

- 16.25 In relation to the election of the National LGBT+ and Disabled Member Representatives, from the electoral period 2022/2025, only members who are LGBT+ or Disabled shall be accorded equally an entitlement to stand and vote.
- 16.26 In relation to clauses 18 and 19 above, the Union shall rely on its membership records and shall endeavour to collect and record such relevant information, but shall be entitled to make a presumption of non-entitlement to vote in such election where there is an absence of the relevant qualification information.
- 16.27 A member who is eligible to vote in an election who does not receive a voting paper should contact the Union but the final decision on whether to issue a further voting paper to that member shall be a matter for the independent scrutineer.
- 16.28 Each candidate shall be entitled to attend as an observer the counting of the votes from the constituency in which he/she is a candidate.
- 16.29 If at any stage during an election or within 28 days of the declaration of the outcome a candidate in an election or the Executive Council considers that there has been a breach of these rules or of any other legal requirement relating to the conduct of the election or any other interference with the conduct of the election and that the breach or interference may materially affect or may have materially affected the outcome of the election, he/she or the Executive Council may submit a complaint to the Election Commissioner.
- 16.30 If the Returning Officer or a member who is not a candidate considers that there are grounds for a complaint to the Election Commissioner, he/she should refer the matter directly to the Executive Council.
- 16.31 A complaint to the Election Commissioner should be made as soon as is reasonably practicable. The Election Commissioner shall not consider any complaint made more than 28 days after the date on which the Executive Council declared the outcome of the election.
- 16.32 A complaint to the Election Commissioner shall be made in writing addressed to the Election Commissioner care of the Returning Officer and accompanied by all the supporting evidence which the complainant wishes to be taken into account.
- 16.33 If when the Election Commissioner receives a complaint the independent scrutineer has not yet reported on the election and the Election Commissioner considers that the complaint raises matters which fall within the jurisdiction of the independent scrutineer, he/she shall refer the complaint (or the part thereof which raise such matters) to the independent scrutineer unless it is not reasonably practicable to do so. When the Election Commissioner has referred a complaint (or part thereof) to the independent scrutineer he/she shall not adjudicate on the complaint until the independent scrutineer has expressed a view on that complaint.
- 16.34 The Election Commissioner may adjudicate on a complaint on the basis of written material submitted with the complaint or, at his/her complete discretion, call for such further information as he/she shall think fit and/or conduct a hearing of the complaint. Subject to the provisions of this rule, the Election Commissioner shall decide his/her own procedures for investigating and adjudicating upon the complaint provided that he/she shall endeavour to adjudicate on the complaint as quickly as is reasonably practicable.

- 16.35 If after considering a complaint the Election Commissioner considers; that there has been a material breach of these rules or of any other legal requirement relating to the conduct of the election or any other material interference with the conduct of the election; and that the breach or interference may materially affect or has or may have materially affected the outcome of the election; the Election Commissioner may recommend that the Executive Council should take one or more of the following measures:-
- 16.35.1 Declare the ballot and, if it has been declared, the outcome of the election void and call for a fresh ballot to be held;
- 16.35.2 Disqualify a candidate or candidates and permit the remaining candidates to go forward in the ballot or in any fresh ballot that may be ordered; or
- 16.35.3 Such other remedial measures as the Election Commissioner considers appropriate.
- 16.36 Subject always to any decision to the contrary by a court, the Certification Officer or any other lawful authority, the Executive Council shall give effect to any recommendation by the Election Commissioner made in accordance with clause (29) of this rule.
- 16.37 If an election is delayed as a result of action taken pursuant to a recommendation by the Election Commissioner, an order of a court, the Certification Officer or other lawful authority, a member who holds the office which is the subject of that election shall be entitled to continue in that office until the election is concluded.
- 16.38 Any casual vacancies on the Executive Council that occur within the first two years of the electoral term shall be filled by a by-election for a replacement delegate. If that casual vacancy occurs in the final year of the electoral term, there shall not be a by-election but that an observer may be elected to represent the section's interests from the relevant constituency, i.e. NISC, Regional Committee, National Equalities Committee.

RULE 17. BRANCHES

- 17.1 Wherever possible, Branches shall be based on the workplace, although provision shall also be made for local Branches, including local industrial sector, community and retired branches.
- 17.2 National Industrial Branches shall be approved by the Executive Council only as appropriate and where the local workplace branch model is not deemed suitable. Members of National Industrial Branches may fully participate in the structures of the Union, including the Regional Industrial Sector Conference and the Regional Political Conference (in both cases subject to meeting eligibility criteria), in the Region where they live if different from the Region where the branch is based.
- 17.3 Branch membership shall be allocated on the basis of the workplace if there is a workplace branch at the member's workplace, or the local branch most appropriate for their workplace if there is not a workplace or National Industrial branch.
- 17.4 Branches shall have direct access to a proportion of membership subscriptions. Such a proportion and access arrangements to be determined by the Executive Council, and may be conditional on performed compliance with financial reporting requirements. These funds may be used to meet the cost of administering the Branch; for recruitment

and other campaigns approved by the Executive Council; for local affiliations; to assist members or their dependants who have suffered misfortune; or for any other worthy cause, subject to any provisions elsewhere in these rules, and that no general purposes funds shall be used for political objects. Any payments made in connection with any form of industrial action must be made strictly in line with Executive Council guidance applicable at the time. Branch funds shall not be utilised to assist a member or former member in obtaining legal advice, assistance or representation in respect of any court, tribunal or other proceedings brought against (or intended to be brought against) the Union.

- 17.5 All the property of the Branch including the books and other effects of the Branch, shall be the property of the Union and shall, on request by the Executive Council, be produced for inspection and audit. In the event of a closure, merger or dissolution of the Branch, all property of the Branch shall be dealt with as directed by the Regional Committee subject to the overall control of the Executive Council. No branch will be closed and no member will be transferred to another branch without proper consultation with the branch, the member or members concerned.
- 17.6 The Regional Committee shall be required to ensure that each Branch meets at least quarterly and operates in accordance with the standing orders provided for in clause 9 of this rule. Where a Branch fails to meet quarterly of all members that Branch shall be suspended and members of the Branch shall be allocated to a Branch which meets the requirements of rule subject to the right of the Branch to appeal to the Executive Council. Branches shall, with the assistance of the Region, advise their members of the venue, time and date of branch meetings; this may be by post or by posting the information on the Union's website. It shall be the responsibility of the branch secretary to ensure that up to date information about branch meetings is held by the Union.
- 17.7 Where deemed desirable for organisational and/or administrative reasons the Regional Committee shall be empowered to merge Branches; in the event of an appeal this will be heard by a sub-committee of the Executive Council.
- 17.8 Each Branch shall have for its management branch executive officers consisting of a Chair, a Vice-Chair (where a branch so decides), a Treasurer, an Equality Officer and a Secretary; and such other officers as the Branch may elect. They shall be elected at a Branch meeting by show of hands, or by ballot, if so decided by the meeting. The election shall take place at a branch meeting held between 1st January and 31st March in each third year and the elected candidates shall take office for three years. Casual vacancies may be filled at an ordinary Branch meeting, but notice of the impending election must be given to members of the Branch on the notice convening the meeting. The positions of Secretary and Treasurer may be held by the same member if the Branch so chooses.
- 17.9 The Executive Council shall issue standing orders to regulate the conduct of Branch meetings and business and may amend the standing orders from time to time. Those standing orders may only be varied in respect of a Branch with the prior approval of the Regional Committee. The quorum for a Branch meeting to make a decision on any matter shall be 5 members and all matters should be decided by a simple majority of those voting. If the votes are equal the proposition before the meeting shall fail.
- 17.10 The Branch chair shall preside over all meetings of the Branch and shall ensure that business is conducted in accordance with the rules and Branch standing orders. If the chair is absent from a Branch meeting, those present shall elect a substitute to take his/her place for that meeting. The chair shall be entitled to vote on all matters to be

decided by the Branch but he/she shall not have a second or casting vote. The Branch secretary shall be responsible for the general administration of the Branch including maintaining the Branch membership, financial and other records in the manner required by the Executive Council, taking and preserving Branch minutes and conducting all correspondence on behalf of the Branch. On taking office the branch secretary shall provide an address where members can contact him or her. This information shall be posted on the Union's website.

- 17.11 The Branch treasurer shall be responsible for dealing with financial transactions concerning the Branch, ensuring that all payments are made in accordance with the rules of the Union, receiving contributions from members who pay at the Branch and banking monies. He/she shall provide the Branch secretary with a record of all financial transactions and shall ensure that they are accurately recorded in the Branch records and that all monies are dealt with in accordance with the rules and the instructions of the Executive Council.
- 17.12 If a Branch is unable to fill a vacancy for secretary or treasurer, the Executive Council may appoint a full time officer to fulfil the duties of that office until such time as the Branch is able to fill the position.
- 17.13 All references to "Branch" throughout these rules refer to lay member organisations. All references to Branch secretaries refer to lay officials.
- 17.14 Branch officers shall receive the fullest support and protection from the union, and an immediate enquiry shall be undertaken by the appropriate regional industrial sector or regional committee into every case of victimisation of a branch officer with a view of preventing victimisation whether open or concealed. Following the enquiry by the Regional Industrial Sector, or the Regional Committee, a full report will be sent to the EC with recommendations.

RULE 18. WORKPLACE REPRESENTATION

- 18.1 At each workplace, the members employed at that workplace, shall elect from amongst themselves, at least every 3 years, 1 or more of the following representatives:
 - 18.1.1 Shop stewards/workplace representatives
 - 18.1.2 Safety representatives
 - 18.1.3 Learning representatives
 - 18.1.4 Equality representatives
 - 18.1.5 Environment representatives

The election shall take place at a meeting held between 1st January and 31st March in each third year, and the elected candidates shall take office for three years. Such workplace representatives as listed above shall be entitled to attend the triennial Regional Industrial Sector Conference.

- 18.2 The election of workplace representatives shall, where practicable, have a gender and ethnic balance at least reflecting the proportion of Black and Asian ethnic minority and women members which they represent. Election to one representative role shall not preclude election to another such role within the same workplace.