

D/1-5/2003

DECISION OF THE CERTIFICATION OFFICER ON APPLICATIONS MADE UNDER
ARTICLE 90A OF THE TRADE UNION & LABOUR RELATIONS (NORTHERN
IRELAND) ORDER 1995

MR T IRVINE

v

T&G

Date of decision:

9 October 2003

DECISION

Upon application by the Applicant under Article 90A(1) of the Trade Union and Labour Relations (Northern Ireland) Order 1995 (as amended) ("the 1995 Order"):-

1. I declare that the Transport & General Workers Union breached rule 11, Clause 4(a) of its rules on or about 13 November 1999 by allowing the nomination of Ms M Lavery to the post of Branch Secretary of Branch 3/83 when she did not meet the union's financial membership criteria for the post.
2. I declare that the Transport & General Workers Union breached rule 11, Clause 4(a) of its rules on or about 13 November 1999 by allowing the election of Ms M Lavery to the post of Branch Secretary of Branch 3/83 when she did not meet the union's financial membership criteria for the post.
3. I declare that the Transport & General Workers Union breached Clause 5 of

Schedule 1 of its rules by allowing Ms Lavery to take Office, as Branch Secretary of Branch 3/83, on 1 January 2000, notwithstanding the fact that she did not meet the union's financial membership criteria for the post.

4. I declare that the Transport & General Workers Union breached Clause 5 of Schedule 1 of its rules by allowing Ms Lavery to remain in Office, as Branch Secretary of Branch 3/83, from 1 January 2000 until 31 December 2001 notwithstanding the fact that she did not meet the union's financial membership criteria for the post.
5. I declare that the Transport & General Workers Union breached rule 12, Clause 8(a) of its rules by failing to ensure that the proceedings of Branch 3/83 were conducted properly on or about January 2000 to June 2000.
6. I consider it appropriate to make the following enforcement order in this case:-

I order the Transport & General Workers Union to use all methods at its disposal to retrieve all monies, benefits and awards given to Ms Lavery from May 1999 until the expiry of her period in office in December 2001. I expect the union to take all steps to compensate members, from whatever source, for losses incurred as a result of collusion by union officials in the breach of rule 11, clause 4(a) of its rules.

REASONS

The Law

- 1.1 Under Article 90A(1) of the 1995 Order a person who claims that there has been a breach or threatened breach of the rules of a trade union relating to any of the matters mentioned in paragraph 90A(2) of that Order, may apply to me for a declaration to that effect.

1.2 Article 90B of the 1995 Order empowers me to make such enquiries as I think fit and, after giving the applicant and the union an opportunity to be heard, to make or refuse to make the declaration asked for. Whether or not I make the declaration sought, I am required to give the reasons for my decision in writing. Where I make a declaration under Article 90B I am required, unless I consider it inappropriate, to make an enforcement order on the union. My enforcement order is required to impose on the union one or both of the following requirements:-

1) to take such steps to remedy the breach, or withdraw the threat of a breach, as may be specified in the order;

2) to abstain from such acts as may be specified with a view to securing that a breach or threat of the same or a similar kind does not occur in future.

Background

1.3 The Applicant in this case, Mr Tom Irvine, is a member of the Transport & General Workers Union ("the Union"). By an application dated 18 December 2000 he made five complaints against the Union, relating to alleged breaches of Union rules, as set out in the April 2000 edition of the Union's rules. The rules he referred to are matters mentioned in Article 90A of the 1995 Order, namely the appointment, election and removal of the secretary of Branch 3/83 and also the constitution or proceedings of that Branch. A copy of the relevant legislation and the Union's rules, relevant to Mr Irvine's complaints, are attached at **Appendices 1 & 2** respectively.

- 1.4 Mr Irvine alleged the Branch 3/83 secretary, Ms M Lavery, was improperly elected to Office in November 1999 because she was not a financial member of the Union for a period of not less than two years immediately preceding the date of her nomination and therefore the Union was in breach of rule 11, Clause 4(a) (complaint 1). By taking Office and continuing in Office without being in compliance as a financial member, he alleged the Union breached Clause 1 of Schedule 1 (complaint 2) of its rules. Mr Irvine further alleged that by failing to give notice to the Branch members of the impending election of a Branch secretary on the notice convening the meeting, the Union breached rule 11, clause 4(b) (complaint 3). By holding an official position in the Union and not being in compliance as a financial member, he alleged the Union breached Clause 5 of Schedule 1 (complaint 4). He also alleged that because Ms Lavery failed to conduct properly the proceedings of the Branch, rule 12 had been breached (complaint 5).
- 1.5 In its response, the Union argued that, with the exception of the rule 12 complaint (complaint 5), the remaining four complaints were outside the time limits defined in Article 90A of the 1995 Order and should not be heard by me. In relation to complaint (5) the Union also argued that I should not hear it, as Mr Irvine did not specifically include it in his application form.
- 1.6 I arranged a jurisdictional hearing for the 9 October 2001 after which I decided I had jurisdiction to hear three of the Applicant's complaints; i.e., complaints (1), (4) and (5). I dismissed the remaining two complaints; i.e., complaints (2) and (3) on the grounds that they were out of time (D/3/2001).
- 1.7 The Union was aggrieved and dissatisfied with my decision to hear complaint (5), arguing that I was wrong in law and had exceeded my jurisdiction. The

Union applied to me on 5 December 2001 to state a case for the opinion of the Court of Appeal in Northern Ireland and I duly complied with its request within the statutory 6 week period. I delayed hearing Mr Irvine's complaints until after the appeal was considered by the Court of Appeal on 10 October 2002.

- 1.8 The Court of Appeal decided that I had not erred in law in allowing allegations contained in correspondence attached to Mr Irvine's application form to be considered as part of his application. The Court took the view that as the forms and procedures, relating to hearings before me, were not prescribed by legislation I have discretion in how to deal with complaints, provided I exercise the rules of natural justice.
- 1.9 Following that judgment I wrote to the Union to inform it of my intention to hear the Applicant's three complaints and offered it the opportunity of a formal hearing. The Union wrote to me on 14 November 2002 to state that it had reviewed its position in light of my decision and the Court of Appeal's judgment and now accepted it had breached its rules in respect of complaints (1), (4) and (5). (my emphasis)
- 1.10 In further correspondence and discussions with my Office, both parties confirmed they were content for the complaints to be determined by me without a formal hearing. Correspondence continued over a period of some 9 months until June 2003 and I have reached my decision on the basis of all written representations made by the Applicant and the Union, together with such documents as were provided by them.

The submissions

Complaints 1 & 4 i.e., alleged breaches of rule 11, Clause 4(a) & Clause 5 of Schedule 1 respectively

“Rule 11, clause 4(a):

- (a) Each branch ...shall have for its membership a Chair and Secretary, and a committee....except with the consent of the Regional Committee, the Chair and Secretary, and committee members respectively, shall have been financial members of the Union for a period of not less than two years immediately preceding the date of nomination, and each.... shall be nominated at least four weeks before the date of the election. Every officer must at all times be a financial member;

Clause 5 of Schedule 1:

Every member holding an official position in the Union, or members of the General Executive Council, or any other constitutional committee, not being in compliance as a financial member of the union as per Rule 20, Clause 12, shall forthwith cease to hold office in the Union for the term for which they were elected”.

The Applicant's case

- 2.1 In his correspondence, Mr Irvine alleged the Branch 3/83 secretary, Ms M Lavery, was improperly nominated and elected to office on 13 November 1999, because she was not a financial member of the Union for a period of not less than two years immediately preceding the date of her nomination and election. He alleged that in this case the financial requirements were not met and the Union thereby breached rule 11, clause 4(a) of its rules (complaint 1).
- 2.2 By allowing Ms Lavery to take Office on 1 January 2000 and continue to hold Office up to 31 December 2001 without being in compliance as a financial

member, he alleged that a further financial requirement was not met, and the Union thereby breached Clause 5 of Schedule 1 of its rules (complaint 4).

- 2.3 Mr Irvine alleged that an officer of the Union had “conspired” with Ms Lavery to “back mark” her membership card to give the appearance that she was in financial compliance with the rules when she clearly was not. He drew my attention to the fact that the officer responsible for “back marking” her card had been disciplined in April 2002 by the Union two months before he lodged his complaint with Mr O’ Reilly, then Irish Regional Secretary.
- 2.4 In essence, Mr Irvine said, that under the Union’s rules, nominees for any Office must be financial members for a 2 year period immediately prior to nomination and, once elected, are required to be financial members at all times.
- 2.5 In his correspondence, Mr Irvine drew my attention to a number of findings contained in two separate internal Union investigations, which he claimed supported his complaints. The first investigation, by the then Regional Organiser, Mr E Mc Glone, in September 2000 into Mr Irvine’s allegations, found that Ms Lavery’s card was “back marked” by a Union employee to give the impression she met the financial membership test in the rules immediately preceding her election to Office, when, in fact, she was 22 weeks in arrears. In his report, Mr Mc Glone advised that Ms Lavery be removed from Office and her duties given to the Regional Industrial Officer (RIO) as a matter of urgency.
- 2.6 I was also provided with evidence that Mr Mc Glone had written to Ms Lavery before he began his investigation, to arrange a meeting; she had replied by saying she was unable to meet him because the Branch Chairman was on summer break and she “didn’t believe there was a Branch problem”.

- 2.7 Mr Irvine wrote to Mr O' Reilly in November 2000 enquiring about Mr Mc Glone's findings and what action had been taken and seeking confirmation that Ms Lavery had breached Union rules. In that letter, he also said that, at a meeting of his Branch (November 2000) its Chairman (Mr W J Law) had said the Regional Administration had declared "Ms Lavery was in compliance and eligible to hold any office".
- 2.8 The second internal investigation (June 2001) was carried out by the Union's then Deputy General Secretary Ms M Prosser which, inter alia, considered Mr Irvine's complaints. In relation to Ms Lavery's membership status she found that, in August 1999, Ms Lavery was one of 18 applicants who had applied for the post of RIO in Belfast, and at the time of her application Ms Lavery did not meet the 2 year financial membership test. Unaware of this, the Irish Regional Secretary, deemed all the applicants to be in compliance, including Ms Lavery and he sent the applications to central office for short listing.
- 2.9 Ms Prosser said, that when the error was discovered and reported to the Union's General Secretary (Mr Morris) he, believing he had the discretion, ruled that Ms Lavery was eligible to stand as a candidate in the General Executive Council (GEC) election 2000/2001 and any other Office. (I have already decided that the General Secretary did not have the power of discretion in this matter – D/3/2001). Ms Prosser noted that Mr Mc Glone's report (September 2000) was passed to Branch 3/83 chairman (Mr Law) however she found no evidence of any action being taken on it.
- 2.10 In relation to the "back marking" of Ms Lavery's card, Ms Prosser said she did not obtain a satisfactory explanation of why a payment, written onto a manual

card, was not “cross checked” against the payment system. She held to the view, that had this been done it would have shown clearly that the payment was not made at the date shown on the card. Ms Prosser also said she did not receive a satisfactory explanation of why the Region failed to have a coherent system, with clearly identified individuals responsible for checking for eligibility.

2.11 Ms Prosser concluded that Ms Lavery knew she was out of financial compliance. She also concluded that the practice of “back marking” was a common practice in the Region. This, she considered, explained why the finance clerk had completed Ms Lavery’s card as though subscriptions were paid in January 1999 when, in fact, they were not paid until May 1999. Ms Prosser concluded “it is not, of course, possible to condone back-marking of a card and both the Officer and member must be seen to be in the wrong on this”.

2.12 In June 2003, Mr Irvine provided me with a table entitled “Ms Lavery’s Arrears”. This shows her to be 22 weeks in arrears in 1999 before her card was “back marked”. It also showed she was 26 weeks in arrears in 2000 and for the entirety of 2001.

The Union’s case

2.13 In its correspondence to me, the Union told me Ms Lavery’s nomination for the RIO post had been accepted by the Regional Administration and confirmed by Mr O’ Reilly. In his letter to her (16 August 1999) he said “Your contribution cards have been checked, found in order, and are returned”. Mr O’ Reilly also advised the Union’s HQ that Ms Lavery was eligible to stand in GEC elections. It was only when she was called to a meeting with Mr Mc Glone (4 December 1999) and asked to bring her membership cards, that he realised that she did not meet the financial test of eligibility for election to Office.

- 2.14 On foot of this information, Mr O' Reilly wrote to Mr Collins, the Union's assistant secretary (administration) on 6 December 1999, advising that a further check revealed that Ms Lavery was not eligible to stand in the GEC election. He said administrative staff did not check her cards; "rather they accepted advice from Dublin that when she transferred back to Belfast at the end of 1998, her card was clear".
- 2.15 On 7 December 1999, Mr Morris wrote to Mr O' Reilly, expressing concern that Ms Lavery had been accepted as being in compliance and eligible for Office in August 1999. In that letter Mr Morris said it was his opinion that "natural justice would dictate that she is confirmed as eligible to stand on this occasion on the basis of the previous decision of the regional administration".
- 2.16 In its correspondence dated 14 November 2002, the Union stated that it had reviewed its position following my decision (D/3/2001) and the decision of Her Majesty's Court of Appeal in Northern Ireland. In relation to complaints (1) and (4) it said it acknowledged "it did indeed eventually transpire that Ms Lavery had not had the requisite period of financial membership when she was nominated to the branch post. Indeed, in his decision of 14 November 2001, the Certification Officer has made a specific finding to that effect. As the Certification Officer has ruled that these complaints are in time, the union accepts that a finding of breach of these two rules in this respect is now bound to follow".

My Decision, Declarations and Order

Complaints 1 and 4

- 2.17 From the evidence before me it is clear that Ms Lavery was in arrears and did not have the requisite period of financial membership when she was nominated and elected to the branch post.
- 2.18 From the evidence before me it is clear that at least one union official colluded with Ms Lavery to give the false information, which was required to enable her to seek nomination and election to the branch post.
- 2.19 From the evidence before me it is clear that Ms Lavery did not meet the financial membership test, which required her to be a financial member at all times, during the period she held Office in either 2000 or 2001.
- 2.20 I declare that the Transport & General Workers Union breached rule 11, Clause 4(a) of its rules on or about 13 November 1999 by allowing the nomination of Ms M Lavery to the post of Branch Secretary of Branch 3/83 when she did not meet the union's financial membership criteria for the post.
- 2.21 I declare that the Transport & General Workers Union breached rule 11, Clause 4(a) of its rules on or about 13 November 1999 by allowing the election of Ms M Lavery to the post of Branch Secretary of Branch 3/83 when she did not meet the union's financial membership criteria for the post.
- 2.22 I declare that the Transport & General Workers Union breached Clause 5 of Schedule 1 of its rules by allowing Ms Lavery to take Office, as Branch Secretary of Branch 3/83, on 1 January 2000, notwithstanding the fact that she did not

meet the union's financial membership criteria for the post.

2.23 I declare that the Transport & General Workers Union breached Clause 5 of Schedule 1 of its rules by allowing Ms Lavery to remain in Office, as Branch Secretary of Branch 3/83, from 1 January 2000 until 31 December 2001, notwithstanding the fact that she did not meet the union's financial membership criteria for the post.

2.24 I order the Transport & General Workers Union to use all methods at its disposal to retrieve all monies, benefits and awards given to Ms Lavery from May 1999 until the expiry of her period in office in December 2001. I expect the union to take all steps to compensate members, from whatever source, for losses incurred as a result of collusion by union officials in the breach of rule 11, clause 4(a).

Complaint 5

Alleged breach of rule 12 (see Appendix 2)

The Applicant's case

3.1 Mr Irvine alleges in correspondence to me that Ms Lavery "willfully refuses to carry out her duties as branch secretary. She doesn't bring branch correspondence to the branch meetings, alleging problems with Transport House. Minutes when produced are inaccurate and even corrections to the inaccurate minutes, are inaccurate. Despite a specific Branch request to send out a notice to our members about the May Day parade she refused to do so. Also, for some time now, the Branch has requested her to bring a detailed account of Branch income and expenditure to the Branch meeting but 6 months into the

year, this has still not happened. Clear breaches of rule 12. Finally, at our branch meeting on 13 June 2000 she openly stated she would not record the minutes. The meeting was in chaos and the acting Chairman Bro. Magowan brought the meeting to a premature close prior to reaching the second item on the agenda”.

- 3.2 In correspondence, Mr Irvine stated that he tried to raise these matters through the Branch under rule 12, clause 10(a) (which deals with a situation where a Branch Secretary’s conduct is deemed unsatisfactory) however, he stated that the Branch Secretary refused to minute the proceedings and the Chair closed the meeting to avoid a discussion.
- 3.3 By further letter of June 2003 to my Office, Mr Irvine says many of the clauses of rule 12 were breached, emphasizing that the Union had not offered any evidence to the contrary.

The Union’s case

- 3.4 By letter of 14 November 2002 to my Office, Mr Morris said “the union acknowledges that it appears that Rule 12 was not fully complied with in that period [January - June 2000] in respect of the requirements of Rule 12, Clause 8(a)”.

My Decision

- 3.5 I declare that the Transport & General Workers Union breached rule 12, Clause 8(a) of its rules.
- 3.6 I do not consider it appropriate to make an enforcement order in this case as the Union informed me it has made arrangements to provide a full time officer to act as Branch 3/83 secretary.

Remedies

The Applicant's position

4.1 I invited Mr Irvine to address me on the remedies he was seeking in this case.

On 4 June 2003 he wrote to me requesting that I issue an enforcement order instructing Mr Morris to:

- a) "use all methods at the Union's disposal, including legal, to retrieve all monies and awards given to Ms Lavery since May 1999 to the present day;
- b) carry out an investigation into all Officers involved in obtaining fraudulent funds for Ms Lavery; and
- c) publish and display in Transport House Belfast a statement from himself that a number of Union rules have been breached and that Ms Lavery is no longer a member of our union."

The Union's position

4.2 The Union submitted that any enforcement order would be inappropriate. It said: "so far as Rule 11, Clause 4(a) and Schedule 1, Clause 5 are concerned, the union points out that Ms Lavery's term of office ended on 31 December 2001 and that she does not currently hold that or any office in the Union. In respect of rule 12 the Union has made arrangements for a permanent official to act as Secretary of the Branch with a view to ensuring that such difficulties as occurred in the first half of 2000 in this particular branch ought not to recur."

Observations

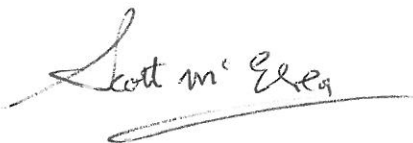
5.1 Mr Irvine brought his complaints to the Union, in the first instance, expecting it would resolve them in accordance with its rules. This turned out not to be the

case and he then considered his only option was to bring his complaints to me for determination.

- 5.2 The Union's rules attach a great deal of importance to the personal responsibility of members to pay their subscriptions in a timely way and to avoid arrears in all circumstances, so as to remain in benefit and to be eligible to stand for any Office. Furthermore, page 78 of the rulebook, provides "Advice Notes to Members" which reinforces the responsibility of members to ensure contributions are paid regularly.
- 5.3 Notwithstanding the personal responsibility placed on the members to pay their subscriptions this must not detract from the Union's responsibility to ensure compliance with its own rules. It is important that the Union acts properly, and in a timely way, to deal effectively with complaints brought to it, concerning alleged breaches of rules.
- 5.4 I am concerned to note that in her report Ms Prosser had concluded that the practice of "back marking" of members cards was a common practice in the region. I expect to see evidence from the Union and its independent auditor, that proper financial controls are in place to eradicate this practice, in line with its statutory duty to maintain a satisfactory system of control of its accounting records, its cash holdings and its receipts.

S Mc Elrea

Northern Ireland Certification Officer

A handwritten signature in black ink, appearing to read "Scott Mc Elrea", with a horizontal line underneath it.

APPENDIX 1

The relevant parts of Article 90A* of the 1995 Order pertaining to Mr Irvine's complaints are as follows:

“90A.-(1) A person who claims that there has been a breach or threatened breach of the rules of a trade union relating to any of the matters mentioned in paragraph (2) may apply to the Certification Officer for a declaration to that effect, subject to paragraphs (3) to (7).

(2) The matters are -

(a) the appointment or election of a person to, or the removal of a person from, any office;

(b)

(c)

(d) the constitution or proceedings of any executive committee or of any decision - making meeting;

(e)

(6) An application must be made –

(a) within the period of six months starting with the day on which the breach or threatened breach is alleged to have taken place, or

(b) if within that period any internal complaints procedure of the union is invoked to resolve the claim, within the period of six months starting with the earlier of the days specified in paragraph 7.

(7) Those days are-

- (a) the day on which the procedure is concluded, and
- (b) the last day of the period of one year beginning with the day on which the procedure is invoked.
- (c) The reference in paragraph (1) to the rules of the union includes references to the rules of any branch of section of the union”.

*Articles 90A of the 1995 Order was inserted by Article 90A of and Schedule 6 to the Employment Relations (Northern Ireland) Order 1999.

Appendix 2

The union rules referring to Mr Irvine's complaints are set out in the union's rule book (April 2000 edition). The relevant extracts are as follows:

"Rule 11, clauses 4 (a) & (b) state

(a) Each branchshall have for its membership a Chair and Secretary, and a committee....except with the consent of the Regional Committee, the Chair and Secretary, and committee members respectively, shall have been financial members of the Union for a period of not less than two years immediately preceding the date of nomination, and each of them shall be nominated at least four weeks before the date of the election.
Every officer must at all times be a financial member (my emphasis)....

(b) Branch officers..... shall hold office in accordance with the terms of such appointment) and committees shall hold office for two years.... 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 and be completed not later than December in each alternate year, and the elected candidates shall take office the following January for two years....

Rule 12 states

1. The branch secretary shall attend all the meetings of the Branch, and shall enter all contributions in the book provided for that purpose.
2. The Secretary shall keep the accounts in a clear and intelligible manner, and keep all documents, accounts, books, receipts and papers (including the receipts from the central or regional office of previous weekly or fortnightly income, and

hand the same to the Branch Chair to be read at the following meeting of the Branch) belonging to the Branch in such form, manner and place as the Branch, with the consent of the General Secretary, shall appoint and shall conduct such correspondence as belongs to their office.

3. The Branch Secretary shall draw up and furnish the Chair with a programme of the business to be brought before each meeting.

4. The Branch Secretary is legally responsible for all moneys and property of the Union passing through their hands.

5. The Branch Secretary shall immediately comply with Rule 11, Clause 8, as to moneys received.

6. The Branch Secretary shall notify all members in arrears in the manner prescribed by the General Executive Council.

7. The Branch Secretary shall summon all meetings of the Branch. A written notice, authorised by the Chair and posted in the Branch room and other suitable places two weeks before the quarterly meeting takes place, shall be deemed sufficient notice for such meeting.

Summoned or special meetings must be convened by the Branch Secretary whenever notice is received from the General Secretary, the Branch Committee, or from the members of the Branch, on the following basis: In the case of a Branch where the membership is under 1,000, on the signature of 5% of the members with a minimum of 20 members: Over 1,000 on the signature of fifty members.

The summons must state the nature of the business and the time and place of the meeting.

8 (a) The Branch Secretary shall prepare at the end of each quarter a report containing a detailed account of the income and expenditure, as provided for in

the forms supplied; the numbers of members in arrears, with the amount owing by them; the membership of the Branch; the number expelled, dead, transferred, and the number and names of those admitted during the quarter, with a statement of the financial position of the individual members of the Branch together with any other detailed information required at the central or regional office from time to time. Such reports to be signed by the Branch auditors.

(b) The Branch Secretary shall comply with Rule 11, clause 4(e).

9. If elected by a branch, the branch Secretary must give a month's notice before resigning.

10(a) If a Branch Secretary's conduct be deemed unsatisfactory, the Branch shall appoint a committee of inquiry consisting of not less than three or more than five members (one of whom shall be an officer) who shall have power to demand from the secretary all books paper and other property of the Union: and shall investigate and report to a meeting of the Branch specially convened by such committee (of which fourteen days notice shall be given).

(b) If the Secretary's conduct shall be found by such meeting to be unsatisfactory, the meeting shall, if necessary elect a temporary Secretary pending the Branch Secretary's appeal, or elect a new Secretary to complete the term of office.

An appeal under this Clause shall be to the Regional Committee and from a decision of the Regional Committee to the General Executive Council. Notice of appeal must be in writing and sent to the Regional Secretary or General Secretary, as the case may be within seven days from the date of the receipt of notification of the decision.

(c) Notwithstanding the foregoing, if a Branch Secretary's conduct be deemed unsatisfactory, the General Executive Council may remove the person from office and instruct the Branch to appoint a temporary Secretary pending the Branch Secretary appeal or to elect a new Secretary to complete the term of office.

An appeal under this Clause shall be to the Appeals Committee. Notice of appeal must be in writing and sent to the General Secretary within seven days of the appellant's removal from office.

Secretary in the Clause means a member following their employment and not a full-time or permanent Secretary appointed by the General Executive Council. In the event of Branch having a complaint to make respecting the account of conduct of a full-time or permanent Secretary a full report thereof shall be immediately forwarded both to the Central and Regional Offices.

11. Should the Executive Finance Director have cause to complain of the conduct of a Branch Secretary in the execution of the duties in so far as they relate to the keeping of the Branch accounts and the handling of the moneys of the Union, the Executive Finance Director shall bring the matter before the notice of the General Secretary who may suspend the Branch Secretary forthwith and demand the return of all books, papers, moneys and other property of the Union held by the Secretary, and submit the matter to the next meeting of the Finances and General Purposes Committee for determination. Should the Finances and General Purposes Committee uphold the action of the General Secretary they may remove the Branch Secretary from office and begin such proceedings against the person as may be deemed advisable and instruct the Branch to elect a new Secretary to complete the term of office.

12 The Branch Secretary shall not receive the salary of the post until the accounts have been audited and passed by the Central Office.

13 The Regional Secretary shall immediately acquaint the Executive Finance Director of any omission of Branch secretaries to remit money in accordance with Rule 11 Clause 8. The Executive Finance Director, on receipt of such information, shall take immediate steps to discover the cause of such omission and shall act forthwith in conjunction with the Regional Secretary.

14 A branch whose membership is sufficient may make application to the General Executive Council for the appointment of a permanent Branch Secretary. The General Executive Council shall take the matter into consideration, and if the application is approved by them, shall proceed to appoint some proper person as the permanent and full-time secretary of such Branch.

Rule 20(7) states

It shall be the personal responsibility of the member to maintain contributions and avoid arrears in all circumstancesthe General Executive Council shall nevertheless have discretion to allow payment of benefits or to confirm candidature for office should it be satisfied that the member is not in deliberate or culpable default.

Rule 20, Clause 12 states :

A financial member is a member with not less than 26 weeks' membership, having made 26 weekly payments, and who is less than six weeks in arrears.

Clause 1, Schedule 1 states

Every candidate for any office in the Union....whether paid or not...shall have been a financial member of this Union for at least two years immediately preceding the date of application or nomination..... A member who becomes unemployed is eligible to stand for office in the Union after they lose their employment, provided that they still retain their full membership as required by rule and continue to seek employment. Members not seeking employment are not eligible. Notwithstanding this Clause, the General Executive Council shall have the power to allow members who are beyond the age of retirement to continue in post as Branch officials.

Clause 4, Schedule 1 states

Permanent officers, members of the General Executive Council and members of all other constitutional committees of the Union, shall produce their contribution cards when attending meetings of the council or such committees.

Clause 5, Schedule 1 states

Every member holding an official position in the Union, or members of the General Executive Council, or any other constitutional committee, not being in compliance as a financial member of the union as per Rule 20, Clause 12, shall forthwith cease to hold office in the Union for the term for which they were elected”.