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Independent Workers Union of Great Britain



Constitution and Rule Book

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ARTICLE 1: NAME

Extracts from the constitution:

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

Rules passed by the Executive Committee:

ARTICLE 2: REGISTERED OFFICE

Extracts form the constitution:

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.

Rules passed by the Executive Committee:

ARTICLE 3: OBJECTS

Extracts from the constitution:

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.

Rules passed by the Executive Committee:

ARTICLE 4: APPLICATION OF FUNDS

Extracts from the constitution:

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.

Rules passed by the Executive Committee:

1. Central Union Expenditures¹:
 - a) Expenditures from the Central Union funds should be voted on at the IWGB Executive Committee (EC) meeting
 - b) Expenditures under £150 that need urgent approval between EC meetings can be approved by the General Secretary and the President independently
 - c) Expenditures of £150 and above to be agreed by both General Secretary and President, plus two branch Chairs

2. Reserve Fund²
 - a) The IWGB should hold a high-interest reserve account as a safeguard against financial distress

¹ Introduced: December 2014

² Introduced October 2017

ARTICLE 5: MEMBERSHIP

Extracts from the constitution:

- 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.

Rules passed by the Executive Committee:

1. Name, address and signature are the three necessary criteria for membership³

³ Passed November 2016

ARTICLE 6: MEMBERSHIP FEES, CONTRIBUTIONS & SUBSCRIPTIONS

Extracts from the constitution:

- 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.

Rules passed by the Executive Committee:

- 1. Branches to keep 50% of dues only after bank account is set up
- 2. If members leave and re-join because they have a case, they will have to pay a one-off fee of £30 plus any fees the member has accrued since they left (up to a year)⁴

⁴ Introduced July 2017

ARTICLE 7: LEVIES, LOCAL FUNDS

Extracts from the constitution:

- 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.

Rules passed by the Executive Committee:

ARTICLE 8: ADMINISTRATION & ORGANISATION

Extracts from the constitution:

- 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 formation of the new branches will require the Branch's constitution to be approved by the executive committee.

Rules passed by the Executive Committee:

ARTICLE 9: VOTING & BENEFIT RIGHTS

Extracts from the constitution:

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.

Rules passed by the Executive Committee:

ARTICLE 10: BALLOTS

Extracts from the constitution:

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.

Rules passed by the Executive Committee:

ARTICLE 11: DISCIPLINE OF MEMBERS

Extracts from the constitution:

- 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.⁵
- 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.

Rules passed by the Executive Committee:

⁵ Introduced: November 2017

ARTICLE 12: APPEALS

Extracts from the constitution:

- 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.

Rules passed by the Executive Committee:

Cleaners and Facilities Branch⁶

The branch is currently under the administration of the Executive Committee.

The union will continue to take on board any member who wishes to remain a member of the union.

All accounts of officials from that branch which remain open are currently closed and no money is being transferred to the branch.

⁶ Introduced May 2016

ARTICLE 13 - FORMATION OF BRANCHES

Extracts from the constitution:

- 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 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 required to send in to the Central Union any constitution, rule, or policy changes within 30 days of them having been voted so the Rule Book can be updated.⁷
- i) 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.

Rules passed by the Executive Committee:

By the time of the Central Union AGM in 2018 each branch needs to have compiled an up to date version of its constitution and its rules and policies. These should then be added to the IWGB Rule Book⁸.

⁷ Added by Executive Committee in meeting of 12 January, 2018.

⁸ Passed in Executive Committee meeting of 12 January, 2018.

ARTICLE 14: GOVERNMENT OF THE UNION

Extracts from the constitution:

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 only by the Union's membership which identifies as female and/or is not male⁹), 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.

Rules passed by the Executive Committee:

⁹ Franchise modified in Executive Committee meeting of 12 January, 2018.

1. The IWGB Executive Committee will inform members of elections results and decisions taken within the Executive Committee. If minutes from Executive Committee Meetings include sensitive details about individuals, they will be disclosed when the Executive Committee decides to release them¹⁰
2. No IWGB Member may hold more than one of the Central Union's elected positions¹¹
3. For Executive Committee Meetings¹²
 - The Chair of the Executive Committee will prepare the agendas for meetings
 - Agenda items must be submitted no later than 1 week before the meeting to the chair of the meetings
 - Once the items are received, the Chair will decide which items the items the Committee has time for and allocate a number of minutes to each item. The Chair will aim to have meetings last 1.5 hours. The Chair is responsible for strictly enforcing the time limits
 - The Chair will send the agenda no less than 5 days before the Committee Meetings
 - Amendments to motions must be brought to the meeting in written form
 - Minutes will be sent to the Executive Committee no less than 2 weeks after the meeting
 - Committee to do one event together each month that is not a meeting. The event will be proposed by each branch on a rotational basis. The idea is for the Central Union to value things such as working together, building a community, making posters, going out to dinner together
4. Executive Committee members should to go to events outside of their branches to build solidarity within the union¹³

¹⁰ Introduced: December 2015

¹¹ Introduced: February 2017

¹² Introduced: September 2015

¹³ Introduced: September 2015

ARTICLE 15: APPOINTMENT / REMOVAL & RETIREMENT OF TRUSTEES

Extracts from the constitution:

- 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.

Rules passed by the Executive Committee:

ARTICLE 16: TREASURER

Extracts from the constitution:

- 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.

Rules passed by the Executive Committee:

ARTICLE 17: UNION STAFF & STAFF SALARIES

Extracts from the constitution:

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.

Rules passed by the Executive Committee:

- a) The IWGB endeavours to pay all employees £1/hour above the London Living Wage as soon as reasonably practicable.¹⁴

¹⁴ Introduced: November 2017

ARTICLE 18: ACCOUNTS & AUDITORS

Extracts from the constitution:

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.

Rules passed by the Executive Committee:

1. In order to assist with the annual return, all branches should undertake to submit all receipts and expense forms on a monthly basis. The monthly transfer of funds from the central account will be dependant on having received the previous month's paperwork. In extreme circumstances, the EC may agree by majority vote to make a transfer or partial transfer to a branch if it considers that the reasons for failing to meet the requirements on time are sufficiently serious and justified¹⁵

¹⁵ December 2015

ARTICLE 19: LEGAL ASSISTANCE

Extracts from the constitution:

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.

Rules passed by the Executive Committee:

ARTICLE 20: DISPUTES STRIKES OR LOCK-OUTS

Extracts from the constitution:

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

Rules passed by the Executive Committee:

ARTICLE 21: HARDSHIP/DISPUTE GRANTS

Extracts from the constitution:

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

Rules passed by the Executive Committee:

ARTICLE 22: MEMBERS' EXPENSES

Extracts from the constitution:

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.

Rules passed by the Executive Committee:

ARTICLE 23: AFFILIATIONS

Extracts from the constitution:

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.

Rules passed by the Executive Committee:

1. The union vows to support CLAUUK (Coalition of Latin Americans in the UK)¹⁶
2. The IWGB Resolves to
 - Endorse the Renters' Power Project and add our name to its list of supporters
 - To elect a representatives to join the advisory board of the Renters Power Project with a view to using IWGB experience to help the launch of the union. The elected representative will need to attend one meeting every months¹⁷

¹⁶ Passed: December 2015

¹⁷ Passed: June 2017

ARTICLE 24: INTERPRETATION

Extracts from the constitution:

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.

Rules passed by the Executive Committee:

ARTICLE 25: ALTERATION OF RULES

Extracts from the constitution:

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.¹⁸

Rules passed by the Executive Committee:

¹⁸ The reference to rules in this extract is to the articles of the IWGB Constitution. "Rules passed by the Executive committee", on the other hand, simply require a majority or plurality in favour.

ARTICLE 26: DISSOLUTION

Extracts from the constitution:

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.

Rules passed by the Executive Committee:

ARTICLE 27: CODE OF CONDUCT

Extracts from the constitution:

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.

Rules passed by the Executive Committee:

Part 2 – Permanent Sub-Committees

1. The Legal Department Sub Committee

Current Chair: Catherine Morrissey (Women's Officer)

Current Secretary/Treasurer: Danny Millum (University of London Branch Secretary)

Other members: Jason Moyer-Lee (General Secretary),

Remit: the sub-committee is in charge of creating policies for the Legal Department as well as approving expenditures of over £100. Expenditures of less than £100 can be approved by Jason Moyer-Lee

2. Compliance Sub-committee¹⁹

Current Chairs: James Farrar (United Private Hire Drivers branch)

Other members: Jason Moyer-Lee (General Secretary), James Tiplady (Treasurer)

Remit: The compliance sub-committee will have main responsibility for risk and compliance issues, including coordinating with office staff to ensure day-to-day implementation of any policies

¹⁹ Introduced October 2017

Part 3 – Public Policy Positions

1. Potential repeal of the Human Rights Act²⁰

The IWGB resolves to form a sub-committee of interested members and volunteers, which will identify and work with other groups that are campaigning against the repeal of the Human Rights Act (1998) and which will inform and educate members and the general public about the consequence of the government's policy in this regard

2. European Union Referendum²¹

- To publicly state opposition to the UK's exit from the European union
- To call for support from left leaning organisations that either support or are currently ambivalent about the UK's exit from the EU
- To publicly state its desire for reform as an alternative to exit from the EU
- To publicly state support to countries such as Greece, who have been negatively impacted by the EU's economic policies

²⁰ Introduced: July 2015

²¹ Introduced: August 2015

Part 4 – Legal Department Constitution and Policies

ARTICLE 1: NAME

Extracts from the Legal Department constitution:

The name of the department shall be called the LEGAL DEPARTMENT of THE INDEPENDENT WORKERS' UNION OF GREAT BRITAIN (IWGB) (herein after called the Union)

Rules passed by the Legal Department Sub-committee:

ARTICLE 2: ADDRESS

Extracts from the Legal Department constitution:

The Legal Department shall be at the registered offices of the Union:

12-20 Baron Street
London
N1 9LL

Rules passed by the Legal Department Sub-committee:

ARTICLE 3: OBJECTS

Extracts from the Legal Department constitution:

The principal aims and objects of the Legal Department shall be to:

- a) Protect the working rights of Union members;
- b) Take on casework on behalf of the various branches of the Union;
- c) Offer guidance to Union members in matters relating to their employment;
- d) Handle communications on behalf of Union members in disputes between them and their employers in regard to their employment;
- e) Arrange representation for Union members in the internal disciplinary and grievance procedures of their employers;
- f) Arrange representation for members whose cases progress to the courts or tribunals;
- g) Assist where required to do so in carrying out the objects and services of the Union, of which the Legal Department is a subsidiary.

Rules passed by the Legal Department Sub-committee:

ARTICLE 4: APPLICATION OF FUNDS

Extracts from the Legal Department constitution:

All money received on account of awards, contributions, funding from the Union and funding from any other sources shall be properly applied in carrying out the objects of the Legal Department.

Rules passed by the Executive Committee or Legal Department Sub-Committee:

1. IWGB Legal Department Client Money Policy²²

All client²³ monies²⁴ are transferred intact into a Client Account. Deductions are subsequently made according to IWGB Legal Department policy and client consent. Then the remainder will be transferred to the client's bank account as soon as reasonably practicable. The Client Account should be reconciled once per month.

Rules passed by the Legal Department Sub-committee:

²² Date: Passed by the Legal Department Sub-Committee on 14 June, 2016 with immediate effect.

²³ Client in this context refers to members for whom the IWGB is conducting representation.

²⁴ Monies in this context refers to money won in court, tribunal or via out-of-court settlement. For the avoidance of doubt monies in this context does *not* refer to membership dues or other monies unrelated to legal representation.

ARTICLE 5: ADMINISTRATION AND POLICY

Extracts from the Legal Department constitution:

- a) The Legal Department Subcommittee (herein after called the LDSC) shall be responsible for the organization and administration of the Legal Department. All aspects of the Legal Department's operation shall be subject to the oversight of the LDSC.
- b) The LDSC shall consist of 3 members, appointed from among the members of the Union's Executive Committee, one of whom shall act as Chair, and one of whom shall act as Treasurer/Secretary. The LDSC members shall decide amongst themselves who shall fulfil which role.
- c) Subject to this Constitution, the LDSC shall regulate its own affairs and administration.
- d) The LDSC shall be responsible for hiring employees of the Legal Department and for determining their terms of employment, including relevant employment policies e.g. disciplinary, leave, etc.
- e) The LDSC shall be responsible for setting rules and policies that apply to the administration, organization, and operation of the Legal Department and its finances.
- f) Records shall be kept of the details, progress and outcomes of all casework managed by the Legal Department.
- g) All members who engage Legal Department services shall abide by the applicable code of conduct (See Appendix A).
- h) Should any question arise on which the rules or policies are silent, the LDSC shall have the power to decide thereon and its decision shall be binding and conclusive.
- i) With the exception of modifications to the Legal Department Constitution, all decisions of the LDSC shall be decided by majority vote.
- j) The LDSC shall seek non-binding advice, on a regular basis, from a Board of Advisors (BoA). The BoA shall consist of no more than 6 individuals, at the invitation of the LDSC, who have expertise relevant to the functioning of the Legal Department. The LDSC may request one member of the BoA to serve as Chair with responsibility for convening meetings and another as Secretary. All decision making power shall remain with the LDSC.
- k) The LDSC shall be responsible for ensuring that the Legal Department abides by all relevant regulations and legislation including but not limited to the Code of Practice for the provision of Regulated Claims Management Services by Trade Unions.

Rules Passed by the Executive Committee or Legal Department Sub-Committee:

1. Tribunal Cases Referred by Branches to the Legal Department²⁵

a) Some cases can be extremely complex so the Union needs to ensure that it has time to prepare them properly in the interests of the member. Also, some barristers like to review and amend documentation before it's submitted, so in order to enable the Legal Department to find pro-bono barristers to help with cases it needs to have a policy that allows for that.

²⁵ Passed August 2015

b) With that in mind the policy will be that a case must be referred to the legal department no later than 6 weeks prior to the ET1 deadline.

c) For a case to be referred by a branch, it must contain all of the relevant documentation, in chronological order, in one binder or document.

d) This policy comes into effect on Friday, 7 August, 2015.

2. IWGB Legal Department Charges²⁶

a) Any member of the union who has not been a member for 1 month or more should pay a one-off fee of £30 to use the Legal Department.

b) This one-off fee can be waived in exceptional circumstances. If the member has been dismissed or is undergoing extreme financial hardship then the fee can be waived according to standards set by the Legal Department Sub-Committee.

c) Any member who wins a settlement or tribunal claim through the Legal Department should contribute 15% of the compensation to the Legal Department as well as reimburse the Legal Department for the costs of the tribunal or court fee.²⁷

3. Legal Department Charges and Exemptions²⁸

a) Any member of the union who has not been a member for 1 month or more should pay a one-off fee of £30 to use the Legal Department.

b) This one-off fee can be waived in exceptional circumstances.

c) To have the fee waived the member must satisfy the following criteria:

i) The case they have brought to the union relates to a dismissal from their principal place of employment;²⁹

ii) The member must state that their dismissal has caused them financial hardship;

iii) The member must sign a form stating they feel they cannot afford the £30 fee.

Rules passed by the Legal Department Sub-committee:

²⁶ Introduced: July 2015.

²⁷ The calculation excludes recuperated unlawful deductions of wages. This policy was modified on 8 December, 2017 to charge the 15% to holiday claims with only the first year's worth of holidays exempt. If the member has to pay anything to lawyers throughout the process then the money paid to lawyers would count towards the 15%. If the lawyers' fees come out to more than 15% then the member would contribute nothing to the Legal Department. On 1 January, 2018 the policy was amended to make clear that Equality Act 2010- related pay claims are not exempt from the 15% contribution.

²⁸ Introduced: July 2015. The policy was modified (to raise charges from 10% to 15%) in the Legal Department Sub-Committee meeting of 14 June, 2016, to take effect from 15 June, 2016.

²⁹ If the member has two or more jobs, each generating the same income, they can all count as "principal place of employment".

ARTICLE 6: FUNDS

Extracts from the Legal Department constitution:

- a) The Legal Department shall maintain its own bank account, as separate from accounts held by the Union for other purposes, to manage its own finances and pay expenses related to the carrying - out of its objects and services.
- b) The Legal Department shall maintain a separate bank account for money to be held in trust on behalf of members in relation to a case, to be used exclusively for this purpose.
- c) All funds shall be operated within such regulations as the LDSC may set.

Rules passed by the Executive Committee or Legal Department Sub-Committee:

1. The Legal Department Sub-Committee shall be in charge of approving expenditures of over £100. Jason Moyer-Lee can approve expenditures of less than £100³⁰

Rules passed by the Legal Department Sub-committee:

³⁰ Introduced: December 2015 by the Executive Committee

ARTICLE 7: AFFILIATIONS

Extracts from the Legal Department constitution:

The Legal Department may only affiliate to such other bodies as may be decided by the LDSC.

Rules passed by the Legal Department Sub-committee:

ARTICLE 8: ALTERATION OF CONSTITUTION

Extracts from the Legal Department constitution:

This Constitution shall remain in force until such further notice, and no amendments shall be made except by a unanimous vote of the members of the LDSC.

Rules passed by the Legal Department Sub-committee:

APPENDIX A: CODE OF CONDUCT FOR MEMBERS AND LEGAL DEPARTMENT POLICY³¹

Extracts from the Legal Department Constitution:

IWGB believes that no one should have to endure abusive or unpleasant treatment in the workplace.

IWGB employees, officials and volunteers are no exception and we are committed to uphold best practice in how our staff, volunteers and lay officials (referred to in this policy as 'staff') are treated.

We understand that people can become angry in situations of stress or when they feel that matters about which they feel strongly are not being dealt with as they wish. Notwithstanding, members should treat staff with respect and behave appropriately in interactions with them. If anger escalates into aggression towards our staff, or if staff experience untoward and inappropriate behaviour of any other nature (such as unwanted sexual advances) we consider that unacceptable and reserve the right to withdraw casework or other practical support.

Aggressive or inappropriate behaviour includes language (whether verbal or written) that may cause staff to feel intimidated, afraid, threatened or abused and may include threats, verbal abuse, derogatory remarks and rudeness, as well as physical displays such as shouting and physically intimidating or insulting gestures.

We also consider inflammatory statements, remarks of a discriminatory nature and unsubstantiated allegations to be abusive behaviour. Aggression or abuse directed towards our staff will not be tolerated.

The following policy outlines steps that will be taken if Legal Department staff believe they have experienced incidences of behaviour that contravenes IWGB's standards.

1. Any incident of inappropriate or rude behaviour towards IWGB staff will be reported by the staff to one of the Legal Officers (or, in their absence, to the General Secretary or their nominee).
2. The Legal Officer will try to resolve the matter informally. If they agree the behaviour was unacceptable s/he will make this clear and warn the member that any repeat of inappropriate behaviour will result in support/representation being withdrawn for the current case.
3. If the member behaves rudely or inappropriately again, the Legal Officer shall have the authority to withdraw casework representation and close the member's case. This applies to the current case only and does not preclude the member from requesting assistance in future.
4. S/he will then report the matter to the Legal Department Sub-Committee (LDSC), which may or may not decide to take further action. The member will be informed.

³¹ Introduced: 24.04.2017

Updated: 18.09.2017. Updated again on 30 January, 2018.

5. There is no right of appeal to this decision as members agree to abide by this policy in accessing IWGB's services. However, a member may make use of the Legal Department complaints procedure if they believe the policy has been misapplied.
6. If the behaviour in the first instance is so grievous as to warrant a special response, the Legal Officer may at their discretion withdraw casework/representation for the current case immediately. In these instances the matter must also be reported to the LDSC immediately and the LDSC will review it and make a decision regarding next steps.
7. The Legal Officer may request the LDSC to review any particular case, if the behaviour is particularly grievous.
8. For any cases in which the General Secretary or their nominee is acting as rep for a member, they shall fulfill the role of the Legal Officer.
9. For the avoidance of doubt, the power of the Legal Officer to act in these cases is restricted to withdrawing services for the particular case for which the member is currently being represented. Only the LDSC has the power to bar the member from making use of Legal Department services indefinitely. Only the IWGB Executive Committee has the power to expel a member from the union.
10. In accessing support from the Legal Department, members are deemed to have accepted this policy, which is made available on IWGB's public website and reproduced on side 1 of the Legal Department's Contribution Agreement.

Rules passed by the Legal Department Sub-committee:

APPENDIX B: CONTACT POLICY FOR OPEN CASES³²

Extracts from the Legal Department Constitution:

IWGB is a not-for-profit member organisation with limited resources. Through the Legal Department we strive to offer our members professional support with employment- or workplace-related cases. Each individual case is important to us and we put a great deal of our resources into each case.

Case work is a collaboration between the member and the Legal Department and communication is vital to running a case effectively.

Legal Department staff have to meet certain standards in terms of keeping members informed and making sure they understand what is being done on their behalf. Likewise, members have a responsibility to treat their own case seriously. Members using the Legal Department must make sure they keep the Legal Department informed of any changes in their situation and inform the Legal Department in advance if they will not be contactable for a period of time (for example due to holiday). Failure to maintain contact may result in the case being closed, in accordance with the steps outlined below.

We understand that there may be many reasons why a member may not wish to pursue a case, and no case will be taken forward without the member's approval. However, members must inform the Legal Department if they no longer wish to pursue their case so that the Legal Department is not wasting resources that could be used to support other members.

Procedures that will be followed in terms of contact are:

1. Members must inform the Legal Department in advance if they will be out of contact for longer than 48 hours.
2. Otherwise, members should attempt to respond to contact from the Legal Department within 48 hours.
3. If there is no response within that time frame, Legal Department staff will keep trying to contact the client for 7 calendar days.
4. Legal Department staff will make at least 3 attempts to contact the client during this time.
5. If there is no response to these 3 attempts within the 7-day period, the case will be closed. It will not be re-opened except in exceptional circumstances.
6. Members must also make a good faith effort to attend meetings and provide documents when required. If the Legal Department official dealing with a case feels the member is not making a good faith effort to cooperate with the handling of their case, the official in question may refer the matter to the Legal Department Sub-Committee which will take a decision on whether to withdraw services for that case.

³² Introduced: 18.09.2017

Updated: 18.09.2017

Members who believe there are exceptional circumstances in their case should contact the Legal Department Subcommittee (LDSC) outlining the reasons why they were out of contact and may be asked to provide evidence to support their claim. The LDSC will have the final decision over whether or not to reinstate Legal Department support.

Rules passed by the Legal Department Sub-committee:

