

**financial
services
union**

PROPOSED NEW RULES

for Consideration for Adoption by
the Special Delegate Conference
of the Union

**NOVEMBER 21, 2020
VIRTUAL CONFERENCE**

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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 Council may decide.

AIMS

3. The aims of the Union shall be:
 - i. 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:
 - a) safeguarding and expanding opportunities for employment as far as possible;
 - b) protecting and improving their salaries, pensions and conditions of employment as far as possible;
 - c) ensuring that their working environment is as safe and secure as possible;
 - d) providing support in cases of unfair treatment by their employers; and
 - e) assisting in seeking compensation in the event of loss of employment.
 - ii. 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;
 - iii. 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;
 - iv. to provide benefits (including legal benefit) to its members in accordance with these Rules and on terms to be determined by the Council from time to time;
 - v. 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;
 - vi. 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;
 - vii. to participate in a manner to be determined by the Council in the work of any organisation – local, national or international – which shares some or all of these aims;
 - viii. to make arrangements to affiliate or enter into similar relationships with any other like-minded organisations, subject to the approval of the Delegate Conference;
 - ix. to facilitate the social interaction and recreation of its members;
 - x. 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 Council;
 - xi. to raise funds to advance any of the aims of the Union;
 - xii. to acquire and dispose of property, as necessary, for any lawful purpose and in any lawful manner;
 - xiii. to establish and operate appropriate financial entities under the direction of the Council and subject to the approval of the Delegate Conference, to administer these funds; and

- xiv. 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 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 their 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 Council; and
 - iv. the application for membership shall have received the approval of an officer or employee of the Union authorised by the 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 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 Council;
 - ii. participate in all activities promoted by the Union within their 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:
- i. 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.

- ii. 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.
 - iii. 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 Council may suspend the application of Rule 7(b) and address the subscriptions issue as it deems appropriate.
 - iv. 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.
 - v. In exceptional circumstances, the Council may at its discretion decline to impose any increase in subscription rates specified under i above. The 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 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 Council. However they 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 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 their 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 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 Council.
 12. The 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.
 - i. Any additional categories of membership established by the Council under this Rule shall be subject to review and ratification by the following Delegate Conference.
 - ii. The 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 Council and ratified by the Delegate Conference
 13. A member of the Union shall cease to be a member:
 - i. when their written resignation has been accepted by the 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 Council which may include assignment to any other category of membership established under Rule 12 for which they are eligible.

14. If, following a majority vote by at least two-thirds of the members of the 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;

they may be:

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

provided that they have first:

- viii. been informed of the charges against them;
- 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 Council to defend themselves.

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

For the sake of clarity, the 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.
- i. If a member is suspended under Rule 14 (vi) the Council shall decide from which Union activities they will be excluded and for what length of time, subject to the exercise of their right of appeal in Rule 16.
 - ii. If a member is expelled under Rule 14, they shall cease to be a member of the Union, subject to the exercise of their 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 Council decision and the appeal to the Delegate Conference, the Council decision shall be binding.
17. The Council shall have the right to reject any member's resignation from the Union if, in the opinion of the 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.

- i. 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 Council decides on a lesser period. The responsibilities of the Point of Contact shall be:
 - a) to encourage any prospective members to join the Union;
 - b) to promote participation in Union activities;
 - c) to encourage members to take an interest in developments within the workplace;
 - d) to ensure that members are aware of all relevant Union communications;
 - e) to make any concerns of members known to the Area Co-ordinator, Sector Committee member or Union staff, as appropriate;
 - f) to organise meetings of members in their work location, as required;
 - g) to attend Union meetings as appropriate: and
 - h) to undertake any other duties as may reasonably be assigned by the Sector Committee or Council from time to time.

The Point of Contact may also at their discretion nominate any full member for election as

- i) an Area Co-ordinator, in line with Rule 20; and/or
 - j) a Sector Committee member, in line with Rules 21-24.
- ii. The election of each Point of Contact shall take place within a time-frame to be determined by the Council. The nomination shall be notified to the General Secretary, or any other employee of the Union designated by them for the purpose, in line with the time-frame decided by the Council.
- iii. Where more than one candidate is nominated for any position, the General Secretary, or any other employee of the Union designated by them for the purpose, shall make arrangements for a ballot in accordance with the election procedures prescribed by the Council.
- iv. All full members in an area shall be entitled to vote in the ballot.
- v. 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 Council.

AREA CO-ORDINATORS

20. In order to provide opportunities for effective representation of – and participation by – members, area structures shall be established in line with a criteria set out by the Council 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 Council.

- i. 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 Council decides on a lesser period. The responsibilities of the Area Co-ordinator shall be:
 - a) to encourage any prospective members to join the Union;
 - b) to support Points of Contact in their efforts to attract new members;
 - c) to promote participation in Union activities within their area;
 - d) to provide information and advice to members (including referral to Sector Committee members or the Union staff, as appropriate);
 - e) to make any concerns of members known to Sector Committee members or the Union Secretariat staff, as appropriate;

- f) to fulfil the functions of the Point of Contact in any workplace in their area where the position of Point of Contact is vacant until such time as the vacancy is filled;
- g) to undertake regular communication with each Point of Contact to exchange information and feedback;
- h) to attend meetings with Sector Committee members as appropriate;
- i) to attend any Delegate Conference and Special Conference held during their period of office; and
- j) to undertake any other duties as may reasonably be assigned by the Sector Committee or Council from time to time.

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

- ii. The election of each Area Co-ordinator shall take place within a time-frame to be decided by the Council. Each full member in an area shall be entitled to stand for election as an Area Co-ordinator, provided that their 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 Council.
- iii. Where more than one candidate is nominated for any position, the General Secretary, or any other employee of the Union designated by them for the purpose, shall make arrangements for a ballot in accordance with the election procedures prescribed by the Council.
- iv. All full members in the area concerned shall be entitled to vote in the ballot.
- v. 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 Council.
- vi. Subject to the approval of the 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 underrepresented or out of line with the criteria established by the 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 Council.

The sectors shall be:

- i. Allied Irish Bank Group;
- ii. Bank of Ireland Group;
- iii. Danske Bank Group;
- iv. 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 Council or the Union staff, as appropriate);
 - v. making any concerns of members in the sector known to the Council or to the Union’s staff, as appropriate;
 - vi. undertaking regular communication with each Area Co-ordinator within their constituency to exchange information and feedback;
 - vii. attending meetings with Area Co-ordinators or Council members as appropriate;
 - viii. fulfilling the functions of an Area Co-ordinator in any area in their 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 their period of office; and
 - x. undertaking any other duties which may be reasonably assigned by the Council from time to time.

Each Sector Committee member may also at their discretion participate in the election of members of the 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 will comprise of the number of elected representatives determined by the method set out in the Governance Framework and agreed by Council.
- 27.** A Division will be established comprising members that do not belong to one of the Sectors as determined by Council and this will be known as the Evolve Division.
- 28.** The allocation of the members in each sector into constituencies is agreed by the Council and detailed in the Unions Governance Framework. This shall be reviewed by the Governance and Ethics Committee from time to time in line with the criteria set by the Council to determine the constituencies. Any member of the Union shall be eligible to be nominated for election to the Sector Committee provided that:
- a) they are principally employed in the constituency which they intend to represent;
 - b) they have been duly nominated by either two Area Co-ordinators or ten full members from the constituency which they intend to represent;
 - c) they comply with the election arrangements prescribed by the Council in accordance with any legal requirements which may apply in specific jurisdictions; and

- d) they shall have been a full member in good standing for at least two years, unless the Council decides on a lesser period.
 - i. 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.
 - ii. 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 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.
 - iii. Subject to the approval of the 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 28 i and ii – 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 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 28 i or ii shall be entitled to participate in the latter activities.
 - iv. Any member of a Sector Committee may be removed by a resolution of a special meeting of the full members in their constituency duly convened to consider the issue. This special meeting shall be convened by the Council within one month of receiving a petition for removal signed by not less than 50% of the full members in the constituency.
29. 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.
- i. 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:
 - a) 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;
 - b) any budgetary measures adopted by the Council are implemented within the sector; and
 - c) appropriate arrangements are made for all subsequent meetings of the Sector Committee (or any subcommittees established by the Sector Committee) during its term of office.
 - ii. 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.

COUNCIL

30. For the strategic governance of the Union between Delegate Conferences, a Council shall be elected every two years until 2018 and every three years afterwards. The 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.
- i. The 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 Council shall also discharge its financial responsibilities in line with Rules 37-41. In addition, the Council shall also have power to direct the general policy of the Union on all matters relating to the aims specified in Rule 3.

- ii. The Council shall hold office from the end of the Delegate Conference immediately following the Council's election until the end of the subsequent Delegate Conference.
- iii. Since the 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 Council in accordance with these Rules as if these instructions had been decided by a majority of delegates at a Delegate Conference.
- iv. The 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 Council may also appoint sub-committees and delegate to them such powers as it thinks fit, provided they do not conflict with these Rules.
- v. The 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.
- vi. The Council shall meet a minimum of four times each year to ensure that it fulfils its overall obligation, as the governing body, to lead and direct the organisation.
- vii. The General Secretary or President shall have the power to call a Council meeting at any time. The President shall call a meeting of the Council within ten days, if requested to do so in writing by nine or more members of the Council, provided that these members include representatives from at least three sectors.
- viii. Subject to these Rules, the 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.
- ix. The Council shall appoint Council Committees from time to time. The terms of reference for Committees shall be established by the Council in consultation with the Chairperson of each Committee and the General Secretary.
- x. The following Committees shall be established by the Council:
 - a) Strategy and Membership
 - b) Finance, Audit and Risk
 - c) Governance and Ethics
- xi. The Chairperson of each of Committees shall be
 - a) Strategy and Membership – President
 - b) Finance, Audit and Risk - Vice President (Finance)
 - c) Governance and Ethics - Vice President (Governance)
- xii. The Council and the Committees may from time to time appoint, and stand down, Working Groups / Special Interest Groups / Forums, where necessary to support the work of the Union. The Council shall approve the terms of reference for each group. These groups will include a Retired Members Forum.
- xiii. The Council may establish any other committees as it deems appropriate from time to time and shall approve their remit and terms of reference.
- xiv. Positions on Committees to be filled by a process determined by Council.
- xv. Members of Committees established by Council may include up to two independent external members.

- xvi. The independent external member positions on Committees shall be selected by a procedure overseen by the Governance and Ethics Committee and these selections will be subject to ratification by Council.
- xvii. Such person shall not be a member of the union during the period of office and they shall not be eligible for or entitled to stand for election to any office in the union.
- xviii. The Council will review the governance framework at least once on an annual basis and approve any amendments, as necessary.

ELECTION OF THE COUNCIL

31.

- i. The Council shall consist of the following members:
 - a) the President – elected as outlined in Rule 31iii below;
 - b) the Vice President (Governance) – elected jointly by all of the Sector Committees;
 - c) the Vice President (Finance) – elected jointly by all of the Sector Committees;
 - d) the General Secretary (ex officio)
 - e) The number of ordinary members from the Sector Committees and Evolve Division as prescribed by criteria set out in the Governance Framework and agreed by Council comprising representatives from:
 - Allied Irish Bank Group Sector Committee;
 - Bank of Ireland Group Sector Committee;
 - Danske Bank Sector Committee;
 - Evolve Division;
 - Ulster Bank Group Sector Committee; and
 - A maximum of 3 independent external members selected from the Strategy and Membership, Governance and Finance Committee – one from each Committee. Such person shall not be a member of the union during the period of office and they shall not be eligible for or entitled to stand for election to any office in the union.
- ii. If any member of the Council ceases to be a full member of the Union for any reason, they shall resign their position immediately.
- iii. The 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.

32. The election of members to the Council shall take place after the election of the four Sector Committees and the Evolve Division. Wherever possible, the four Sector Committees together with the elected Evolve Division representative will meet jointly together to conduct the election of the Vice President (Governance) and Vice President (Finance). 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 Council.

- i. If the vote on any of the elected positions on the 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 Vice President (Governance) and Vice President (Finance), 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
- ii. Once a nominee has been ratified as a member of the Council, they 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 Council.

- iii. The process for the Election of the representative for the Evolve Division shall be agreed by the Council. This shall be reviewed by the Governance and Ethics Committee from time to time in line with the criteria set by the Council. These criteria will endeavour to ensure that fair representation for all members is achieved in so far as is practicable. Any member of the Evolve Division shall be eligible to be elected to the Council through the process as agreed by the Council provided that:
 - a) they have been duly nominated by ten full members from the Evolve Division;
 - b) they comply with the election arrangements prescribed by the Council in accordance with any legal requirements which may apply in specific jurisdictions; and
 - c) they shall have been a full member in good standing for at least one year, unless the Council decides on a lesser period.
- 33. If the President is unable to complete their term of office for any reason, the remaining portion of their term of office shall be filled by a full member, nominated by the Council. If any Council member, other than the President, is unable to complete their term of office for any reason, their position shall be filled through a byelection involving the relevant Sector Committee or Committees in accordance with Rule 31.
- 34. If, in exceptional circumstances, it is not possible for the new Council to be elected in time to take up office at the end of a Delegate Conference, as specified in Rule 30 ii , the Council elected to serve for the preceding term shall remain in office until the new Council can be elected.
- 35.
 - i. The President, Vice President (Governance) and Vice President (Finance) 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.
 - ii. The 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 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 Council and subsequently to the Delegate Conference.
 - i. The Council shall have discretion to set the remuneration and terms and conditions of employment of the person appointed to this position.
 - ii. 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 Council within the framework of the decisions taken by the Delegate Conference.
 - iii. On appointment, the General Secretary shall become an ex-officio member of the Council.

UNION FINANCES

- 37. The Vice President (Finance) shall deposit in the name of the Union all sums received by them on behalf of the Union with one or more financial institutions to be selected by the Council.
 - i. The Council shall ensure that proper accounts are kept to record:
 - a) all sums of money received or spent by the Union and the purposes for which the money was received or spent;
 - b) all assets and liabilities of the Union, and
 - c) all income (subscriptions and other income) and purchases of goods and services by the Union.
 - ii. The accounts shall be kept at the registered office of the Union.

- iii. The accounts of the Union shall be audited annually by certified Auditors recommended by the Council and approved by the Delegate Conference.
 - iv. All payments made by the Union shall be duly authorised in the manner decided from time to time by the Council.
 - v. Subject to the approval of the following Delegate Conference, the Council shall have the discretion:
 - a) to establish and operate funds for specific named purposes – including those described in the appendices attached to these Rules – and
 - b) 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 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 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 Council shall appoint a Trustee to hold all deeds, documents of title, securities and funds of the Union.
- i. 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.
 - ii. The Trustee shall produce these deeds, documents, securities and funds when required by a resolution of a Delegate Conference, or of the Council, or when required by the Auditor.
 - iii. 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.
 - iv. 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 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 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 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 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 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 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 Council member at the beginning of the Conference.
- i. The 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.
 - ii. The 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 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 50 and 51.
 - vii. consideration of any proposition which complies with the terms of Rules 50 and 51;
 - viii. consideration of any other matter included in the programme for the Delegate Conference submitted by the 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 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.** A Conference Business Committee will be established by Council and the remit and terms of reference of that Committee will be specified in the Governance Framework.

The 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.

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 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.** 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.
- 47.** A Special Conference shall be convened if a majority of all 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.
- i. The Conference shall be convened within two months of the receipt by the General Secretary of the request that it be convened.
 - ii. The 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 Council at a meeting convened specifically for that purpose.
 - iii. The delegates to the Special Conference shall be those members who hold the positions of Area Co-ordinator or Sector Committee member or Council member at the beginning of the Conference. .
 - iv. The 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.
 - v. The 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.
- 48.** The President of the Union, if present, shall chair all Delegate Conferences. In their 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.
- 49.** 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.
- 50.** 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

51. 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).

- i. The quorum for a meeting of the 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 Council.
- ii. 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

52. 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.

- i. 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.
- ii. 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.
- iii. In line with Section 14(2) of the Industrial Relations Act, 1990, the 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 52 iv favour such strike or other industrial action.
- iv. In line with Section 14(2) of the Industrial Relations Act, 1990, the 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.
- v. 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.
- vi. 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:
 - a) the number of ballot papers issued;
 - b) the number of votes cast;

- c) the number of votes in favour of the proposal;
 - d) the number of votes against the proposal; and
 - e) the number of spoiled votes.
- vii. 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.
 - viii. 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 Council without the necessity of a further ballot of the members concerned.

STRIKES AND INDUSTRIAL ACTION – NORTHERN IRELAND AND GREAT BRITAIN

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

- i. The Council shall have the power to authorise a strike or other industrial action. The 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.
- ii. 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.
- iii. The 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.
- iv. The 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.

ALTERATION OF RULES

54. 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

55. 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: LEGAL BENEFIT

1.

- i. The Council shall have the absolute discretion to grant legal benefit to members, who qualify under Article 2 below, in cases involving:
 - a) injuries or any other matter requiring legal benefit arising out of or in the course of their employment, or
 - b) in proceeding to or from their place of employment, or
 - c) while on Union duties or
 - d) injuries arising out of a non-work-related matter; or
 - e) in exceptional circumstances, any other matter.
- ii. The 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:
 - a) injuries suffered by the family member arising out of a non-work-related matter; or
 - b) in exceptional circumstances, any other matter.
- iii. Legal benefit may include advice and/or representation. Where legal benefit is provided by a solicitor and/or counsel instructed by the Union, the Council shall indemnify the member (or member's family, if appropriate) for any liabilities incurred on the Council's authority up to the date of withdrawal of support.
- iv. The 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.
- v. In all cases, the conditions of Articles 3 to 7 inclusive below should be satisfied. However, the Council shall have the absolute discretion to grant legal benefit even though some or all of these conditions may not be met.
- vi. In all cases, the Council shall have the absolute discretion to grant, refuse, continue or withdraw legal benefit. The 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:
 - i. The member must have been in membership of the Union for at least 13 weeks before they become aware that they require and seek legal benefit from the Union.
 - ii. The member must not be in arrears of subscriptions.
 - iii. The 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 Council.
4. The member is not entitled to assume that their 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 they have obtained dispensation from the Council or relevant committee acting on its behalf.

6. The Council may grant legal benefit on such conditions as it deems appropriate. Every grant of legal benefit shall be on the understanding that the 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 Council may, in determining whether to continue or withdraw legal benefit, take into account the policy of the Union. The 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 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 Council shall come from the General Fund of the Union. The 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, they 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, they shall be:
 - i. a current member of the Union; or
 - ii. 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 they were eligible for membership; or
 - iii. 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 Council of the Union. Every applicant for a grant from the Fund shall provide the Council with whatever information as the Council may require. Failure to provide this information or the provision of false information shall invalidate the application.
8. The 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 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 Council shall record its decision on each application.
11. The decision of the Council on any application for a grant shall be final. The 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 Council may impose such conditions as it may think fit on any grant it may make.
13. The Council may refuse to make a grant to any applicant: it shall not be necessary for the Council to assign any reason for such refusal.

14. When making a grant, the Council may make it payable to the applicant themselves or to any other person or persons for their benefit: the grant may be payable at one time or in instalments as the Council may think fit.
15. If the 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 Council may, without assigning any reason, revoke such grant at any time before it is paid.
17. The 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.

Amended at SDC, November 2020

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