



# CWU Rules and Constitution



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# **Rule 1 RULES OF THE COMMUNICATIONS WORKERS' UNION**

## **1.1 Name, Address and Objects**

1. The Union is called Communications Workers' Union.
2. The registered Head Office of the Union is 575-577 North Circular Road, Dublin D01 TR53, or at such other place as the National Executive Council may decide.
3. The principal objects of the Union are, in general, the organisation of employees in the Communications Industry and any other employments as determined from time to time by the National Executive Council, and in particular:
  - (a) to recruit and organise workers in the communications industry;
  - (b) to protect and promote the interests of our members;
  - (c) to protect, maintain and improve pay, benefits and conditions of our members in their job;
  - (d) to provide benefits to the members in accordance with these Rules;
  - (e) to regulate relations between employers and our members, and between workers and workers;
  - (f) to provide relevant labour, social and political education and training to our members;
  - (g) to promote the interest of our members by affiliating or cooperating with organisations with similar aims;
  - (h) to settle disputes between the Union and our members;
  - (i) to actively campaign for legislation to protect and improve the interests of our members;
  - (j) to properly manage the finances of the Union to meet the aims above in the interest of our members;
  - (k) to promote justice and equality in the workplace and wider community.
  - (l) to allow contributions be made at the absolute discretion of the National Executive Council from the Central Fund of the Union, to any party political or parties, in the furtherance of political objectives which are in the interest of the members of the Union, and other than those as set out in the Trade Union Acts 1871-1990.

## **1.2 Authority within the Union**

The ultimate authority within the Union is the will of the general membership as expressed at Biennial Conference, Special Delegate Conference or by Referendum of the membership organised by the National Executive Council.

# **Rule 2 MEMBERSHIP**

## **2.1 ENTRY INTO MEMBERSHIP**

1. Membership of the Union is open to anyone who accepts the principles, objectives and aims of the Union.
2. An application for membership must be signed by any Branch Officer who is authorised to do so by the National Executive Council.

3. All written membership applications must be made on an official form. All digital membership applications must be made through the online join portal. Both are processed in the same manner, with the National Executive Council having the final decision on acceptance into the Union.
4. The National Executive Council has the power to instruct a Branch to refuse admission to the Union, or to cancel the membership of any person who, in its opinion, is not desirable as a member of the Union and/or does not accept the principles, objects and aims of the Union.
5. The National Executive Council may cancel the membership of any member that has been obtained by misrepresentation and to return all or part of the contribution(s) paid by that member.
6. An applicant for membership who is rejected by a Branch may apply to the National Executive Council for admission to membership. If admission is accepted by the National Executive Council, it has the power to prohibit that person from holding any office in the Union following their admission for any given time.
7. The Union does not discriminate on any ground in determining acceptance to membership of the Union.

## **2.2 NEW MEMBERS**

1. Each new member will be issued with a Membership Card, a copy of the Rules of the Union and a Union Badge.
2. New members will be assigned to an existing Branch (where possible) and the contact details for their Branch Secretary will be provided. Once processed, the Branch Secretary will also be notified of any new members.
3. A member of a Branch may transfer to another Branch once each Branch Secretary has consented to the transfer and it has been approved by the National Executive Council. The National Executive Council may also approve a transfer from one Branch to another in certain circumstances and at its sole discretion.

## **2.3 MEMBERSHIP CATEGORIES & CONTRIBUTIONS**

1. Regular contributions will be paid by all members of the Union in accordance with the following scales:

**Scale A:** 1% of basic pay plus €0.13 per week paid through Deduction at Source. This includes a contribution of 20% to the Social Benefit Fund, €0.13 to the Distress Fund and €0.13 to the Charitable Fund.

**Scale B:** 1% of basic pay plus €0.26 per week paid through Deduction at Source. This includes a contribution of 20% to the Social Benefit Fund, €0.13 to the Distress Fund.

**Scale C:** 1% of basic pay per week paid through Deduction at Source. This amount includes a contribution of 20% to the Social Benefit Fund and €0.13 to the Distress Fund.

A maximum weekly ceiling amount for Scale A, B and C subs is agreed by the National Executive Council, which has the sole power to change this rate from time-to-time.

**Scale D:** Contributions by members paid monthly through Direct Debit or online Standing Order in accordance with Rule 2.3.5, are divided into the following categories, with the National Executive Council agreeing the applicable rates:

- D1:** Managerial
- D2:** Non-Managerial/Contractor/Engineers
- D3:** Call Centre/Customer Care/Retail
- D4:** Temporary/Part-Time

The National Executive Council has the sole power to change the rates for the Scale D membership categories from time-to-time.

**Scale R:** Retired members will pay a nominal contribution of €1 per week through Deduction at Source, OR €4.16 per month through Direct Debit, OR €50 per year in cash or by cheque/postal order.

**Scale T:** Members in a transitional position, such as Career Break or unpaid Sick or Statutory Leave greater than 26 weeks may choose to maintain their Union membership for the purpose of availing of a range of limited benefits. Transitional members will pay €8.32 per month through Direct Debit OR €100 per year in cash or by cheque/postal order.

**Scale U:** Unemployed members will pay a nominal contribution of €4.16 per month through Direct Debit or online Standing Order.

Every Member shall pay contributions in accordance with the scale to which the person is assigned by the National Executive Council.

2. A member is considered to be “In Benefit” after eight (8) weeks’ contributions have been paid in accordance with these Rules.
3. After 52 weeks’ Union contributions members of Scales A, B & C may be entitled to the full range of benefits set out in Rule 10. Members in Scales R, T & U may be entitled to a limited range of benefits under Rule 10.
4. Any member who is not in receipt of pay because of certified illness or injury, or who is on unpaid Statutory Leave, is considered to be an “In Benefit” member and is exempt from paying weekly contributions, subject to a maximum of 26 continuous weeks.
5. The National Executive Council has the sole discretion to determine the union subscription rates.
6. The National Executive Council has the power to impose a special levy on some or all of the membership to augment any of the Funds provided for under these Rules or for any other purpose deemed to be appropriate by the National Executive Council.

## **2.4 CESSATION OF MEMBERSHIP**

1. A member in arrears of eight (8) weeks' contributions or more is deemed to be a lapsed member and is not entitled to have representations made on their behalf or avail of the benefits provided under these Rules. This is exclusive of members who are not in receipt of pay as a result of unpaid Sick or Statutory Leave less than 26 continuous weeks.
2. Any member whose contribution is thirteen (13) weeks' or more in arrears or who has failed to pay in full any levy imposed under Rule 2.3.6 and/or Rule 3.4.3 is deemed to have ceased their membership of the Union. A member may re-join at the sole discretion of the National Executive Council.

## **2.5 RETIRED MEMBERSHIP**

1. Retired employees of the companies organised by the CWU are eligible for membership of the Union subject to the following:

A Retired Member is bound by the Rules and will be allocated to a particular Branch in accordance with Rule 3.1;

Membership fees and benefits for Retired Members are those which are set out in the Retired Members' Benefits Handbook as amended and updated by the National Executive Council from time to time.

## **2.6 OBLIGATIONS OF MEMBERS**

1. By accepting membership of the Union, every member agrees to be bound by these Rules and any alterations or amendments that may be made, from time to time, as provided for under Rule 12.

## **2.7 DISCIPLINARY ACTION**

1. A member who is considered to have consciously acted in a manner contrary to these Rules and/or the CWU Code of Conduct, as agreed by the National Executive Council, may be:
  - (a) Prohibited from attending Union meetings for a given period
  - (b) Removed or suspended from office, prohibited from holding office or participating in any way in Branch or Union administration for a given period;
  - (c) Deprived of some or all of the benefits of membership for a given period;
  - (d) Suspended from membership for a given period;
  - (e) Expelled from membership of the Union.
2. The Branch Committee or National Executive Council may impose one or more of the sanctions referred to above following a thorough investigation of the allegations of misconduct. The procedure for investigations is set out separately in the CWU Code of Conduct.
3. A member who has an allegation of misconduct made against them under Section 1 of this Rule will be given written notice to be sent by registered post. The notice will also state the details of the allegation, the time, date and place set for the hearing of the case, which the member will be invited to attend. The member may choose to submit a defence in writing instead of attending the hearing.



## **2.8 APPEALS/GRIEVANCES**

1. Any member with a grievance against a Branch or who is in receipt of a disciplinary sanction from the Branch Committee (under Rule 2.7) may appeal in writing to the National Executive Council, provided the appeal is received in Union Headquarters not later than 21 days after the sanction is notified to the member by the Branch Officers. The appeal will be considered by the National Executive Council and the decision, once made, will be final subject to Rule 2.8.2.
2. Any member with a grievance against Union Headquarters or the NEC, or who is in receipt of a disciplinary sanction from the National Executive Council (under Rule 2.7), may serve notice of appeal in writing to the National Executive Council, provided the appeal is received in Union Headquarters not later than 21 days after the sanction is notified to the member by the National Executive Council.. The appeal will be heard by a committee appointed by the Irish Congress of Trade Unions. Any decision from the appeal is final.

## **2.9 UNION BADGE AND SCROLL**

1. A Union badge will be issued to each member on joining the Union and thereafter from time to time as agreed by the National Executive Council.
2. A Branch may request an “In Benefit” member who has twenty (20) years’ continuous membership be presented with a Silver Badge of the Union.
3. A Branch may request an “In Benefit” member who has thirty (30) years’ continuous membership be presented with a Gold Badge of the Union.
4. A Branch may request that an “In Benefit” member be presented with a scroll of the Union on their permanent retirement from employment.

## **2.10 MEMBERSHIP RECRUITMENT**

1. Notwithstanding any other provision of these Rules, the National Executive Council shall be empowered, at its absolute discretion, to:
  - (a) create Branches, Sections or workplace representative structures in order to assist in recruitment outside of traditional areas;
  - (b) make any special provision it regards as desirable, as regards benefits for such Members;
  - (c) set special contribution rates for such Members and arrange transfer of membership for all Members with special contributions rates, if considered desirable;
  - (d) make all the necessary organisational, financial and other arrangements considered necessary to assist the recruitment process.

# **Rule 3 BRANCHES AND SECTIONS**

## **3.1 BRANCHES**

1. The Union is divided into Branches. Members are allocated to different Branches as decided by the National Executive Council. A member cannot belong to more than one Branch.

2. This Branch can establish one or more Sections and allocate the Branch members to particular Sections. The members concerned have the right of appeal to the National Executive Council on any decision of the Branch either to establish Sections or not to do so.
3. The National Executive Council can, at the request of a Branch, or on its own initiative, dissolve a Branch and transfer its members to one or more other Branches.
4. Any Branch whose continued operation has proved unsatisfactory or which has become unsustainable, and is either amalgamated or abolished on the sole initiative of the National Executive Council, has the right of appeal at the next Biennial Conference.

## **3.2 BRANCH BUSINESS**

1. The business of every Branch is:
  - (a) to protect and promote the interests of its members;
  - (b) the recruitment and organising of new members;
  - (c) communication with members, including the circulation of Union circulars and correspondence;
  - (d) dealing with grievances and issues at local level;
  - (e) seek to ensure management compliance with agreements (where applicable);
  - (f) implementation of policy as decided by the National Executive Council, and/or by the Biennial or Special Delegate Conference;
  - (g) all other business within the aims of the Union that the Branch may decide, or may be instructed by the National Executive Council, to undertake.
2. In addition to any regular Branch Committee meetings as outlined in the Branch Standing Orders, each Branch must hold an Annual General Meeting before the last day of February each year, which every "In Benefit" member of the Branch is entitled to attend. The Branch Secretary will publish a notice to the Branch members stating the place, date and time of the Annual General Meeting. In addition, this notice should also seek nominations for the Branch Officers, Branch Committee, NEC and Standing Orders Committee, and that these nominations should be sent to the Branch Secretary at least one (1) week before the AGM. Details of the AGM must be forwarded to Union Headquarters at least fourteen (14) days in advance of the meeting.
3. The Branch Treasurer must, as soon as possible after the 31st December each year, prepare a financial statement of the income and expenditure of the Branch for the preceding calendar year. The audited financial statement, prepared in accordance with the separate Guidelines for Treasurers, must be presented by the Branch Treasurer to the Branch Committee and to the Annual General Meeting. A copy must be sent to the General Secretary following approval of the financial statement at the Annual General Meeting.
4. The Branch Secretary must prepare and present a Branch Annual Report detailing the activities of the Branch and Section(s) during the year to the Branch Committee and the Annual General Meeting, copy of which must be sent to the General Secretary following the Annual General Meeting.
5. A Special General Meeting of a Branch may be held whenever the Branch Committee considers it necessary or whenever the National Executive Council instructs so. A Special General Meeting may also be called by the Branch members. In such circumstances, the Branch Secretary must

be notified in writing, stating the business to be considered and signed by not less than 50% of the members of the Branch.

6. Each Branch will adopt Standing Orders approved by the National Executive Council governing the conduct of the Branch and Committee.

### **3.3 BRANCH OFFICERS AND COMMITTEE**

1. The business of each Branch is administered by the Branch Officers, subject to the control of the Branch Committee.
2. All Branch Officers must be “In Benefit” members of the Union for the twelve (12) months prior to election.
3. Nominations for the appointment of Branch Officers and members of the Branch Committee should be in line with Rule 3.2.2. Late nominations should only be accepted if there are no other nominations for the position. No nominations should be accepted from the floor of the AGM unless there are no nominations for the position. The list of all nominees should be published in advance of the AGM.
4. The Standing Orders of the Branch determines the size and method of representation of groups, and the size and method of election of the Branch Committee.
5. The National Executive Council has the power to waive or vary the conditions for the appointment of Branch Officers and Branch Committee in the event of the formation, reorganisation or re-establishment of a Branch.
6. The Branch Committee may suspend from office any member of a Branch Committee or Branch Officer, or recommend removal from Office, at a Special Branch Meeting convened for that purpose. Any person suspended or removed from office has the right to appeal to the National Executive Council which may confirm the suspension or removal, or reinstate the person, subject to conditions set by the National Executive Council.
7. The National Executive Council shall have the power to suspend or remove from office a Branch Officer or member of a Branch Committee and to make any arrangements necessary in accordance with these Rules for filling the vacancy created. Any person suspended or removed by decision of the National Executive Council has the right of appeal to Biennial Conference.
8. The Branch Chairperson, or in their absence, the Vice-Chairperson or person properly appointed to act, shall preside at all Branch meetings and Branch Committee meetings, and see that such meetings are conducted in accordance with the Rules of the Union and the Branch Standing Orders and sign all approved minutes of the meetings.
9. The Branch Secretary, in addition to the duties specified in the Rules herein, shall also be responsible for the effective administration of the Branch, liaison with Union Headquarters and for the conduct of the business of the Branch, as instructed by the Branch Committee and National Executive Council in accordance with the Rules.
10. A Branch may appoint Branch Representatives for specified purposes including representation on local trade union bodies or management/Union Committees. Such Branch Representatives should be elected in accordance with the provisions of the Branch Standing Orders. Such Branch Representatives may be removed by the Branch Committee subject to at least fourteen (14) days’ notice being given. Any person removed has the right of appeal to the National Executive Council.

### **3.4 BRANCH FUNDS**

1. Scale B Branches will receive a rebate of 15% of the variable Union contributions made by each member of the Branch, to be paid into the Branch account quarterly in arrears. These funds are to cover the general cost of operating the Branch and subject to the overall control of the National Executive Council.
2. Scale A and Scale C Branches will receive a Branch Running Cost Grant, as determined by the National Executive Council, to be paid into the Branch account annually, following receipt of the financial statement as per Rule 3.2.3.
3. A Branch Committee has the power to propose a levy on the members of that Branch. Any such levy or increase thereof must be agreed to by the members of that Branch at the AGM or at a Special Meeting of the Branch called for that purpose. Members should be advised in advance of any proposal to either introduce or increase a levy. Such levy or any increase thereof will only take effect when ratified by the National Executive Council.
4. All Branch funds are deemed to be the funds of the Union and must be returned to the General Secretary in the event of a Branch being dissolved, withdrawing, or seceding from the Union.

### **3.5 SECTIONS**

1. Each Section is administered by a Section Secretary, Chairperson and Section Committee consisting of not less than five members of the Section, under the direction of the Branch Secretary. The Secretary, Chairperson and Section Committee are elected annually by the members of the Section in accordance with Branch Standing Orders and these Rules. Every Section Committee will meet not less than once each quarter, or whenever the Section Officers think necessary.
2. A Special Section meeting must be called as soon as possible after the receipt written request signed by 50% of the members of the Section. The letter must state the purpose of the meeting. The Section Secretary will forward a copy to the Branch Secretary immediately upon receipt of same.
3. The National Executive Council has the power to waive or vary the conditions for the appointment of Section Officers and Committee in the event of the formation, reorganisation or re-establishment of a Section.
4. The business transacted at a Section meeting is confined exclusively to the affairs of the Section unless the Branch expressly require some specific items of general Branch business to be transacted at Section meetings.
5. The Branch Officers and any other person authorised by the Branch Committee are entitled to attend and take part in the proceedings of any Section meeting, but are not entitled to vote unless qualified to do so as a member of the Section. The Section Secretary controls the affairs of the Section subject to the supervision of the Section Committee, the Branch Secretary and the Branch Committee.
6. The National Executive Council can, at the request of a Branch, or on its own initiative:
  - (a) abolish all or any of the Sections in a Branch; or
  - (b) amalgamate two or more Sections into one Section.

Any Section whose continued operation has proved unsatisfactory or which has become unsustainable, and is either amalgamated or abolished on the sole initiative of the National Executive Council, has the right of appeal at the next Biennial Conference.

## Rule 4 CONFERENCES

### 4.1 BIENNIAL CONFERENCE

1. A Biennial Conference will be held every two (2) years. The date, place and time of the Biennial Conference is determined by the National Executive Council. All Branches are entitled to be represented at the General Conference and at the sessions of the Sectoral Conferences appropriate to its membership.

Branch representation at Biennial Conference is based on the "In Benefit" membership of Branches as at 31st December of the year prior to Biennial Conference.

2. Branch representation at Conferences is determined on the following basis:

*1 – 50 "In Benefit" Members = 1 Delegate*

*51 – 100 "In Benefit" Members = 2 Delegates*

*1 Delegate for each complete 50 "In Benefit" members up to 200 and 1 Delegate for each complete 100 "In Benefit" members thereafter.*

*Branches with over 400 members are allowed one additional Delegate and Branches with over 1,000 members are allowed two additional Delegates above and beyond that provided for in the above formula.*

Delegates are elected by the Branch in accordance with Branch Standing Orders as agreed by the National Executive Council.

3. Branches must, when electing Delegates, also elect a Substitute Delegate or Delegates. The names of the Delegate(s) and Substitute Delegate(s) appointed to attend the Conference must be notified to the General Secretary not later than the date agreed by the National Executive Council for that purpose.
4. No person who is a General Officer of the Union or a member of the National Executive Council is eligible to represent a Branch at Biennial Conference or at a Special Conference.
5. The date, place and time of Biennial Conference will be notified to Branches not less than four (4) calendar months beforehand. The notice of the Conference will specify the latest dates for the receipt of nominations for the election of members to the National Executive Council and members to the Standing Orders Committee, and for the receipt of Motions and Amendments for consideration by the Conference.
6. Branches may submit Motions and Amendments to Motions for the Conference agenda in accordance with the numbers prescribed below:

*Branches with 1-100 "In Benefit" Members – 2 Motions & 2 Amendments to Motions;*

*Branches with over 101-200 "In Benefit" Members – 3 Motions & 3 Amendments to Motions;*

*Branches with over 201- 500 "In Benefit" Members – 4 Motions & 4 Amendments to Motions;*

*Branches with 501-1,000 "In Benefit" Members – 5 Motions & 4 Amendments to Motions;*

*Branches with over 1,000 "In Benefit" Members – 6 Motions & 4 Amendments to Motions.*

7. All Motions and Amendments to Motions must be submitted to the General Secretary on or before the dates set for this purpose by the National Executive Council.
8. A copy of the Final Agenda and the National Executive Report to Biennial Conference will be circulated to all Branches and Delegates not later than fourteen (14) days before the date of the Conference.
9. During the days appointed for the meeting of Biennial Conference, the General Conference will commence on the first day and the Sectoral Conferences will hold their respective meetings concurrently on the second day. The General Conference will resume its meeting on the third day, these times subject to change, if required, by decision of the National Executive Council.
10. Business of Conference

Biennial Conference will deal with the following matters as appropriate:

- (a) The Order of Business of the General Conference is the submission by the Standing Orders Committee of the Standing Orders Reports, which will, on acceptance, govern the proceedings of the General Conference thereafter;
- (b) The confirmation of Minutes of the General Sessions of the preceding Biennial Conference and of any preceding Special Conferences;
- (c) The consideration of the Biennial Report of the National Executive Council and of all matters dealt with under the appropriate sections of the Biennial Report.
- (d) A Supplementary Report providing a status update on Motions passed at previous Conferences;
- (e) To consider the Accounts of the Union and any associated Supplementary Reports;
- (f) The election of the National Executive Council, Standing Orders Committee and ratification of Officers of the Union, as necessary;
- (g) The election of President and Vice-President who must be members of the incoming National Executive Council;
- (h) Consider amendments to Rules of the Union as permitted by Rule 12;
- (i) Consideration and settlement of any other business which is properly before the Conference.

## **4.2 SPECIAL CONFERENCE**

1. A Special Conference may be held whenever it is deemed necessary to do so by the National Executive Council or by decision of Biennial Conference. A Special Conference will deal only with the specific business for which it is convened.
2. Unless otherwise decided by the National Executive Council, at least one (1) calendar months' notice will be given to all Branches of any Special Conference.
3. Branch representation at Special Conferences is based on the same provisions as applied to Delegates attending the Biennial Conference and as provided for in the Branch Standing Orders sanctioned by the National Executive Council.

## **4.3 SECTORAL CONFERENCES**

1. The order of business of Sectoral Conferences is:
  - (a) To consider the submissions of the Standing Orders Committee of the Standing Orders

Reports, which will, on acceptance, govern the proceedings of the Sectoral Conferences thereafter;

- (b) Consideration of the Executive Committee Report and proposals submitted by Branches appropriate to be considered by the particular Sectoral Conference;
- (c) To deal with any other business which may be properly brought before the Conference.

#### **4.4 CONFERENCE STANDING ORDERS**

1. The proceedings of every Biennial and Special Conference will be conducted in accordance with Standing Orders.
2.
  - (a) The Standing Orders Committee will consist of six (6) members and will be elected from nominees submitted by Branches by Card Vote, based on the "In Benefit" membership of the Branches represented, in which the full number of vacancies shown on the ballot paper must be voted for otherwise the ballot paper will be spoiled and the votes lost.
  - (b) The Standing Orders Committee will be ordered in such a manner as to ensure that a minimum of two (2) members will be subject to election at the General Session of Biennial Conference every two (2) years. The nominees getting the highest vote in the election will be substitute members of the Committee.
3. Nominations of members for election to the Standing Orders Committee may be made by any Branch. A Branch may only nominate one of its own members. Any member so nominated must be a Delegate to Biennial Conference, a retiring National Executive member or an outgoing Standing Orders Committee member.
4. A member of the Committee is not eligible to be selected as a Delegate for any Branch to any Conference while a member of the Standing Orders Committee.
5. There will be Sectoral Conference Standing Orders Committees for Sectoral Conferences. The members of these Standing Orders Committees will be members of and chosen by the General Conference Standing Orders Committee.
6. The Standing Orders Committee is not subject to any control by, or direction of, the National Executive Council in regard to its duties as set forth in this Rule.
7. The General Conference Standing Orders Committee will elect from within itself a Chairperson and Vice-Chairperson. The Committee will meet prior to and during Conference and will report as often as necessary. Their duties will include:
  - (a) Verify and report on the credentials of Delegates;
  - (b) Examine Motions and Amendments submitted by Branches and nominations for election and report whether or not they are in order;
  - (c) Cooperate with Branches submitting Motions and Amendments in order that composite Motions may be obtained and agreed whenever possible;
  - (d) Prepare Standing Orders for the government of the proceedings of the General Conference, submit all decisions of the Committee by way of report to the General Conference for adoption.
8. In discharge of their duties the Sectoral Conference Standing Orders Committee will:
  - (a) Prepare Standing Orders for the government of the proceedings of the Sectoral Conferences;
  - (b) Arrange the Agenda of the Sectoral Conferences, in consultation with Union Headquarters,

that the proposals from the Branches may be readily associated with the relevant sections (if any) of the National Executive Committee Report prepared for consideration by the Sectoral Conferences.

9. All decisions of the Sectoral Conference Standing Orders Committee will be collated into reports and submitted to the Conference for approval.

## **4.5 TELLERS**

1. Two (2) Delegates or such other numbers as may be agreed upon at the time of election will be elected by roll call to act as Tellers, whose duty is to count and record the votes on every occasion on which a division is taken.
2. Their decision as to the number recorded on any vote is final. In cases where the Tellers disagree, the Chairperson will order a recount.

## **Rule 5 NATIONAL EXECUTIVE COUNCIL**

1. The National Executive Council will consist of up to a maximum of thirty-two (32) members – up to a maximum of sixteen (16) from the eComms sector within the Union and up to a maximum of sixteen (16) from the Postal/Courier sector within the Union.
2. The National Executive Council is elected by means of a ballot at the Biennial Conference of the Union, with the election taking place on the first day of Conference.
3. The structure of the National Executive Council will be as follows:

*(a) eComms Sector*

Up to a maximum of sixteen (16) members from the eComms sector as determined by the following formula:

Seven (7) seats for the first 2,500 “In Benefit” members within the eComms sector

One (1) additional seat for each complete 300 members, up to 4,000 “In Benefit” members

One (1) additional seat for each complete 500 “In Benefit” members above 4,000

The election for the eComms sector will be so ordered to ensure:

One (1) Reserved Seat – Managers

Proportional representation based on gender will be applied in that the election must result in the selection of at least 20% of either gender on the panel.

*(b) Postal/Courier Sector*

Up to a maximum of sixteen (16) members from the Postal/Courier sector as determined by the following formula:

Seven (7) seats for the first 2,500 “In Benefit” members within the Postal/Courier sector

One (1) additional seat for each complete 300 members, up to 4,000 “In Benefit” members

One (1) additional seat for each complete 500 “In Benefit” members above 4,000

The election for the Postal/Courier sector will be so ordered to ensure:



One (1) Reserved Seat – Private Sector

One (1) Reserved Seat – Managers

Proportional representation based on gender will be applied in that the election must result in the selection of at least 20% of either gender on the panel.

4. Day to day business will be conducted by sub-groups of the NEC comprised of NEC members from the eComms sector and Postal/Courier sector. These sub-groups of the NEC will have autonomy to take decisions relating to their own area. These sub-groups can meet as one overall sectoral group or, where applicable, separately based upon company-specific or issue-specific matters.
5. The voting system will be based on a straight block vote with each sector voting for nominees from its own sector in relation to the composition of the NEC.
6.
  - (a) In the Postal/Courier sector there will be a maximum of two (2) nominees per Branch, with two (2) additional nominees permitted from Branches for the Reserved Seats for Women.
  - (b) In the eComms sector there will be a maximum of one (1) nominee per Branch, with an additional one (1) nominee permitted from Branches for the Reserved Seats for Women.
7. Nominations of persons for election to the National Executive Council will be made by the member's Branch. Any person nominated must have one (1) year's continuous "In Benefit" Membership of the Union and must be a Branch Delegate attending the Conference or an outgoing National Executive Council member. Nominations must be notified in writing by the Branch Secretary on the appropriate form, signed by the nominee, to the General Secretary within the time fixed by the National Executive Council in accordance with the Rules. No full-time Officer or employee is eligible to be elected or act as a member of the National Executive Council.
8. The method of election is by Card Vote based on the membership of the Branches represented. Each Branch votes for nominees within its own sector only. Each Branch casts the maximum number of votes in their respective sector in accordance with Rule 5.3.
9. The members of the National Executive Council elected at Biennial Conference enter into office at the conclusion of that Conference.
10. Vacancies which occur on the National Executive Council between Biennial Conferences will be filled by co-opting either the unsuccessful candidate from the particular sector who received the next highest number of votes at the previous Conference or, where such procedure relates to a Reserved Seat, by co-opting the unsuccessful candidate for that seat who received the next highest number of votes.
11. The administration and general management of the Union's business at all times other than the actual sessions of Biennial Conference and subject to these Rules is vested in the National Executive Council.
12. The National Executive Council may remove any member of the National Executive Council if it is of the opinion that such a member acted contrary to the best interests of the Union. Any member so removed will have the right of appeal to the next Biennial Conference.
13. The National Executive Council will direct the General Officers of the Union and make arrangements as it thinks fit for the discharge of duties of any General Officer who has been granted leave of absence or who is incapacitated by reason of ill health or other cause.

14. The National Executive Council is the final authority in the interpretation of the Rules of the Union and is empowered to make decisions in areas where these Rules are silent, subject to the right of appeal by any Branch to the next Biennial Conference.
15. The National Executive Council will meet at least eight (8) times per calendar year and at such other times as the President and the General Secretary may deem it necessary for the fulfilment of the Union's business. All meetings of the National Executive Council will be conducted in accordance with its Standing Orders.
16. The National Executive Council may appoint Committees and delegate to them such powers as it thinks fit.
17. The National Executive Council has the ability to co-opt members in circumstances where such members are representatives from areas which are of strategic importance to the Union, and only where the NEC agrees to such co-option.

Co-option may, where the NEC sees fit, occur on the basis that the co-opted member(s) attend the NEC meetings as non-voting observers.

Co-option, where it does occur, is only valid for the remaining term of the NEC, i.e. until the next Biennial Conference.

## **Rule 6 THE PRESIDENT AND VICE-PRESIDENT**

1. The President and Vice-President of the Union will be elected at Biennial Conference.
2. Those eligible to be elected as President or Vice-President must be members of the newly elected National Executive Council.
3. The President and Vice-President of the Union will consist of one individual from the eComms sector and one individual from the Postal/Courier sector and, when elected, will be deemed to be the Chairperson of their respective sectors.
4. The position of President and Vice-President will alternate between the eComms sector and the Postal/Courier sector.
5. The President will preside at the following Biennial Conference or any Special Conference and at all meetings of the National Executive Council and will have a casting vote when votes are equal.
6. In the event of the President, through illness or other cause, being unable to attend Conference or National Executive Meetings, the Vice-President will preside and have the same powers as the President.

## **Rule 7 GENERAL SECRETARY AND OFFICERS**

### **GENERAL OFFICERS**

1. The General Officers of the Union will at all times seek to advance and maintain the policy of the Union.

2. All vacancies for General Officers of the Union will be advertised by GS Circular and may be advertised in the National Press at the discretion of the National Executive Council, such advertisements to give full details of the conditions and requirements of the post. Appointments made by the National Executive Council will be subject to ratification by the following Biennial Conference.
3. In the event of any office becoming vacant, the National Executive Council may, if it so desires, appoint a person to act for such a period as it deems fit, provided the period does not extend beyond sessions of the following Biennial Conference.
4. Any General Officer may be removed by the National Executive Council if it is of the opinion that the Officer is in breach of their contract of employment with the Union. The matter will be dealt with according to the CWU Grievance & Disciplinary Procedure and the Officer will be afforded the opportunity to refute any allegations, if necessary, by appeal to Biennial Conference.

## **7.2 GENERAL SECRETARY**

1. The General Secretary is the Chief Executive Officer of the Union and will deal with all administrative and secretarial matters relating to the Union, including the general supervision and control of all the business of the Union.
2. The General Secretary will also:
  - (a) Attend all meetings of the National Executive Council;
  - (b) Organise the Union Membership and matters generally;
  - (c) Negotiate and represent the Union on all such matters;
  - (d) Convene and attend all Conferences of the Union and prepare and present the National Executive Reports to each Biennial Conference;
  - (e) The General Secretary may assign a Union employee to oversee:
    - (i) the keeping of the Accounts of the Union;
    - (ii) the receipt and lodgements in the name of the Trustees of all monies received by the Union in such Banks as may be determined by the National Executive Council;
    - (iii) the preparation and arrangement of the Union's Accounts for audit by a Chartered Accountant appointed by the Trustees;
    - (iv) the preparation of quarterly statement of Accounts for the National Executive Council or a Committee appointed by the National Executive Council;
    - (v) the preparation of a report on the Accounts and Finances of the Union for Biennial Conference.

## **7.3 DEPUTY GENERAL SECRETARY**

The Deputy General Secretary will assist the General Secretary, generally, in the duties assigned to their office and fulfil such duties in regard to the business of the Union as may be assigned to them under the direction and control of the General Secretary.

## **7.4 NATIONAL OFFICERS**

The duties of National Officers are to assist the General Secretary, generally, and to fulfil such duties as may be assigned to them under the direction and control of the General Secretary.

## **7.5 REMUNERATION OF GENERAL OFFICERS, NATIONAL EXECUTIVE COUNCIL MEMBERS AND MEMBERS**

1. The remuneration of the General Secretary and other General Officers of the Union will be provided for by agreement to be entered into between them respectively and the National Executive Council.
2. General Officers, members and employees of the Union will be entitled to receive remuneration, subsistence allowance and travelling expenses while on the business of the Union in accordance with arrangements approved by the National Executive Council and set out in the CWU Travel Policy.

## **7.6 SUPERANNUATION FUND**

1. The National Executive Council has established a Superannuation Fund into which the Union contributes such sums as the National Executive Council, in consultation with the Trustees of the Superannuation Fund, deem necessary for making provision for the payment of Superannuation benefits to Officers and employees of the Union.
2. Such sums are charged to the General Fund of the Union. All sums contributed to the Superannuation Fund by the National Executive Council in accordance with this Rule and all other sums paid or transferred to the Fund are vested in the Trustees of the Superannuation Fund and will be held and applied by the Trustees of the Superannuation Fund in accordance with the terms of the Superannuation Scheme.

## **Rule 8 TRUSTEES**

1. There will be four (4) Trustees of the Union, appointed by majority vote of the National Executive Council. The Trustees of the Union shall hold office for four (4) years. Any Trustee of the Union may be removed from office by the National Executive Council on a majority vote, subject to the right of appeal to the next Biennial Conference.
2. In the event of a Trustee being removed from office, or becoming, for any cause, incapable of acting, or unwilling to act as such, or resigning, another Trustee will be appointed by the National Executive Council to fill the vacancy. Pending the filling of the vacancy, the remaining Trustees will continue to act as the Trustees of the Union in all matters.
3. All Deeds, Documents of Title and Securities for running of the Union will be held by the Trustees and they may take such measures for the safe custody and preservation thereof at the expense of the Union as they think fit. They are responsible for the safe custody of all such Deeds, Documents or Securities as are placed in their hands or under their control and will produce them when required by a resolution of a Biennial or Special Conference or of the National Executive Council, or when required by the Auditor.
4. It is the duty of any Trustee who has resigned, or on being removed from office, to execute such documents and to take all such other steps as may be necessary to vest in the Trustees all Securities and other properties held by them on behalf of the Union.
5. No Trustee will invest any part of the funds of the Union on the security of their own property or otherwise than in accordance with the law.

6. The Union and its members will fully indemnify all Trustees duly and lawfully making investments, prosecuting or defending any action, suit, prosecution or complaint in any court of law concerning property, right or claim to property of the Union under the direction and with the consent of the National Executive Council.
7. The Accounts of the Union will be audited annually by a public auditor or other qualified accountant appointed by the Trustees. A copy of the Auditor's Report will be presented to each Biennial Conference and sent to each Branch and member of the National Executive Council.
8. Every person having an interest in the funds of the Union may, at any reasonable time, inspect the books of the Union and the roll of members of the Union.

## **Rule 9 FUNDS AND PROPERTY**

1. All property acquired, or to be acquired by, or on account or on behalf of the Union, real or personal, including Trustees authorised investments and interest thereon, entrance fees, contributions and monies received payable or due is the property of the Union and will be held in trust by the Trustees of the Union.
2. All funds and monies paid into the Union will be lodged in a Bank or Banks approved by the National Executive Council and will be held for and devoted to the purposes provided for by the Rules and to the expenses incurred in carrying them out.
3. The National Executive Council may create funds other than those provided for in these Rules and make provisions for their collection, allocation and disbursement, all of which will be subject to approval by the next Biennial Conference following the setting up of such funds.

## **Rule 10 UNION BENEFITS AND FUNDS**

### **10.1 SOCIAL BENEFIT FUND**

1. The National Executive Council established a "Social Benefit Fund" which is financed by an amount equal to 20% of each Scale A, B & C members' basic contribution. The National Executive Council will arrange for the transfer from time to time from the Central Fund all monies so apportioned to a separate account known as the Social Benefit Fund. The Social Benefit Fund will comprise three schemes:
  - (a) Sickness Benefit Scheme
  - (b) Mortality Grant Scheme
  - (c) Hardship Grant Scheme
2. The National Executive Council will include the Accounts of the Social Benefit Fund for audit each year by a firm of qualified Chartered Accountants and submit these Audited Accounts to Biennial Conference.
3. The administration of the Social Benefit Fund is under the control of the National Executive Council who will elect every two (2) years a Finance Committee to administer the Social Benefit Fund on its behalf.

4. The Finance Committee will meet ahead of the National Executive Council meeting, or as required, with a provision on the agenda to review the operation of the Social Benefit Fund and make recommendations as it thinks fit to the National Executive Council on the operation of the Social Benefit Fund.
5. After 52 weeks' contributions, members of Scales A, B & C may be entitled to the full range of benefits set out in this Rule. Members in Scales R, T and U may be entitled to a limited range of benefits as set out in this Rule.
6. All claims for payment from the Social Benefit Fund must be submitted in writing on the relevant form along with the requisite documentation to the General Secretary for consideration by the Finance Committee.
7. Any dispute arising as a result of the payment or non-payment of a claim from the Social Benefit Fund may be resolved by, and at the discretion of, the Finance Committee subject to final appeal to the National Executive Council.
8. In the event of severe financial strain on the Social Benefit Fund due to civil disorders, an unforeseen level of claims or unforeseen disasters, the Finance Committee, subject to the sanction of the National Executive Council, has the power to limit or defer any or all of the benefits specified in this Rule.

**(A) SICKNESS BENEFIT SCHEME**

1. Subject to these Rules and on production of the requisite documentation, an "In Benefit" member on half pay or less, resulting from illness or injury may be eligible to claim financial assistance from the Social Benefit Fund. Such Sickness Benefit may be paid for a maximum of 12 months in any period of 4 years in accordance with the following scale, based on weekly hours of employment:
  - Full-time up to 37.5hrs €120 per week
  - Part-time (1) up to 30hrs €80 per week
  - Part-time (2) up to 23hrs €40 per week
2. Payments will cease after this period except in the most extreme of hardship circumstances. Appeals for continuation or otherwise of Sickness Benefit outside of this period will be considered on their merits by the NEC Finance Committee, which will make a recommendation to the National Executive Council. The decision of the National Executive Council on such appeals will be final.

Any such payments will be inclusive of payments/grants from other sources including the Medisan Fund.

The Sickness Benefit Scheme is only available to those paying contributions of 1% of basic pay through Deduction at Source (Payroll).
3. In the event that the member is successful in recovering damages at common law or through any other avenue for their accident or illness, then the member must reimburse the Social Benefit Fund in respect of any payments made to them. The member (and/or their legal representative) must provide particulars of the amount recovered to include, where requested, supporting documentation.

**(B) MORTALITY GRANT SCHEME**

1. A member may be paid €635.00 on the death of their spouse or civil partner. The estate of a member may be paid €5,080.00 on their death. A member may nominate during their lifetime to whom the grant, if approved, should be payable.
2. The estate of a Retired Member (as referred to in Rule 2.5) may be paid €1,270.00 on their death. A Retired Member (as referred to in Rule 2.5) may during their life nominate to whom the grant, if approved, should be payable.

**(C) HARDSHIP GRANT SCHEME**

1. Members in financial distress may apply for a Hardship Grant from the Union. Such applications are considered on their merits by the Finance Committee and grants are made in certain limited circumstances subject to the sanction of the National Executive Council.
2. Requests for assistance relating to matters covered by the Scheme must be submitted in writing on the relevant form, with supporting documentation included, to Union Headquarters and the General Secretary will bring such application for consideration by the National Executive Council.

**10.2 CHILDREN'S GRANT SCHEME**

1. In the event of a member's death in service, a sum of €20 per week (paid monthly) may be paid in respect of each child registered with the Scheme, until that child reaches the age of 18 years.
2. To register a child/children with the Scheme, a copy of each child's Birth Certificate must be provided.
3. No payment will be made from the Scheme if:
  - (a) a child has reached 18 years of age
  - (b) a child of a member who died in service and was not registered with the Scheme
4. The National Executive Council, at its sole discretion, may make payments to the legal personal representative of the deceased member, or to the surviving parent/legal guardian in whose care the child is placed, or to the person authorised to receive payment under the Social Welfare Acts in respect of that.
5. The National Executive Council has the power, in accordance with these Rules and the Rules of the Scheme to increase or decrease overall benefits. Due notice of any such alterations will be notified by way of GS Circular to all members of the Union.
6. The National Executive Council may, at any time, discontinue the Scheme. The decision of the National Executive Council on any matter connected to the Scheme (including any matter not provided for in the Scheme) is final.

### **10.3 LEGAL AID FUND**

1. This Scheme, which is funded from the central funds of the Union, provides assistance to “In Benefit” members of the Union in certain circumstances and subject to certain conditions. The initial consultation is free of charge and proceeding with any case thereafter is solely a matter between the member and solicitor. The legal aid covers referrals for matters such as:
  - Offences under Road Traffic Acts
  - Compensation claims
  - Inquests
  - Wills
  - Certain legal advice
2. Requests for assistance relating to matters covered by the Scheme must be submitted, with details of the case, through the Branch/Section Secretary, to Union Headquarters. The case will then be forwarded to the Union’s solicitors.

### **10.4 DISTRESS FUND**

1. The National Executive Council has established a Distress Fund. The Fund is financed by an amount equal to €0.13 per week apportioned from the contributions of Union members for the purposes of relieving distress amongst members of the Union who are “In Benefit” at the time of any industrial action in which they are involved.
2. The National Executive Council will arrange for the transfer from time to time from the Central Fund all monies so apportioned to a separate fund known as the Distress Fund.
3. The administration of the Distress Fund is under the control of the National Executive Council which has full and final authority on whether any particular payment or payments should be made therefrom and if so the amounts and terms of such payment or payments.
4. The National Executive Council has the power, in the event of a serious strain on the Distress Fund, to either stop payments or diminish such payments or close the Fund subject to review by Biennial Conference following such decision. No member will have any claim against the Union or any of its Officers or members resulting from such a National Executive Council decision.

## **Rule 11 INDUSTRIAL ACTION**

1. The provisions of this Rule apply notwithstanding any other provision contained in these Rules.
2. In this Rule the term “strike” and “industrial action” have the same meaning as in the Industrial Relations Act 1990.
3. In this Rule the term “member” has the same meaning as in Rule 2.
4. The provisions of this Rule apply to the jurisdiction in which the Union operates, i.e. Republic of Ireland only.



5. The Union will not organise, participate in, sanction or support a strike or other industrial action without a secret ballot. The entitlement to vote in a ballot is accorded equally to all members who may be called upon to engage in a strike or other industrial action.
6. The Union will take reasonable steps to ensure that every member entitled to vote in the ballot votes without interference from, or constraint imposed by, the Union or any of its members, Officials or employees and, so far as is reasonably possible, that such members be given a fair opportunity of voting.
7. The National Executive Council will have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action, notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Section 8 of this Rule, favour such strike or other industrial action.
8. The National Executive Council will not organise, participate in, sanction or support a strike or other industrial action against the wishes of the majority of the Union's members voting in a secret ballot, except where, in the case of a ballot by more than one trade union, an aggregate majority of all the votes cast, favours such strike or other industrial action.
9. Where the outcome of a secret ballot conducted by the Union, or in the case of ballots conducted by the Union and any number of other trade unions which are affiliated to the Irish Congress of Trade Unions, an aggregate majority of all the votes cast is in favour of supporting a strike organised by another trade union, a decision to take such supportive action will not be implemented by the Union without the sanction of the Irish Congress of Trade Unions.
10. As soon as practicable after the conduct of a secret ballot, the Union will take reasonable steps to make known to its members entitled to vote in the ballot:
  - (a) The number of ballot papers issued;
  - (b) The number of votes cast;
  - (c) The number of votes in favour of the proposal;
  - (d) The number of votes against the proposal;
  - (e) The number of spoiled votes.
11. Nothing in this Rule constitutes an obstacle to negotiations for the settlement of a trade dispute nor the return to work by members of the Union party to the trade dispute, and any decision taken in accordance with the Rule to organise, participate in, sanction or support a strike or other industrial action may be rescinded or amended without the necessity of a further ballot of the members concerned.

## **Rule 12      ALTERATIONS OF RULES**

1. No new Rule will be made or an existing Rule suspended, amended or rescinded, except at Biennial Conference or at a Special Conference convened for that purpose and where a two-thirds majority of those present and voting are in favour, and then not more frequently than every four (4) years, provided always that the Registrar of Friendly Societies is notified of a change in the Union's registered Rules.
2. The National Executive Council is empowered to submit an amendment to any Biennial Conference or Special Conference seeking to suspend, amend or rescind any Rule which required such changes so as to comply with the law or, at their discretion, where it would be deemed to be in the best interests of the Union.

## **Rule 13      DISSOLUTION OF UNION**

1. The Union may be dissolved at any time by the consent of eighty percent (80%) of the members present and voting at a meeting duly summoned for this purpose.
2. This same meeting will decide upon the disposal of the funds of the Union.
3. The dissolution must be notified to the Registrar of Friendly Societies within fourteen (14) days, in the prescribed form.

# NOTES NOT FORMING PART OF THE RULES

Legal obligations of the Union include:

- Notifying the Registrar of Friendly Societies of any change of address of the Registered Office of the Union;
- Notifying the Registrar of Friendly Societies of any change or name or other amendment to the Rules of the Union;
- An annual return made up to the 31st December, audited accounts and a copy of the current registered rules should be filed with the Registrar not later than 1st June of the following year. (Section 16 Trade Union Act 1871 refers.)

## **Policies referred to but not contained within these Rules:**

1. CWU Code of Conduct
2. CWU Grievance & Disciplinary Procedure
3. CWU Travel Policy



