

IWGB Constitution

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ARTICLE 1: NAME

The name of the Union shall be called the INDEPENDENT WORKERS' UNION OF GREAT BRITAIN—IWGB (herein after called the Union).

ARTICLE 2: REGISTERED OFFICE

The Registered Office of the Union shall be at:

12-20 Baron Street

London N1 9LL

or at such other place as the Union, may, from time to time, decide. The Certification Office Societies shall be notified of any change of address of the Registered Office of the Union.

ARTICLE 3: OBJECTS

The principal aims and objects of the Union shall be to:

- a) improve and protect the terms and conditions of the members;
- b) improve maintain and protect members' social standing;
- c) promote the primacy of members' own decision making in all matters covered by the Rules of the Union, and in the development of its policies;
- d) preserve, protect and promote the independence of the Union and its members; settle disputes between the members and their employers; regulate the relations between the members and their employers through collective bargaining, withdrawal of labour, or otherwise; conduct negotiations;
- e) initiate movements for increased rates of pay, or improved conditions of employment, on behalf of the members; promote opportunities for social association and recreation for the members;
- f) assist in and co-operate with the advancement of the independent representation of members generally;
- g) cooperate, directly or indirectly, with the work of any organisation, local, national or international, who hold objects or policies which are similar to those of the Union;
- h) engage in communications and publishing, for the purposes of furthering the policy of the Union or its members;
- i) work for the relief of poverty;
- j) provide advocacy and translation to all workers including migrants.

ARTICLE 4: APPLICATION OF FUNDS

All money received on account of membership subscriptions, contributions or interest in investments, shall be properly applied in carrying out the objects of the Union, and in meeting the costs and expenses of managing the Union according to these rules.

ARTICLE 5: MEMBERSHIP

- a) The Union shall consist of, and membership of the Union shall be open to, all employees, workers and any other persons who accept the principles, objective and Rules of the Union. Applications for membership can be accepted by any Branch of the Union or by any officer authorised for the purpose by a Branch or Committees of the Union.
- b) Membership for people who receive support from the Legal Department's Extreme Exploitation Unit will not be members of a particular branch. Their membership will depend instead on the Central Union. Admission of these members will be determined by the Union's Legal Department Sub-Committee.
- c) Every application for membership of the Union shall be made in a form approved by the Union.
- d) An applicant for membership whose application has been rejected by a Branch may appeal to the Executive Committee which may grant admission to membership, or refuse the application, at its discretion.
- e) The Union conference may, at its discretion, admit any Person as an Honorary Member of the Union.

ARTICLE 6: MEMBERSHIP FEES, CONTRIBUTIONS & SUBSCRIPTIONS

- a) The Executive Committee shall establish a General Account into which all membership fees, all contributions and/or subscriptions will be paid, administered and then directed, as appropriate.
- b) Subject to para (d), Membership fees shall be established by the branches but must be approved by the IWGB National Executive Committee.
- c) 50% of a branch's membership fees shall be returned to the branch each month.
- d) Membership fees for members receiving help from the Extreme Exploitation Unit shall be established by the Executive Committee.

ARTICLE 7: LEVIES, LOCAL FUNDS

- a) The Executive Committee may, should occasion arise, recommend a levy on the members.
- b) The Executive Committee shall consider applications from branches for the establishment and operation of 'local', special, issue or category specific levy funds, from time to time. The Executive Committee shall produce a 'Constitution & Standing Orders' for the operation of such funds. All such funds shall be operated within such regulations as the Executive Committee may set.

ARTICLE 8: ADMINISTRATION & ORGANISATION

- a) The Executive Committee, President and General Secretary, who shall be elected annually, shall be responsible for the organisation and administration of the Union.
- b) The Union shall be organised into branches. The appropriate number of Branches, whether by enterprise, trade, industry, locality, or otherwise shall be determined by the Executive Committee.

- c) The Union shall maintain a register of members which.
- d) The formation of the new branches will require the Branch's constitution to be approved by the executive committee.

ARTICLE 9: VOTING & BENEFIT RIGHTS

- a) Cognisant of the objects of the Union, and subject generally to the other provisions, any member shall be entitled to vote, in respect of Branch matters, and in respect of other Union matters.
- b) A member shall not be entitled to vote in any of the affairs of the Union nor to avail of any benefits if the member's arrears exceed two months. Such person shall hereinafter be described as "out of benefit" and shall not be entitled to be nominated to hold union office, propose or be appointed to or elected to any office within the union.

ARTICLE 10: BALLOTS

- a) Without derogating from the powers vested in the Annual Conference of the Union or those of the Executive Committee by virtue of these Rules, the Executive Committee shall have power, from time to time, to submit any matter, issue or question to the ballot vote of the members of the Union, as a whole, in a Branch or number of Branches, as the Executive Committee shall determine. The Executive Committee shall issue regulations, as agreed by the Union conferences.
- b) The Regulations on Balloting, shall have regard to the members' right to have sufficient time to consider the proposition, the requirement to have clarity of the question being put, a ballot paper presented on which the question is clear and intelligible, adequate notice of the time(s) and place(s) of the conduct of the ballot, the absolute right to vote in secret free from any interference or pressure whatsoever, that the ballot be securely organised and conducted, the appointment by the members themselves of at least three scrutineers to properly count the ballot vote, and an appropriate declaration and publication of the result of the ballot.
- c) Members shall have the right to attend the place in which a ballot is being counted if the ballot is being run by the IWGB directly.

ARTICLE 11: DISCIPLINE OF MEMBERS

- a) The Executive Committee, through a sub-committee of 3 of its members appointed specifically for the purpose, shall have power to investigate the conduct of any member in order to determine if that member has been guilty of any breach of these rules or of conduct injurious to the interests of the Union or its members or of conduct unbecoming a member.
- b) Such members shall be afforded details in writing of any charge contained in such complaint or report and the source not less than one week before the meeting of the sub-committee at which such charge shall be heard and determined. Such person shall be entitled to hear all the charges made and to respond, either in writing or personally before the sub-committee.
- c) If a serious allegation against a union official, rep, or member arises, and it would be in the interests of the union for the person to be suspended from official duties and/or membership pending an investigation, and if a majority of the General Secretary, President, and Vice-President agree that the situation merits suspension, then they shall have the power to suspend on behalf of

the IWGB. It should be made clear that the suspension is not punishment, and the temporary suspension should only last until the Article 11 investigation and decision has been made.¹

- d) A member who is deemed guilty of the charges may be subject to one or more of the following penalties as the sub-committee may decide:
 - d.1. be cautioned as to future conduct;
 - d.2. be debarred from attending Union meetings for a period as decided;
 - d.3. be debarred from holding office or participating in any way in branch or Union administration for a period as decided;
 - d.4. be suspended from membership for a period as decided;
 - d.5. be expelled from membership.
- e) A person suspended from membership shall be deemed a non-member for the duration of the suspension.

ARTICLE 12: APPEALS

- a) A member who has been the subject of an investigation under Rule 11.a and who is dissatisfied with the decision of the Executive Committee may appeal against such decision to the remaining members of the Executive Committee. Any such appeal shall be submitted in writing to the General Secretary within four weeks of the date on which the decision of the sub-committee is conveyed to that member.
- b) The remaining members of the Executive Committee shall consider the written appeal submitted together with the report from the sub-committee on its investigation of the case.
- c) The remaining members of the Executive Committee may affirm or reverse the decision of the sub-committee and may substitute one or more of the penalties prescribed in Rule 12.a for all or any of the penalties imposed by the sub-committee. In the event of a tied vote, the decision of the sub-committee will stand.
- d) A decision of the remaining members of the Executive Committee on such appeal shall be final and conclusive.

ARTICLE 13 - FORMATION OF BRANCHES

- a) The Union shall be divided into Branches as authorised by the Executive Committee who shall determine the size, location and distribution of Branches, from time to time.
- b) In order for a new branch to be formed there must be a minimum of 10 members of the branch.
- c) A member may not belong to more than one Branch of the Union except, and on terms and conditions as expressly determined by the Executive Committee.
- d) The Executive Committee and/or the Annual conference may:
 - d.1. dissolve a Branch or transfer members to another Branch, or Branches;
 - d.2. amalgamate two or more Branches;
 - d.3. divide a Branch into two or more Branches;
 - d.4. establish a Branch for any particular trade, industry, location, occupation,
 - d.5. or otherwise; abolish a Branch.
- e) Each Branch shall be required to conduct an Annual General Meeting of the members of the

¹ Introduced: November 2017

Branch each year.

- f) In accordance with Branch Constitutions, each Branch shall make arrangements to elect/appoint Officers (including but not limited to: Chair, Vice Chair, Secretary, Treasurer and two Scrutineers and Trustees), and representatives to conduct the business of the Branch within the Rules of the Union.
- g) The branches must abide by the IWGB Constitution and by decisions of the IWGB Executive Committee.
- h) Branches are free to run their own social media and create their own logos however they must, in all formal communications, emails, and social media, clearly display the IWGB name and logo.
- i) The duties of Branch Officers shall be determined by the branches' constitutions.

ARTICLE 14: GOVERNMENT OF THE UNION

ANNUAL CONFERENCE:

- a) The supreme government of the Union shall be vested in the Annual Conference which shall meet in May on the date and at a time and venue to be determined by the Executive Committee. The Annual conference shall be open to all members of the Union to attend, however only conference delegates will have the right to vote.
- b) Conference delegates shall consist of:
 - 1. All members of the Executive Committee;
 - 2. In addition to Executive Committee members, each branch shall choose its delegates with the total number for each branch determined by membership as follows:
 - 0-100 paying members: 6 delegates
 - 101-200 paying members: 10 delegates
 - 201-300 paying members: 15 delegates
 - 301-400 paying members: 20 delegates
 - 401-500 paying members: 25 delegates
 - 501-600 paying members: 30 delegates
 - 601-700 paying members: 35 delegates
 - 701-800 paying members: 40 delegates
 - 801-900 paying members: 45 delegates
 - 901-1000 paying members: 50 delegates
- c) The Union shall have the following officers; President, Vice-President, Treasurer, General Secretary, Women's Officer (elected by the Union's female membership only), Three Trustees and an Executive Committee.
- d) All the Officers, Executive Committee members shall be elected by membership ballot, for the ensuing year. No ballot is required if an election is uncontested because there is only one candidate or only enough candidates to fill the number of positions. Arrangements for elections and nominations will be the responsibility of the Executive Committee.
- e) In the event the President or General Secretary shall die, resign, be removed or become unfit or incapable to act, the Executive Committee shall arrange for an election to replace the

person. The elected person shall serve until the expiry of the original term.

- f) In the event that any other Executive Committee member shall die, resign, be removed or become unfit or incapable to act, the Executive Committee and/or the relevant branch shall arrange for an election to replace the person. The elected person shall serve until the expiry of the original term. However this person will not be a member of the Executive Committee. With the exception of the General Secretary and President, members of the Executive Committee shall only consist of those who are elected at the Union's AGMs each year.
- g) Executive Committee: The Executive Committee shall consist of the President, the Vice President, the General Secretary, Treasurer, Women's Officer, Branch Chairs and Branch Secretaries. The Executive Committee shall have authority over the day to day running of the Union; its decisions must be respected by the branches and can only be overturned by the Annual Conference.

ARTICLE 15: APPOINTMENT / REMOVAL & RETIREMENT OF TRUSTEES

- a) Three Trustees, and one substitute shall be elected annually at the Annual Conference. Following election they shall continue in office but may be removed from office by decision of an Annual or Special Conference on a decision of a two-thirds majority voting on a formal motion. If, for any cause, a Trustee is incapable or unwilling to act as such, or has resigned or retired, the Substitute elected at the previous Annual Conference shall be appointed by the Executive Committee to fill the vacant post. The Trustees shall be responsible for ensuring that a financial statement is formally presented to the Executive Committee bi-monthly.
- b) A member shall be disqualified from being or becoming a Trustee if she/he shall, become bankrupt or enter into any composition with her/his creditors; or become legally incapable of carrying out her/ his duties as Trustee; or cease to be an ordinary member of the Union.
- c) A Trustee who refuses or neglects to carry out any lawful direction of the Executive Committee in accordance with the provisions of the Union Rules within 14 days of being requested in writing to do so shall be disqualified from being a Trustee.
- d) First Trustees: So soon as may be possible on or after the Vesting Day the Executive Committee shall appoint persons to be the first Trustees of the Union ("the first Trustees") by an instrument in writing, and upon such appointment the relevant property of the union shall vest in the first Trustees. The first Trustees shall hold office until a new Trustee or Trustees shall be appointed in accordance with the provisions of this Rule.
- e) If a Trustee is to step down, or be removed from the position in between annual conferences, the Executive Committee shall appoint replacements, whose term shall last until the following Annual Conference.

ARTICLE 16: TREASURER

- a) The Treasurer shall receive all monies, and be responsible for the safe custody of them. Shall be responsible for all authorised disbursements from the funds of the Union.
- b) The Treasurer shall, at the Annual Conference of the Union, produce a balance sheet showing the income and expenditure of the Union during the previous twelve months, and give a correct financial statement of the affairs of the Union. The balance sheet shall be previously audited and vouched for by the Trustees of the Union.

ARTICLE 17: UNION STAFF & STAFF SALARIES

The Executive Committee shall be responsible for the appointment of staff and for the fixing of appropriate salaries for all staff employed by or on behalf of the Union, as appropriate from time to

time.

ARTICLE 18: ACCOUNTS & AUDITORS

Auditors shall be appointed and may be removed only by resolution passed at the Annual Conference or any other general meeting of members or delegates of members organised by the Executive Committee.

An auditor shall be re-appointed for the following accounting period unless-

- a) A resolution has been passed at the Annual Conference or other general meeting of members or delegates of members organised by the Executive Committee appointing somebody instead of him/her/them or providing expressly that he/she/they shall not be reappointed, or
- b) The auditor has given notice to the IWGB in writing of their unwillingness to be reappointed, or
- c) The auditor is ineligible for reappointment, or
- d) The auditor has ceased to act as auditor by reason of incapacity.

Where notice has been given of an intended resolution to appoint somebody in place of a retiring auditor but the resolution cannot be proceeded with at the meeting because of the death or incapacity of that person, or because he/she/they are ineligible for the appointment, the retiring auditor need not automatically be reappointed.

ARTICLE 19: LEGAL ASSISTANCE

The Executive Committee may, at its discretion, institute or defend any legal proceedings and pay all or part of the costs thereof in any matter affecting the welfare of the Union or on behalf of any member in any matter arising out of that member's authorised activities on behalf of the Union.

ARTICLE 20: DISPUTES STRIKES OR LOCK-OUTS

Strikes, and other forms of industrial action taken during disputes will be controlled by the Branch concerned in co-operation with the Executive Committee.

ARTICLE 21: HARDSHIP/DISPUTE GRANTS

During the period of any industrial action, Branches or the Executive Committee may organise a hardship fund for members involved.

ARTICLE 22: MEMBERS' EXPENSES

Members who, as a result of their being engaged on the business of the Union lose their employment or otherwise, may make application to be paid such sum as the Executive Committee may decide, from time to time, for such purpose.

ARTICLE 23: AFFILIATIONS

The Union may only affiliate to such other bodies as may be decided by the annual conference of the Union or by the Executive Committee.

ARTICLE 24: INTERPRETATION

Should any question arise on which the rules are silent, the Executive Committee shall have power to decide thereon and their decision shall be binding and conclusive.

ARTICLE 25: ALTERATION OF RULES

These rules shall remain in force until such further notice, and no new rule shall be made, nor shall any of the rules herein contained or hereafter to be made, be amended, altered rescinded unless with the consent of a majority of two thirds of the delegates present at a Special or Annual Conference of the Union or by a two thirds majority of Executive Committee members.

ARTICLE 26: DISSOLUTION

The Union may at any time, be dissolved by the consent of two-thirds of the members votes cast at a Special General Meeting called for the purpose of considering the dissolution of the Union or by a ballot of all members of the Union resulting in a two-thirds majority of those voting, such majority to represent more than 50% of the membership. Notice of dissolution shall be given forthwith to the Certification Office on the prescribed form.

ARTICLE 27: CODE OF CONDUCT

Branch members will at all times seek to uphold the values and constitution of the union. As befits an organisation which seeks to promote and enhance the lives of its members and society in general, we expect the highest possible standards of ethical practice to be applied and demonstrated. The union neither tolerates nor condones discriminatory or abusive behaviour among its members or to and from its members to those who are not members. The union reserves the right to discipline under rule any member whose conduct falls below those standards in a way that brings the reputation of the union into disrepute. The union reserves the right to suspend or expel from or refuse admittance to membership any person whose conduct fails to uphold the aims and constitution of the union. Members are subject to the rules of the union as they are adopted from time to time by the National Executive Committee.