall occur as soon as practicable after the casual vacancy occurs and the process to be followed shall be:

23.4.1 At the time of nomination, the nominee for the honorary positions of President, and Vice President must be a financial member of the Union.

23.4.2 The proposer and seconder for all nominations must be financial members of the Union.

23.4.3 Nominees for the paid positions of General Secretary, Regional Secretary and Divisional Secretary are required to be financial members of the Union at the time of nomination.

23.4.4 Nominations shall close with the Returning Officer at least 21 clear days later.

23.4.5 Where there is more than one nomination for any position, special conferences shall be convened as soon as possible either nationally or regionally.

23.4.6 The special conference will hold an indicative secret ballot by sector, by region or full conference, depending on the office.

23.4.7 Any nominee for an officer position achieving one third or more of the indicative ballot may elect to go to a postal ballot of the respective membership pursuant to rule 42. Where no postal ballot is held the highest polling candidate in the indicative ballot shall be declared elected.

23.5 Casual Vacancies of Other Elected Executive Positions

23.5.1 Where more than one scheduled National Executive meeting remains a casual vacancy for other elected positions shall be filled as follows:

23.5.2 Where there is a vacancy in the position of sector representative a replacement may be elected by postal ballot of the sector delegates in the relevant region.

23.5.3 The process to be used shall be determined by the National Executive in each case and it shall be a process consistent with the other provisions relating to elections under the rules.

## **24. UNION STAFF/CONTRACTORS**

24.1 The General Secretary, together with the National Management Committee, shall determine the number and nature of contractor positions within the budget, strategic and annual plans set by the National Executive. Such contractors shall carry out their duties under the general direction of the General Secretary and report to the Regional, Divisional Secretary or Operations Manager as appropriate.

## 24.2 Appointment of contractors

Policy regarding the appointment of contractors may be made by the National Executive.

## PART V -REGIONAL & DELEGATE STRUCTURES

### **25. REGIONS**

25.1 There shall be a Northern Region (Northland, Auckland, Waikato and Bay of Plenty) a Central Region (Taranaki, Manawatu, Wairarapa, Hawkes Bay, Gisborne, Wanganui and Wellington), and a Southern Region (Nelson, Marlborough, West Coast, Canterbury, Otago and Southland)

25.2 The Northern Regional office shall be situated in Auckland. The Central Regional office shall be situated in Wellington. The Southern Regional office shall be situated in Christchurch.

### **26. REGIONAL DELEGATES CONFERENCE**

#### 26.1 Regional Delegates' Conference

A regional delegates' conference to be agreed.

### **27. REGIONAL ORGANISING COMMITTEE**

#### 27.1 Regional Organising Committees

A Regional Organising Committee may be established in each region at the discretion of the General Secretary and Regional Secretary in reference to and in consultation with the functioning Local Organising Committees in a region formed under clause 34 of these rules.

#### 27.2 Role of Regional Organising Committees

The role of the Regional Organising committee is to:

27.2.1 Generate activism and solidarity in the region

27.2.2 Support the work of Local Organising Committees

27.2.3 Have an input on behalf of the Region on Union Policy

#### 27.3 Membership of Regional Organising Committees

The membership of the Regional Organising Committees shall be:

27.3.1 The Regional Secretary

27.3.2 One member elected by each of the functioning Local Organising Committees

27.3.4 Other Active delegates in the region, by invitation of the Regional Secretary.

27.3.5 The Regional Secretary may call a Regional Organising Committee meeting by telephone or video -conference.

### **28. LOCAL ORGANISING COMMITTEES**

28.1 Local organising committees shall be considered functioning if they;

28.1.1 Meet on a regular basis, at least three-monthly, noting that where there are geographical difficulties this may include conference or zoom calls although an effort should be made that every second meeting should be face to face.

28.1.2 Be open to all Union members

28.1.3 Have a reasonable level of member participation having regard to the number of membership in the local area

28.1.4 Work with the local organiser to develop local activism and solidarity

28.1.5 Work within the policies and rules of the Union

28.1.6 Has elected a representative to the Regional Organising Committee who participates on a regular basis.

28.1.7 The establishment of a local organising committee shall be approved by a Regional Secretary and reported to the National Executive.

## **29 DELEGATES, WORK GROUPS AND SITE COMMITTEES**

### 29.1 Health and Safety Work Groups and Site Committees

29.1.1 The affairs of the membership of any sector may be managed on each site by a site committee.

29.1.2 Site Committees and delegates on the site shall ensure that the rules and the policy of the Union are observed and shall generally act in a manner that will advance the interests of the members and bring credit to the Union.

29.1.3 The Site Committee shall consider or ensure that a site meeting considers matters referred by any other body of the Union, and shall duly notify that other body of the outcome.

### 29.2 Membership of Site Committees and Work Groups

29.2.1 Site Committees shall consist of a Head Delegate, Deputy Head delegate and all other delegates . on the site and include at least 1 of the elected Health and Safety representatives at all meetings.

29.2.1B A Work Group shall consist of at least 2 trained Health and Safety Representatives per 15 members on site. Membership as both an H&S representative and a Delegate may reside in the same member.

29.2.2 The Head Site Delegate and Deputy Site Delegate shall be elected in the manner provided by the site committee.

### 29.3 Meetings of Site Committee or Work Groups

29.3.1 The Site Committee or WorkGroup shall meet at such times as determined by the site committee or health and safety committee as the case requires.

29.3.1C Work Groups and Health and Safety Committees functions and powers are those contained in Schedule 2 of the Health and Safety at Work Act 2015

29.3.2 A special meeting of the Site Committee may be called by the Site Delegate or at least one-third of the members of the Committee, but the business proposed to be transacted shall be clearly stated.

### 29.4 Meetings of Site Members

29.4.1 Head Site Delegate shall call a full meeting of members on the site at least twice per year.

29.4.2 A special meeting of members on the site may be called by any of the General Secretary, Divisional Secretary, Regional Secretary, an Organiser, the Head Site Delegate, the Site Committee, or by written demand to the Head Site Delegate signed by at least 20% of the membership of the site. The business that is proposed to be transacted shall be clearly stated.

#### 29.5 Notice and Quorum

29.5.1 At least 14 days notice shall be given of any of the above meetings, except in an emergency. Such notice may be given by individual notice or by appropriate advertising on site notice boards.

29.5.2 The quorum for meetings shall be: 20% of membership of the site.

### **30. DELEGATES**

30.1 The members employed by any one employer may elect one or more of their number to be their delegate.

30.2 The number and location of delegates will be decided in consultation with the organiser for the site.

30.3 A deputy delegate may be elected in the same manner to assist the delegate and to act as delegate when he or she is unable to act.

30.4 A delegate may call such job meetings as are required and such a meeting shall be called upon request of an officer or organiser or of 20% of financial members actually on the job at the time of the meeting being called.

30.5 The duties of the delegate shall be to generally represent the members at their workplace and shall include:

30.6 Taking up issues on behalf of members represented in the workplace on matters with their employer;

30.6.1 Representation of members in matters affecting their employment including disciplinary matters;

30.6.2 Enrolling new members and maintain Union membership in the workplace of those employed who are entitled to be members;

30.6.3 Carrying out rules and policy as relayed by the Regional/Divisional Secretary/General Secretary and acting as a means of communication with the members in the workplace.

### **31. ELECTION OF DELEGATES**

31.1 In the case of there being more nominations than vacancies for the position of delegate a delegate shall be elected at a job meeting or meetings called by notice at least 7 clear days before the election. Provided that any member may call for the election to be conducted by secret ballot.

31.2 50% of the financial members of the Union employed by the same employer at the same work area represented by the delegate shall be a quorum for a meeting to elect a delegate.

31.3 A delegate shall cease to hold office and a successor shall be elected upon a delegate ceasing to be employed on the work area represented by the delegate.

31.4 Delegates shall be elected for a term of two years and may be removed during their term by a ballot of the members eligible to vote for the position.

## **32. SPECIAL GENERAL MEETING**

32.1 A special general meeting of the Union may be held subject to rule 14 and this rule.

32.2 A special general meeting may be one meeting or a series of meetings but in either case any decision shall be made by an aggregate of all votes cast at all meetings.

32.3 Union officers and National Executive members shall have the right to be present at meetings held for this purpose but shall vote only once on any issue to be voted on.

32.4 A special general meeting shall be called by the General Secretary of the Union when so requested:

32.4.1 By the National Executive;

32.4.2 By one or more Industry Councils or Sector Conferences;

32.4.3 By 20% of financial members of the Union, whose signatures appear on a meeting petition.

32.5 The National Executive shall decide on the format for the special general meeting and require the General Secretary to notify all financial members pursuant to rule

32.6 On receipt of a request for a special general meeting above, the General Secretary shall give each member at least 14 clear days' notice of the meeting.

32.7 Notice of a meeting shall state the time and place of each meeting, and the business to be transacted, and shall be sent to each member at their home address by email if an email address has been provided, and all practicable steps will be taken to advertise the meeting times and venues in workplaces.

32.8 Should the office of General Secretary be vacant or should the General Secretary fail for any reason to call a meeting within seven days of being requested to do so under this rule, the President or Vice-President, or a National Executive member so authorised by the President may call such a meeting, and any meeting shall be authorised to have been validly called as if by the General Secretary.

32.9 The quorum described in rule 13.5 may be formed at a single meeting or across a series of meetings.

32.10.1 At any meeting or round of meetings a member may only vote once on any resolution. Voting shall initially be by the voices, but the chairperson may at his/her discretion or upon request from any member call for a show of hands or a secret ballot.

32.11 Members shall have the right to raise any matter[s] for discussion at any general meeting of the Union held as a Union membership meeting, that is part of a series of meetings. Members shall have the right to make recommendations to the National Executive on non-agenda items.

32.12 The General Secretary shall ensure that the matter is placed on the agenda for that meeting, so the matter[s] in question can be resolved by the Union as a whole. Provided that any special meeting of the Union resolved to be called by the meeting in question shall be at the expense of the Union and not the members concerned.

### **33. BIENNIAL CONFERENCE**

33.1 A Biennial Conference shall be held every 2 years (in even numbered years) at a place to be determined by the National Executive.

33.2 At least 60 days before the Biennial Conference, the General Secretary shall give written notice to each National Executive and conference members specifying:

33.2.1 The date, time and place of the conference;

33.2.2 That remits for consideration at the conference may be submitted to a Remits Committee by

- (i) any delegate or site committee of the Union
- (ii) any person with the right to speak at the conference

33.2.3 How remits should be submitted; and

33.2.4 The date by which remits must be submitted.

33.3 Remits shall be dealt with in accordance with the following process:

33.3.1 Prior to the Biennial Conference, the General Secretary shall convene a Remits Committee comprising the President, Vice President and General Secretary.

33.3.2 The functions of the Remits Committee are to :

33.3.2.1 Consider whether remits should be amended for any reason; and

33.3.2.2 Consider whether any remits are related in subject matter and if so whether they may be combined into a single remit.

33.3.3 Before deciding to amend or combine any remits, the Remits Committee shall consult with the person or persons who submitted any remits it considers should be amended or combined.

33.3.4 Remits shall be forwarded from the Remits Committee to National Executive and conference members, and to their original submitters, at least 14 days before the Biennial Conference.

33.4 The General Secretary shall forward to each Biennial Conference member, by post or electronically, not less than 14 days before the Biennial Conference commences, a copy of the agenda for the conference, the annual report of the Union and the audited statement of income and expenditure and the balance sheet for the last completed financial year and any remit or rule change to be considered at the conference.

33.5 A quorum for all meetings of the Biennial Conference shall be not less than 50 percent of the total number of persons entitled to be present.

33.6 Except where a ballot is for an election of officers, voting shall be by show of hands unless a secret ballot is called for. Each delegate shall have one vote.

33.7 The General Secretary shall call a special conference when called to do so by:

- (a) Not less than 500 financial members or
- (b) The National Executive

33.7.1 Where the meeting is called by the financial members, those members shall meet the cost of the meeting.

33.7.2 The General Secretary shall call the meeting by giving 30 days notice to each person entitled to attend the next Biennial Conference. The notice shall specify the time, date, place of the meeting and business to be conducted. The business of the meeting shall be restricted to that specified in the notice.

#### **34. NATIONAL EXECUTIVE**

34.1 Meetings of the National Executive shall be held at times determined by the National Executive, as required and shall be held at the registered office of the Union, or such other places as the National Executive may from time to time decide. Online meetings shall be held as required.

34.2 Meetings shall be called by the General Secretary by circular, posted or delivered by electronic mail to each member, at least 14 clear days before the date of the meeting, however scheduling of regular meetings will be done on an annual basis.

34.3 The General Secretary shall have the power to call a meeting of the National Executive when and for such time as may be thought fit, and it shall be the duty of the General Secretary to call such a meeting when and for such time as may be required in writing by the President, or any nine members of the National Executive.

34.4 Should the General Secretary be absent or incapacitated, or should the office of General Secretary be vacant, or should the General Secretary fail within three days to call a meeting when duly requested to do so in accordance with rule 40.3 of this rule, any officer or member of the National Executive may call such a meeting. Any meeting so called shall be deemed to have been validly called, as if the General Secretary had called it.

34.5 Fifty percent plus one of the total number of members shall form a quorum at meetings of the National Executive except the inaugural meeting of the National Executive in which case it shall be thirty percent plus one.

34.6 At any meeting a member may only vote once on any resolution, or in any ballot or election, provided that the chairperson shall have in addition to a deliberative vote, in the event of an equality of voting, a casting vote in favour of the status quo. Voting shall initially be by the voices, but the chairperson at his/her discretion or upon request from any member may call for a show of hands.

34.7 Notwithstanding the above, the General Secretary may decide that a National Executive meeting may be held by conference call. Meetings held by conference call shall be notified at least two days in advance.

#### **35. NATIONAL MANAGEMENT COMMITTEE MEETINGS**

35.1 Meetings of the National Management Committee shall be held at such times as may be required by the committee and shall be held at the registered office of the Union and such other places as the meeting may from time to time decide.

35.2 Notwithstanding the above, the General Secretary may decide that a National Management Committee meeting may be held by conference call.

#### **36. BALLOTS AT GENERAL MEETINGS & NATIONAL EXECUTIVE ELECTIONS**

36.1 Whenever a secret postal or meetings based ballot of members is required to be held to elect a National Executive member or to decide a matter at a general meeting the National Executive, shall forthwith appoint a Returning Officer and such Deputy Returning Officers as may be required (who in the case of an election shall not be an officer of the Union or candidate for office) and the

Union or President shall thereupon notify such Returning Officer in writing of the question to be decided.

36.2 The National Executive or any candidate or member directly concerned in the result of the ballot, may each appoint a scrutineer to watch the ballot and the Returning Officer shall afford such scrutineer all reasonable facilities for so doing.

36.3 The Returning Officer shall as soon as possible deliver to each member whose name appears on the list of voters, a ballot paper showing clearly the names of the candidates for election, or the question to be voted on as the case may be, and stating the method of voting and in the case of a postal vote or special vote the time within which such ballot paper is to be returned to him or her at an address which shall be specified thereon.

36.4 At the close of voting and after the expiry of the time fixed in accordance with rule of this rule, the Returning Officer shall count the votes and, setting aside all informal papers, shall ascertain, in the case of an election of officers or position holders, the total number of votes received by each candidate at the election and shall declare those candidates not exceeding in number the vacancies to be filled who have received the highest number of votes to be duly elected.

36.5 In the case of a question to be decided the Returning Officer shall declare the state of the voting and the question shall be deemed to be 'carried or lost', according to the majority of ballot votes so cast.

36.6 Where there is an equality of votes between candidates and the addition of a vote would entitle any of those candidates to be declared elected the Returning Officer shall determine by lot which candidate shall be elected.

36.7 The National Executive may require that a candidate for an office or position present an election statement and may establish a sub-committee to verify such statements.

36.8 The following procedures shall apply in the case of special voting:

36.8.1 Any person eligible to vote in a secret ballot under this rule may apply to the Returning Officer for a special vote.

36.8.2 The application shall be made at least 7 days before the day of the meeting or the beginning of a series of meetings at which the ballot is to be held.

36.9 The Returning Officer shall issue a ballot paper to the applicant if the applicant;

36.9.1 Is wholly or partially blind; or

36.9.2 Unable to read or write (whether because of physical handicap or otherwise); or

36.9.3 Has severe difficulty in reading or writing; or

36.9.4 Is so ill or so infirm that attendance to vote at the meeting is precluded; or

36.9.5 Is unable to attend to vote at the meeting by reason of pregnancy or recent childbirth;

36.9.6 Lives outside a 32 kilometre radius from the place of the meeting and has difficulty travelling to the meeting.

36.10 The Returning Officer may issue a ballot paper to the applicant if

36.10.1 The applicant has a religious objection to voting on the day of the week on which the meeting is to be held; or

36.10.2 The employer of the applicant requires the applicant to work during the hours when the meeting is to be held; or

36.10.3 The Returning Officer is satisfied that on any other grounds attendance to vote at the special meeting will cause the applicant hardship or undue inconvenience.

36.10.4 The Returning Officer may refuse an application on any of the grounds specified in rule 36.10.3 of this rule if more than one special meeting is to be held to vote on the ballot and there is another meeting the applicant could reasonably attend.

36.10.5 Every ballot paper issued to an applicant so that the applicant may exercise a special vote shall be issued at least 2 clear days before the day of the meeting, and the Returning Officer shall, at the time of the issue of the vote, inform the applicant of the time by which it must be returned, which time shall be no later than noon on the day of the special meeting or of the last special meeting in the case of a series of special meetings.

## **37. SECRET BALLOTS**

37.1 In any case where a secret ballot is not specifically provided for in these rules, voting shall be conducted by secret ballot if 20% of the members in attendance at a meeting so require.

37.2 Each meeting shall elect a Returning Officer and such scrutineers as required.

37.3 The Returning Officer shall ensure that sufficient ballot papers are made available to voting members. Those voting shall cast their vote so as the secrecy of their vote is ensured. The Returning Officer and scrutineers shall count the votes, and setting aside any informal votes, the Returning Officer shall advise the outcome of the voting to the President or person chairing the meeting. The chairperson shall thereby advise the state of the voting to the meeting, declaring the motion won or lost according to the valid votes cast for and against the question.

## **38 DISPUTES OVER BALLOTS AND ELECTIONS**

38.1 In the event of a dispute over a ballot under rule 36 or an election under rule 27 and 29 the following procedure will be followed:

38.2 In the case of a ballot or election in which members of the Union are eligible to vote, 20% of eligible members or 200 of those members (whichever is the less), being financial members, may request an inquiry into any alleged irregularity in connection with the ballot or election, or the National Executive may carry out an inquiry by its own motion.

38.3 Such a request shall be made to the National Executive within one month of the declaration of the result of the ballot or election, and shall be signed by those members making the request, and shall set out the grounds on which the irregularity is alleged.

38.4 Upon receipt of the request the National Executive shall investigate into and report within one month on the alleged irregularity.

38.5 The Executive shall in its report set out its ruling which shall be either:

38.5.1 That there has been no irregularity and no further action will be taken; or

38.5.2 That there has been an irregularity but for the reasons stated in the report the executive find the irregularity would not have affected the outcome of the ballot or election and no further action will be taken; or

38.5.3 That there has been an irregularity which may have affected the outcome of the ballot or election and the executive shall conduct a new ballot or election in accordance with these rules.

38.6 Any ruling shall be subject to an appeal by way of arbitration by the following procedures:

38.6.1 The parties to the appeal shall be on the one hand the National Executive, and on the other hand the members appealing;

38.6.2 Appeal shall be by notice to the National Executive within 14 days of its ruling and shall be on behalf of the same number of members required to submit a request for an inquiry pursuant to rule 44.2 above;

38.6.3 The Arbitrator shall be one person agreed on between the parties, or if agreement is not possible two people, one appointed by each party, and a third person appointed by the parties' appointees as their umpire;

38.6.4 The ruling of the Arbitrator shall be one of the rulings set out in rule 38.5 above, with the necessary modifications, provided that if the ruling is per rule 38.5.3 the National Executive shall conduct the new ballot or election in accordance with these rules;

38.6.5 The ruling shall be final and binding, there shall be no appeal from it

## **39. FUNDS**

39.1 All subscriptions and other monies payable to the Union shall be the property of the Union. All such funds shall be distributed and controlled in such a manner, as the National Executive shall determine. However should the reserves of the union exceed 5 Million dollars at 1 December of any calendar year then a special general meeting will be held to vote upon disbursement of the excess of these funds to all financial members. Notice will be sent to all members of the meeting at least 28 days in advance and suggestions for disbursement will be received up to 7 days in advance of the meeting date.

39.2 The Union's bank account or accounts shall be operated by any three of the President, Vice President, General Secretary, the Operations Manager, or other persons so authorised by the National Executive.

39.3 Notwithstanding anything in paragraph 45.2 of this rule, the National Management Committee may authorise the creation of imprest accounts in specific localities. The National Management Committee shall authorise three or more persons to operate each imprest account. Each imprest account may be operated by any two persons authorised to do so by the National Management Committee.

## **41. AUDITOR**

41.1 An auditor who shall be a duly qualified accountant and a member of the New Zealand Society of Accountants shall be appointed by the National Executive. The auditor shall audit the accounts of the Union following the end of the financial year and before the commencement of the Regional and/or Biennial Delegates Conference. The General Secretary shall make available all books, vouchers, documents and information as the auditor shall require to enable him/her to carry out a

full and complete audit of the financial affairs of the Union. Any secretary or officer shall also give to the auditor such information and explanation as he/she may reasonably require.

41.2 The auditor shall attach a certificate to the audited accounts of the Union stating that he/she has:

41.2.1 Carried out the audit of the accounts of the Union;

41.2.2 Duly reported on those accounts to the Union .

## **42. INSPECTION OF BOOKS**

42.1 Any financial member may inspect all the books, papers, the register of members and other documents of the Union at the registered office at any reasonable time upon giving 7 days notice to the General Secretary.

## **43. SUPPLY OF INFORMATION**

43.1 Any financial member who requests it in writing shall receive a copy of the annual report of the Union.

43.2 Any financial member who requests it in writing shall receive a copy of the Union's last income and expenditure account and balance sheet, together with the auditor's report on the accounts.

43.3 Any financial member who requests it in writing shall receive a copy of any resolution of any Union meetings.

43.4 The Union's rules shall be available on the Union's website.

## **44 PAYMENT FOR UNION BUSINESS**

44.1 The expenses of delegates engaged on Union business may be paid from the funds of the Union as determined by the National Executive.

## **45 SEAL**

45.1 There shall be a seal of the Union, which shall be kept in the custody of the General Secretary and shall be affixed by the General Secretary to any document requiring the affixation of the seal.

45.2 The seal may be altered or renewed only by resolution of a special meeting of the Union.

## **46 AMENDMENTS TO RULES**

46.1 Notwithstanding the above, where the National Executive considers the proposed rule amendments to be an administrative or technical matter, or a matter of urgency, such amendments shall be put to Biennial Conference delegates for determination by a postal ballot or email reply.

46.2 Should the proposed amendment, alteration or rescinding be passed at the meeting[s] or by the postal ballot referred to above, the General Secretary shall forthwith forward to the Registrar an application for registration thereof in accordance with Section 21 of the Incorporated Societies Act 1908.

46.3 Such amendment, alteration or rescinding shall come into operation when and only when the Registrar records it.

## **47 DISSOLUTION**

47.1 The Union may be wound up voluntarily if:

47.1.1 The General Secretary has first sent a notice to every financial member of the intention to make the application; and

47.1.2 A resolution in favour of dissolution is carried by a simple majority of members at a general meeting of the Union; and

47.1.3 The resolution referred to in rule 46.1.2 above is confirmed at a subsequent Union Membership meeting of the Union called for that purpose and held not earlier than 30 days after the date on which the resolution to be confirmed was passed.

47.2 The General Secretary shall before any voluntary winding up occurs, ensure that a final audit of the Union's accounts has been carried out.

47.3 All the assets and liabilities shall be realised on the winding up of the Union (or its dissolution by the Registrar), and the surplus funds, if any, shall be disposed of in such a manner to be in pursuance of the objects of the Union as specified in rule 2.

47.4 The Union shall be dissolved on the date of its winding up by the Registrar of Incorporated Societies.

## **48. REPRESENTATION**

48.1 The Union may be represented before any Court or Tribunal by such person or persons as the General Secretary may appoint.

48.2 Any member of the Union may request the Union to act in any legal proceedings and/or the negotiation and/or enforcement of any contract/agreement or other arrangement affecting them in their employment.

48.3 Where any request is made pursuant to rule 48.2 the appropriate Regional, General or Divisional Secretary shall decide whether or not to so act.

48.4 Where it is decided to act, representation will be free to the member unless any fee is set.

48.5 Where the Union acts for members in negotiations the Union may initiate and undertake the negotiations as it sees fit in accordance with the appropriate ratification procedure, including the determination of the scope of the agreement to be negotiated. Where a collective agreement is sought, a majority of the workers to be bound by it may bind all workers in relation to its negotiation.

48.6 The agreement shall only be settled and agreed to when the worker parties to it have approved it either by a simple majority vote, or such other majority vote as may be agreed by meetings/s of workers held prior to any settlement.

48.7 The Union shall advise any member upon request of their rights and obligations in their employment.

48.8 The Union may act for a non-member of the Union in any matter relating to that person's employment only with the approval of the Regional, General or Divisional Secretary who shall prescribe the appropriate fee. The National Executive will determine fees.

48.9 Every financial member of the Union shall be deemed to have authorised the Union to:

48.9.1 Represent the member in negotiations in respect of his/her employment agreement;

48.9.2 Act as the member's representative generally in the exercise of the member's rights or powers as an employee under the Employment Relations Act 2000.

## **49. COMPLAINTS PROCEDURE**

49.1 Where a member is dissatisfied with a decision of an officer, or official or authorised agent and that member wishes to invoke the complaints procedures that member must notify the relevant Regional or Divisional Secretary or General Secretary, who shall require a written report from that officer, official or authorised agent.

49.1.1 Where the officer concerned is the Regional or Divisional Secretary the member shall notify the General Secretary.

49.2 The Regional Secretary, or the General Secretary may at his/her discretion require of the member, that the member furnish a written statement.

49.3 If the Secretary is unable to resolve the complaint to the member's satisfaction it shall be referred to the National Executive who shall determine the process for dealing with the complaint.

49.4 This process should include participation of a National Executive sub-committee made up of an appropriate number of executive members.

49.5 Any decision of the sub-committee which affects a member may be appealed by either party to the National Executive.

## **50 DISCIPLINARY MATTERS**

50.1 It shall be an offence, subject to disciplinary procedures hereunder, for any member to:

50.1.1 Knowingly act in a manner contrary to the rules of the Union; and/or

50.1.2 Knowingly act in a manner contrary to the policies of the Union made in accordance with these rules; and/or

50.1.3 Misappropriate Union money or property; and/or

50.1.4 Knowingly divulge information confidential to the Union, or the business of the Union (such information and business shall remain confidential to members and the Executive, unless otherwise authorised by the Executive); and/or

50.1.5 Wilfully ignore a lawful resolution of the Union; and/or

50.1.6 Assault an officer, executive member, delegate, organiser or member of the Union.

50.2 The National Executive may impose one or more of the following penalties:

50.2.1 Caution

50.2.2 Censure

50.2.3 Severe reprimand

50.2.4 Suspension or expulsion from membership of the Union.

50.2.5 The National Executive must take into account the nature of the offence in question when imposing any penalty. Suspension or expulsion from membership should be considered only in the event of:

50.2.5.1 A serious offence being proven; or

50.2.5.2 In the event of any recurrence of the same offence by the member[s] concerned; or

50.2.5.3 In the event of the non-payment of a fine, that has been imposed.

50.3 Where an officer or financial member has a charge against another member or members, alleging that an offence in terms of rule 49.1 has been committed, that person shall report the matter in writing to the General Secretary, who shall send a copy of the report to the alleged offenders]. The report must state the evidence on which the allegation is made.

50.4 Any report received by the General Secretary under rule 49.3 shall be referred to the next meeting of the National Executive, which shall resolve to give notice to both the complainant[s] and the member[s] named in the complaint to appear before the National Executive as soon as possible, but not before one calendar month from the date the Secretary receives the report of the alleged offence. Those appearing before the National Executive shall also be advised of their rights to be represented by an agent who may be a delegate or another[ members] to make verbal and written statements in support of their cases, and to call on witnesses. The right of appeal must also be notified.

50.5 The complainants] and the members] named in the complaint shall present themselves before the National Executive. The National Executive shall at all times during the hearing of any such matter, act in an impartial manner so as to ensure that every opportunity is afforded both parties to present their cases and tender any relevant evidence, either orally or in writing or through witnesses.

50.5.1 Where any member of the National Executive is involved in any capacity in any complaint brought before the National Executive he/she shall not participate in the hearing in his/her role as a member of the National Executive.

50.6 Every member affected by any such complaint (and their agent/s) shall afford the evidence and information required to reach a fair and just conclusion.

50.7 The National Executive shall report its findings and recommend a penalty within 14 days of the date of hearing the complaint. The complainants] and the members] named in the complaint shall be sent a copy of the National Executive's findings and recommended penalty and be offered an opportunity to respond in writing.

50.8 Following this opportunity the National Executive completes its report and determines what if any penalty should be imposed and shall advise the affected person[s] of the penalty and the reason for its decision. The report shall require the member[s] concerned to comply with its decision and/or the penalty imposed.

50.9 Any member who is suspended or expelled under this rule may appeal against the National Executive's decision within 14 days of the date of the decision. The appeal must be lodged with the General Secretary in writing setting out the grounds and reason for the appeal.

50.10 Any notice of appeal received by the General Secretary shall be referred to an appeal committee, which shall review the finding and recommendation of the National Executive on the matter.

50.11 The Appeal Committee shall consist of:

50.11.1 A person appointed by the member[s] who is/are appealing; and]

50.11.2 A person appointed by the Union; and

50.11.3 An independent chairperson, selected by the persons appointed under 50.11.1 and 50.11.2 above, or if those persons cannot agree, a person nominated by a mediator, none of whom have been previously involved in imposing any penalty in relation to the original complaint, and who do not have any personal interest in the matter.

50.12 The Appeal Committee will hear the appeal in the same manner prescribed for the hearing of a complaint by the National Executive in rule 49.5 and 49.6 of this rule. The appeal committee shall meet as soon as possible after the date of receipt of the appeal notice. The original parties to the complaint shall have the right to attend and be heard also.

50.13 The Appeal Committee shall report its findings and recommendation to the National Executive within 14 days of the date of the appeal hearing. The decision of the majority of the appeal committee shall be the decision of the committee, and shall be final and binding. The Appeal Committee's decision shall confirm, vary or revoke the National Executive's original decision.

50.14 The National Executive shall not commence to implement any findings and recommendations on any complaint until the period for appeals has expired, or the outcome of any appeal on the matter is known.

## **51 SECRET BALLOT FOR STRIKES**

51.1 Where there is any proposal to strike (within the meaning of section 81 of the Employment Relations Act 2000) such strike shall not proceed until a secret ballot has been held and the result is in favour of the strike.

51.2 The Union in the case of a proposal to strike may, at its discretion, limit the proposed strike to a particular group or group of union members who are covered by the current collective agreement. Such limitation may include, location, job role or employment status.

51.3 Those entitled to vote in the secret ballot are union members;

51.3.1 Who are bound by the current collective agreement or to be bound by the proposed collective agreement and

51.3.2 To whom the proposal to strike relates.

51.4 The Union shall ensure that the secret ballot is held in such a way as to enable those entitled to vote in the secret ballot a reasonable opportunity to participate in the ballot. This may include conducting a ballot at meetings, or voting by postal ballot or by electronic vote.

51.5 The question to be voted on the secret ballot is whether the member of the union is in favour or the strike.

51.6 The result of any such secret ballot shall be determined by a simple majority of the members of the union who are entitled to vote and who do vote.

51.7 As soon as is reasonably practicable after the ballot the Union shall declare the result to the members who were entitled to vote.

## **52. Signatories**