



# The rules of Unite Incorporated

## As amended by the Unite AGM 24<sup>th</sup> November 2020

### 1. Name:

1.1. The name of the Incorporated Society shall be Unite. For the purposes of these Rules referred to as "the Union".

### 2. Purposes

#### 2.1. Unite is a community based union formed:

- a) to protect and further the interests of members and working people as a whole by carrying out any policy decided in accordance with these Rules.
- b) to recruit and organise workers, including marginal labour, unemployed and beneficiaries.
- c) to engage with and recruit workers at their workplaces to become active members of the union.
- d) to secure the best possible working conditions for members of the Union by promoting members' collective employment interests.
- e) to secure the best standard of living for members, other workers, their families and communities.
- f) to inform and educate workers about the history, achievements and role of both the union movement as a whole and the union specifically.
- g) to assist any other union, federation, movement or organisation for the betterment of the working conditions, remuneration and/or welfare of its members or working people as a whole.
- h) to affiliate to any other union, federation, movement or organisation for the furtherance of the objects of the Union.
- i) to prudently invest any surplus funds of the Union to increase the resources available for use as specified in parts (a) to (e) of this Rule.
- j) to uphold the principles of the Maori version of the Treaty of Waitangi including that of tino rangatiratanga in all its work.

2.2. The union does not have the purpose of making a profit for members, or shareholder and prohibits a distribution of property in any form to a member proprietor or shareholder; and has a constitution that prohibits a distribution of property in any form to a member, proprietor, or shareholder.

### 3. Ordinary Membership:

3.1. Ordinary membership of the Union is open to any person who supports the purposes of the union.

3.2. Ordinary members shall pay the appropriate fees as determined by the union and shall be referred to for the purposes of these rules as "the member" or "members"

3.3. Any person described in 3.1 may become a member on making application on the appropriate form to the Secretary or her/his representative and membership, when approved, shall be deemed to have begun from the date of application.

3.4. The appropriate form for application shall be one approved by the Unite Executive, which may include forms approved under the Employment Relations Act or its successor which indicate intent to join.

3.5. All applicants will receive electronic or written notice when their application has been accepted or declined by the Secretary.

3.6. Any applicant who the Secretary has declined membership to may appeal the decision to the next Executive who may approve or decline the application by majority vote. The Executive's decision is final.

3.7. Any applicant who has previously be declined membership or had their membership terminated shall not become a member unless the Executive approves it by majority vote. The Executive's decision is final.

3.8. Members may belong to another union concurrently with their membership of the union.

### 4. Support Membership:

4.1. Any person or current member on a worksite not being organised by the union may become a Support Member of the union. Support members shall pay fees for services provided as determined by the Secretary but shall have none of the rights or privileges of an ordinary member.

## **5. Obligations of Members**

5.1. All members shall promote the purposes of the Union and shall do nothing to bring the Union into disrepute.

## **6. Resignation and expulsion:**

6.1. Any member desiring to withdraw from the Union may do so by giving the Secretary two weeks notice of her/his intention and by paying all dues owing up to the expiry date of the notice.

6.2. Such withdrawal shall not be effective, except with the leave of the Executive, until all dues are paid. Withdrawal shall not exempt any member from liability in respect of any act or omission while that person was a member.

6.3. A union member may have his or her membership terminated if, for any reason whatsoever, the Executive is of the view that a member is breaching the Rules or acting in a manner inconsistent with the purposes of the union.

6.4. The Executive must give written notice of this to the member. The Executive's notice must:

- a) Explain how the member is breaching the Rules or acting in a manner inconsistent with the purposes of the union;
- b) State what the member must do in order to remedy the situation; or state that the member must write to the Executive giving reasons why the Committee should not terminate the member's membership.
- c) State that if, within 14 days of the member receiving the Executive's notice, the Executive is not satisfied, the Executive may in its absolute discretion immediately terminate the member's membership.
- d) State that if the Executive terminates the member's membership, the Member may appeal to the next AGM.

6.5. The member shall be given the opportunity to address the Executive verbally or in writing before any vote on the matter.

6.6. Any member whose membership is terminated shall have right of appeal, in writing or in person to the next Annual General Meeting and if her/his appeal is upheld the meeting shall have the power to reinstate the membership. The AGM's decision will be final.

6.7. Any costs incurred by a member who has received written notice or has had their membership terminated shall be met by the member themselves.

## **7. Membership roll:**

7.1. The registered office of the Union shall contain an up to date roll of the membership including the address, employment or beneficiary status, occupation, workplace, joining date and collective agreement or individual contract covering each member. The Secretary shall carry out the duty of ensuring that the membership roll is kept current.

7.2. Any member in arrears of 3 months or more in payment of any fee, subscription or levy payable under these Rules may be deemed to be a support member only; provided however that such change of status shall not free such person from any liability for the arrears due.

## **8. Registered Office:**

8.1. The Registered Office shall be at such place as the Executive may from time to time decide.

## **9. Governance:**

9.1. Subject always to the decision of the members of the Union, made at the Annual General Meeting or of a Special General Meeting, in accordance with these Rules, the Union shall be governed and its funds controlled by an Executive.

## **10. Annual General Meeting:**

10.1. The Annual General Meeting shall be the chief governing body of the Union.

10.2. The A.G.M. of the Union shall be held at such times and place(s) as the Executive shall decide,

but shall not be within 6 months of the previous A.G.M .

- 10.3. At least six weeks notice of the date(s) and venue(s) of the A.G.M. shall be given to members.
- 10.4. There shall be provision for at least 100 voting representatives at the A.G.M.
- 10.5. Where the Executive has decided that there will be more than one A.G.M meeting all remits for consideration by the A.G.M. shall be in the hands of the Secretary two weeks prior to the A.G.M.
- 10.6. Notice of the A.G.M. and notice of the business to be conducted shall be given to financial members in writing either by
  - a) letter, email or other direct electronic communication,
  - b) through publication of the Union,
  - c) or by advertising details of the meeting in the major newspaper servicing the area.
- 10.7. A special General Meeting of the Union shall be called by the Executive in accordance with the procedure for the Annual General Meeting. In addition not less than one hundred members of the Union may, at their own expense, require the Executive to convene a Special General Meeting of the Union. A Special General Meeting of the Union may only deal with the matters for which it is has been called.
- 10.8. The quorum of the A.G.M. or S.G.M. shall be a total of 50 members present at the meeting(s).
- 10.9. Any member of the union is entitled to attend and speak at the A.G.M.

#### **11. Voting at the Annual General Meeting:**

- 11.1. All questions at the A.G.M. and S.G.M. shall be decided on the basis of one vote for each representative present on a show of hands.
- 11.2. No representative may exercise more than one vote.
- 11.3. Only representatives who have been elected as worksite or AGM representatives may vote at the AGM.
- 11.4. The Co-Presidents and Secretary of the union will each have one vote.
- 11.5. A majority of those representatives present may demand a secret ballot.

#### **12. Executive:**

- 12.1. The Executive shall comprise:
  - a) Co-Presidents, who shall jointly chair the Executive and one of whom shall be a woman.
  - b) Secretary
  - c) Ten Six members at large
  - d) One representative of each Unite Worker's Council approved at the AGM each year as per 12.4a. Each Worker's Council shall select it's own representative to attend Executive meetings. Representatives must be current members of Unite employed in the sector/employer the council represents. Up to three additional members that the Officers may, after the at large elections, recommend to the AGM to be co-opted to ensure good representation of union members. Any person so co-opted shall hold office until either an election is called by the Executive in accordance with the rules or the next A.G.M.
- 12.2. All directly elected members of the Executive shall hold office until they resign, their successors are elected or they are removed in accordance with Section 16 of these rules. They shall be eligible for re-election.
- 12.3. Unite employees are not eligible to stand for elected positions on the Unite Executive with the exception of the position of National Secretary.
- 12.4. Worker Council representatives on the Executive shall attend at the direction of each Worker's Council.
- 12.5. **Worker Councils**
  - a) At each AGM the Executive will propose for approval the number and coverage of Worker's Councils for the next year.
  - b) Workers Councils shall meet, electronically or in person, regularly, but at least four times a year.
  - c) Each Council may have between five and fifteen delegates as members of the Workers Council
  - d) A quorum for a Workers Council meeting shall be the greater of four members or half of the membership of the council.
  - e) Any worksite with less than twenty five union members shall have a maximum of one delegate on a Workers Council unless approved by the National Secretary.

- f) Delegate representation on Worker's Councils should reflect, where practicable, the numerical, geographic, gender and ethnic composition of the overall membership represented by that council.
- g) Where there is a dispute over membership or representation for any Worker's Council the matter shall be referred to the National Secretary for resolution. Any decision by the National Secretary regarding Worker's Council membership or representation may be appealed to the Executive, whose decision shall be final.

### **13. Election of the Executive:**

- 13.1. The Executive shall be elected at the A.G.M., with one Co-President and three of the at-large Executive members being elected each year,
- 13.2. Where the Executive appoints or elects members according to rule 13.8 the term shall be only until either an election is called by the Executive in accordance with the rules or the next A.G.M.
- 13.3. A Returning Officer shall be appointed by the Executive.
- 13.4. All directly elected positions shall be elected for a term of two years. In the first year where two year terms are being voted on the Co-President candidate and the five Executive candidates with the highest vote will be deemed to have been elected for a two year term. The other successful candidates will be elected for a one year term
- 13.5. Nominations shall be called in the same way as the calling of the A.G.M, at least six weeks before the A.G.M.
- 13.6. Nominations for Co-Presidents, and Secretary shall close at least two weeks before the AGM (except at an AGM where an alteration to the number, or significant change to the role, of any Officer position is proposed, when nominations for the affected position(s) shall be extended until the day of the AGM elections, after the proposal has been voted on by delegates). Where the Executive decides there will be more than one A.G.M. meeting, nominations for other Executive positions to be elected at the A.G.M. shall be called and close at the same time as the nominations for officers as per rule 13.7.
- 13.7. Where the Executive decides there is to be a single A.G.M. meeting, nominations for other Executive positions to be elected at the A.G.M. shall open at least two weeks before the A.G.M. and close during the A.G.M.
- 13.8. Should any office or position not be filled or become vacant for any reason, a member may be co-opted by majority vote of the Executive to fill that position. Any person so appointed shall hold office until either an election is called by the Executive in accordance with the rules or the next A.G.M. The Executive may decide to fill any vacancy through election by postal ballot of the relevant members. Postal ballots may include electronic forms of voting as long as the Executive is satisfied:
  - a) with the integrity of the voting process and technology used
  - b) that all members have a reasonable opportunity to participate in the ballot.
 Any electronic voting system must be approved before use by majority vote of the Executive.

### **14. Meetings of the Executive**

- 14.1. The Executive shall meet as required but no less than each three months. The secretary shall call each meeting and advise all Executive members in writing of its time and place at least one week before the set date, unless at least three Executive members request in writing to the Secretary that an urgent special meeting is required to consider that urgent matter only.
- 14.2. Executive meetings may be held in person or by audio or video conference with agreement of the Co-Presidents and Secretary

### **15. Removal of Officers and Position Holders:**

- 15.1. Any Officer or member of the Executive not performing her/his duties in a satisfactory manner or who misappropriates union funds may, at a meeting of the Executive convened for the purpose, be removed from office or position by a two third majority vote of the Executive. The Officer or member concerned must have received an account in writing of the reasons for the contemplated dismissal and given the opportunity to address the meeting on the question. Any Officer or member so removed shall have right of appeal to the Annual General Meeting and if her/his appeal is upheld the meeting shall have the power to reinstate the Officer or member to her/his

position.

**16. Worksite Representatives:**

- 16.1. Worksite representatives shall be elected by members on the site or, in the interim, may be approved by the Secretary or their representative.
- 16.2. Only representatives who have been elected as worksite or AGM representatives may vote at the AGM.
- 16.3. A worksite representative shall not execute contracts on behalf of the Union unless expressly authorised by Rule 22.1

**17. Finance:**

- 17.1. The financial year of the Union shall be 1 April to 31 March.
- 17.2. All moneys, lands, securities or property of the Union shall be deemed to be the property of the Union as a whole. The funds of the Union may be invested in the name of the Union in a manner approved by the Executive . For the purposes of administration one of the Union Trustees shall reside in the area where the registered office is located. Special funds shall only be used for the purpose for which such a fund was established.
- 17.3. No member of the organisation or any person associated with a member, shall participate in or materially influence any decision made by the organisation, in respect of the payment to or on behalf of that member or associated person of any income, benefit, or advantage whatsoever. Any such income shall be reasonable and relative to that which would be paid in an arms length transaction (being open market value).

**18. Fees and Levies:**

- 18.1. Subject to the approval of the Annual General Meeting or a majority of members casting votes in a postal ballot the Executive shall set fees for all members at a sufficient rate to ensure the financial viability of the Union, and to enable the Union to meet all commitments as required by the decisions of the Annual General Meeting

**19. Trustees:**

- 19.1. Two Trustees shall be appointed by the Executive and they, together with the Co-Presidents and Secretary, shall control all funds belonging to the Union.

**20. Inspection of Books:**

- 20.1. Any member or previous member having an interest in the funds or the register of members of the Union may inspect the books of the Union at a reasonable time, having first given the Secretary two weeks notice.

**21. Representation:**

- 21.1. The Union may appoint any person to be an Authorised Agent of the Union to carry out any such functions as the Executive shall determine.
- 21.2. The Union shall be represented in any proceedings before a Conciliation Council, Arbitration Commission, Employment Court, any other Court, Disputes Committee or any other Committee to which it is a party or where it represents a member by such persons as the Executive may appoint.

**22. Agreements and Instruments:**

- 22.1. The Union may enter into collective agreements/contracts with any employer or employers relating to any matter affecting members of the Union. No such agreement (other than a collective contract made with all parties present, in conciliation) shall be made until a meeting of the members covered by the agreement have carried a resolution in favour of its proposed terms. The Executive shall have the authority to enter into any other legal agreements.

**23. Publications:**

- 23.1. The Union shall distribute to members, publications advising of casual vacancies, annual meetings, special meetings, the calling of nominations for all positions, reports, accounts,

alterations to rules, details of all elections and any other official notice or report required to be given to each member under these Rules.

- 23.2. In addition to the above and subject to finance, the Executive shall endeavor to initiate a publication to members to further their education in trade union matters and to expand solidarity between groups of workers.
- 23.3. Publications may be distributed or made available to members through printed or electronic means.

#### **24. Role and Function of the Union**

- 24.1 The role and function of the union is to carry out the purposes of the union, execute the rules of the union and other matters as determined by the AGM or the Executive from time to time.

#### **25. Seal:**

- 25.1. The Union shall have a seal, which shall be kept by the Secretary. It shall be affixed to any legal document of the Union requiring it by the Secretary. It shall not be affixed to any other documents except pursuant to the resolution of the Annual General Meeting. Agreements and any other legal documents shall be made and executed on behalf of the Union by any of the officers of the Union. The seal shall not be altered or renewed except by resolution of the Annual General Meeting.

#### **26. Dissolution:**

- 26.1. Should a majority of the members of the Union attending special meetings called under these Rules expressly for the purpose, vote to cancel the registration of the Union, the Secretary shall forthwith make application to the Registrar of Incorporated Societies in the prescribed form. Before such cancellation the Executive shall ensure that an audit of the Union's accounts is conducted and shall realise all the valuable assets and meet all the liabilities of the Union. The surplus funds, if any, shall thereupon be disposed of in such a manner, in pursuance of the objects specified in these Rules, as the Executive may think fit by the Executive in accordance with 26.2. Prior to this procedure being carried out, all members shall be advised that this matter is to be considered at special meetings convened for the purpose in accordance with rule 10.7.
- 26.2. If upon winding up or dissolution of the organisation there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid or distributed among the members of the organisation but shall be given or transferred to some other organisation or body with similar objects to the first organisation or for some other charitable purpose, within New Zealand.
- 26.3. The Union shall be deemed to be dissolved when its registration has been cancelled by the Registrar of Incorporated Societies.

#### **27. Alteration to the Rules:**

- 27.1. These Rules may be amended, struck out or added to by a majority vote of the representatives present at the Annual General Meeting or, if approved by the Executive, by a majority of members voting in a postal ballot.
- 27.2. Any proposed changes to the rules must be notified to the Secretary at least six weeks before the AGM or closing of the postal ballot.
- 27.3. The Secretary must notify members of the proposed changes in writing or through a union publication at least four weeks before the AGM or the postal ballot closes.
- 27.4. All alterations to the Rules shall be submitted by the Secretary to the Registrar of Incorporated Societies for approval prior to coming into operation.
- 27.5. No addition to or alteration of the aims/objects, payments to members clause or the winding-up clause shall be approved which affect the tax exempt status/non profit body. The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.

#### **28. Matters not provided for:**

- 28.1. Any matter not provided for in these Rules or by decision of the Executive shall be referred to the next Annual General Meeting.

## **29. By Laws:**

- 29.1. The Executive , subject to endorsement by the Annual General Meeting may make By Laws not in conflict to these Rules and in conformity with the policies of the Union.

## **30. Union Rules:**

- 30.1. The Union shall supply a copy of its Rules as for the time being amended on request to any financial member or any person joining the Union. The Union shall supply a copy of any amendment made by the Union to its Rules as soon as it is practicable after their registration.

## **31. Annual Report and Annual Accounts**

- 31.1. A qualified accountant, who shall be a member of the New Zealand Institute of Chartered Accountants, shall be appointed by the Executive each year.
- 31.2. The qualified accountant shall prepare a set of accounts of the Union at least once a year prior to the AGM and at such other times as the Executive may require.
- 31.3. The accountant shall be afforded access to all books, papers and records of the union and shall, to the best of his/her knowledge and ability, make available any information and assistance required.
- 31.4. The annual report, income and expenditure accounts and the balance sheet shall be presented to the A.G.M. In addition all such reports shall be made available to any financial member of the Union on request.

## **32. Resolutions:**

- 32.1. The Union shall supply a copy of any resolution passed at any general or special meeting of the Union or its Executive to any financial member of the Union on request.

## **33 Secret Ballots**

- 33.1 If required by law, the Union will hold a secret ballot before proceeding with any strike action relating to negotiations for a collective agreement.
- 33.2 The union members who are entitled to vote will be all members who will be bound by the collective agreement
- 33.3 Union members will be notified of the vote through the most practical means available at the time, taking in to account time restraints, geography, cost, and the number of union members eligible to vote (e.g. website, email, text, Facebook, union noticeboards/notices)
- 33.4 The vote may take place as part of the ratification process or as a separate process
- 33.5 Voting will be through the most practical means available at the time, taking in to account time restraints, geography, cost and the number of union members eligible to vote (e.g. online voting, ratification meetings, postal ballot)
- 33.6 The result of a secret ballot is determined by a simple majority of the members of the union who are entitled to vote and who do vote
- 33.7 If required by law, as soon as is reasonably practicable after the conclusion of the secret ballot, the union will notify the result of the ballot to the members of the union who were entitled to vote. Notification of the result will be through the most practical means available at the time, taking in to account time restraints, geography, cost, and the number of union members eligible to vote (e.g. website, email, text, facebook, union noticeboards/notices)
- 33.8 A secret ballot is not necessary if the proposed strike is on the grounds of safety or health.