

EC Guidance

Rule 6: Lay Office

6.1 The Executive Council shall make provision to ensure accountability of Regional and Industrial Executive Council members and those Executive Council members elected pursuant to rule 14.3.3 shall meet with their respective National Committees at least four times per year.

6.1.1 Members elected to the Executive Council from a regional seat shall attend the Regional Committee for their region when it meets.

6.1.2 Members elected to the Executive Council from an industrial seat shall attend the National Committee for their industrial sector when it meets.

6.1.3 Members elected to the Executive Council pursuant to Rule 14.3.3 to be a national representative for women, shall attend the national women's committee when it meets.

6.1.4 Members elected to the Executive Council pursuant to Rule 14.3.3 to be a national representative for black, Asian and ethnic minority members, shall attend the national black, Asian and ethnic minority committee when it meets.

6.1.5 Where a member is attending a meeting that is not an Executive Council meeting, in their capacity as an Executive Council member, they shall have the right to speak, but not to vote, at that meeting.

6.2 In order to be eligible to be a candidate for election to, or hold office on, the Executive Council and/or any committee, council or other body of the Union provided for by these rules, the member in question must be an accountable representative of workers.

6.2.1 Only members who are elected to represent workers will be eligible to participate in any body of the union, including any conferences, but with the exception of branch and workplace meetings (which all members can attend).

6.3 The definition of the term 'accountable representative of workers' shall be in the exclusive power of the Executive Council, which is empowered to take into account changing industrial realities and the unique nature of some industries (i.e. construction, contracting, leisure, rural etc) in formulating such definition. It must nevertheless include branch office holders who are in employment, shop stewards, health and safety and equalities representatives.

6.3.1 An accountable representative of workers must have been elected by the Unite members at a Unite branch or workplace. The workplace must contain a minimum of three members. The election must comply with the guidance under 6.5 below.

6.3.2 The range of relevant elected office may be specified by Executive Council guidance in relation to specific rules, however in all cases where the representative has been elected under this guidance to the following roles, such representatives will count as 'accountable representatives of workers':

6.3.2.1 Convenor

6.3.2.2 Shop steward (or "workplace representative"/ "father/mother-of-the-chapel", etc., where such phrases are the local colloquial term for such representative as represents members in bargaining and disciplinary and grievance matters.)

6.3.2.3 Health and safety representative

6.3.2.4 Equalities representative

6.3.2.5 Learning representative

6.3.2.6 Branch Secretary/Treasurer/Chair (where that branch officer is a paid employee of a company or organisation which is not Unite the Union), save with the specific permission of the Executive Council, (taking in to account their current employment).

6.4 It is further required that a fair procedure be developed by the Executive Council to deal sympathetically with cases where a member's eligibility to stand for election or continue to hold office may be affected by employer victimisation.

6.4.1 In the event of a workplace representative being sacked due to victimisation for trade union activity, a report will be submitted, by the Regional Secretary, to the Executive Council who will rule on whether that representative should continue to hold office as a representative of that particular workplace.

6.4.2 In the event of the dismissed representative taking up alternative employment they shall cease to hold office in relation to their former workplace with immediate effect.

6.4.3 Where the dismissed representative ceases to hold office as a representative for their former workplace, the Executive Council shall consider whether the dismissed former representative should be entitled to continue to attend any such conferences or committees that they would have attended for the remainder of their elected term even if they are replaced within the workplace by a new elected representative.

6.4.3.1 In the event that the Executive Council sees fit to grant such entitlement, the dismissed former representative will be counted for the purposes of this rule as an 'accountable representative of workers' until the expiry of their two-year term.

6.4.3.2 In the event that the dismissed former workplace representative wins a case and gets their job back, they will be entitled to resume their elected office in the workplace for the remainder of the two years since their last election.

6.5 The electoral period to hold lay office shall be two years unless otherwise provided for under these rules.

6.5.1 All lay representatives must be elected.

6.5.2 They will be elected to hold office for two years, unless one of the following occurs, in which case an election will be held for a replacement as soon as is practicable:

6.5.2.1 The elected representative changes jobs so that they no longer work in the workplace (or department, or role,) that they were elected to represent.

6.5.2.2 More than 50% of the members in the constituency that they were elected to represent, vote or petition to hold a new election for that post.

6.5.3 There shall be no limit of the number of successive terms that an elected representative may hold, provided that they continue to comply with all other criteria applicable at the time.

6.5.4 Prior to any election, the members in the workplace should be informed of the pending election and invited to volunteer for election or nominate a

colleague for election. The precise mechanics of informing the members on the workplace, and dealing with nominations and the election, may vary from workplace to work place, but any such case will be a fair procedure. In the event of dispute the Regional Officer should be contacted and the Regional Secretary should be informed.

6.5.5 In the event of nominations having been invited from the relevant workplace, and only one candidate having been nominated, or volunteered, that candidate may be declared elected unopposed.

6.5.6 Immediately following the election of any representative notification should follow in accordance with

Rule 18.6 Following election of a workplace representative the appropriate Regional Officer shall be informed of the election by the elected representative without delay. The Regional Officer shall ensure that the Regional Industrial Sector Committee and the Union's membership department are informed of the date of the election and the identity, constituency and contact details of the elected workplace representative.

In addition, the Union's regional office should be informed and the representative's membership record should be amended to show that they are an elected representative for that workplace, and the date on which they were elected. The representative should be asked for an e-mail address which can be added to the union's database for activists so that the representative can receive relevant e-mail updates.

6.5.7 The region shall ensure that each elected representative is sent a letter confirming their representative status, and the scope of the role for which they are accredited by the union¹. (No lay representative is accredited by the union to advise on compromise agreements.)

6.5.8 The regions shall supply the Regional Committee and the Regional Industrial Committee the full list of representatives (showing name and workplace) elected since the prior meeting of that Committee.

¹ It should state the group of members they are elected to represent; the type of representative role that they have been elected to; and whether they are accredited to represent members in grievance and/or disciplinary hearings. In the case of equalities representatives they may be accredited to represent people in harassment procedures and certain types of equalities grievances. The local officer for the workplace should acquaint him/herself with the representative and advise the region on the suitable scope of representation entitlement. The officer should take into account whether the representative has attended any union training on equalities and /or organising and /or employment law issues, and should also encourage representatives to attend such training. A record of the individual representative's training should be kept on their membership record.