

GUINNESS STAFF UNION



RULES

2016

ST. JAMES'S GATE

GUINNESS STAFF UNION



RULES

2016

(These Rules incorporate all amendments adopted up to and including the 2001 Annual General Meeting. They also conform to the requirements of the Industrial Relations Act, 1990.)

FOREWORD

The Guinness Staff Association, founded in 1969, became a Registered Trade Union in October, 1974. In May 1977, the Minister for Labour granted the Union a Negotiation License.

In December 1979, the Union affiliated to the Irish Congress of Trade Unions.

In March 1999, the name of the Guinness Staff Association was changed to the Guinness Staff Union.

CONTENTS

RULE NUMBER

1.	NAME	...	...	...	...	...	...	...
2.	OFFICE	...	...	...	...	...	...	...
3.	OBJECTS	...	...	...	...	...	...	...
4.	MEMBERSHIP	...	...	...	...	...	...	...
5.	SUBSCRIPTIONS	...	...	...	...	...	...	...
6.	TERMINATION OF MEMBERSHIP	...	...	...	...	...	...	...
7.	INSPECTION OF BOOKS	...	...	...	...	...	...	...
8.	DISSOLUTION	...	...	...	...	...	...	...
9.	CESSATION OF MEMBERSHIP	...	...	...	...	...	...	...
10.	GENERAL MEETINGS	...	...	...	...	...	...	...
11.	TRUSTEES	...	...	...	...	...	...	...
12.	EXECUTIVE COMMITTEE	...	...	...	...	...	...	...
13.	BRANCHES	...	...	...	...	...	...	...
14.	ALTERATION OF RULES	...	...	...	...	...	...	...
	STANDING ORDERS	...	...	...	...	...	...	...
	INDEX TO RULES	...	...	...	...	...	...	...
	CERTIFICATE OF REGISTRATION	...	...	...	...	...	...	...
	NEGOTIATION LICENCE	...	...	...	...	...	...	...

RULES OF THE GUINNESS STAFF UNION

1. Name

The name of the Union is the "Guinness Staff Union" hereinafter referred to as "The Union".

2. Office

The Registered Office of the Union and its place of business shall be at St. James's Gate, Dublin 8.

3. Objects

- (a) To regulate generally the relations between employers and employees and between employees and employees including the negotiation of service conditions, salaries and pensions.
- (b) In the interests of its members, to establish funds for the support and administration of the Union and for the pursuit of any lawful action or purpose which, in the opinion of the Executive Committee, should be pursued by the Union.
- (c) In the interests of its members to co-operate with or by way of affiliation, amalgamation or otherwise to associate financially or otherwise with any body or persons whose aims and policy are similar to or consonant with those of the Union.
- (d) In the interests of its members, to acquire, dispose of, and otherwise deal with property, real and personal, in any lawful manner.
- (e) To engage in the production, distribution, printing and publishing of newspapers, books, pamphlets or other publications in the interest of the furtherance of the objects and policy of the Union.
- (f) The furtherance of or participation in, financially or otherwise, any lawful action or purpose which, in the opinion of the Executive Committee, is, directly or indirectly, in the interests of the members of the Union.

4. Membership

- (a) All staff employed by Guinness, and its subsidiary companies or former staff or their relicts in receipt of a pension from the Guinness Ireland Pension Scheme who subscribe to the Rules of the Union and in the opinion of the Executive Committee are suitable for membership of the Union, shall be eligible for membership, which shall become effective upon signing an application form for enrolment as set out from time to time for that purpose by the Executive Committee and on commitment to pay the annual subscription.
- (b) Any member shall only be entitled to the full benefits of membership, as defined by the Executive Committee, when he/she has attained three months membership.

- (c) A condition of membership is the acceptance of the Union as the sole negotiating body to represent the interests of its members. Members of the Union may only be members of another Union, if it is for the purpose of maintaining their status in a trade, profession or craft.

5. Subscriptions

- (a) The annual subscription of the Union shall be determined from time to time by the Annual General Meeting or by a Special General Meeting called for this purpose. The annual subscription may be different for different classes of members. No alteration of the subscription shall be made without the consent of not less than two thirds of the members personally present at the meeting.
- (b) The subscription year shall commence on the first day of January of each year. The first subscription of a member shall be due when he/she joins the Union and shall be paid pro rata for the period to the end of that year.
- (c) All subscriptions shall be deductible from members' pay by an arrangement between the employer and the Union.
- (d) Levies may be imposed upon members as determined from time to time. The Executive Committee is not empowered to do so without having received the consent of not less than two thirds of the full membership following a Special General Meeting called to discuss the issue.

6. Termination of Membership

The Executive Committee on their own volition, or on the complaint in writing of any member, shall have power to inquire into and investigate the conduct of any member in order to determine whether or not he/she has been guilty of any breach of the Rules of the Union, or generally of conduct injurious to the interests of the Union or its members. Such member shall be given details in writing of any charge contained in such complaint or report, not less than one week before the meeting of the Executive Committee at which such charge shall be considered. Such member shall be entitled to hear all of the charge made to the Executive Committee and to refute the same, in writing and/or personally before the said Committee. If the Executive Committee finds the member to have been guilty of such charge they may fine, suspend or expel him/her from the Union, as they deem necessary. A member may appeal to a General Meeting of the Union against any decision made under this Rule and the General Meeting may reverse the decision of the Executive Committee by a simple majority vote.

7. Inspection of Books

Each member and every other person having an interest in the funds of the Union shall, at any reasonable time and on giving due notice have the right to inspect the books of the Union and a list of the names of the members at the Registered Office of the Union.

8. Dissolution

The Union may at any time be dissolved and its funds divided among the current members by the consent of not less than two thirds of the full membership, and

the Registrar of Friendly Societies shall be so notified within 14 days of dissolution.

9. Cessation of Membership

Membership shall cease on (a) death, (b) resignation, or (c) expulsion under Rule 6 above.

10. General Meetings

(a) The Annual General Meeting of the Union shall be convened annually by the outgoing Executive Committee and shall be held on a date, no earlier than the 1st March and not later than the 31st March to be determined by such Executive Committee. The following business shall be dealt with at the Annual General Meeting of the Union:-

- (i) The presentation and adoption of a Report by the Executive Committee and a duly audited Statement of Accounts to 31st December previous; the Report shall include a statement by the Honorary Secretary describing what action was taken by the Executive Committee to implement resolutions of any General Meeting held during the year or giving the reasons for failure to take action, if no action was taken.
- (ii) Any resolutions duly proposed and seconded by members which are received in writing by the Honorary Secretary of the Union not later than 1st February preceding the meeting and which resolutions shall appear on the notice convening the meeting.
- (iii) Any other matter included in the notice convening the meeting or permitted by the Chairman; provided always that at any meeting urgency may be declared for dealing with a matter not included in the Agenda, by the vote of not less than four-fifths of the members present and thereupon such matters shall be deemed to have been included in the Agenda and dealt with, provided that the matter of urgency be not a proposal to alter any of the Rules of the Union.

Should, however, the Chairman after consultation with the Standing Orders Committee deem the matter of urgency to be of major or grave importance he/she may rule that the motion be held over to a Special General Meeting to be called for that purpose.

- (b) (i) A Special General Meeting of the Union may be convened by the Executive Committee at any time.
- (ii) A Special General Meeting of the Union shall be convened within one month from the receipt, by the Honorary Secretary of the Union, of a resolution requesting that such meeting be convened duly signed by not less than 25 members.

- (c) Ten clear days' notice of the Annual General Meeting shall be given in writing to all members. This notice shall be accompanied by the Agenda for the meeting and a copy of the audited Statement of Accounts to the previous 31st December.
- (d) At least five clear days' notice of all Special General Meetings shall be given in writing to all members. The only business to be dealt with at Special General Meetings shall be resolutions set out in the Agenda accompanying the Notice of the meeting.
- (e) At General Meetings 25 members personally present shall constitute a quorum.
- (f) Resolutions at Special General Meetings shall be passed by not less than two thirds of those present at the meeting, unless otherwise provided in these Rules.

11. Trustees

- (a) The Assets and Property of the Union shall be vested in Trustees who shall be not less than 3 or more than 5 in number.
- (b) "The Trustees shall be appointed by the Executive Committee for a period of four years, and such appointment may be renewed once only. The Executive Committee shall endeavour to appoint at least two Trustees from members in active service, and to maintain an appropriate gender balance."
- (c) An elected Trustee shall cease to be a Trustee:-
 - (i) If he/she resigns from his/her Trusteeship;
 - (ii) If he/she is removed by a vote of not less than four fifths of the members present at a General Meeting;
 - (iii) If he/she ceases to be a member of the Union (See Rule 9.)
- (d) The funds of the Union shall be lodged to an account in the names of the Honorary Treasurer and two of the Trustees and such account shall be operated as the Executive Committee shall direct.
- (e) A Trustee shall not be liable to make good any deficiency which may arise or happen in the funds of the Union but shall be liable only for the monies which shall be actually received by him/her on account of the Union.
- (f) The Trustees of the Union shall meet annually during the month of January to appoint the auditor or auditors for the current year.
- (g) "The Trustees shall meet during the month of October each year to receive a report from the Chairman on the major issues dealt with during the previous year and to make a recommendation on a bonus payment to the General Secretary"

12. Executive Committee

(a) The interpretation and implementation of the objects of the Union and its policy as defined by the Annual or Special General Meetings of the Union shall be carried out by the Executive Committee which shall comprise:-

- (i) One or more representatives from each Branch. (See Rule 13)
- (ii) Not more than three co-opted members proposed by the General Secretary and approved by the Branch Delegates at their first meeting following the Annual General Meeting. The purpose of such co-options shall be to provide representation for groups or areas not represented by the Branch Delegates.

(b) The Executive Committee shall meet at least once every two months but normally once a month, to review the affairs of the Union and to give such directions as it sees fit in regard to the conduct of these affairs. It shall have full powers to make all arrangements necessary in connection with its own meetings. A notice of meeting and agenda shall be sent to every member of the Committee.

- (c) (i) At Executive Committee meetings not less than half of its members shall constitute a quorum.
- (ii) In the case of a tie, the Chairman shall have a casting vote.
- (iii) In the event of a Branch Representative being unable to attend, a substitute shall be appointed for this purpose by the Branch Committee, or where time does not allow this, by the Branch Chairman.

(d) The Executive Committee shall have power to delegate any of its powers (except those listed below) as deemed necessary, to any sub-committee appointed by it, or any officer, or employee of the Union, who must render reports to the Executive Committee on the exercise of such powers. The Executive Committee shall not delegate the following powers:-

- (i) Appointment or dismissal of any employee of the Union.
- (ii) Expulsion of a member.
- (iii) Initiation, extension or termination of Industrial Action.

The Executive Committee shall clearly define the terms of reference of any sub-committee, officer or employee, to which Executive Powers have been delegated and any limitations which may be imposed on the exercise of the delegated powers.

(e) The Executive Committee shall have power to appoint the General Secretary who shall become a full-time member of the Union's Staff.

He/she may be dismissed by a resolution approved by not less than two thirds of the Executive Committee present. Notice of intention to dismiss shall appear on the Agenda of the meeting and shall be circulated to all Executive Committee members giving a minimum of seven clear days' notice. The General Secretary shall have the right to appear before the Executive Committee and give a statement on his/her own behalf or call others to give evidence for him/her before any decision is taken. The Executive Committee shall have power to appoint such other staff as may be required to conduct the business of the Union in an efficient manner, on such terms of employment as it shall deem proper. Such staff shall have the same rights of appeal as the General Secretary in the event of their proposed dismissal.

- (f) The Executive Committee shall meet within one month of its election and shall at this meeting elect from its members the following Officers:-
- (i) Chairman, who shall take the chair at all meetings of both the Executive Committee and of the members;
 - (ii) Vice-Chairman, who shall take the chair in the absence of the Chairman;
 - (iii) Honorary Secretary, who shall keep proper and permanent minutes of the transactions at all meetings of both the Executive Committee and of the members;
 - (iv) Honorary Treasurer, who shall keep proper and full accounts of the funds of the Union and present such accounts duly audited to the members at their Annual General Meeting.

All or any of the foregoing Officers may be removed by resolution of not less than two thirds of the Executive Committee, provided that notice of intention to do so shall have been given in the notice convening the meeting at which such resolution is discussed. At least seven clear days' notice of such a Meeting shall be given.

- (g) The Executive Committee shall hold office until the first meeting of the Executive Committee following the Annual General Meeting of the Union and may otherwise only be removed from office by resolution of a Special General Meeting called for that purpose.
- (h) The Executive Committee may be convened at any time by the Chairman, due regard being had to the notice necessary for the attendance of the country delegates. A special meeting of the Executive Committee shall be called on a requisition in writing to the Honorary Secretary signed by at least one third of the Executive Committee members.
- (i) Notice of the meeting shall issue within seven days of receipt of the requisition by the Honorary Secretary and the meeting shall be held within ten days of notice issuing or on such later date as specified in the requisition.

- (j) The Executive Committee may cause the Honorary Secretary to summon at any time a Special General Meeting of the Union when in its opinion such a course is necessary. The business to be placed before the meeting shall be decided by the Executive Committee and no other business shall be discussed without the assent of the Chairman.
- (k) Any vacancy on the Executive Committee during the year shall be filled by election in the appropriate Branch within one month of the vacancy occurring.
- (l) Any member of the Executive Committee who shall have absented himself/herself from two consecutive ordinary meetings without sufficient cause shall be deemed to have vacated his/her office and a vacancy thus created shall be filled in accordance with Rule 12(j).
- (m) At the first meeting following the Annual General Meeting, the Executive Committee shall nominate members of the Union to represent it on all bodies to which it is affiliated.
- (n) The Union shall not organise, participate in, sanction or support a strike or other industrial action except by the consent of not less than two-thirds of the members who have voted in a secret ballot, entitlement to vote in which shall be accorded equally to all members who, in view of the Executive Committee, it is reasonable at the time of the ballot to believe will be called upon to engage in the strike or other industrial action.

Every member entitled to vote, shall do so without interference from, or constraint imposed by, the union or any of its members, officials or employees and all such members shall be given a fair opportunity of voting.

The Executive Committee shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to below, favour such strike or other industrial action.

The Executive Committee shall not organise, participate in, sanction or support a strike or other industrial action against the wishes of two-thirds of its members voting in a secret ballot except where, in a case of ballots by more than one trade union, an aggregate majority of all the votes cast favours such strike or other industrial action.

Where the outcome of a secret ballot conducted by this Union which is affiliated to the Irish Congress of Trade Unions or, in the case of ballots by more than one such trade union, an aggregate majority of all votes cast, is in favour of supporting a strike organised by another trade union, a decision to such supportive action shall not be implemented unless the action has been sanctioned by the Irish Congress of Trade Unions.

As soon as practical after the conduct of the secret ballot, all those entitled to vote in the ballot shall be advised of the number of: (1) ballot papers issued; (2) votes cast; (3) votes in favour of the proposal; (4) votes against the proposal and (5) spoiled votes.

(o) The Executive Committee is not empowered to proceed towards, co-operate with, by way of affiliation, amalgamation or otherwise or to associate financially with any body or persons without having called a Special General Meeting at which not less than two thirds of members personally present shall have voted in favour of such procedure.

(p) "The Executive Committee may arrange a Postal Ballot or an E-Ballot of any issue before the committee. Notwithstanding the above, the Executive Committee shall arrange a Postal Ballot or an E-Ballot if a resolution requesting a Ballot, duly signed by not less than 50 members is received by the Honorary Secretary.

Results of all Postal Ballots or E-Ballots shall be disclosed to members"

(q) The Executive Committee shall have powers to make Bye-Laws or regulations and amend the same provided they are not in conflict with these Rules and shall keep a due record of such Bye-Laws and regulations. A copy of all such Bye-Laws and regulations shall be supplied to each member.

(r) Where a branch of the Union believe that a Company plan or proposal affects terms and conditions which are specific to that branch of the union and members within that branch , the Chair of the said Branch may make application to the Executive Committee that a ballot be held that only involves the impacted branch members . The Executive Committee will then consider the application from the said Branch at its next scheduled meeting or one called specifically to deal with the application. The application by the Branch to hold the ballot will be granted by the executive on the following provisions.

That the proposals or plan only effect the members in the said Branch.

That the proposals or plan do not affect the Union members as a whole

The balloting procedures will be carried out in accordance with existing Union rules.

The result of the ballot once declared will be considered by the executive as per the rules of the Union.

In the case where two or more branches of the Union are affected by the same plan or proposals but are impacted differently each branch may ballot its members separately in accordance with the above.

13. Branches

(a) The Union shall be organised into Branches, the committees of which shall elect from their own number one or more members to the Executive Committee as follows:-

<i>Branch members</i>	<i>Executive Committee Members</i>
Up to 40	1
41-100	2
101-150	3
151-200	4
201 and over	5

With the exception of the GRSA Branch, who shall only be entitled to one(1) Executive member.

- (b) At its meeting in December each year, the Executive Committee shall review the Branch Structure to determine whether the number of Branches or of delegates from each Branch should be changed in the light of prevailing circumstances. The Executive Committee's recommendation, if any, shall be considered by the following Annual General Meeting. In the cases of doubt or dispute, the Executive Committee shall decide the Branch to which a particular individual or group shall be assigned.
- (c) As far as possible, subject to Rule 13 (b) above, each Branch shall be self-regulating. It shall organise itself into homogenous working groups each of which shall elect one or at most two members to the Branch Committee. As required, assistance from the GSU Office shall be made available if requested by the Branch members.
- (d) Within two weeks of the Annual General Meeting, the members of each Branch shall elect their respective Branch Committee which shall meet within two weeks to elect the following:-
 - (i) Chairman;
 - (ii) Vice-Chairman;
 - (iii) Honorary Secretary;
 - (iv) Executive Delegate(s);
- (e) The Chairman shall preside at all meetings of the Branch at which he/she is present during his/her term of office. He/she shall be responsible for the proper conduct of the affairs to the Union in his/her Branch.
- (f) The Vice Chairman shall act in the absence of the Chairman and otherwise as a member of the Branch Committee.
- (g) The Branch Honorary Secretary shall keep all records and files of the Branch. He/she shall attend at meetings of the Branch or Branch Committee, and supply the Executive Committee with any returns which may from time to time be required. He/she shall keep minutes of all meetings, a copy of which shall be forwarded as quickly as possible to the GSU.
- (h)
 - (i) The Executive Delegate(s) shall represent the Branch at Executive Committee Meetings.
 - (ii) He/she shall make decisions as a member of the Executive Committee in the best interests of all the members.
 - (iii) He/she shall report to the Branch Committee on Executive Committee Meetings.
- (iv) He/she shall represent the Executive Committee at Branch level.

- (i) Branch Committees shall meet at least once every two months, but normally once a month, in line with the Executive Committee Meetings.
- (j) Branches shall lodge all funds in accordance with Rule 11 (d) above.
- (k) Branch Committees shall hold office until replaced by the elections following the Annual General Meeting of the Union.

14. Alteration of Rules

These rules may only be changed with the consent of not less than two thirds of the members personally present at a General Meeting, provided that any changes to these Rules shall not operate so as to cause any member to be in breach of his/her terms of contract of employment or to forfeit his/her rights of access to the employer and provided that notice of the proposed alteration, rescission or addition is included in the Agenda for the General Meeting.

STANDING ORDERS

1. The Chairman of the Executive Committee or in his/her absence, the Vice-Chairman shall preside at the Meeting.
 2. Six Tellers shall be elected from the Meeting from those present.
 3. A Standing Orders Committee of four has been appointed by the Executive Committee for the Meeting.
 4. The Standing Orders Committee may be required to scrutinise all resolutions and amendments submitted for the Meeting Agenda and co-ordinate the items by arrangement with proposers of same. The Standing Orders Committee shall give special consideration to all matters of urgency referred to it and make such recommendations regarding the same and for the conduct of the Meeting, business, as they may consider necessary. They may advise the suspension or modification of Rules or regulations for the conduct of the Meeting, always provided that the final arbiter in all matters of procedure shall be the Chairman presiding.
 5. When speaking to resolutions, proposers of same shall be allowed 5 minutes and each subsequent speaker 3 minutes. No person may speak twice on any one subject except that proposers of resolutions will be allowed 3 minutes to reply before the vote is taken.
 6. Each person upon rising to speak must state his/her name and Department.
 7. No resolution or amendment may be discussed until it has been seconded. Amendments shall be voted on in the order in which they affect the original resolution. If any amendment to an amendment is accepted by the Chairman, it shall be voted on first.
 8. The motion "*that the question be now put*" or "*that the vote be taken*"-
 - (i) Shall be taken at the discretion of the Chairman.
 - (ii) Shall be taken from a proposer and a seconder neither of whom has already spoken.
 - (iii) Shall be voted upon without discussion
- | | |
|---|-----------------------|
| <i>If Carried</i> | <i>If Lost</i> |
| Proposer of original
motion may speak as per
Standing Order No.5. | Discussion continues. |
9. The motion "*previous question*"

- (i) Shall be taken at the discretion of the Chairman.
- (ii) May not be taken when an amendment is before the Meeting.
- (iii) If proposed and seconded, vote is taken without further discussion.

If Carried
Discussion closed and no
vote is taken.

If Lost
Vote on original
motion taken without
further discussion.

10. The motion "*next business*"

- (i) Shall be taken at the discretion of the Chairman.
- (ii) May be proposed at any time, including during an amendment.
- (iii) Shall be taken from a proposer and seconder neither of whom has already spoken.
- (iv) Shall be voted upon without discussion.

If Carried
No vote taken on original
motion and next business
introduced.

If Lost
Discussion continues.

11. Where a resolution before the Meeting is of a special nature (i.e. requiring a two-thirds majority) no amendment will be accepted other than to incorporate minor changes aimed at clarifying or amplifying the intent of the resolution.

12. All voting shall be by a show of hands.

INDEX TO RULES

SUBJECT

RULE

1.	AFFILIATION/AMALGAMATION	3(c); 12(n)
2.	ALTERATION OF RULES	14
3	AUDITORS	11(f)
4.	BALLOT	
	Industrial Action	12(m)
	Postal	12(o)
	Urgent Matter at AGM	10(a) (iii)
5.	BRANCH	
	Annual Review	13(b)
	Chairman	13(d)(i); 13(e)
	Committee	13(a); 13(d)
	Committee Meetings	13(i)
	Elections	13(d)
	Executive Delegates	13(a); 13(d) (iv); 13(h)
	Honorary Secretary	13(d) (iii);13(g)
	Minutes	13(g)
	Officers	13(d)
	Self-Regulating	13(c); 13(k)
	Vice-Chairman	13(d) (ii); 13f
6.	CO-OPTIONS	12(a) (ii)
7.	DISSOLUTION	8
8.	EXECUTIVE COMMITTEE	
	Absences	12(k)
	Bye-Laws	12(p)
	Casting Vote	12(c) (ii)
	Composition of Members	12(a); 13(a)
	Conduct of Meetings	12(b); 12(c)
	Convened by Chairman	12(h)
	Delegation of Powers	12(d)
	1 st Meeting after AGM	12(a) (ii); 12(f); 12(l)
	General Secretary & Staff	12(e)
	Industrial Action	12(d) (iii); 12(m)
	Notice	12(b)
	Postal Ballots	12(o)
	Quorum	12(c) (i)
	Removal	12(g)
	Reps to Affiliated Bodies	12(l)
	Review of Branches	13(b)
	Special Meetings	12(h); 12(i)
	Substitute Members	12(c) (iii)
	Vacancy	12(j); 12(k)
9.	FINES	6
10.	FUNDS	8; 11(d); 13(j)

11. GENERAL MEETINGS	
Annual	10(a)
Notice	10(c)
Quorum	10(e)
Special	10(b); 10(d); 10(f); 12(i)
12. GENERAL SECRETARY	12(e)
13. INDUSTRIAL ACTION	12(d) (iii); 12(m)
14. INSPECTION OF BOOKS	7
15. LEVIES	5(d)
16. MEMBERSHIP	
Cessation	9
Dual Membership	4(c)
Eligibility	4(a)
Expulsion	6; 12(d) (ii)
17. NAME	1
18. OBJECTS	3
19. OFFICE	2
20. OFFICERS (of Executive Committee)	
Chairman	12(f) (i)
Hon. Secretary	12(f) (iii)
Hon. Treasurer	12(f) (iv)
Removal	12(f) (iv)
Vice Chairman	12(f) (ii)
21. RESOLUTIONS	10(a) (ii)
22. QUORUM	10(e); 12(c) (i)
23. SUBSCRIPTIONS	5
24. TRUSTEES	11
25. WORKING GROUPS	13(c)