

# RULES OF THE FINANCIAL SERVICES UNION

## **Name and Head Office**

**1** This trade union (referred to subsequently in this document as “the Union”) shall be known as the Financial Services Union.

**2** The registered office of the Union shall be at One, Stephen Street Upper, Dublin 8, DO8 DR9P or at any other place that the General Council may decide.

## **Aims**

**3** The aims of the Union shall be:

(a) to organise workers in financial services and related sectors in order to provide effective representation in their relations with their employers, with the regulatory authorities and with State agencies – with a view to ensuring that they share in the rewards of their work by:

- i. safeguarding and expanding opportunities for employment as far as possible;
- ii. protecting and improving their salaries, pensions and conditions of employment as far as possible;
- iii. ensuring that their working environment is as safe and secure as possible;
- iv. providing support in cases of unfair treatment by their employers; and
- v. assisting in seeking compensation in the event of loss of employment.

(b) to develop the organisation of its members in order to encourage their participation in the affairs of the Union, to develop their understanding of developments within their own workplace and to enhance the Union’s influence in terms of collective bargaining and representation generally;

(c) to provide a means for the expression of its members’ collective opinion on matters affecting their interests or relevant to the financial services and related sectors generally;

(d) to provide benefits (including legal benefit) to its members in accordance with these Rules and on terms to be determined by the General Council from time to time;

(e) to promote the education and development of its members with a view to enhancing their participation in the affairs of the Union and in other work-related activities which enhance their professional expertise;

(f) to promote equality of opportunity in the workplace and in society on grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race, ethnicity or political opinion;

(g) to participate in a manner to be determined by the General Council in the work of any organisation – local, national or international – which shares some or all of these aims;

(h) to make arrangements to affiliate or enter into similar relationships with any other like-minded organisations, subject to the approval of the Delegate Conference;

(i) to facilitate the social interaction and recreation of its members;

(j) to pursue any other lawful purpose which complies with these Rules and is beneficial to the interests of its members, of the trade union movement, or of workers generally, in the view of the General Council;

(k) to raise funds to advance any of the aims of the Union;

(l) to acquire and dispose of property, as necessary, for any lawful purpose and in any lawful manner;

(m) to establish and operate appropriate financial entities under the direction of the General Council and subject to the approval of the Delegate Conference, to administer these funds; and

(n) to keep appropriate records – including full financial accounts and a register of members with appropriate contact details, employment information and subscription history – subject to the relevant legislative requirements. The books of the Union and the register of the names of members may be inspected by any person having an interest in the funds of the Union.

4 All matters of a party political or sectarian character or otherwise not directly connected with the aims outlined in Rule 3 shall not be considered at any meeting of the Union. Where differences arise between members over the interpretation of this Rule, the General Council shall have the power to decide which matters shall be deemed to be outside the aims of the Union.

### **Membership**

5 Every employee – whether full-time, part-time, permanent, temporary or contract – of an institution or other employment within the financial services and related sectors shall be eligible for full membership of the Union, subject to the following conditions:

- i. at the time of his/her application for membership, the prospective member shall not be younger than the minimum statutory age for working;
- ii. the prospective member shall accept the Rules of the Union;
- iii. the prospective member shall agree to pay the Union subscription at the appropriate rate and on terms to be decided by the General Council; and
- iv. the application for membership shall have received the approval of an officer or employee of the Union authorised by the General Council to assess the validity of membership applications in accordance with these Rules;
- v. where any dispute arises as to the eligibility for membership of an applicant, the question at issue shall be referred to the General Council whose decision shall be final.

6 Full membership shall entitle the member to:

- i. avail of any or all of the services provided by the Union – including collective bargaining, where appropriate; individual representation; or any other benefits which may be offered from time to time as decided by the General Council;
- ii. participate in all activities promoted by the Union within his/her workplace;
- iii. participate in any ballots relating to industrial action and strike action which might involve the member, in accordance with the legal requirements of the jurisdiction;
- iv. participate in Union elections – either as candidates or nominators – subject to any conditions that may be specified in these Rules to holding a particular office; and
- v. propose or support one or more propositions for consideration by the Conference Business Committee with a view to having them included on the agenda of the Delegate Conference.

7 The annual membership subscription shall be applied on the following basis:

- (a) Beginning on April 1, 2016, the subscription rates for full members shall be increased by no more than the increase in the Consumer Price Index, as measured by the Central Statistics Office in the Republic of Ireland in the previous calendar year. In each subsequent year, subscriptions will be index-linked in the same manner as defined above. No other changes in the annual subscription rates shall be made unless the proposition to do so achieves a majority of at least two-thirds of the votes cast at the Delegate Conference.
- (b) The subscription rates for members working in the sterling currency area shall be calculated by applying the official Central Bank of Ireland euro-sterling exchange rate, as at March 1 each year, to the subscription rates for members in the Republic of Ireland. Any consequent increase/decrease shall be applied from April 1 annually.
- (c) In exceptional circumstances where the euro-sterling exchange rate experiences such volatility as to cause a severe distortion in the level of increase to be applied to the euro subscription rate compared with the sterling subscription rate (or vice versa), the General Council may suspend the application of Rule 7(b) and address the subscriptions issue as it deems appropriate.
- (d) If the UK joins the eurozone, the subscription rates applicable to UK members will be those applying to Republic of Ireland members on the date when the UK Government formally adopts the euro as the official currency of the UK.
- (e) In exceptional circumstances, the General Council may at its discretion decline to impose any increase in subscription rates specified under (a) above. The General Council may also – in exceptional circumstances – impose a supplementary levy in addition to the annual subscription. The continuation or removal of any freeze in subscription rates or any supplementary levy implemented by the General Council shall be decided at the following Delegate Conference or Special Conference.

**8** In addition to the membership subscription, each full member shall be responsible for providing the Union with appropriate contact details and employment information, as may be necessary from time to time to ensure that the member may receive all appropriate communications about Union services and activities including ballots.

**9** Any member who ceases to be employed within the financial services and related sectors shall cease to be entitled to full membership of the Union, unless otherwise decided by the General Council. However s/he may apply to be admitted as a retired member or as an associate member under Rule 12, at a lower subscription rate and on terms and conditions to be decided by the General Council.

**10** Any member whose annual subscription for the previous calendar year has not been paid on or before January 31 in the following year shall be suspended from membership and forfeit his/her right to avail of all the entitlements and benefits of membership outlined in Rule 6. In exceptional cases, having received satisfactory evidence of extenuating circumstances from the member concerned, or for other strategic reasons, the General Council may at its discretion extend the deadline for the receipt of any unpaid amount.

**11** Any member who has been suspended or expelled from membership for any reason may only be admitted on terms to be determined by the General Council.

**12** The General Council may, at its discretion, establish additional classes of membership – at lower subscription rates – for prospective members, former full members or specifically defined categories among the existing membership.

(a) Any additional categories of membership established by the General Council under this Rule shall be subject to review and ratification by the following Delegate Conference.

(b) The General Council may at its discretion award honorary life membership to any current or former full members of the Union according to guidelines to be drawn up by the General Council and ratified by the Delegate Conference

**13** A member of the Union shall cease to be a member:

- i. when his/her written resignation has been accepted by the General Council;
- ii. on expulsion under Rule 14; or
- iii. on ceasing to be employed within the financial services and related sectors unless otherwise decided by the General Council which may include assignment to any other category of membership established under Rule 12 for which s/he is eligible.

**14** If, following a majority vote by at least two-thirds of the members of the General Council, a member is found guilty of conduct:

- i. prejudicial to the interests of the Union;
- ii. unbecoming that of a member;
- iii. inimical to the interest of other members; or
- iv. amounting to malfeasance in elected office;

s/he may be:

- v. cautioned as to his/her future conduct;
- vi. suspended from participating in certain Union activities (including holding elected office) on terms to be decided by the General Council; or
- vii. expelled from the Union;

provided that s/he has first:

- viii. been informed of the charges against him/her;
- ix. been afforded sufficient opportunity to examine any evidence brought in support of the charges; and
- x. been afforded the right to appear before the General Council to defend himself/herself.

(a) In the case of charges relating to (iv) above, the General Council shall have the discretion to request that the member stand down from his/her elected office until the outcome of the investigation of the charges has been determined.

(b) For the sake of clarity, the General Council shall develop and publish in the members' area of the Union websites a schedule providing examples of the type of conduct likely to result in the disciplinary action specified in Rule 14 (v) (vi) and (vii).

**15** (a) If a member is suspended under Rule 14 (vi) the General Council shall decide from which Union activities s/he will be excluded and for what length of time, subject to the exercise of his/her right of appeal in Rule 16.

(b) If a member is expelled under Rule 14, s/he shall cease to be a member of the Union, subject to the exercise of

his/her right of appeal in Rule 16.

**16** Any member who has been suspended or expelled under Rule 14 shall be entitled to appeal the decision to the following Delegate Conference. The decision of the Delegate Conference shall be final but in the interval between the General Council decision and the appeal to the Delegate Conference, the General Council decision shall be binding.

**17** The General Council shall have the right to reject any member's resignation from the Union if, in the opinion of the General Council, the resignation has been tendered as a device to avoid disciplinary investigation and/or the possibility of suspension or expulsion.

**18** All of the provisions of Rules 14-17 shall be subject to the law in force in the particular jurisdiction in which the member is employed.

### **Points of Contact**

**19** In each work location with two or more full members, the full members may elect one of their number to serve as a Point of Contact for the Union. In larger locations with twenty or more members – or where a system of shift work operates, members may decide to elect additional Points of Contact, subject to the approval of the relevant Sector Committee.

(a) In order to be eligible to serve as a Point of Contact, the person shall have been a full member in good standing for at least twelve months, unless the General Council decides on a lesser period for strategic reasons. The responsibilities of the Point of Contact shall be:

- i. to encourage any prospective members to join the Union;
- ii. to promote participation in Union activities;
- iii. to encourage members to take an interest in developments within the workplace;
- iv. to ensure that members are aware of all relevant Union communications;
- v. to make any concerns of members known to the Area Co-ordinator, Sector Committee member or Union staff, as appropriate;
- vi. to organise meetings of members in his/her work location, as required;
- vii. to attend Union meetings as appropriate; and
- viii. to undertake any other duties as may reasonably be assigned by the Sector Committee or General Council from time to time.

The Point of Contact may also at his/her discretion nominate any full member for election as

- i. an Area Co-ordinator, in line with Rule 20; and/or
- ii. a Sector Committee member, in line with Rules 21-24.

(b) The election of each Point of Contact shall take place within a time-frame to be determined by the General Council. The nomination shall be notified to the General Secretary, or any other employee of the Union designated by him/her for the purpose, in line with the time-frame decided by the General Council.

(c) Where more than one candidate is nominated for any position, the General Secretary, or any other employee of the Union designated by him/her for the purpose, shall make arrangements for a ballot in accordance with the election procedures prescribed by the General Council.

(d) All full members in an area shall be entitled to vote in the ballot.

(e) Each Point of Contact shall hold office for a period of two years from 2016-2018 – after which the term of office shall be three years. If a Point of Contact ceases to hold office for any reason (including transfer to another workplace), the resulting vacancy shall be filled for the remainder of the term through a by-election in line with the procedures decided by the General Council.

### **Area Co-ordinators**

**20** In order to provide opportunities for effective representation of – and participation by – members, area structures shall be established – as set out in Schedule 1 – within each of the Union's sectors, as defined in Rule 21. These area structures will generally be defined on a geographical basis. However, where practicable, area structures may also be

defined on the basis of grade or role where there are sufficient numbers of members to justify the creation of such structures. Proposals for the composition of each area shall be developed and reviewed, as necessary, by the Sector Committee for final decision by the General Council.

(a) In order to be eligible to serve as an Area Co-ordinator, the person shall have been a full member in good standing for at least two years, unless the General Council decides on a lesser period for strategic reasons. The responsibilities of the Area Co-ordinator shall be:

- i. to encourage any prospective members to join the Union;
- ii. to support Points of Contact in their efforts to attract new members;
- iii. to promote participation in Union activities within his/her area;
- iv. to provide information and advice to members (including referral to Sector Committee members or the Union staff, as appropriate);
- v. to make any concerns of members known to Sector Committee members or the Union Secretariat staff, as appropriate;
- vi. to fulfill the functions of the Point of Contact in any workplace in his/her area where the position of Point of Contact is vacant until such time as the vacancy is filled;
- vii. to undertake regular communication with each Point of Contact to exchange information and feedback;
- viii. to attend meetings with Sector Committee members as appropriate;
- ix. to attend any Delegate Conference and Special Conference held during his/her period of office; and
- x. to undertake any other duties as may reasonably be assigned by the Sector Committee or General Council from time to time.

The Area Co-ordinator may also at his/her discretion nominate any full member for election as a Sector Committee member, in line with Rules 21-24.

(b) The election of each Area Co-ordinator shall take place within a time-frame to be decided by the General Council. Each full member in an area shall be entitled to stand for election as an Area Co-ordinator, provided that his/her nomination has been endorsed either by two full members – one of whom is a Point of Contact – or by five full members working in the area concerned and notified to the General Secretary (or any other Union employee designated by the General Secretary) in line with the time-frame decided by the General Council.

(c) Where more than one candidate is nominated for any position, the General Secretary, or any other employee of the Union designated by him/her for the purpose, shall make arrangements for a ballot in accordance with the election procedures-prescribed by the General Council.

(d) All full members in the area concerned shall be entitled to vote in the ballot.

(e) Each Area Co-ordinator shall hold office for a period of two years from 2016-2018 – after which the term of office shall be three years. If an Area Co-ordinator ceases to hold office for any reason (including transfer to another area), the resulting vacancy shall be filled for the remainder of the term through a by-election in line with the procedures decided by the General Council.

(f) Subject to the approval of the General Council, the Sector Committee shall have power to nominate additional members to serve as Area Co-ordinators if it considers that certain areas or categories of members are under-represented or out of line with the criteria established by the General Council for supporting Area Co-ordinators.

### **Sector Committees**

**21** In order to provide for effective representation of members on matters of common interest, Sector Committees shall be established under the direction of the General Council.

As of January 1, 2016, the five sectors shall be:

- i. Allied Irish Bank Group;
- ii. Bank of Ireland Group;
- iii. Danske Bank Group;
- iv. Technology and Services; and
- v. Ulster Bank Group.

**22** Each Sector Committee shall be responsible for managing all of the interactions between the Union's members and the employer or employers within the sector – including the appointment of representatives to any joint bodies required by law, such as those dealing with pensions, workplace safety or similar issues. The Sector Committee shall negotiate with the employer or employers on all workplace issues intrinsic to that employment.

In order to facilitate the effective conduct of negotiations on particular issues, the Sector Committee shall have the discretion to empower sub-committees from within its own ranks, as it sees fit. Where an issue is specific to a particular category of members within the sector, the Committee may include Area Co-ordinators or Point of Contacts as members of such a sub-committee.

**23** Each Sector Committee shall also be responsible for implementing Union policies within the sector as well as undertaking any duties specified in these Rules, or delegated to them, aimed at ensuring the proper representation of the members in the sector.

**24** Each Sector Committee member shall be responsible for:

- i. providing information and advice and representation, as appropriate, to individual members on any matters related to disciplinary or other action taken by an employer or to grievances taken against an employer;
- ii. co-ordinating efforts within the sector to increase Union density by recruiting new members – especially in previously unorganised workplaces;
- iii. promoting the participation by members in Union activities within the sector;
- iv. providing information and advice to members (including referral to the General Council or the Union staff, as appropriate);
- v. making any concerns of members in the sector known to the General Council or to the Union’s staff, as appropriate;
- vi. undertaking regular communication with each Area Co-ordinator within his/her constituency to exchange information and feedback;
- vii. attending meetings with Area Co-ordinators or General Council members as appropriate;
- viii. fulfilling the functions of an Area Co-ordinator in any area in his/her constituency where the position of Area Co-ordinator is vacant until such time as the vacancy is filled;
- ix. attending any Delegate Conference and Special Conference held during his/her period of office; and
- x. undertaking any other duties which may be reasonably assigned by the General Council from time to time.

Each Sector Committee member may also at his/her discretion participate in the election of members of the General Council, in line with Rules 30-31.

**25** Each Sector Committee shall meet at least six times a year, and more frequently if necessary.

**26** Each Sector Committee shall consist of members elected according to the following schedule:

- |                                     |    |
|-------------------------------------|----|
| i. Allied Irish Bank Group Sector:  | 11 |
| ii. Bank of Ireland Group Sector:   | 10 |
| iii. Danske Bank Group Sector:      | 3  |
| iv. Technology and Services Sector: | 3  |
| v. Ulster Bank Group Sector:        | 6  |

**27** The allocation of the members in each sector into constituencies is specified in the attached Schedule 1. This shall be reviewed by the General Council from time to time in line with the criteria set by the General Council to determine the constituencies listed in Schedule 1. Any member of the Union shall be eligible to be nominated for election to the Sector Committee provided that:

- i. s/he is principally employed in the constituency which s/he intends to represent;
- ii. s/he has been duly nominated by either two Area Co-ordinators or ten full members from the constituency which s/he intends to represent;
- iii. s/he complies with the election arrangements prescribed by the General Council in accordance with any legal requirements which may apply in specific jurisdictions; and
- iv. s/he shall have been a full member in good standing for at least two years, unless the General Council decides on a lesser period for strategic reasons.

(a) If any member of a Sector Committee is unable to continue in office for any reason (including transfer to another constituency or to a different sector), a by-election shall be held in the constituency within no more than thirteen weeks of the vacancy arising. If the by-election process fails to fill the vacancy, the Sector Committee shall have the power to co-opt a member from the constituency to serve out the remainder of the term.

(b) If any member of the Sector Committee fails to participate in the business of the Committee over a continuous thirteen-week period, the Committee may, subject to the approval of the General Council, declare a vacancy to exist in that member’s place and co-opt another member from the same constituency to serve out the remainder of the term.

(c) Subject to the approval of the General Council, each Sector Committee shall have power to co-opt additional

members to the Committee – in addition to the constituency representatives elected under Rules 26 and 27(a) and (b) – if it believes that certain areas or categories of members are under-represented. Any members co-opted in this way shall be entitled to participate in the business of the Committee except for elections to the General Council or serving as a Sector Committee delegate to the Delegate Conference. Only members elected to the Committee under Rule 26 or co-opted under Rule 27(a) or (b) shall be entitled to participate in the latter activities.

(d) Any member of a Sector Committee may be removed by a resolution of a special meeting of the full members in his/her constituency duly convened to consider the issue. This special meeting shall be convened by the General Council within one month of receiving a petition for removal signed by not less than 50% of the full members in the constituency.

**28** At the first meeting of its new term of office, each Sector Committee shall begin proceedings by electing one of their number to serve as the Sector Officer.

(a) If more than one member of the Committee is nominated for the role, then a secret ballot shall be held. The duly elected Officer shall then take the chair of the Committee and act collaboratively with any Union employees appointed for the purpose with a view to ensuring that:

- i. the Sector Committee discharges all of the responsibilities assigned to it in these Rules in order to provide effective representation for all members in the sector;
- ii. any budgetary measures adopted by the General Council are implemented within the sector; and
- iii. appropriate arrangements are made for all subsequent meetings of the Sector Committee (or any sub-committees established by the Sector Committee) during its term of office.

(b) The Officer shall also be entitled to be consulted about – and to participate in, where appropriate – any meetings arranged between the Union and any of the employers whose employees are represented through the Sector Committee.

### **General Council**

**29** For the strategic governance of the Union between Delegate Conferences, a General Council shall be elected every two years until 2018 and every three years afterwards. The General Council shall endeavour to act at all times in the best interests of the Union as a whole, rather than in the interests of any particular group or category of members.

(a) The General Council shall conduct the business and affairs of the Union in accordance with the specific powers conferred on it by these Rules and in line with the collective decisions taken by the Delegate Conference and/or Special Conference of the Union. The General Council shall also discharge its financial responsibilities in line with Rules 37-41. In addition, the General Council shall also have power to direct the general policy of the Union on all matters relating to the aims specified in Rule 3.

(b) The General Council shall hold office from the end of the Delegate Conference immediately following the General Council's election until the end of the subsequent Delegate Conference.

(c) Since the General Council shall act for and in the name of the Union, it shall be entitled to expect all members to comply with any lawful instructions given by the General Council in accordance with these Rules as if these instructions had been decided by a majority of delegates at a Delegate Conference.

(d) The General Council shall have the power to make by-laws or regulations and to establish codes of practice or other guidelines for the conduct of the Union's affairs, provided they do not conflict with these Rules. The General Council may also appoint sub-committees and delegate to them such powers as it thinks fit, provided they do not conflict with these Rules.

(e) The General Council may nominate a maximum of three full members of the Union to be co-opted to serve as members of all of the Sector Committees in total – if it considers that members in certain employments, areas or categories of members are under-represented. The combined membership of all of the Sector Committees shall not exceed thirty-six.

(f) The General Council shall meet at least six times a year – and more frequently if necessary.

(g) The General Secretary or President shall have the power to call a General Council meeting at any time. The President shall call a meeting of the General Council within ten days, if requested to do so in writing by nine or more members of the General Council, provided that these members include representatives from at least three sectors.

(h) Subject to these Rules, the General Council shall have the power to conduct the business of the Union. It shall have the power to decide all questions and issues within the Union on which no directions are given in these Rules. A decision made by the Council in this way shall be binding unless and until it is reversed by a Delegate Conference or Special Delegate Conference. It shall be the final authority on the interpretation of these Rules.

### **Election of the General Council**

**30** (a) The General Council shall consist of the following members:

- i. the President – elected as outlined in Rule 30(c) below;
- ii. the Honorary Secretary – elected jointly by all of the Sector Committees;
- iii. the Honorary Finance Officer – elected jointly by all of the Sector Committees;  
a sum total of fourteen ordinary members elected by the Sector Committees so that the total number of members of the Council – including the Honorary Secretary and the Honorary Finance Officer but excluding the President shall be as follows:
  - 6 members from the Allied Irish Bank Group Sector Committee;
  - 5 members from the Bank of Ireland Group Sector Committee;
  - 1 member from the Danske Bank Sector Committee;
  - 1 member from the Technology and Services Sector Committee;
  - 3 members from the Ulster Bank Group Sector Committee; and
- iv. the General Secretary, *ex-officio*.

(b) If any member of the General Council ceases to be a full member of the Union for any reason, s/he shall resign his/her position immediately.

(c) The General Council shall nominate a full member of the Union to serve as President. Once this nomination has been made, each Sector Committee may, at its discretion, nominate a full member from its sector for the position of President. If more than one candidate is nominated by any or all of these bodies, the issue will be decided by the Delegate Conference in a secret ballot.

**31** The election of the General Council shall take place after the election of the five Sector Committees. Wherever possible, the five Sector Committees will meet jointly together to conduct the election of the Honorary Secretary and Honorary Finance Officer. Once these positions have been filled, each Sector Committee shall meet separately to elect members to fill the seats allocated to its sector on the General Council.

(a) If the vote on any of the elected positions on the General Council results in a tie, a ballot of Area Co-ordinators shall be held to determine the outcome. In the case of the positions of Honorary Secretary and Honorary Finance Officer, all Area Co-ordinators from all sectors combined shall be eligible to vote. In the case of any positions which are specific to one sector, only those Area Co-ordinators from the relevant sector shall be eligible to vote

(b) Once a nominee has been ratified as a member of the General Council, s/he shall no longer be eligible to serve as an Area Co-ordinator or Point of Contact. Any consequential vacancy that may arise in any of these positions shall be filled through a by-election in line with procedures determined by the General Council.

**32** If the President is unable to complete his/her term of office for any reason, the remaining portion of his/her term of office shall be filled by a full member, nominated by the General Council. If any General Council member, other than the President, is unable to complete his/her term of office for any reason, his/her position shall be filled through a by-election involving the relevant Sector Committee or Committees in accordance with Rule 31.

**33** If, in exceptional circumstances, it is not possible for the new General Council to be elected in time to take up office at the end of a Delegate Conference, as specified in Rule 29 (b), the General Council elected to serve for the preceding term shall remain in office until the new General Council can be elected.

**34** The General Council shall designate the President, Honorary Secretary, Honorary Finance Officer and General Secretary as a Management Committee to consider any issues that may be specified by the General Council. Any decision or action taken by the Management Committee under this Rule shall be as valid as if taken by the General Council.

**35** (a) The President, Honorary Secretary and Honorary Finance Officer may each be removed from office if a two-thirds majority of all of the Sector Committee members eligible to vote approve a proposition to that effect.

(b) The General Council may be removed by a two-thirds majority of the votes cast by the delegates present at a Special Conference called specifically for that purpose.

#### **Appointment of the General Secretary**

**36** The General Council shall have the power to appoint a General Secretary to serve as the Union's chief executive officer, reporting in the first instance to the General Council and subsequently to the Delegate Conference.

(a) The General Council shall have discretion to set the remuneration and terms and conditions of employment of the person appointed to this position.

(b) The General Secretary shall direct the work of the Union to support of the aims of the Union, as outlined in Rule 3 and in implementing a work programme designed to give effect to the strategic priorities established by the General Council within the framework of the decisions taken by the Delegate Conference.

(c) On appointment, the General Secretary shall become an *ex-officio* member of the General Council.

#### **Union Finances**

**37** The Honorary Finance Officer shall deposit in the name of the Union all sums received by him/her on behalf of the Union with one or more financial institutions to be selected by the General Council.

(a) The General Council shall ensure that proper accounts are kept to record:

- i. all sums of money received or spent by the Union and the purposes for which the money was received or spent;
- ii. all assets and liabilities of the Union, and
- iii. all income (subscriptions and other income) and purchases of goods and services by the Union.

(b) The accounts shall be kept at the registered office of the Union.

(c) The accounts of the Union shall be audited annually by certified Auditors recommended by the General Council and approved by the Delegate Conference.

(d) All payments made by the Union shall be duly authorised in the manner decided from time to time by the General Council.

(e) Subject to the approval of the following Delegate Conference, the General Council shall have the discretion:

- i. to establish and operate funds for specific named purposes – including those described in the appendices attached to these Rules – and
- ii. to provide such financial benefits to members on terms it may deem appropriate – including the Legal Benefit described in the schedule attached to these Rules.

**38** The funds of the Union shall be used to further the aims of the Union. Specifically the General Council shall have the following powers

- i. To purchase, take on lease or otherwise acquire any lands, buildings, or other property;
- ii. To sell, improve, manage, develop, exchange, lease, hire, mortgage, dispose of, turn to account or otherwise deal with all or any part of the undertaking, property and rights of the Union;
- iii. To borrow or raise or secure the payment of money in such manner as the General Council shall see fit;
- iv. To acquire and hold stocks, shares, securities and other investments and to invest and deal with the finances of the Union, not immediately required for current expenditure, in a prudent manner;
- v. To undertake all such other lawful activities as may be incidental to the aims specified under Rule 3; and
- vi. To ensure that the income and property of the Union shall be applied solely towards the promotion of the aims specified under Rule 3.

**39** Subject to the approval of the Delegate Conference, the General Council shall appoint a Trustee to hold all deeds, documents of title, securities and funds of the Union.

(a) The Trustee shall be responsible for the safe custody of all of these deeds, documents, securities and funds under its control and shall take such measures for their safe custody as it thinks fit.

(b) The Trustee shall produce these deeds, documents, securities and funds when required by a resolution of a Delegate Conference, or of the General Council, or when required by the Auditor.

(c) The Trustee shall not invest any part of the funds of the Union upon the security of its own property or otherwise than in accordance with law.

(d) On resignation or removal from office, the outgoing Trustee shall execute whatever documents and take whatever other steps may be necessary to vest in its successor all securities and other property held on behalf of the Union.

40 As of January 1, 2016, the Trustee of the Union shall be FSU Holdings Ltd. This company shall remain as Trustee until it is removed by a decision of the General Council; or it requests to be discharged from its duties as Trustee.

41 The accounts of the Union – and of any of the associated financial entities established by the authority of the General Council or of the Delegate Conference or of a Special Conference – shall be audited annually by a certified auditor whose report shall be furnished to the General Council in the first instance and subsequently to the following Delegate Conference.

### **Delegate Conference**

42 A Delegate Conference of the Union shall be convened by the General Council before the end of June in 2016. A further Delegate Conference shall be convened between February 1 and June 30 in 2018 and subsequently triennially within the same time-frame. In exceptional circumstances the General Council shall have the power to convene the Delegate Conference later than June 30 in any one year. However, every effort shall be made to revert to the June 30 deadline on subsequent occasions. The date and venue for each Conference shall be decided by the General Council. A notice containing the date, time and venue of the Delegate Conference shall be published on any websites operated by the Union – and in any other printed or electronic communications issued regularly to members (including e-mail updates and SMS text messages) not less than eight weeks before the date of the opening of the Conference.

43 The delegates to the Delegate Conference shall be those members who hold the positions of Area Co-ordinator or Sector Committee member or General Council member at the beginning of the Conference. The Union's Retired Members' Committee shall be entitled to nominate two of its members as delegates. The Union's Young Workers' Forum shall be entitled to nominate one of its members as a delegate.

(a) The General Council shall have the power to invite as many of the Union's employees it deems necessary to facilitate the efficient running of the Delegate Conference. These employees shall have observer status – which shall entitle them to attend all sessions of the Conference; to speak on any of the business before the Conference if invited to do so by the Conference Chairperson; but not to vote.

(b) The General Council shall be entitled to invite guests to participate in the business. These guests shall have observer status – which shall entitle them to attend all public sessions of the Delegate Conference; to speak on any of the business before the Conference if invited to do so by the Conference Chairperson; but not to vote.

44 The following business shall be dealt with at the Delegate Conference:

- i. the presentation and adoption of a report and a duly audited statement of accounts for the period since the last Delegate Conference up to December 31 in the previous year. The report shall include a statement by the General Secretary on developments relating to the propositions adopted at the previous Delegate Conference;
- ii. the ratification of the names of the members of the incoming General Council who shall enter into office at the end of the Conference and remain so until the end of the following Delegate Conference;
- iii. the election of the President – including a secret ballot in the event of a contest;
- iv. the election of the Conference Business Committee to enter into office at the end of the Delegate Conference until the end of the following Delegate Conference;
- v. the election of an auditor or auditors for the period up to the following Delegate Conference;
- vi. consideration of the recommendations of the Conference Business Committee on the programme for the conduct of the Conference and on the propositions to be considered in line with Rules 51 and 52.
- vii. consideration of any proposition which complies with the terms of Rules 51 and 52;
- viii. consideration of any other matter included in the programme for the Delegate Conference submitted by the General Council with the approval of the Conference Business Committee and the Conference Chairperson.
- ix. consideration of any appeals relating to the conduct of the election of any members of the General Council;
- x. any emergency business not included in the agenda which has been agreed for discussion by at least two thirds of the delegates present: and
- xi. consideration of any appeal under Rule 16.

**45** The General Council shall be entitled to submit up to six propositions for consideration for inclusion on the agenda for the Delegate Conference by the Conference Business Committee. Each Sector Committee shall be entitled to submit up to four propositions for consideration for inclusion on the agenda for the Delegate Conference by the Conference Business Committee. The Union's Retired Members' Committee and Young Workers' Forum shall each be entitled to submit up to two propositions for consideration for inclusion on the agenda for the Delegate Conference by the Conference Business Committee.

In addition any proposition for inclusion on the agenda for the Delegate Conference – which has the support of twenty or more full members – shall be considered by the Conference Business Committee in line with Rule 46. In order to facilitate the garnering of support for such a proposition, the Conference Business Committee may, at its discretion, moderate a specially designated place within the members' area of the Union websites.

**46** A Conference Business Committee – consisting of the General Secretary and the Honorary Secretary ex officio together with four full members in good standing with at least two years' membership of the Union – shall be elected by the accredited delegates to the Delegate Conference to hold office from the end of the Conference at which it is elected until the end of the following Delegate Conference. The Committee shall also hold office for any Special Conferences that may occur before the following Delegate Conference.

(a) In addition to the four elected members, the Delegate Conference shall also elect two more full members in good standing with at least two years' membership of the Union to serve as substitute members of the Conference Business Committee to fill any casual vacancies that may arise before the following Delegate Conference.

(b) The Honorary Secretary shall chair all meetings of the Conference Business Committee. In his/her absence, the remaining members of the Committee shall elect one of their number to take the chair.

(c) The Conference Business Committee shall make recommendations about the Conference agenda, as outlined in sections (d), (e) and (f) of this Rule. The Conference Business Committee shall also have the power – following a process of consultation with full members of the Union – to make recommendations on proposals for changes to the Union Rules to the following Delegate Conference and/or any Special Conference convened specifically for that purpose during its term of office.

(d) On a specified date which has been previously notified to members – no more than six weeks and no less than four weeks before the beginning of the Delegate Conference – the Conference Business Committee shall consider all propositions received up to that point under Rule 45.

(e) The Conference Business Committee shall:

- i. examine all propositions submitted for the Delegate Conference or Special Conference to ensure that they come within the competence of Conference to determine; and to rule out of order any propositions that do not do so;
- ii. decide whether two or more propositions covering similar subject matter should be composited and to draft these composites, where necessary;
- iii. decide the order in which the propositions should be placed on the agenda for the Conference;
- iv. determine what emergency propositions (if any) may be brought before the Conference;
- v. arrange an order in which the business of the Conference (including any propositions and amendments) should be conducted and to make such arrangements as it deems necessary;
- vi. present a report to the Conference which will specify its recommendations on (i) to (v) above – including reasons for ruling any proposition submitted for its consideration out of order – and any other recommendations it deems fit to
- vii. expedite the business of the Conference. This report shall be circulated to all Conference delegates no less than three weeks before the start of the Delegate Conference or Special Conference and shall be formally proposed at the opening of the Conference for the approval of the Conference; and
- viii. present any further recommendations it deems fit to expedite the business of the Conference, as the Conference proceeds (or in the event that its first report is rejected).

(f) The Conference Business Committee shall, at its discretion, be entitled not to accept any proposition which is already the policy of the Union or has been dealt with by a Delegate Conference within the previous six years.

(g) The Conference Business Committee shall make its decision by simple majority of those members of the Committee present and voting. The quorum for meetings of the Conference Business Committee shall be four. In the event of an equality of votes, the Chairperson of the Committee shall exercise the casting vote.

(h) If the General Council, any Sector Committee or any group of twenty or more full members wishes to submit an amendment to any of the propositions on the preliminary programme for the Conference – which shall be published on the Union websites and circulated to the above Council and Committees no later than six weeks before the start of the Conference – they shall provide the Conference Business Committee with the text of the amendment no later than fifteen working days before the start of the Conference to enable the Conference Business Committee to circulate the material to delegates and prepare any documentation as necessary.

**47** The notice convening the Delegate Conference shall be sent out to all duly accredited delegates no later than one week after the completion of the general election of the Area Co-ordinators.

**48** A Special Conference shall be convened if a majority of all General Council members request that the General Secretary make arrangements to hold it. A Special Conference of the Union shall also be convened to consider specific subject matter if the General Secretary receives a request to do so from no less than one-quarter of the full members of the Union at the time.

(a) The Conference shall be convened within two months of the receipt by the General Secretary of the request that it be convened.

(b) The General Council shall have the power to put down an emergency proposition before the Special Conference provided that this proposition has been passed by a majority of the General Council at a meeting convened specifically for that purpose.

(c) The delegates to the Special Conference shall be those members who hold the positions of Area Co-ordinator or Sector Committee member or General Council member at the beginning of the Conference. The Union's Retired Members' Committee shall be entitled to nominate two of its members as delegates. The Union's Young Workers' Network shall be entitled to nominate one of its members as a delegate.

(d) The General Council shall have the power to invite as many of the Union's employees it deems necessary to facilitate the efficient running of the Special Conference. These employees shall have observer status – which shall entitle them to attend all sessions of the Conference; to speak on any of the business before the Conference if invited to do so by the Conference Chairperson; but not to vote.

(e) The General Council shall be entitled to invite guests to participate in the business. These guests shall have observer status – which shall entitle them to attend all public sessions of the Special Conference; to speak on any of the business before the Conference if invited to do so by the Conference Chairperson; but not to vote.

**49** The President of the Union, if present, shall chair all Delegate Conferences. In his/her absence at a Delegate Conference, the full members present at the Conference shall elect a Chairperson from among their number. The presiding Chairperson shall always have a casting vote if votes are equal.

**50** The voting on any subject at any Delegate Conference shall be by show of hands of accredited delegates, or by secret ballot if demanded by one-third of the delegates present. Where the Chairperson of the Conference considers that the deliberations of a Delegate Conference on any subject may be facilitated by the contribution from a member of the Union who is not a delegate to the Conference, the Chairperson may invite this member to attend and address the Conference - but not to vote.

**51** Any Delegate Conference or Special Conference convened in accordance with these Rules may, subject to a positive recommendation from the Conference Business Committee, allow a full member to attend as a substitute when the accredited delegate is unable to attend. The substitute shall be entitled to speak and to vote at the Conference.

### **Quorum**

**52** The quorum for a Delegate Conference or a Special Conference or for full meetings of each Sector Committee shall be the sum of 50% of the delegates entitled to attend plus one (rounded up to the nearest whole number).

(a) The quorum for a meeting of the General Council shall be ten, provided that the members in attendance include representatives from at least three sectors.

The quorum for all other meetings, where necessary, shall be decided from time to time by the General Council.

(b) If within half an hour of the time scheduled for the start of any meeting the quorum has not been reached, the meeting may be adjourned by the Chairperson for a period of not less than a week and not more than a fortnight. If, on the resumption of the adjourned meeting, a quorum is not obtained, those present shall be entitled to transact the business specified in the notice convening the meeting. However, they shall not be entitled to introduce new business if the resumed meeting remains inquorate.

### **Strikes and Industrial Action – Republic of Ireland**

**53** The provisions of this Rule shall apply in the Republic of Ireland only. In this Rule the terms “strike” and “industrial action” shall have the same meaning as in the Industrial Relations Act, 1990. In this Rule the term “member” shall have the same meaning as “full member” in Rules 5 and 6.

(a) In line with Section 14(2) of the Industrial Relations Act, 1990, the Union shall not organise, participate in, sanction or support a strike or other industrial action without a secret ballot, entitlement to vote in which shall be accorded equally to all members whom it is reasonable at the time of the ballot to believe will be called upon to engage in the strike or other industrial action.

(b) In line with Section 14(2) of the Industrial Relations Act, 1990, the Union shall 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, as far as is reasonably possible, that such members shall be given a fair opportunity of voting.

(c) In line with Section 14(2) of the Industrial Relations Act, 1990, the General Council shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action even in circumstances where the majority of those voting in the ballot, including an aggregate ballot referred to Rule 53(d), favour such strike or other industrial action.

(d) In line with Section 14(2) of the Industrial Relations Act, 1990, the General Council shall not organise, participate in, sanction or support a strike or other industrial action against the wishes of a majority of the Union’s members in the affected area 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.

(e) In line with Section 14(2) of the Industrial Relations Act, 1990, 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 shall not be implemented by the Union without the sanction of the Irish Congress of Trade Unions.

(f) In line with Section 14(2) of the Industrial Relations Act, 1990, as soon as practicable after the conduct of a secret ballot, the Union shall take reasonable steps to make known to its members entitled to vote in the ballot:

- i. the number of ballot papers issued;
- ii. the number of votes cast;
- iii. the number of votes in favour of the proposal;
- iv. the number of votes against the proposal; and
- v. the number of spoiled votes.

(g) Nothing in this Rule shall constitute an obstacle to negotiations for the settlement of an industrial dispute nor the return to work by members of the Union involved in an industrial dispute.

(h) Any decision taken in accordance with this Rule to organise, participate in, sanction or support a strike or other industrial action may be rescinded or amended by the General Council without the necessity of a further ballot of the members concerned.

### **Strikes and Industrial Action – Northern Ireland and Great Britain**

**54** The provisions of this rule shall apply in Northern Ireland and Great Britain only.

(a) The General Council shall have the power to authorise a strike or other industrial action. The General Council may appoint a sub-committee, officer or full-time employee to act on its behalf in issuing any particular instructions to take industrial action.

(b) No such instruction shall be issued unless the members who are the subject of that instruction have first had the opportunity to vote on the proposal to take industrial action in a ballot conducted in accordance with the statutory requirements effective in the jurisdiction.

(c) The General Council – or any sub-committee, officer or full-time employee acting on its behalf – shall honour all legal obligations regarding the conduct of any industrial action which has been approved in a lawful ballot of the members concerned, including notice to employers and lawful picketing.

(d) The General Council shall have the power, at its discretion, to draw up a code of conduct applicable either generally to all industrial disputes or specifically to any particular dispute. All members shall observe the code during the dispute to which it applies.

### **Young Workers' Forum**

**55** A Young Workers' Forum shall be established by the General Council to co-ordinate the participation of young workers in Union affairs and the promotion of issues relating to young workers generally subject to guidelines prescribed by the General Council. Membership of the Union's Young Workers' Forum shall be open to any full members of the Union under the age of 35 who opt to register with the Union's Secretariat as members of the network.

(a) The members of the Union's Young Workers' Forum may elect from among their number a Co-ordinating Committee of not more than ten members. The election shall be held in accordance with procedures laid down by the General Council.

(b) The General Council shall nominate one of its number to liaise with the members of the Young Workers' Forum through the Co-ordinating Committee, established under paragraph (a).

(c) The Union's Young Workers' Forum shall be entitled to elect one of its members to attend the Delegate Conference. The election shall be held in accordance with the procedures laid down by the General Council.

(d) The Co-ordinating Committee of the Union's Young Workers' Forum shall be entitled to submit two propositions to the Conference Business Committee for consideration for inclusion on the agenda of the Delegate Conference.

### **Retired Members' Committee**

**56.** A Retired Members' Committee shall be established by the General Council to co-ordinate the participation of retired members in Union affairs and the promotion of issues relating to retired members generally subject to guidelines to be prescribed by the General Council.

(a) The Retired Members' Committee shall be entitled to elect two of its members to attend the Delegate Conference. The election shall be held in accordance with the procedures laid down by the General Council.

(b) The Retired Members' Committee shall be entitled to submit two propositions to the Conference Business Committee for consideration for inclusion on the agenda of the Delegate Conference.

(c) For the purpose of this Rule, retired members shall mean:

- i. any members who have been declared honorary life members in accordance with the provisions of Rule 12 (b); and
- ii. any former full members of the Union, who, on retirement from their employment, are accepted into membership under Rule 9 and pay the reduced annual subscription rate in accordance with the terms laid down by the General Council.

### **Alteration of Rules**

**57** No proposition to alter these Rules in any way shall be given effect unless approved by:

- i. a two-thirds majority of the votes cast by the delegates present at a Delegate Conference or Special Conference, or
- ii. a ballot of all members of the Union resulting in a majority representing two-thirds of those voting and more than 50% of the full members of the Union at the time.

**Dissolution of the Union**

**58** The Union may be dissolved by a proposition approved by:

- i. a two-thirds majority of the votes cast at a Special Conference convened specifically to consider the dissolution of the Union; or
- ii. a ballot of all members of the Union resulting in a majority representing two-thirds of those voting and more than 50% of the full members of the Union at the time.

## Schedule 1: Electoral Constituencies for Sector Committees and Area Co-ordinators

<i>Sector/Region</i>	<i>No. of Sector Committee Members</i>	<i>No. of Area Co-ordinators</i>
<b>AIB Group</b>		
<b>Munster</b>	2	8
Leinster (excluding Dublin City & County and Time House, Naas, and including Counties Cavan and Monaghan)	1	5
Connacht (including County Donegal)	1	5
First Trust Bank	2	6
Allied Irish Bank (GB)	1	3
Dublin City & County (including Time House, Naas)	4	17
<b>Bank of Ireland Group</b>		
Munster	2	7
Leinster (excluding Greater Dublin and including Counties Cavan and Monaghan)	2	6
Connacht (including County Donegal)	1	4
UK	2	6*
Greater Dublin**	3	15†
<b>Danske Bank Group</b>		
Belfast & District ‡	2	5
Northern Ireland (excluding Belfast & District) and Republic of Ireland	1	4
<b>Technology and Services Sector</b>		
All Regions	3	7
<b>Ulster Bank Group</b>		
Ulster Bank Limited: Belfast & District***	2	9
Ulster Bank Limited: Northern Ireland (excluding Belfast & District)	1	5
Ulster Bank (Ireland) Limited: Leinster (including Dublin but excluding Counties Longford and Westmeath)	2	11
Ulster Bank (Ireland) Limited: Republic of Ireland (excluding Leinster but including Counties Longford and Westmeath)	1	8

\* One of the six shall be employed in Great Britain.

\*\* Bank of Ireland Group Greater Dublin comprises all workplaces in Dublin City and County together with workplaces in Bray, Celbridge, Dunboyne, Dunshaughlin, Greystones, Leixlip and Maynooth

† At least four of these shall be employed in the retail operations and at least four shall be employed in departments in the Bank of Ireland Greater Dublin area..

‡ Danske Bank's Belfast and District comprises all workplaces in the City of Belfast together with workplaces in Ballyclare, Ballynahinch (including Saintfield), Bangor, Comber, Downpatrick, Hillsborough, Larne, Lisburn, Newtownabbey (including Mallusk) and Newtownards.

\*\*\* Ulster Bank Limited Belfast and District comprises all workplaces in the City of Belfast together with workplaces in Glengormley, Mallusk, Monkstown, Newtownards and Newtownbreda.

## Schedule 2: Legal Benefit

1. (a) The General Council shall have the absolute discretion to grant legal benefit to members, who qualify under Article 2 below, in cases involving:

- i. injuries or any other matter requiring legal benefit arising out of or in the course of their employment, or
- ii. in proceeding to or from their place of employment, or
- iii. while on Union duties or
- iv. injuries arising out of a non-work-related matter; or
- v. in exceptional circumstances, any other matter.

(b) The General Council shall also have the absolute discretion to grant legal benefit to family members of members who qualify under Article 2 below, in cases involving:

- i. injuries suffered by the family member arising out of a non-work-related matter; or
- ii. in exceptional circumstances, any other matter.

(c) Legal benefit may include advice and/or representation. Where legal benefit is provided by a solicitor and/or counsel instructed by the Union, the General Council shall indemnify the member (or member's family, if appropriate) for any liabilities incurred on the General Council's authority up to the date of withdrawal of support.

(d) The General Council shall have the absolute discretion to provide legal benefit to the financial dependants or next-of-kin of a deceased member, whether or not they are members of the Union, in cases involving any matter arising out of the deceased member's employment or any matter for which legal benefit could have been granted to the member under this Schedule.

(e) In all cases, the conditions of Articles 3 to 7 inclusive below should be satisfied. However, the General Council shall have the absolute discretion to grant legal benefit even though some or all of these conditions may not be met.

(f) In all cases, the General Council shall have the absolute discretion to grant, refuse, continue or withdraw legal benefit. The General Council shall have the power to delegate the decision to continue or withdraw legal benefit to a relevant committee, or to either a lay Officer or full-time employee, of the Union. Conditions may be attached to the granting or continuing of legal benefit. These conditions may be varied from time to time.

### QUALIFICATIONS

2. The following shall apply:

- a. The member must have been in membership of the Union for at least 13 weeks before s/he becomes aware that s/he requires and seeks legal benefit from the Union.
- b. The member must not be in arrears of subscriptions.
- c. The General Council or any relevant committee, lay Officer or full time employee to whom the power to grant legal benefit has been delegated, shall have the discretion to grant legal benefit even if the conditions in 2(a) and 2(b) above have not been satisfied.

### CONDITIONS

3. Any member seeking legal benefit shall do so in a manner prescribed by the General Council.

4. The member is not entitled to assume that his/her application for legal benefit is effective until this matter is determined one way or the other in writing by the Union.

5. The member shall continue to pay contributions while her/his case is proceeding unless s/he has obtained dispensation from the General Council or relevant committee acting on its behalf.

6. The General Council may grant legal benefit on such conditions as it deems appropriate. Every grant of legal benefit shall be on the understanding that the General Council in its discretion may withdraw legal benefit if the member does not follow the advice of the Union or its appointed solicitors, fails to pay contributions or if, in its view, the continuance of legal benefit is unreasonable. The General Council may, in determining whether to continue or withdraw legal benefit, take into account the policy of the Union. The General Council may require information to be furnished to it on an ongoing basis by the appointed union solicitors.

7. The Union shall not be accountable for any costs, charges or other payments in connection with legal benefit either incurred or made on behalf of member (or member's family, if appropriate) without the formal consent of the General Council in writing.

## **Appendix 1: Rules of the Benevolent Fund**

### **PURPOSE**

1. The purpose of the Benevolent Fund (referred to subsequently in this appendix as “The Fund”) is to make grants to members of the Union who, through no fault of their own, are in need of financial assistance, and who are eligible to apply for grants according to these rules.

### **FINANCE**

2. The Fund shall be financed in the following manner:

With effect from the start of the financial year immediately following the Special Delegate Conference at which these rules are adopted, a sum of up to a maximum to one per cent (1%) of the gross membership subscriptions in the preceding financial year shall be placed in the existing Benevolent Fund operated by the Union. At the start of each subsequent financial year a sum, calculated on the preceding year’s gross membership subscription – up to a maximum of one per cent (1%) shall be placed in the Fund. The balance of the Fund at the start of any financial year shall not exceed two per cent (2%) of the gross membership subscriptions in the preceding financial year. All monies transferred to the Fund by the General Council shall come from the General Fund of the Union. The General Council may accept grants and donations made to the Fund.

3. A record of all expenditure from the Fund during each financial year shall be presented to the following Delegate Conference. It shall be competent for the Delegate Conference to decide that the Fund should be abolished, or that its operation should be suspended for any stated time not exceeding one year.

### **PERSONS ELIGIBLE TO APPLY FOR ASSISTANCE FROM THE FUND**

4. Nothing in these rules shall confer on any person or class of persons any right to assistance from the Fund.

5. If, on account of dishonesty, a member of the Union shall have either been dismissed from employment or ceased to receive a pension, s/he shall not be eligible to apply for a grant from the Fund. However, the spouse, widow/widower, child or dependent of such a member shall not be precluded from making an application.

6. In order to be considered for a grant, the applicant shall satisfy one of the following conditions, S/he shall be:

- (a) a current member of the Union; or
- (b) a person eligible to be a member of the Union who, having joined or rejoined the Union according to its rules, continued to be a member of the Union as long as he or she was eligible for membership; or
- (c) a spouse, widow/widower, child or person dependent on any person as specified at (a) and (b).

7. The Fund shall be administered by the General Council of the Union. Every applicant for a grant from the Fund shall provide the General Council with whatever information as the General Council may require. Failure to provide this information or the provision of false information shall invalidate the application.

8. The General Council shall have the power to make any inquiries it deems necessary, conducted in any manner it sees fit, before making any grant.

9. The General Council may, before making any grant, require an applicant for a grant to provide a certificate or certificates from any person or persons whom it may specify. These certificates may relate to the character, the circumstances and the intentions of the applicant or to any other matter the Council may specify.

10. The General Council shall record its decision on each application.

11. The decision of the General Council on any application for a grant shall be final. The General Council shall have the power to review any application at a later date when its decision shall be final. This condition shall apply to every application for a grant from the Fund.

12. The General Council may impose such conditions as it may think fit on any grant it may make.

13. The General Council may refuse to make a grant to any applicant: it shall not be necessary for the General Council to assign any reason for such refusal.

14. When making a grant, the General Council may make it payable to the applicant himself/herself or to any other person or persons for his/her benefit: the grant may be payable at one time or in instalments as the General Council may think fit.

15. If the General Council makes a grant payable in instalments, it may, without assigning any reason at any time before all the instalments are paid, stop the payment of any further instalment, and this shall be a condition of every grant made payable by instalments.

16. Having made a grant to any applicant, the General Council may, without assigning any reason, revoke such grant at any time before it is paid.

17. The General Council may at any time cease to make grants or to receive applications for grants if it is of the opinion that the accounts of the Union for the current year render that course advisable.

## Appendix 2: Rules relating to the Defence Fund

### At the FSU Delegate Conference on 11 and 12 May 2018 the following rule change was passed:-

The trustees of the Defence Fund and the New Defence Fund are directed to take all reasonable steps to return to members the contributions standing to the credit of each member following the 2018 Conference. The Trustees are further directed following completion of the return of contributions to close the funds and return the balances to FSU.

*(NB No further payments were made to this Defence Fund after April, 1967).*

1. The Defence Fund shall be constituted of that portion of the subscriptions (hereinafter referred to as “Class A subscriptions”) payable by those members of the Union who have elected to pay a “Part Returnable Subscription” which under the rules governing membership subscription is returnable to those members.
2. The rates of Class A subscriptions and the proportion thereof returnable to the members may from time to time be altered by the Union Delegate Conference.
3. Every member shall receive on request a certificate of the total amount of Returnable Subscription standing to his or her credit on the previous December 31.
4. All Class A subscriptions shall be deposited in a bank account in the name of the Union entitled Subscription Account A, and no withdrawals from that account shall be permitted except by transfer authorised by a resolution of the Union’s General Council.
5. A member whose annual subscription for any year ended December 31 is in arrears on January 31 following shall cease to be a member of the Union on that day, January 31, provided always, that the General Council shall have discretionary powers of extending the time for payment of such arrears or of re-admission to membership in special circumstances.
6. A Trust Company with limited liability shall be formed to act as Trustees of the Fund comprising the returnable portions of Class A Subscriptions and a Deed of Trust shall be executed containing such provisions as may be necessary to ensure that the Trust Fund thereby constituted shall be readily available to the members for their defence.
7. The Deed of Trust shall provide, *inter alia*, that:
  - (a) the returnable proportion of each member’s subscription when paid over to the Trustees must be placed in the Trust Fund and must, subject to the provisions for payment out thereof hereinafter mentioned, remain in the Trust Fund to his or her credit whether he or she shall continue to be a member of the Union or not.
  - (b) If at any time such member shall be on strike – either partial or complete – or be locked out by his or her employer, s/he shall be entitled to have from the amount so standing to his or her credit as aforesaid so much thereof as may be necessary paid out to him or her by weekly, monthly or other payments and during such period or periods as shall be sufficient to make good any loss of salary which would be incurred by such member during the period for which he or she is so on strike or locked out as aforesaid, but the total of such payments shall not exceed the amount standing to his or her credit as aforesaid.
  - (c) If such member shall for any reason whatsoever cease to serve in the employment in which he or she was employed the amount for the time being standing to his or her credit in the Trust Fund shall be repaid to him or her or his or her legal personal representative without interest. Provided always that no refund of the amount so standing to his or her credit shall be made to any official who shall be expelled from the Union or who, while still employed, resigns from the Union. (NB This proviso passed at the Annual General Meeting on 23rd April, 1960 applies to the returnable part of the subscriptions paid after that date).
  - (d) The Trust Company shall invest the monies comprising the Trust Fund in or upon securities authorised for the investment of Trust Funds by or under any statute for the time being in force of the Oireachtas or of the Parliaments of Northern Ireland or the United Kingdom of Great Britain and Northern Ireland or the late United Kingdom of Great Britain and Ireland or fully paid bank stocks or shares.

(e) The Trust Company shall pay all income arising from the Trust Fund and the investment thereof to the Association.

(f) The expenses of the administration of the Trust Fund shall be borne and paid by the Union out of monies not forming any part of the Trust Fund.

(g) The Trust Company shall not be responsible for or liable to make good any loss of capital occasioned by any depreciation in the value of any securities in or upon which the Defence Fund may for the time being be invested.

8. The Union shall set aside and maintain a Special Reserve Fund of £5,000 and if by reason of any depreciation in the capital value of the investments representing Trust Fund, the said Fund shall prove insufficient for the payment in full of all claims against the same, the said Special Reserve Fund of £5,000 shall so far as the same shall extend be applied in making good the deficiency in the said Trust Fund resulting from such depreciation, but save as aforesaid the Union shall not be liable for any such depreciation or otherwise in respect of the Trust Fund.

9. The Defence Fund and the trusts thereof may be wound up by a resolution of the Union Delegate Conference. Upon such winding-up every member or past member of the Union to whose credit in the Trust Fund there shall then be standing any sum or sums in respect of returnable subscriptions paid by him or her shall be entitled to have such sum or sums repaid to him or her. The expenses of such winding-up shall be borne by the Union. Any residue remaining in the Fund shall belong absolutely to the Union.

9a. No further payments shall be credited to the Defence Fund after 22nd April 1967.

10. These rules may be altered and/or new rules may be substituted therefore by a resolution of the Association in Delegate Conference.

#### **COPY OF TRUST DEED RELATING TO DEFENCE FUND**

THIS INDENTURE is made the day of 1953, BETWEEN IRISH BANK OFFICIALS' HOLDINGS LIMITED having their registered office at IBOA House, Stephen Street Upper, in the City of Dublin (hereinafter called "the trustee") of the One part and of (hereinafter together referred to as "the Executive Committee") being the Executive Committee of the IRISH BANK OFFICIALS' ASSOCIATION of IBOA House, Stephen Street Upper, Dublin 8 aforesaid (hereinafter called "The Association") of the Other part WHEREAS the Association is a Trade Union registered under the Trade Union Acts 1871 and 1935 AND WHEREAS the Association pursuant to its objects has initiated and set up a Fund for the benefit of its member known as the Defence Fund the Rules relating to which are set out in the First Schedule hereto AND WHEREAS the Association has collected and will continue to collect from its Members the subscriptions payable by them and will pay over to the Trustees not later than the close of each financial year the returnable portion of the said subscriptions which shall constitute the said Defence Fund to be held by the Trustees upon the trusts hereinafter set forth.

NOW THESE PRESENT WITNESS that IT IS HEREBY AGREED AND DECLARED as follows:

1. The Trustees shall hold all monies transferred to them by the Association and specifically designated as contributions towards the Defence Fund upon the Trusts set out in the Second Schedule hereto.

2. The Association shall set aside and maintain a Special Reserve Fund of £5,000 and if by reason of any depreciation in the capital value of the Investments for the time being representing the Trust Fund in the Second Schedule hereto mentioned the said Trust Fund shall prove insufficient for the payment in full of all claims against the same the said Special Reserve Fund of £5,000 shall so far as the same shall extend be applied in making good the deficiency in the said Trust Fund resulting from such depreciation but save as aforesaid the Association shall not be liable for any depreciation or otherwise in respect of the said Trust Fund.

3. All the costs and expenses of and incidental to the preparation and execution of these presents shall be borne and paid by the Association and the Association shall also pay the Trustees on demand from time to time all costs and expenses incurred by the Trustees in and about the execution and administration of the trusts hereby declared of and concerning the monies aforesaid.

4. The Defence Fund may be wound up and the Trusts hereby declared of the investments and monies representing the same may be terminated by a Resolution of the Association in Delegate Conference and in such event every person who

is a member of the Association has contributed to the Defence Fund shall be entitled to have repaid to him or her subject to Clause 2 without interest every or any sum or sums which may then be standing to his or her credit in the Trust Fund and if any such person shall be then dead such repayment (if any) shall be made to his or her legal Personal Representative. Any residue remaining in the Fund shall belong absolutely to the Association.

IN WITNESS FIRST SCHEDULE RULES RELATING TO THE DEFENCE FUND AS PRINTED SEPARATELY

SECOND SCHEDULE TRUSTS RELATING TO THE DEFENCE FUND

1. To invest all monies received by the Trustees in or upon any securities authorised by the law of Ireland for the investment of Trust Funds or any fully paid stocks or shares of any bank or banks having a principal office in the Republic of Ireland or in Northern Ireland or in Great Britain with power to vary such investments for or into others of a like nature.

2. To pay the income arising from such monies and the investments for the time being representing the same (all of which are hereinafter referred to as "the Defence Fund") to the Irish Bank Officials' Association (hereinafter referred to as "The Association") for the general purposes thereof.

3. To hold the capital of the Defence Fund upon Trust to pay and apply the same in manner following, that is to say:  
(a) If and whenever the Executive Committee of the Association shall by certificate under their hands or the hands of their agent duly appointed thereto in writing certify that a person who as member of the Association has contributed to the Defence Fund is either on strike (whether partial or complete) or is locked out by his or her employer then the Trustees whether or not such person shall have continued to be a member of the Association subsequent to the making of such contribution shall apply so much of the capital of the Defence Fund as when realised shall represent the amount necessary for the purpose in payment to such person of such weekly, monthly or other sums and during such period or periods as shall be sufficient (so far as the amount contributed in cash by such person will extend) to make good to such person the loss of salary incurred by him or her during the period for which he or she is on strike or locked out as aforesaid, but the total of such payments shall not exceed the amount contributed by such person.

(b) If and whenever the Executive Committee of the Association shall certify in manner aforesaid that such a person as aforesaid has left the service of the bank by whom he or she was employed for any reason whatsoever the Trustees shall forthwith repay to such person whether he or she is then a member of the Association or not so much of the capital of the Defence Fund as when realised shall represent the amount contributed thereto in cash by such person except so much thereof as may have been previously thereto applied in manner provided by sub-clause (a) thereof.

(c) If and whenever the Executive Committee of the Association shall certify in manner aforesaid that such a person as aforesaid has died the Trustees shall repay to the personal representative of such deceased person (whether or not such person was at his or her death a member of the Association) so much of the capital of the Defence Fund as when realised shall represent the amount contributed thereto in cash by such person except so much thereof as may have been previously thereto applied in manner provided by sub-clause (a) hereof unless the whole of such capital shall have been previously thereto repaid to such person under the provisions of sub-clause (b) hereof.

PROVIDED ALWAYS AND IT IS HEREBY AGREED that a certificate of the Executive Committee of the Association under their hands or the hand of their agent duly authorised thereto in writing as to the amount of cash contributed by any member of the Defence Fund shall be conclusive and binding upon such member and such a certificate shall be furnished annually by the Association to the Trustees in respect of any member who has contributed to the Defence Fund so long as any part of the amount so contributed remains in the capital of the Defence Fund, and whether such member continues to be a member of the Association or not.

4. The Trustees shall not be responsible for or liable to make good any loss of capital occasioned by any depreciation in the value of any securities in or upon which the Defence Fund may be for the time being invested.

### **Appendix 3: Rules relating to the New Defence Fund**

*(NB No payments were made to this Defence Fund in 1989 and no further payments will be made after June 1990 in accordance with Resolutions passed at 1989 and 1990 Annual Delegate Meetings. All monies held in the Defence Fund from 1 June 1990 shall continue to be held subject to the Rules relating to the Defence Funds as comprised in Appendices 2 and 3).*

1. There shall be constituted and set up a Fund to be known as the “New Defence Fund” and all the rules and regulations presently applicable to the Defence Fund shall apply *pari passu* (in the same way) to the New Defence Fund save where the same are hereinafter varied or amended.
2. The Trustees of the New Defence Fund shall be Irish Bank Officials’ Holdings Limited (or such other Trust Company approved by the General Council of the Union) who shall execute a supplemental Trust Deed in relation thereto containing such provisions as may be necessary to enable the Trustees to give effect to the amended rules.
3. If at any time the General Council is of the opinion that a member directly or indirectly is liable to suffer or has actually suffered any loss as a result of any industrial action or dispute involving the employers or employees of any employment organised by the Union, the General Council may by resolution direct the Trustees to pay out to such member the whole or such part of the returnable contributions standing to the credit of such member as it may deem advisable the said sum to be paid at such time and in such amounts as the General Council shall decide.
4. No Special Reserve Fund shall be set aside or maintained and the Union shall not be liable for any depreciation in respect of that Trust Fund.

## **Appendix 4: Rules for the Conduct of Business at Delegate Conferences and Other Meetings**

1. Meetings shall convene punctually at the appointed time and shall continue until the business of the agenda is completed.
2. At each Delegate Conference, the President shall take the chair and formally open the business of the meeting. In the absence of the President, the delegates present shall elect a Chairperson from among their numbers. The Chairperson shall vacate the chair on the arrival of the President. In other meetings, the Chairperson shall be elected by those members present and entitled to attend.
3. At the start of each Delegate Conference, the Chairperson shall appoint not less than four delegates as tellers to count the votes taken on any matter before the Conference.
4. At the start of each Delegate Conference following the appointment of the tellers, the Chairperson shall invite a member of the Conference Business Committee to present a report to the Conference with recommendations for the conduct of business for the event and for any other matters within the Committee's remit.
5. The Chairperson's ruling on all matters shall be final. Furthermore, s/he shall have the power to decide when a proposition has been fully discussed and may call upon the proposer of any proposition under discussion to close the debate. In the event of the votes on any matter before the Conference or meeting being equal the presiding Chairperson shall have a casting vote.
6. The voting on any matter at any meeting shall be by show of hands of those entitled to vote/or by secret ballot if demanded by one-third of those present who are entitled to vote. At each Delegate Conference only delegates shall be entitled to vote. A member of the Union who is not a delegate may only attend and address the Delegate Conference at the invitation of the President. Outgoing or incoming members of the General Council – including any candidates for election to be determined by the Conference shall have the right to address a Delegate Conference, even if they are not delegates.
7. Speakers must always address their remarks to the Chairperson, and shall only put questions or make reply through him/her.
8. No proposition (including amendments) shall be discussed by the meeting unless it has been supported by at least one member in addition to the proposer. At each Delegate Conference, the length of time for each speaker shall be the subject of a recommendation by the Conference Business Committee which shall be considered by the Conference for adoption or rejection. The time limit may also be extended for any speaker at the discretion of the Chairperson.
9. If two or more delegates offer to speak at the same time, the Chairperson shall decide who shall speak first. Each speaker shall identify him/herself to the meeting before speaking on any subject by giving his/her name and, where applicable, the name of his/her employer and work location.
10. Each speaker at a meeting shall be heard without interruption unless the Chairperson intervenes to ensure the fair conduct of business or unless a delegate at the meeting requests that the Chairperson consider such an intervention.
11. At each Delegate Conference, no speaker shall speak twice on the same proposition except the proposer, who may exercise his/her right to reply in light with the recommendation from the Conference Business Committee. In the case of propositions proposed on behalf of the General Council or of any Sector Committee, these bodies may nominate another member of the Council or Committee to respond to the debate.
12. (a) DELEGATE CONFERENCES:  
Any propositions on the agenda shall normally be proposed and seconded by delegates from the division from which the proposition emanated. If for any reason a proposition is not proposed within a reasonable time span, the Chairperson shall deem it to have been withdrawn. Any member of the General Council may propose propositions initiated by the Council. In the case of a proposition which has been put forward by a group of twenty or more members acting independently of the General Council, Sector Committees, Retired Members' Committee or Young Workers' Forum, the President shall have the power to invite two of these members, on the advice of the Conference Business Committee, to address the Conference on the proposition.
12. (b) OTHER MEETINGS:  
Any member present and eligible to attend may propose or support a proposition. But the provisions of Rule 5, above,

apply to any vote taken.

13. (a) DELEGATE CONFERENCES:

A proposition may be passed, rejected or referred back to the General Council for further consideration. Where a proposition has been proposed and seconded, it shall be open to:

- i. the General Council through one of its own members; or
  - ii. the Sector Committee from where the proposition emanated;
- to propose that the proposition be “referred back.”

Once this proposal for reference back has been seconded, it shall be regarded by the meeting as an amendment to the original proposition and, as such, a vote shall be taken first on reference back. If the proposal for reference back secures a majority of votes, then the debate on the original proposition shall be deemed to have been concluded and the next business shall be undertaken. If the proposal for reference back fails to secure a majority, then the debate on the original proposition shall continue.

13. (b) OTHER MEETINGS:

A proposition may be passed, rejected or remain undecided if a counter proposal, as outlined in either Rule 15 or Rule 16, is accepted by a majority of those present and eligible to attend.

14. A proposition on the agenda of any meeting shall not be withdrawn except with the permission of two-thirds of those present who are entitled to vote or unless the circumstances indicated in Rule 11(a) above prevail.

15. If any member present and entitled to attend a meeting proposes that the meeting proceed to the next business, the Chairperson shall seek a seconder for this proposal. If it is seconded, all discussion on the matter before the meeting shall cease until this proposal is put to a vote. If the proposal to proceed to next business achieves a majority of the votes, then the item of business before the meeting at that time (such as a proposition and/or amendments) shall be deemed to have been completed and the next business shall be taken up. If the proposal to proceed to next business does not secure a majority, the discussion on the item of business before the meeting shall resume.

16. If two members present and entitled to attend a meeting propose and second a proposition that “the question be put now,” the Chairperson shall immediately cease the item of business before the meeting and put the proposition to a vote without further discussion. If this proposal secures a majority of votes, then the original proposition and any amendments associated with it shall be voted on without further discussion except for the proposer of the original proposition who may exercise his/her right of reply under Rule 10.

17. Any of these Rules for the Conduct of Business (with the exception of Rules 2 and 3 above) may be suspended if a proposal to do so is supported by two-thirds of those present and entitled to vote.

*Amended May 2018*