

# Associated Train Crew Union

## Rules

- 1 Title**  
Union shall be known as the *Associated Train Crew Union*.
- 2 Constitution**
- 2.1 In accordance with the provisions of the Sex Discrimination Act 1975, all references in these Rules to the male gender shall also apply to the female gender.
- 2.2 The Union will comprise of an unlimited number of Branches, made up of Members who are or have been employed on the railway industry.
- 2.3 The Union shall function with its member's best interests paramount; its officers shall always remember that their first duty is to serve the membership.
- 2.4 The funds of the Union shall be considered as sacred by all of those in whom the funds are entrusted. Those who spend the Union's money shall accept responsibility for such expenditure and will be expected to demonstrate the very best practice in obtaining both value for money and excellence in the service the Union provides.
- 2.5 Until the conclusion of business all officers of the Union, at every level, will be bound by the same rules that rail staff are all subject to with regard to Drugs and Alcohol whilst conducting formal business
- 2.6 Any salary paid to any full time Regional Organisers shall be set by Conference and be based on the highest average Members rate. The President of the Organisers Committee and General Secretary shall be set by Conference and be based on the highest average Members rate.
- 2.7 Expenses shall only be reimbursed if justified and accompanied by a full and concise breakdown of any claim as well as full supporting receipts, tickets, bills etc as required.
- 2.8 The Union shall strive to obtain levels of establishments that enable Members to enjoy quality and meaningful time off.
- 2.9 Any levy shall not be forced upon the members, nor shall the members be coerced by any threat.
- 2.10 The full details of any pay deal will be provided to the Membership affected by that deal.
- 2.11 Members shall conduct themselves in the best traditions of the Trade Union Movement at all times.
- 2.12 These Rules shall apply, and be seen to apply to all members.
- 3 Dissolution of the Union**
- 3.1 The Union may only be dissolved or amalgamated by a vote being taken and carried by at least five-sixths of the whole of the Membership. Considering disillusion they will be required to testify their instruction by signing an instrument of dissolution. This instrument shall provide for the exact and detailed means by which any remaining assets of the Union shall be disposed of.
- 4 Head Office**
- 4.1 Head Office shall be at the location as specified by the Organisers Committee.
- 4.2 Should the location of Head Office be changed the Certification Office for Trade Unions will be advised within four weeks of the relocation

## Associated Train Crew Union

### Rules

- 4.3 All communications and notices connected with the business of the Union are to be directed to the President of the Organisers Committee and General Secretary at the nominated address.
- 4.4 All materials, data, files (electronic or otherwise), records and reports etc within Head office or at the Branches remain at all time the property of the Union and must not be removed, defaced nor destroyed without the sanction of the Organisers Committee, the Trustees AND have a supporting affirmative motion and vote by Conference.
- 4.5 A union is not built on bricks and mortar; it is constructed on the solid foundations laid down by the dedicated people who work, first and foremost, for the benefit of our members. The employees of ATCU also have a vested interest in this union and accordingly this will be acknowledged at all times. They are part of this union not secondary to this union.
- 4.6 Members of Head Office staff will be afforded the right become a member of ATCU.
- 4.7 Members of Head Office staff will be afforded the same rights under the ATCU rule book.
- 4.8 As the union develops then organisational questions will arise. Taking this into consideration and in line with time scales, a review of the organisation will have to take place. It is vital that this is constantly monitored to ensure that the ATCU remains an effective union which maintains a strong attachment at grass root level.

### 5 Objectives

- 5.1 The object of the Union is to regulate relations between workers and employers, between workers and workers and to assist unemployed Members. It will promote the furtherance of a safe, fair and equitable workplace.
- 5.2 The Union will promote the fullest equal opportunity regardless of sex, sexual orientation, marital status, creed, colour, race, age or ethnic origins. Our principles shall be ***"All are equal, and NONE are more equal than others!"***
- 5.3 The finance of the union will be used to continually improve and expand the level of service and benefit of the members.

### 6 Membership

- 6.1 Where branches are established, application memberships are required to be presented to that branch.
- 6.2 Should any application not be confirmed then the branch and applicant will be advised of that decision and informed of their right of appeal to the Organisers Committee for re-examination of the application
- 6.3 Every member who is admitted to the Union shall be supplied with a copy of the current rules, Union badge and make arrangements to pay contributions by the agreed method.
- 6.4 Any Member who has exhausted sick pay from their employer will be excused from making further contributions to the General Fund whilst remaining off duty.
- 6.5 Any member who allows arrears in contributions to accrue to a level exceeding 12 weeks shall no longer be deemed a member of the Union and have no claim on the Union whatsoever.
- 6.6 A member of the Union who is also a member of another Union or Society catering for workers in the rail industry shall not be eligible to be nominated, make application or

## **Associated Train Crew Union**

### **Rules**

hold any position within the Union. Nor shall such members be eligible to be nominated or elected to any position where they would act as a representative of the Union.

- 6.7 Members who leave the industry due to redundancy or as a result of ill health may continue their membership of the Union by continuing to pay contributions at half of the normal rate. Should such Members be re-employed then they shall, from the date of re-employment, revert to the full rate.
- 6.8 Retiring members who are clear on the branch books on retirement will become Honorary Members and retain membership rights.

### **7 Changing Branches**

- 7.1 When a member moves from one station/depot to another and there is a branch covering that station/depot, the secretary of such branch shall be advised of the member's arrival to guarantee a fraternal welcome. All members must belong to the branch covering the location where they are based.

### **8 Industrial Action**

- 8.1 The Organisers Committee shall be empowered to inaugurate proposed industrial action in the interests of the members. No branch or group of branches may enter into an agreement with any other trade union or other organisation for the purpose of negotiating any movement or withdrawal of labour unless sanctioned by the Organisers Committee.
- 8.2 Unless proposals for industrial action are submitted to the Organisers Committee and receive their sanction, no benefits or payments from the Unions funds will be allowed.

### **9 Election Procedure Section A Organisers Committee**

- 9.1 Elections will be conducted in accordance with all relevant statutory obligations at such times as the Organisers Committee agrees but always in strict accordance with the Union rules.
- 9.2 The candidate that receives the highest vote shall be elected.
- 9.3 The Organisers Committee will set the deadline for receipt of applications or nominations. This date will be not less than 42 days after the circular seeking applications or nominations are issued by the President and General Secretary.
- 9.4 The Organisers Committee will set a deadline for the receipt of Election Addresses and photographs from the Candidates. This deadline will be not less than seven days after the date set for receipt of applications or nominations.
- 9.5 Each Candidate may submit an Election Address not exceeding 450 words. Candidates may also submit a personal photograph for inclusion with this address. The photo shall not exceed 4cm in width and 6cm in depth.
- 9.6 If an Election Address exceeds the number of words stated, and/or where photographic prints do not comply with the requirements set out in 9(5) above then the address and/or photograph(s) will be returned to the Candidate with the reasons for that return. If time remains in the applications period detailed in 9(3) then the applicant may resubmit as appropriate. If not then the first 450 words only will be published and issued to the electorate and the candidate advised.

## Associated Train Crew Union

### Rules

- 9.7 Each address to be presented in 10pt Ariel font with no highlights or other emphasis. Content shall have the priority.
- 9.8 The Union will initially bear the costs of producing copies of Election Addresses
- 9.9 An Election Address will not be changed unless the change is a necessary part of the production process and any such changes will be identified and reasons given to the Candidate in writing.
- 9.10 Any Civil or Criminal liability in respect of publishing or copying an Election Address for the purposes of the election rests solely with the Candidates concerned.
- 9.11 So far as reasonably practicable, copies of every Election Address received before any deadline set and which comply with the requirements set out in Rule 9 will be sent by post, with the voting papers, to all the members who are entitled to vote in the Election.
- 9.12 The Union will reclaim all allowable expenses defined in any relevant statutory provisions.
- 9.13 Except as provided for in Rule 9, no Branch, member or members may issue or cause to be issued any circulars, letters or other material, seeking support for a Candidate in an Election. Election addresses may be posted in Branch cases but must remain unaltered and given equal prominence.
- 9.14 Each current member who is up to date in paying contributions in accordance with Rule 6 & 27.1 and is eligible to take part in the election concerned, will be sent a voting paper by post to their home or nominated address, and be given a convenient opportunity to return it by post.
- 9.15 The Organisers Committee will, before any ballot takes place, appoint a suitably qualified Independent Scrutineer to carry out any functions specified in any relevant statutory provisions.  
The Independent Scrutineer will be required to:
- 9.16
- 9.16.1 supervise the production and distribution of all of the voting papers used in the ballot
  - 9.16.2 be the person to whom the voting papers are returned by the Unions's members who take part in the ballot
  - 9.16.3 take whatever steps he considers necessary to enable him to produce a report on the conduct of the ballot
  - 9.16.4 make that report to the President as soon as reasonably practicable after the closing date for the return of voting papers.
  - 9.16.5 retain custody of all returned voting papers for a period of one year following the announcement of the result of the ballot, or for any longer period that the Certification Officer or a Court may require
  - 9.16.6 carry out any additional functions that the Organisers Committee requires him to undertake
  - 9.16.7 state in his report on the ballot to the President and the General Secretary the number of voting papers distributed; the number of voting papers returned to the scrutineer, the number of valid votes cast for each Candidate and the number of returned voting papers which were spoiled or otherwise invalid
  - 9.16.8 the scrutineer should give details of any reasonable grounds they may have for believing that the conduct of the ballot contravened any legislative requirements and

## Associated Train Crew Union

### Rules

that that security arrangements for the production, storage, distribution, return or other handling of the voting papers and for the counting of them were, so are as reasonably practicable, sufficient to minimise the risk of any unfairness or malpractice

9.16.9 that he was able to carry out his functions without any interference which would cast reasonable doubt on his independence from the Union.

9.16.10 see that no outside influence interferes or attempts to interfere with the ballot

9.17 If the Scrutineer is not satisfied on any of the above matters he should explain fully the nature of any concerns.

9.18 The Scrutineer's Report will be submitted to the Organisers Committee who will direct the President and General Secretary to notify all Branches of its content and the successful Candidate as to the date on which he will take up office. These notifications will be made within the 30 days following the date of receipt of the report

9.19 Any deselected officer shall spend a period of at least two days assisting and advising their successor in order to ensure a smooth and efficient handover

9.20 The notification to Branches will contain a statement that the Union will, if requested, supply any member with a copy of the Report. A reasonable fee may be charged which will be specified by the Organisers Committee.

9.21 The Organisers Committee will consist of 6 appointed Regional Organisers and 6 elected Regional Organisers. The appointed positions will be subjected by interviews by the President and General secretary and will be presented to the Organisers Committee for ratification.

### 10 Election procedures for Regional Organisers

10.1 Any member who has been a member of the Union for five consecutive years and is current on the membership lists and is able to complete a five year term of office prior to their retirement shall be eligible for nomination subject to the Organisers Discretion. If elected then the member concerned shall be required to maintain membership of the Union.

### 11 Regional Organisers

11.1 At this present time the Regional Organisers position is on a voluntary basis whereby the Regional Organiser receives no remuneration apart from minimal reimbursement of expenditure. Until such time this union is in a financial position and agreed by the Organising Committee the above will remain the same. When the situation arises section **10 Regional Organisers** will become valid through a transitional period.

11.2 Subject to the Organisers Committee decision at a future date, the Regional Organisers shall be elected by a ballot of the members of the branches within the respective regions for a period of five years to commence from the Monday following the date of the adoption of the relevant scrutineers report by the Organisers Committee in cases where vacancies already exist; or from the Monday prior to the retirement and/or resignation date of the Regional Organiser concerned.

11.3 Candidates for vacancies for the position of Regional Organiser must be clear on the books and have been members for five consecutive years. They must be members of Branches within the respective Regions in which the vacancy arises and reside within an area which the Organisers Committee consider to be compatible with the duties of that office.

## **Associated Train Crew Union**

### **Rules**

- 11.4 Branches in Regions where a vacancy arises may nominate one candidate for such vacancies.
- 11.5 Regional Organisers must continue to be members of Branches within their respective Regions and continue to reside in accordance with 10 (2). However, if in exceptional circumstances, a Regional Organiser is unable to continue to reside within his/her Region, the President, General Secretary and Organisers Committee may permit him/her to continue in office having consulted and taken full regard to the views of all Branches within the Region concerned.
- 11.6 Regional Organisers shall not be members of Staff Sides of Company Councils or hold any positions within a Branch.
- 11.7 Secondment from the employer of the successful candidate shall be sought to ensure continued first hand operational experience of the railway.

### **12 Duties of the General Secretary and President**

- 12.1 The General Secretary and President shall be under the control of and obey all orders of the Organisers Committee. They shall keep all documents, accounts and papers belonging to their office in any such manner as the Organisers Committee shall direct. They shall not write any circular, letter or other document, or take part in any meeting to oppose the Organisers Committee, or in any way act in opposition to their wishes. They shall at all times uphold their authority and carry out their instructions.
- 12.2 The General Secretary and President shall attend Conference and all meetings of the Organisers Committee. They shall not be permitted to be a Member of Parliament.
- 12.3 The General Secretary and President shall be responsible for and have sole charge of the Unions Head Office and its administration for which they will answer to the Organisers Committee and Conference. They shall transact all business and conduct the general correspondence of the Union and keep copies of all letters written and received for such periods that are deemed necessary or any relevant statutory obligation requirement and in any case a minimum of 10 years. They shall be in charge of all expenses. They shall produce to the Organisers Committee and/or the Unions appointed auditors all books and papers belonging to this office on demand.
- 12.4 The General Secretary will attend the Organisers Committee meetings and have full participations rights in that meeting.
- 12.5 The General Secretary and President shall send to the Certification Officer, every year before the first day of June, the full Annual Report and complete Financial Statements along with a copy of the Rules in force at the end of the previous calendar year.
- 12.6 The General Secretary and President shall keep the Society's accounting records in the form and for such period that comply with any relevant statutory obligations.
- 12.7 The President and General Secretary shall keep a register of all members' names and addresses stating where and when admitted, or re-admitted, age, employer, depot and Branch.
- 12.8 The President and General Secretary shall make available to members and other persons, records of the Union in accordance with any relevant statutory obligations.
- 12.9 The President and General Secretary shall be the lead officers of the Union in liaison with the media and in dealings with employers or other organisations as determined by the Organising Committee.
- 12.10 The President and General Secretary will interview and select the General Manager of the office.

## Associated Train Crew Union

### Rules

12.11 The President and General Secretary shall ensure that all of the assets of the Union are listed and that those lists are kept up to date.

#### 13. The 'Penny' rule

13.1 It is the duty of all members to actively ask questions and make suggestions that will enable the Union to fully represent their wishes and aspirations. **It is the strict duty of all in office to answer them or to provide clear reasons as to why they cannot.** A response to any raised issue to be provided within 8 weeks of receipt by the Officer concerned.

13.3 The President and General Secretary shall investigate and report to the Member/Members concerned, and to the Organisers Committee any such failures along with his proposals to remedy the situation. Such an investigation and report to take no more than 8 weeks from the date the complaint was received.

13.4 Should the failure involve the President and General Secretary then the complaint should be sent to the Appeals Committee who will have the power to ensure that the matter is addressed.

#### 14. The Organising Committee

14.1 The Organising Committee shall consist of 6 elected members and 6 appointed members. At least one Trustee who **shall** sit ex-officio when dealing with **all** financial matters involving expenditure or potential expenditure of £2,500 or more. They shall appoint the **President** from within their number, five members to form a quorum consisting of 2 appointed and 2 elected and the General Secretary. One member must be from the region which issue of importance is discussed. The President will have the casting vote at the Organisers meeting.

14.2 The normal term of office shall be five years and any members eligible for election must have five years consecutive membership of the Union and be clear on books, members on expiry of their term of office not being able to complete a full term of office but able to complete 12 months of office prior to attaining normal retirement age, shall be permitted to stand for re-election. The elections will be staggered and set out by the President and the General Secretary.

14.3 Any investigation enquiry will be conducted by a full Organisers Committee meeting where possible.

14.4 The Organising Committee shall order the election of members to fill any vacancies.

14.5 Any member elected on the Organising Committee may not hold any office in the branch.

14.6 No member may hold more than one position unless agreed by the Organising Committee.

14.7 In the event of any member of the Organising Committee being found guilty of misconduct or having violated any of these rules, then that member may be excluded by a majority vote by all of the other remaining members of the Organising Committee. The offending member will then be allocated the right of reply and appeals.

14.8 Should the Organising Committee consider it necessary for the protection of the Unions funds, legal proceedings against ANY Union Member or employee who in any way defrauds the Union may be instigated. If any Trustee, employee or Member fails to sign or deliver up to any person appointed by the Organising Committee to receive the same, any bank books, cheques, other documents or writings which may be in their care, possession or control, or which require their signature/s then enforcement action

## Associated Train Crew Union

### Rules

shall be taken.

- 14.9 The Organising Committee shall institute legal proceedings on behalf of the Union and take any lawful steps they consider proper to enforce decisions of the Organising Committee or the Appeals Committee. Trustees to be consulted and their views recorded prior to the institution of such proceedings.
- 14.10 The Organising Committee may ballot the members of the union for the purpose of obtaining instructions on any matter that they see fit, and the votes of the members shall give the final decision on the matter in question.
- 14.11 They shall publish an Annual Report after the close of the year, in such form and signed by such persons as the Certification Officer may require It shall contain **detailed** items of income and expenditure, assets and liabilities, and a Branch Directory, giving date, time, and place of meeting and the name and address of Branch Secretary and associated Health & Safety Representative(s). The Organising Committee shall to provide the President and General Secretary with a sufficient number of copies of the Annual Report and Financial Statements, and it shall be his duty to supply gratuitous copies to every member or person interested in the funds of the Union upon application.
- 14.12 The Annual Financial Report will contain full information of any wages, fares and other expenses of the Organising Committee, Regional Organisers and Trustees. These details to be comprehensive and detailed, each item being shown separate with reasons for the expenditure shown.
- 14.13 The Organising Committee shall meet for the ordinary business of the Union when required to complete that business efficiently. Special meetings may be called as required providing a majority of the Organising Committee agree
- 14.14 The President shall have an additional casting vote in addition to his own vote on matters in respect of any stalemate. This vote may only be used once the normal vote has been taken.
- 14.15 The Organising Committee may determine anything upon which the Rules are silent, however, any such decision SHALL be referred to Conference or any Extraordinary Conference (whichever is first) for ratification or otherwise. The Conference shall have the final say.
- 14.16 The Organising Committee shall have power to make an order upon any branch for moneys to discharge any bills or debts contracted by or on account of the Union by such branch. Should any branch or branches refuse to remit moneys upon an order of the Council directing such remittance the Council may suspend such branch or branches.
- 14.17 Organising Committee members, upon receiving an invitation, shall attend meetings organised by the members for the purpose of organising or giving their report, upon receiving an invitation the Organiser should endeavour to attend whenever and as soon as reasonably practicable.
- 14.18 The Organising Committee shall ensure the provision of educational opportunities for the membership

### 15 Trustees

- 15.1 There shall be two Trustees and they shall meet as required.
- 15.2 Nominees must be clear on the books and must have been members of the Union for five consecutive years prior to the election for post.
- 15.3 Nominations for the position of Trustee shall be forwarded to Head Office by branches not less than four weeks prior to the commencement date of the election. The period of office shall be six years commencing 1st July.

## Associated Train Crew Union

### Rules

- 15.4 The Trustees shall be able to invest or withdraw the funds of the Union as instructed by the Organising Committee subject to such instructions not being in contravention of any relevant statutory obligation, and the Rules of the Union.
- 15.5 They shall also take action, with the consent of the Organising Committee, to bring or defend, or cause to be brought or defended, any action, suit, prosecution or complaint, in any court of law or equity, touching or concerning the property, right or claim to property of the Union.
- 15.5 Any Trustee having been removed from such office who refuses, or neglects to convey, assign, or transfer or otherwise deliver up any property of the Union to the Union shall be dealt with under Rule including referral to the legal process.
- 15.6 On the day that Finance matters are discussed at Conference, one Trustee will attend and have the right to speak and reply to questions asked.

### **16 Annual Returns, qualifications, appointments, removal and functions of Auditors**

- 16.1 All accounts, books, vouchers, deeds, etc., relating to the funds of the Union at Head Office shall be examined by professional auditors who have the qualifications required under any relevant statutory obligations. They are to be appointed by the Organising Committee, Conference or Extraordinary Conference as applicable. Auditor's reports will be included in the papers made available to the delegates attending the next Union Conference.
- 16.2 The Auditors shall prepare the Unions Annual Report and Financial Statements and in doing so shall carry out such investigations as will enable them to form an opinion on the following matters:
- 16.2.1 Whether proper records have been kept by Head Office
- 16.2.2 That Head office has maintained a satisfactory system of controlling its transactions.
- 16.2.3 Whether the accounts that are referred to in the balance sheet are in agreement with the accounting records.
- 16.3 The Auditors shall append a fully detailed report on those investigations to the Annual Report and Financial Statements.
- 16.4 Auditors may only be removed from Office by a decision of Conference.
- 16.5 Auditors appointed to audit the accounts for the previous year shall also be appointed as Auditors for the current year unless a resolution has been adopted by an Conference that appoints new Auditors, or the Auditors have given the Union notice in writing that they are unwilling to be re-appointed, that The Auditors are as a whole or in part ineligible for appointment for the current year or the Auditors or one or more of their number have ceased to act as an Auditor or Auditors by reason of incapacity.
- 16.6 Auditors shall receive all notices, of, and other communications relating to any Conference shall send a suitably qualified individual to attend the Conference when financial matters are dealt with. The Auditor attending Conference accordance with the provisions of this Clause shall be permitted to address the Delegates and answer questions on any part of the business which concerns him as Auditor.

### **17 Biannual Conference powers and duties, etc**

- 17.1 The Union shall be under the full control of the Conference who shall meet in June or July of each year. The first full conference and location to be decided by the Organising

## Associated Train Crew Union

### Rules

Committee when it is agreed sufficient numbers have been attained.

- 17.2 Any Extraordinary Conference called by the Organising Committee shall normally be attended by the delegates of the last preceding Biannual Conference.
- 17.3 Each constituency shall provide one delegate selected from those nominated by Branches. Each Branch is entitled to nominate one member who is clear on the books. The candidate with the most nominations shall attend as delegate.
- 17.4 Removed
- 17.5 The Arrangements Committee shall at all times consider the creation of a Conference environment that has at its heart the protection of the Unions democracy whilst at the same time paying attention to the protection of the memberships assets. These criteria to be applied to the duration of any Conference will be decided by Organising Committee.
- 17.6 The Arrangements Committee shall at all times consider the creation of a Conference environment that has at its heart the protection of the Unions democracy whilst at the same time paying attention to the protection of the memberships assets. These criteria to be applied to the duration of any Conference will be decided by Organising Committee.
- 17.7 Every Conference shall have the sole power to make, alter, amend or rescind any rules.
- 17.8 Conference or any Extraordinary Conference shall have power to determine the number of Regional Organisers to be elected by the members. It may inaugurate any proposed industrial action or decree any proceedings in the interests of the Union and its members.
- 17.9 Conference shall govern the Organising Committee and hold it to account and exercise over it all or any of the powers and authorities vested in Conference by the Rule Book.
- 17.10 To do all such other things that may be necessary or desirable in the interest of the Union and its members.
- 17.11 To approve or reject the Annual Report and Financial Statements of the Organising Committee.
- 17.12 To remove appointed Auditors from office and to appoint replacements.

### **18. Protection of Members**

- 18.1 Any member who is fined and/or suspended from work who feels aggrieved that such fine and/or suspension from work arose from circumstances beyond his control may, providing he has made full use of the Disciplinary Procedure when relevant, have his case dealt with at a meeting of his Branch, this being subject to him notifying the Branch Secretary within 28 days of the date of the imposition of the fine and/or the date of the commencement of the suspension from work.
- 18.2 Should the Meeting of the Branch adopt a resolution supporting the aggrieved member, the Branch Secretary must forward all the relevant correspondence and information relating to the case to Head Office for the attention of the Organisers Committee.
- 18.3 Providing the Organisers Committee is satisfied that the fine and/or suspension from work imposed on the member arose from circumstances beyond his control, the Organisers Committee shall have power to sanction payment by the Union of part of or the whole of the fine and/or Suspension Benefit .
- 18.4 Any member reduced in grade as a punishment imposed by an employer, who feels aggrieved due to such reduction in grade arising from circumstances beyond his control may, providing he has made full use of the Disciplinary Procedure, have his case dealt

## Associated Train Crew Union

### Rules

with at a meeting of his Branch subject to him notifying the Branch Secretary within 28 days of the date of his being reduced in grade.

- 18.5. In the event of the meeting of the Branch adopting a resolution supporting the aggrieved member the Branch Secretary must forward all the relevant correspondence and information relating to the case to the Organisers Committee.
- 18.6. Providing that the Organisers Committee is satisfied that the reduction in grade imposed on the member arose from circumstances beyond his control the Organisers Committee shall have power to sanction payment of Reduction in Grade Benefit .
- 18.7. Any member paid such monies in accordance with Rule who subsequently has the fine and/or loss of wages refunded either in part, or in full, or who is restored to the former grade, MUST inform his Branch Secretary who will forward such information for the attention of the Organisers Committee with a view to the Organisers Committee deciding whether the member should reimburse the Union either in part or in full.
- 18.8. Any member who is subject to victimisation by an employer may have his case dealt with at a meeting of his Branch subject to him notifying the Branch Secretary within 28 days any incident. If the Branch adopts a resolution supporting the Member then the Branch Secretary must forward all relevant information surrounding the case to the Organisers Committee.
- 18.9. If the Organisers Committee is satisfied that victimisation has occurred they will institute proceedings to rectify the position for the member.

### **19 Legal Assistance to Members & dependants.**

- 19.1. The Union shall have the power to grant legal assistance to members in connection with matters arising out of their employment, and to members who sustain injury by accident whilst off duty and to the dependants of such members. Also, the Union shall grant legal assistance to its members who have suffered harassment, physical or verbal, racial or sexual abuse, or are being subjected to any actions contrary to Rule 5, Equal Opportunities Statement.
- 19.2. The powers set out in (1) above shall be exercised by the President and General Secretary on behalf of the Union and be subject to their discretion.
- 19.3. Claimants for legal assistance must obtain the appropriate application form from the Secretary of the Member's Branch, complete, sign and date the form and return it to the Branch Secretary without delay.
- 19.4. The Branch Secretary must, without delay, forward the completed form to the Unions Head Office. The President will acknowledge receipt of the form to the Branch Secretary who should supply the claimant with a copy of the acknowledgement, stating whether legal assistance is granted.
- 19.5. The President and General Secretary, where legal assistance is granted, will retain a copy of the form and send the original to the Unions solicitors for their attention. The Unions solicitors will inform the claimant that they have received instructions to act on his behalf. The member or dependant, as appropriate, should notify the President and the Branch Secretary if a communication is not received from the Unions solicitors within a period of 21 days from the date on which the completed form was forwarded to the Branch Secretary.
- 19.6. The Union shall have the power to grant legal assistance and expenses to the widows of our deceased members in connection with matters involved in payment of lump sums from their Pensions Funds.
- 19.7. A member who has used all the stages of the Individual Grievance Procedures who is not satisfied with the outcome may take his grievance to their Branch. If the Branch

## Associated Train Crew Union

### Rules

supports the member's claim then all of correspondence should be sent by the Branch Secretary to the Organisers Committee with the recommendation that legal guidance be sought by the Organisers Committee to resolve the member's grievance.

#### **20 Disciplinary Action**

- 20.1 A person or persons case will be investigated by the Organising Committee minus the President and General Secretary. A decision will be made by the Committee for or against the person. If the decision is against, the member will have the right of appeal. The appeal will take place in front of the General Secretary and President. If there is a split decision then the case will be deemed unproven. If proven the person will be requested to attend a meeting with the Regional Organisers who will make the appropriate recommendations.
- 20.2 In line with union policy any person found in favor at any proceeding tribunal will have an automatic right to reinstatement.

#### **21 Branches**

- 21.1 ATCU wants the power and driving force of this union to be in the hands of the Branches. It is they who are at the forefront of this industry; it is they who experience the day to day heavy grind that keeps the industry moving. ATCU will focus heavily on the Branch structure as this is the first contact for members and the most important level within the union. ATCU will develop a stronger link with branches, assuring the functioning and structure of the Branch has the full resources of the union. At all times our attention must never lose sight of one major overriding principle: 'ATCU is organised from branch level upwards with the rank and file controlling the union, this union cascades upwards not downwards'.
- 21.2 In any place where there are six persons of the membership at that location who desirous of having a branch, they shall make known their wishes to the President and General Secretary who may, subject to the authority of the Organisers Committee and following consultation with any relevant existing branches directly affected, make the necessary arrangements for the opening of a new branch.
- 21.3 The President and General Secretary shall provide the necessary books, cards, and instruction for carrying on the branch and instruct a Regional Organiser to attend and examine the transfer of members from other branches, and take charge of the meeting until the Branch Officers are elected.
- 21.4 The books and all other property of the Union must be sent to Head Office when any branch closes.

#### **22 Branch Funds**

- 22.1 Branch funds shall be decided upon by President and General Secretary. Funds will be allowed subject to having submitted a satisfactory Annual Branch Statement in respect of the preceding year. The Secretary of each branch to present a statement to the first monthly meeting of the branch following 31st December each year, of receipts and expenditure under this heading, to be signed by the Branch Secretary, Chairman and two Trustees.
- 22.2 Branches to have discretionary power over this fund, within the terms which money was allocated
- 22.3. Affiliation with bodies, which are of a political character, cannot be paid for from this fund.

## Associated Train Crew Union

### Rules

#### **23 Branch Meetings**

- 23.1. The ordinary meetings of Branches and elected positions will be governed by the branch and recorded as such in the Branch Standing Orders. Annual General Meetings shall be conducted at the beginning of the year subject to agreement of that branch.
- 23.2. Special general meetings shall be summoned for business as the committee think fit.
- 23.3. The Branch Committee shall comprise of: Branch Chairman, Branch Vice-Chairman, Branch Secretary, Assistant Branch Secretary, two Branch Trustees and, additionally, any number of Committee Members decided upon by the branch. The branch shall also elect annually two members, who shall not be members of the Branch Committee, to act as Branch Auditors. It shall be the duty of the Branch Auditors to examine and certify all the financial transactions of the branch for the year and to ensure that the branch financial statement is completed and returned to Head Office in accordance with the provisions of Rule 23, Clauses 1 and 5. The Branch Secretary shall give notice in writing to those members elected to office within seven days. In the event of the members of a branch being dissatisfied with any officer they shall have power to remove him from office by a vote of a majority of the members present at a meeting specially convened for this purpose.
- 23.4. The committee shall have full power to superintend and conduct the business of its branch according to these Rules, and shall in all things act for and in the name of its branch; and all acts and orders under the powers delegated to them shall have the like force and effect as the acts and orders of its branch at any general meeting.
- 23.5. The committee of each branch shall cause the accounts of its branch to be regularly entered in proper books. They shall cause the branch books to be audited quarterly, the Head Office returns to be exhibited in the branch room at each quarterly meeting, and the arrears of contributions of members to be read out at each branch meeting. The books and accounts and the names of the members of each branch shall be open to inspection of any member or person having an interest in the funds at all reasonable times at the office of the branch, or any other place where such books and accounts are kept and it shall be the duty of the secretary to produce the same for inspection accordingly when due notice of such inspection is given.
- 23.6. The committee shall do all they can to assist the Organisers Committee in enforcing the provisions of these Rules, and requiring the payment of all fines to which any committee man, officer or member may become liable by virtue of any such Rules.
- 23.7. Any two of the committee may call a special meeting thereof by giving seven clear days' notice in writing to the secretary, but at such special meeting no other business than that specified in the notice shall be taken into consideration.
- 23.8. Every question at any meeting shall be decided by a majority of votes of members present at the meeting and if the votes are equal, the chairman shall have a casting vote.
- 23.9. Any member who has paid one month's contribution shall have the right to speak and vote on any question at his branch.
- 23.10. Each branch must have standing orders for meetings of the branch committee and ordinary and special branch meetings which have been adopted at a meeting of the branch and will be read out on request at any branch meeting.
- 23.11. The proceedings of every branch shall be subject to the control of the Organisers Committee and Conference as provided in the Rules, and in all matters not provided for by these Rules.

## Associated Train Crew Union

### Rules

#### **24. Duties of Branch Secretaries.**

- 24.1 The Secretary shall attend to all communications, keep correct minutes of the resolutions and proceedings of his branch and of the Committee, and give such information as may be required appertaining to his office be forwarded to Head Office.
- 24.2 Copies of Branch minutes will be forwarded to Head Office.

#### **25 Misapplying Funds.**

- 25.1 All moneys received on account of contributions, levies, donations, or otherwise, will be applied towards carrying out the objects of the Union in accordance with the Rules. Should any officer or other person take any sum of money from the funds of the Union, and appropriate the same to his own use, or otherwise dispose of it without authority, or commit an offence against any relevant statutory obligations, he shall be dealt with by the Organisers Committee under Rule. and/or by the Organisers Committee taking necessary legal action and prosecution.
- 25.2 Any member attempting to obtain or obtaining by fraudulent representation, or demanding any allowance, benefit, or money from the funds of the Union, or who knowingly receives or continues to receive any such benefit or money after his claim or just right thereto has ceased, shall be subject to disciplinary action by the Organisers Committee under Rule. and/or by the Organisers Committee taking necessary legal action and prosecution.

#### **26 Unofficial Circulars.**

- 26.1 No Branch, Member, or Members may issue or cause to be issued any circular, real or electronic, that bear the title of the Union, or a branch or branches of the Union without having previously received the sanction of the Organisers Committee.
- 26.2 In an election to which Rule 10 applies, no branch, member or members may issue or cause to be issued any circular, letter or other material seeking support for a candidate in an election for any office without having previously received the sanction of the Organisers Committee.
- 26.3 Any members who have acted contrary to this Rule will be liable to disciplinary action by the Organisers Committee.
- 26.4. The aim of this rule shall be to prevent any confusion as to the authenticity of material being circulated. Material that is by its presentation or content clearly not originating from Head Office, a Union Branch or Officer acting in an official capacity etc shall not be deemed an '*unofficial circular*'

#### **27 Contributions.**

- 27.1 Contributions will be set at £9.75 per month and will remain so until varied by any Conference or Special Conference. Until such time of contributions will be set by the Organisers Committee.

#### **28 Union Staff.**

- 28.1 Head Office is the hub of the organisation and it is imperative that a large amount of attention is given to this area. Unlike our lean policy a substantial amount of revenue will be directed to this area but this will be directed towards the operation, employees and new technologies.

## Associated Train Crew Union

### Rules

- 28.2 Staff shall work under the immediate direction of the President and General Secretary.
- 28.3 Head Office staffing arrangements will be decided by the General Secretary.
- 28.4. A union is not built on bricks and mortar; it is constructed on the solid foundations laid down by the dedicated people who work, first and foremost, for the benefit of our members. The employees of ATCU also have a vested interest in this union and accordingly this will be acknowledged at all times. They are part of this union not secondary to this union.
- 28.5 Members of staff are an integral part of this union and work for the benefit of the membership and like all representatives and members of the union they should leave all personal matters relating to politics at the front door as they enter work. Members of staff should not involve themselves in any internal Head Office matters relating to leadership, policy or elections.
- 28.6 Staff should be afforded the fullest support in any desire that they may have to obtain recognition for the Union of their choice. Staff shall be accorded the right to join the ATCU.
- 28.7. As the union develops then organisational questions will arise. Taking this into consideration and in line with time scales, a review of the organisation will have to take place. It is vital that this is constantly monitored to ensure that the ATCU remains an effective union which maintains a strong attachment at grass root level.
- 28.8. This Union will seek at all times to lead at the cutting edge of innovation as we strive to be and remain a model employer providing a stimulating, flexible and pleasant working environment.
- 28.9 Staff will be employed on their ability to bring the required skills to the union in order to undertake the union's responsibilities.