

TEACHERS' UNION OF IRELAND



AONTAS MÚINTEOIRÍ ÉIREANN

# **RULE BOOK**

**LEABHAR NA RIALACHA**

**(Updated 2010)**

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Incorporating rule changes up to and including Congress 2010.  
The text of this Rule book is also available on the  
TUI Website – [www.tui.ie](http://www.tui.ie)

Printed 2010

# AONTAS MÚINTEOIRÍ ÉIREANN

## **RULE BOOK**

### **SECTION A**

#### NAME

1. The name of the Union shall be Teachers' Union of Ireland (Aontas Múinteoirí Éireann), with its office at 73 Orwell Road, Rathgar, Dublin 6.

### **SECTION B**

#### OBJECTS

2. The objects of the Union shall be:
  - (i) To organise teachers in Ireland engaged in post-primary, further and higher education subject to the ratification of Congress.
  - (ii) To improve the conditions of employment of members and to promote and protect their interests.
  - (iii) To regulate the relationship between members and their fellow members and between members and their employers.
  - (iv) To afford advice and assistance to individual members on matters affecting them in their employment.
  - (v) To establish and administer such funds as are necessary for the orderly conduct of the Union's affairs and the welfare of its members.
  - (vi) To provide a means for the expression of the collective opinion of members on matters affecting their profession.
  - (vii) To educate members on trade union affairs generally and in particular on the activities of TUI.
  - (viii) To formulate educational policy and to monitor the effects of changes in educational policy on the conditions of employment of members.
  - (ix) To develop structures and practices to promote equality and inclusion generally and in particular in TUI.
  - (x) To carry out activities related to the above objects, to use Union funds in pursuance of same and to invest surplus funds.

## SECTION C

### FULL MEMBERSHIP

3. The following shall be eligible for admission to full membership of the Union:
- All persons engaged as wholetime teachers, in other academic posts, or whose principal source of income is from teaching in Ireland in post-primary, further and higher education, whom the Executive Committee consider right and proper persons for membership, subject to ratification at the next meeting of Congress.*

## SECTION D

### ASSOCIATE, STUDENT AND RETIRED MEMBERS

4. Persons engaged as part-time teachers in Ireland may be recognised as Associate Members under the following condition:
- No representations shall be made on behalf of such Associate Members unless the representations are specially requested by the Branch of which they are members.*
5. Persons undergoing courses of training designed to qualify them as whole-time teachers in Ireland may be recognised as Student Members.
- (i) Such Student Members shall not participate in the benefits arising from the Provident Fund.
- (ii) Only matters affecting such Student Members as a group shall be considered by the Executive Committee.
6. Members ceasing employment for the purpose of caring for their families shall be considered to be Associate Members of this Union for a period of up to five years on payment of the appropriate fee.
7. Associate Members shall have the right to attend and speak at Branch Meetings but shall not have the right to vote on any matter concerning the Union, nor shall they hold office under the Union. Associate Members shall not be reckoned as members in calculating the number of delegates to Congress as provided in Rule 13(ii).
8. (i) Persons who are in-benefit members of the Union at the time of their retirement may become members of the Retired Members' Association on such conditions as are determined by the Association's Constitution and on payment of the subscription determined in rule;

- (ii) The Retired Members' Association shall deal exclusively with matters affecting their interests as retired teachers;
- (iii) The constitution of the Retired Members' Association shall be approved by the Executive Committee of the Union and any changes shall be subject to the approval of the Executive Committee;
- (iv) Representation to outside bodies shall be through the Executive Committee of the Union.
- (v) Retired members shall have the right to attend and speak at Branch meetings but shall not have the right to vote on any matter concerning the Union, nor shall they hold office under the Union. Retired members shall not be reckoned as members in calculating the number of delegates to Congress as provided in Rule 13(ii).

## **SECTION E**

### STRUCTURE

- 9. The Union shall be constituted as follows:
  - (i) Annual Congress
  - (ii) Special Congress
  - (iii) Executive Committee
  - (iv) Finance Sub-Committee
  - (v) Security Fund Committee
  - (vi) Trustees
  - (vii) Branches
  - (viii) School Committees
  - (ix) Members.

## **SECTION F**

### TRUSTEES

- 10. The Vice-President, the Honorary Secretary and the three members of the Security Fund Committee other than the Chairperson, shall while holding these offices, be the Trustees of the Union. They shall be removable by resolution of a majority of the members voting by ballot for that purpose.

11. (a) All real and personal estate, property investments and funds belonging to the Union shall be vested in the Trustees, and the Trustees may retain a current or deposit account in any bank or banks approved by them such moneys as they in their discretion consider necessary or desirable.
- (b) Cheques for the withdrawal of moneys from such account or accounts shall be signed by any two of the following:
  - Trustees from time to time appointed by the Union for that purpose;
  - the General Secretary;
  - the Honorary Treasurer;
  - the President;
  - and for the purposes of Rule 110 any two members of the Security Fund Committee.

### **SECTION G (i)**

#### ANNUAL CONGRESS

12. The Annual Congress shall be the governing body of the Union.
13. Congress shall consist of:
  - (i) the outgoing Executive Committee
  - (ii) one delegate from each Branch of which the members in-benefit do not exceed thirty and one delegate for each fraction of thirty, as per the following table.

<i>Members</i>	<i>Delegates</i>	<i>Members</i>	<i>Delegates</i>
1 - 30	1	91 - 120	4
31 - 60	2	121 - 150	5
61 - 90	3	151 - 180	6

and so on.

14. In-benefit members for the purpose of arriving at the numbers of delegates to the Annual Congress are fully paid up members for the month of December whose subscriptions have been received by the General Secretary on or before the last Friday in February. Delegates to Annual Congress shall be elected by their Branches at the Annual General Meeting or at a properly convened Branch Meeting where the item appears on the Agenda.

15. The President shall preside over Congress or in the absence of the President the chair shall be taken by the Vice-President, or in the absence of the Vice-President, by a Chairperson elected by the Executive Committee and approved by Congress.
16. Annual Congress shall be held during Easter Week. The Executive Committee shall seek to hold Congress in the geographical electoral areas 1 to 11 in turn. The actual venue in each area to be determined by the Executive Committee in consultation with the Branches within the area.
17.
  - (i) All motions of Branches, the Executive Committee or the Security Fund Committee shall be submitted to the General Secretary fourteen (14) weeks before Easter. The motions will then be submitted to the Standing Orders Committee for co-ordination where possible.
  - (ii) Any motions and/or amendments deemed by the Standing Orders Committee not to be in conformity with any existing section of the Rule Book shall be sent back to the Branch with advice as to how it should be amended. The decision that a motion or an amendment is not in conformity with an existing section of the Rule Book may be appealed to the Executive Committee. Such an appeal to be made within 1 week of the notification of the decision to the Branch.
18. The Security Fund Committee shall be empowered to propose motions to Congress on matters relating only to the operation of the Security Fund Committee.
19. The Executive Committee shall be responsible for the preparation of the Congress Agenda and for the issuing to each Branch Secretary and School/College Representative, at least nine (9) weeks before the opening day of Congress, a Preliminary Agenda which shall contain motions to be submitted to Congress.
20. Amendments to motions appearing on the Preliminary Agenda may be submitted by Branches to the General Secretary to reach him/her not later than seven (7) weeks prior to the opening day of Congress. The Executive Committee shall have the right to submit amendments to any motion on the Preliminary Agenda.
21. The Security Fund Committee shall have the right to submit amendments to motions relating to the operation of the Security Fund Committee.
22. New motions of consequence not already covered in the Preliminary Agenda, may on the scrutiny of Standing Orders Committee be allowed on the Final Agenda for Congress.

23. Delegates, Branch Secretaries and School/College Representatives shall be sent, at least twenty one days prior to the opening of Annual Congress, a copy of the Final Agenda which shall contain, in addition to the matter in the Preliminary Agenda, all amendments to motions on the Preliminary Agenda, the General Secretary's Report, the Audited Balance Sheets and Financial Statements, and the names of Delegates to Congress and their respective Branches. Queries on the Balance Sheets, Financial Statements and General Secretary's Report must be submitted in writing to the General Secretary and received at Head Office at least seven days before the opening of Congress.
24. Travelling and personal expenses on a scale to be determined by the Executive Committee shall be paid to members of Congress. Such expenses shall be paid to members of the Executive Committee out of the General Fund of the Union and to Branch Delegates out of the funds of the Branches they represent.

## **SECTION G (ii)**

### SPECIAL CONGRESS

25. A special Congress shall be called
  - (a) by the Executive Committee at any time or
  - (b) whenever a requisition stating the purpose and motion or motions for such a Congress has been received by the Executive Committee from not fewer than one third of the Branches; such requisition having been passed at duly convened meetings of the Branches concerned.
26. The Final Agenda for the Special Congress shall be the motion or motions of the callers together with amendments.
27. The Executive Committee when convening a Special Congress shall give notice of not less than eight weeks. The notice shall state the purpose for which the Special Congress is being called and motion or motions for the Special Congress. Branch amendments to the motion or motions shall be submitted to the General Secretary four weeks before the date of the Special Congress; such amendments having been passed at duly convened meetings of the Branches concerned. The Final Agenda for the Special Congress containing the original motion or motions together with amendments shall be sent to Delegates and Branch Secretaries at least ten days prior to the opening day of the Congress.

The Executive Committee shall have the right to submit amendments to any motion for Special Congress.

28. A Special Congress shall, in regard to the business for which it is called, be vested with the same power as Annual Congress and shall be constituted in accordance with Rule 13. Rules 15, 17(ii), and 24 shall apply also to Special Congress.
29. In-benefit members for the purpose of arriving at the number of delegates to a Special Congress shall be the fully paid up members eight weeks prior to the date of the Congress whose subscriptions have been received by the General Secretary at least four weeks before the date of the Special Congress.

## **SECTION H**

### **STANDING ORDERS**

30. The Standing Orders Committee for Congress, both Annual and Special, shall consist of six members, representing 6 separate Areas; two members to be elected annually by their respective Areas. Each member shall be elected for a period of three years.
31. The Standing Orders Committee shall
  - (a) Make such recommendations as it deems fit to expedite the business of Congress.
  - (b) Composite motions of similar wording or intent.
  - (c) Consider whether motions or amendments submitted, which are in conformity with Rule 17(ii), are in order.
    - (i) Where in the view of the Standing Orders Committee a motion or amendment is out of order it shall be returned to the Branch with advice as to how it should be amended. In the event of it being amended to the satisfaction of the Standing Orders Committee it shall be listed on the Agenda in its amended form. Otherwise it shall be listed in its original form as submitted and be listed as being out of order.
    - (ii) The Branch submitting the motion or amendment in question may challenge the ruling of the Standing Orders Committee prior to the adoption by Congress of the Order of Business. Such challenge may be responded to on behalf of the Standing Orders Committee.
  - (d) Make recommendations as to what emergency motions not on the Final Agenda shall be brought before Congress. Emergency motions shall only be considered where they have been put forward with the support of the delegates of not less than eight Branches. Such motions, together with the Standing Orders Committee's recommendations, must

be circulated in writing to the delegates at least one hour before any proposal to change the order of business is voted upon.

- (e) Decide what motions, not on the Order of Business, shall be brought before Congress; except that any such motion proposing to dispose of Union funds shall not be considered by Congress until an adjournment of Congress of at least half an hour takes place subsequent to its being admitted for discussion and before its being discussed.

32. Congress shall be conducted in accordance with the following Standing Orders:

- (i) A quorum of Congress shall consist of half the members of Congress.
- (ii) Subject to the discretion of the Chairperson the proposer of a motion shall be allowed five minutes and each subsequent speaker three minutes. No speaker shall speak more than once on the same motion with the exception of the mover of the original motion who shall be allowed three minutes to reply to the discussion.
- (iii) Only properly accredited members of Congress as defined in Rule 13 shall have power to vote.
- (iv) Voting shall be by a show of delegate cards provided that a secret ballot vote shall be taken when a resolution to this effect has been passed by a simple majority of the members present and voting. Motions except those specified in Rules 69, 143, 144 and 149 shall be decided by simple majority. A roll call vote shall be held only if requested by at least 20 delegates.
- (v) Subject to the Provisions of Rules 69 and 149, the Chairperson shall have a second or casting vote should the votes on any proposal be equally divided.
- (vi) Three Tellers shall be appointed who shall count the votes when a vote is taken. Should the Tellers not agree, the Chairperson of Congress shall order a recount.
- (vii) To Terminate Discussion. A motion that the discussion be terminated shall be moved and seconded without discussion. If such a motion be carried the motion originally under discussion shall be put and decided without further discussion other than a reply by the mover thereof. If the procedural motion be lost, the discussion on the original motion shall be resumed.
- (viii) Proceed to the next business. If a motion to proceed to the next business has been proposed and seconded the proposer of the motion under discussion shall have the right briefly to speak in opposition, and the procedural motion shall then be put without further discussion. If the procedural motion be passed, the discussion on the motion under discussion shall be abandoned and Congress shall proceed to the next business on the Agenda.

- (ix) A procedural motion shall not be moved by a delegate from the Branch (or Branches) which has (have) moved the motion under discussion or who has spoken to that motion.
  - (x) Interruptions shall be allowed only on a point of order or information as decided by the Chairperson.
  - (xi) The ruling of the Chairperson on all points of order or on the adopted order of business shall be final, unless the ruling is challenged. The challenger shall have the right to give reasons for challenging the ruling and the Chairperson shall briefly reply. The challenge shall be successful if not fewer than two thirds of the members of Congress present and voting support it.
  - (xii) Congress shall adjourn and re-assemble as determined by the majority of members of Congress upon the recommendation of the Standing Orders Committee or Chairperson.
  - (xiii) Any motion to suspend the order of business shall not be successful unless supported by not fewer than two thirds of the members of Congress present and voting.
33. (i) Congress may on the recommendation of the Standing Orders Committee hold Separate Sessions of Congress. Separate Sessions for Second Level will deal with issues relating exclusively or predominantly to Second Level, those for Third Level will deal with issues relating exclusively or predominantly to Third Level.
- (ii) Separate Sessions shall not have the power to make decisions in the name of Congress but shall make recommendations to Congress in accordance with (iv),(v), and (vi) below.
  - (iii) Separate Sessions shall operate in accordance with the Standing Orders for Congress except that in the Standing Orders for Congress, the word Congress shall be read to mean the Separate Session in question.
  - (iv) The outcome of motions from the Separate Sessions will be circulated to Congress in writing by the Standing Orders Committee not less than 2 hours prior to the plenary session of Congress.
  - (v) Motions which have been approved by the Separate Session will be put to Congress at a plenary session for formal adoption on the proposal of the chair of Congress. This shall be done without debate except when not less than ten second level or five third level Branches indicate in writing to Standing Orders Committee that a motion which was taken at a Separate Session requires debate. This proposal duly signed on behalf of the proposing Branches shall be given to the Standing Orders Committee not less than one hour before the scheduled commencement of the plenary session at which the motions in question are to be taken. In such a case the Standing Orders

Committee will make a recommendation to Congress regarding the time allocated for such motion to be debated by Congress.

- (vi) Motions assigned to the separate session which have been rejected by it will be deemed to have fallen and will not be otherwise proposed to Congress at the plenary session.

## SECTION I

### EXECUTIVE COMMITTEE

- 34. The Executive Committee shall consist of:
  - The President
  - The Vice-President
  - The immediate Past President
  - The Electoral Area Representatives.
  
- 35. The Executive Committee shall:
  - (a) Carry out the instructions of Congress.
  - (b) Manage, superintend and direct the affairs of the Union.
  - (c) Execute and enforce observance of the Rules of the Union.
  - (d) Be responsible for the proper administration of the General Fund, the Contingency Fund, the Provident Fund and such other funds as may be created by Congress.
  - (e) To make representations and to negotiate with any person or bodies or any authority on behalf of the members either collectively or as individuals.
  - (f) Have the power to direct the Trustees to institute legal proceedings against any member, former member, employee, former employee or any other party to protect the Unions funds or interests.
  - (g) Be responsible for the selection and appointment of Officials as set out in Rules 66 and 67.
  - (h) Instruct and direct all paid officials. The Executive shall have power to suspend, or remove from office paid officials for failure to discharge their duties to the satisfaction of the Committee and to appoint substitutes in their place.
  - (i) Have the power to fine, suspend or expel a member of the Union in accordance with the Rules.
  - (j) Have the power to decide on all questions on which the Rules are not specific.

36. The election of the President shall take place in May and the election of the Vice-President shall take place within two months prior to the date of Congress, and the result of election for Vice-President shall be circulated with the final Congress Agenda.
37. The President and Vice-President shall be elected annually by postal ballot vote of all members in-benefit. Voting shall be by proportional representation. The President and Vice-President shall take up office on the 1st July following their election.
38. The office of President shall not be held by the same person for more than two years consecutively. The office of the Vice-President shall not be held by the same person for more than two years consecutively. No member of the Union shall hold any office on the Executive Committee for longer than two terms consecutively.
39. If a vacancy occurs in the Presidency, the Vice-President shall become acting President and an acting Vice-President shall be elected by the Executive Committee from amongst its members.
40. If a vacancy occurs in the Vice-Presidency an acting Vice-President, other than in accordance with Rule 39, shall be elected by the Executive from amongst its members. Such acting position shall be held until the next annual election. Any resulting Area Representative vacancy shall be filled in accordance with these rules.
41. The President or Vice-President may be removed from office by resolution of a majority of the in-benefit members voting by postal ballot for that purpose provided that a requisition to take such a ballot has been delivered to the Executive Committee and has been signed by at least one-fifth of the members of the Union.
42. To be eligible as a candidate for membership of the Executive Committee a member of the Union must be in-benefit and be nominated by the Branch to which he/she belongs at a Branch meeting where such item appears on the Agenda. A candidate may in addition accept nomination from other Branches. No Branch may nominate more than two candidates in respect of any vacancy.

43. For the purpose of electing Area Representatives the Union shall be divided into the following electoral areas:-
- Area No. 1* Wicklow, Kildare, Laois and Carlow.
  - Area No. 2* Roscommon, Longford, Westmeath and Offaly.
  - Area No. 3* Cavan, Monaghan, Louth and Meath.
  - Area No. 4* Wexford, County Waterford, Waterford City, Tipperary S.R. and Kilkenny
  - Area No. 5* Tipperary N.R., Clare and Limerick City.
  - Area No. 6* Dublin County, Borough of Dun Laoghaire
  - Area No. 7* Kerry, Limerick County.
  - Area No. 8* Sligo County, Leitrim and Donegal.
  - Area No. 9* Cork City and Cork County.
  - Area No. 10* Dublin City.
  - Area No. 11* Galway City, Galway County and Mayo.
  - Area No. 12* Community and Comprehensive Schools in Counties Donegal, Galway, Leitrim, Longford, Mayo, Roscommon, Sligo, Westmeath.
  - Area No. 13* Community and Comprehensive Schools in Counties Cavan, Dublin, Kildare, Louth, Meath, Monaghan, Wicklow.
  - Area No. 14* Community and Comprehensive Schools in Counties Carlow, Clare, Cork, Kerry, Kilkenny, Laois, Limerick, Offaly, Tipperary, Waterford, Wexford.
  - Area No. 15* Third Level Colleges - Dublin (excluding City), Louth, Monaghan, Cavan, Meath, Kildare, Offaly, Laois, Wicklow, Carlow, Kilkenny, Wexford
  - Area No. 16* Third Level Colleges - Dublin City.
  - Area No. 17* Third Level Colleges - Cork, Tipperary and Waterford
  - Area No. 18* Third Level Colleges - Donegal, Sligo, Leitrim, Longford, Roscommon, Westmeath
  - Area No. 19* Third Level Colleges - Kerry, Limerick, Clare, Galway, Mayo.
44. Area Representatives shall be elected by postal ballot vote of members in the area who are in-benefit. Voting shall be by proportional representation. This election shall take place within two months prior to the date of Annual Congress, and the result of the election shall be circulated with the final Congress Agenda.

45. Each Area Representative shall hold office for a period of two years from the termination of the Annual Congress next succeeding his/her election until the termination of the Congress in the year in which his/her period of office comes to a close, unless previously removed by a resolution of a majority of the members voting by ballot for the purpose of such removal.

At the end of each year one half of the Area Representative seats on the Executive Committee shall fall vacant and an election shall be held in their regard.

46. In the event of an Area Representative vacancy occurring an election shall be held among in-benefit members in the area concerned to fill the vacancy.

47. Area Representatives shall be responsible to the National Executive on matters affecting the Union. They shall represent the views of the area at meetings of the Executive. They shall report to the area regularly on all matters affecting members.

48. Each member of the Executive Committee shall vote at Congress according to his/her own personal choice and not under Executive direction.

49. The Executive Committee shall appoint from amongst its members an Honorary Secretary at the first meeting of the Executive following Congress. The Honorary Secretary shall, while holding this office be a Trustee of the Union unless removed from Trusteeship by resolution of a majority of the members voting for that purpose.

50. The Executive Committee shall appoint from amongst its members an Honorary Treasurer at the first meeting of the Executive following Congress. The Honorary Treasurer shall act as Chairperson of the Finance Sub-Committee.

51. The Officers of the Union shall be  
The President  
The Vice-President  
The immediate Past-President for a period of one year  
The Honorary Secretary  
The Honorary Treasurer  
The General Secretary  
and they may act collectively for the Executive Committee in the period between meetings of the Executive Committee.

52. The Executive Committee shall meet at least four times each year and at such other times as the President may decide.
53. The President or General Secretary shall summon a special meeting of the Executive Committee at any time on receiving a requisition signed by five members of the Executive Committee, provided that the President or General Secretary receives a statement in writing as to the objective of such meeting.
54. Ten members, one of whom shall be the President, or Vice-President, or Honorary Secretary shall constitute a quorum of the Executive.
55. The Executive Committee may establish committees consisting of a combination of members of the Executive and members of other recognised sections of the Union to advise on any matters pertinent to the interest or objectives of the Union. It may also appoint sub-committees consisting of members of the Executive Committee.

## **SECTION J**

### FINANCE SUB-COMMITTEE

56. The Finance Sub-Committee shall consist of the Honorary Treasurer together with two members who shall be elected by the Executive from amongst its members. At least one member of the Finance Sub-Committee shall be an incoming Executive member.
57. The President, Vice-President or Honorary Secretary shall not be a member of the Finance Sub-Committee.
58. The Finance Sub-Committee shall meet at least four times a year or as directed by the Executive Committee.
59. Two members of the Finance Committee shall constitute a quorum.
60. The duties of the Finance Sub-Committee shall be to examine and make recommendations on all financial matters pertaining to the Union and report on such matters to the Executive Committee; and no payment shall be authorised by the Executive Committee without the prior recommendation of the Finance Sub-Committee.
61. Any vacancy occurring on the Finance Sub-Committee shall be filled by the Executive Committee from amongst its members.

## SECTION K

### GENERAL SECRETARY

62. The General Secretary shall, under the direction of the Executive Committee, conduct the business of the Union in accordance with the rules and decisions of Congress. He/She shall carry out the general policy of the Union, exercise control over investigations for benefit, and be responsible for the keeping of the accounts of the Union and for the custody of all its books and documents.
63. He/She shall, in accordance with the rules pertaining thereto, convene and attend Congress, meetings of the Executive Committee, of the Finance Sub-Committee and of the Security Fund Committee and shall attend such other committees or sub-committees as the Executive may decide.
64. The General Secretary shall receive all subscriptions and other moneys payable to the Union's funds and shall lodge such moneys as soon as possible to the Bank Accounts of the Union, in accordance with the provisions as to allocation hereinafter contained. The books and accounts and the names of the members shall be open to inspection of any person having a legitimate interest in the funds of the Union or any member by giving reasonable notice to the General Secretary.
65. The General Secretary may engage such officials, clerical or other assistance as may be approved by the Executive Committee and shall exercise control over such staff.
66. A Deputy General Secretary may be appointed by the Executive Committee. Such Deputy shall act for the General Secretary during periods of annual leave or unavoidable absence when approved by the Executive Committee.
67. Whenever the office of General Secretary or other General Officers is vacant the Executive Committee shall invite applications for the post by means of advertisements in at least two issues of three morning daily papers published in Ireland. The Executive Committee shall set up an interview board which shall make recommendations to the Executive. The candidate selected shall be ratified by Congress.
68. The General Secretary and Assistant General Secretaries shall be paid on such salary scale as may be determined by the Executive Committee from time to time subject to the approval of Congress.

69. The General Secretary or other General Officers may be removed from office by a vote of two-thirds of the members of Congress present and voting at Congress, provided that the motion on which such vote is taken has been included in the Congress Agenda and he/she may be suspended from office at any time until the Annual Congress by a vote of the Executive Committee for neglect of duty or for conduct detrimental to the interests of the Union. The General Secretary or other General Officers may also be removed from office by a ballot vote of all members in-benefit provided that a requisition to take such ballot has been delivered to the Executive Committee and has been signed by at least one-fifth of the said members.
70. Whilst in the employment of the TUI, the General Secretary, Deputy General Secretary, and Assistant General Secretaries shall not be permitted to hold any position on any board of management of any State or Semi-State company.

## **SECTION L**

### **BRANCHES**

71. A Branch of the Union shall be constituted of all members in an area defined by the Executive Committee as a Branch Area. The minimum number of members required for a Branch shall be 10.
72. The Executive Committee shall have the power to dissolve a Branch and make alternative arrangements for servicing the members, provided such dissolution be approved at the next Annual Congress.
73. Each Branch shall hold at least four general meetings during the school year and such other meetings as the Officers deem necessary.
74. Adequate notice of all Branch Meetings must be given to each member.
75. Each Branch shall hold an Annual General Meeting in the month of October or November, or at a time sanctioned by the Executive, of which notice in writing shall be given to each member of the Branch at least a week beforehand. The Branch shall at this meeting elect a Branch Chairperson, Secretary, Treasurer and Equality Officer.

A School Representative and a School/College Committee shall be elected annually by the members in each school/college from among their number prior to the Branch A.G.M. The Chairperson of this Committee shall be the School Representative, but in the case of a College Committee the Chairperson shall be elected from their own number.

76. It shall be the duty of the Branch:
- (i) To carry out the work of the Union.
  - (ii) To recruit members.
  - (iii) To inform each person of his/her eligibility for membership or appointment.
  - (iv) To collect subscriptions and levies and appoint collectors for this purpose.
  - (v) To carry out any work remitted to it by the Executive Committee. A Branch may remit to a school/college committee such duties or work as are deemed necessary.
77. A Branch Committee shall be appointed in each Branch consisting of the Branch Chairperson, Secretary, Treasurer and Equality Officer and the elected School/College Representatives from each school/college except in exceptional circumstances when the Executive Committee may approve of a more appropriate system. The Branch Chairperson shall be Chairperson of the Committee.
78. A Branch Committee shall have power to act in the name of the Branch where
- (a) urgent action is required,
  - (b) a Branch Meeting is not feasible, or
  - (c) the Branch itself so wishes,
- provided that a General Meeting of the Branch shall have power to supersede the power of the Branch Committee. A General Meeting of the Branch must be held if a requisition to hold such a meeting is signed by one-fifth of the members of the Branch, provided that the purpose for which the special meeting is called is stated by the members concerned.
79. An applicant for membership shall complete an application form and lodge it with either the School/College Representative in the school/college in which he/she is employed; the Secretary of the Branch in the area in which he/she is employed; or with TUI Head Office for forwarding to the Branch in question. The Branch Secretary shall submit the candidate's application to the Committee of the Branch who may accept or reject it. A candidate who has been refused admission by a Branch Committee or whose application has not been responded to by the Branch within a period of six working weeks may have their application considered by the Executive Committee who shall decide whether such admission shall be granted, taking into account the view of the branch.

80. A Branch may retain such percentage of members' subscriptions, except special levies, as Congress may allow, to cover expenses in connection with the funding of the Branch. The amount retained shall not in the case of any Branch be more than 20%. The Executive Committee shall, at fixed intervals recommend the percentage of subscriptions to be retained by the Branch. In so doing the Executive Committee shall take due cognisance of
- (i) the democratic right of each Branch to be represented at Congress as per Rule 13.
  - (ii) The geographical location of the Branch.
  - (iii) The diversity of functions in the Branch.
  - (iv) The different operational costs of each Branch.

## **SECTION M**

### BRANCH SECRETARY

81. Each Branch Secretary shall keep all books and records relative to Branch and Union business.
82. Each Branch Secretary shall submit each year to the General Secretary not later than 1st December a report on the work of the Branch during the previous year ending 30th September and a Financial Statement, duly authenticated showing details of receipts and expenditure for the year.
83. The Branch Secretary or Treasurer shall investigate any claim for benefit on the funds of the Union made by a member or members in the Branch Area, and shall submit details of such claim, together with any documents pertaining thereto, to the General Secretary.
84. The Branch Secretary may be allowed such honorarium in any year from the Branch Funds as the Branch may allow.

## **SECTION N**

### **BRANCH TREASURER**

85. The Branch Treasurer shall be responsible to the Branch and the General Secretary for all the moneys, financial records and accounts relating to the Branch and the Union.
86. The Branch Treasurer shall make such returns as and when the General Secretary or Executive Committee decide.
87. The Branch Treasurer shall prepare each year for presentation to the A.G.M. a financial statement, for the previous year ending 30th September showing details of receipts and expenditure for the year, the accounts to be audited according to the instructions of the Branch.
88. The Branch Treasurer may be allowed such honorarium in any year from the Branch Funds as the Branch may allow.

## **SECTION O**

### **SUBSCRIPTIONS**

89. Each full member, associate member and retired member of the Union shall pay an annual subscription as decided by Congress.
90. Subscriptions shall be remitted to the General Secretary when and in a manner prescribed by him/her subject to the approval of the Executive Committee.
91. Application for membership should be accompanied by one month's subscription or a signed Deduction at Source form. In the event of the applicant being ineligible the subscription to be returned. Where a member signs and submits a Deduction at Source form, and their application for membership has been accepted by a Branch, a leeway of three months shall be granted in order for the Deduction at Source to come through, during which time the member shall be deemed to be a fully in-benefit member.

Teachers who joined the Union prior to withdrawal of teachers service but who were eligible for membership for a year shall not be entitled to strike pay.

92. Annual subscriptions shall be paid:
  - (a) by deduction-at-source in twelve monthly deductions:
  - (b) by Bankers Order in twelve monthly instalments:
  - (c) by eight monthly instalments: exceptions - June, July, August and January:
  - (d) by single payment in advance.
93. Instalments on an eight monthly basis shall be paid not later than the second Tuesday in each month except the months of June, July, August and January.
94. Congress shall have power to make a levy on members provided that due notice to make such levy has been given on the Congress Agenda. To meet special contingencies the Executive Committee will have the power to raise a levy on members. The raising of this levy must be reviewed at the following Congress.
95. The Executive Committee, on the recommendation of the Finance Sub-Committee, shall have the power to declare an amnesty of a maximum of three months subscription in relation to the payment of arrears
  - (a) Where such arrears have arisen in the course of a transfer of members between one branch and another.
  - (b) Where such arrears have arisen due to members having converted from Part Time to EPT, TWT or PWT, or EPT to TWT or PWT.
  - (c) Where such arrears have arisen as a result of returning from maternity leave, parental leave or career break and Deduction at Source has not restarted due to no fault of the members concerned.
96. Any member who is in arrears to the extent of having failed to pay his/her subscriptions, levies and fines to an amount equal to or in excess of the amount due by him/her in respect of one month shall, during the period of such arrears, forfeit all claim to benefit and the right to vote on any matters concerning the Union. Such member shall be described as 'out of benefit'.

Members on deduction-at-source or bankers order will be regarded as 'in-benefit' if receipt of payment is delayed through no fault of the member. A member who is out of benefit shall be debarred from holding office while out of benefit.

A member who is out of benefit shall not be entitled to attend TUI meetings while out of benefit.

97. A member who is in arrears to the extent of having failed to pay his/ her subscriptions, levies and fines to an amount equal to, or in excess of the amount due by him/her in respect of twelve months shall cease to be regarded as a member and shall forfeit all privileges of membership. Should a lapsed member wish to rejoin he/she must apply for membership in accordance with these rules.
98. A member who is out of benefit or lapsed because of arrears, may have all privileges of membership restored subject to the limitations imposed by the rules and
- (i) on the first occasion by payment of all arrears due or one year's subscription together with all levies imposed in that year;
  - (ii) on any subsequent occasion by payment of all arrears and levies due.
99. A person who has been eligible for membership for a period in excess of two years and who has refused to join shall not be admitted as a member until he/she has paid as an admission fee, a sum equal to one years subscription and levies.

## **SECTION P**

### FUNDS

100. The funds of the Union shall be as follows:
- (i) General Fund
  - (ii) Security Fund
  - (iii) Provident Fund
  - (iv) Contingency Fund
  - (v) Congress Fund
  - (vi) Third World Fund.

### GENERAL FUND

101. The General Fund shall be used to defray the administrative and other expenses of the Union other than those provided for under the heading (ii), (iii), (iv), in Rule 100. The General Fund shall also be used to defray any financial deficit to the Congress Fund.
102. Such portion of a member's annual subscription as may be decided from time to time by Annual Congress shall be allocated to the General Fund.

103. The scale of travelling and other expenses to be paid out of the General Fund shall be decided by the Finance Sub-Committee.
104. The accounts of the Union shall be audited in the month of February each year for the previous twelve months ending 31st December, by a qualified accountant or accountants appointed by the Trustees. The annual returns shall be submitted to the Registrar of Friendly Societies before 1st June each year.
105. A set of audited accounts of the General Fund shall be submitted to Annual Congress.

### SECURITY FUND

106. The Union shall establish a Security Fund Committee consisting of four persons to administer the Security Fund.
107. All real and personal estate whatsoever for the time being representing the Security Fund shall be held by the Trustees for the time being of the Union for the purposes of the Security Fund. The Trustees may deal with the property so vested in them by way of sale mortgage charge lease or otherwise howsoever as directed by the Security Fund Committee, the Annual Congress or a Special Congress. Such direction shall be given by a resolution of the Security Fund Committee or of the Annual Congress or of a Special Congress passed by a majority of the members present at a duly convened meeting of the Security Fund Committee or the Annual Congress or a Special Congress and when so passed shall in favour of a purchaser mortgagee chargee lessee or grantee be binding upon the Union. A certificate purporting to be signed by the Secretary for the time being of the Union shall in favour of the said persons be conclusive evidence that a direction complying in all respects with the above provisions of the Rules was duly given to the Trustees.
108.
  - (a) With effect from 1st September 1996, a sum of 3% of each full member's annual subscription shall be allocated to the Security Fund.
  - (b) Each member of the Union who has subscribed to the Security Fund shall be entitled to be paid the amount actually contributed by him/her prior to 1st September 1996, when he/she retires from teaching or if he/she wishes dies before retirement have the amount of contribution paid to his/her legal personal representatives or dependants.

109. The annual income of the Security Fund shall be applied firstly in the replacement of capital actually lost and secondly subject to such resolutions as may be framed by Congress with relation to such income for such purposes as the Security Fund Committee may consider best calculated to protect and strengthen the Union and afford the maximum security to the members.
110. The Security Fund Committee shall invest all moneys coming into its hands on account of the Security Fund in any investments which it could make if it were absolutely and beneficially entitled to these moneys but may retain on current or deposit account at any bank or banks approved by it such moneys as it in its discretion considers necessary or desirable for the purpose of meeting current expenses or payment and all cheques for the withdrawal or payment of moneys from any such account or accounts shall be signed by not less than two members of the Security Fund Committee.
111. To be eligible for election to the Security Fund Committee in-benefit members of the union must be nominated by the Branch to which they belong and may, in addition, accept nominations from other Branches.
112. Each member will be elected for a period of three years and may not stand for re-election in the year in which his/her term finishes.
113. When members of the Security Fund Committee have served a three year period in office an election shall take place to replace them. The election shall take place at the same time as the elections to the Executive Committee and the persons elected shall take up duty at the end of the subsequent Annual Congress. The method of election shall be by proportional representation conducted by means of a postal ballot.
114. Members of the Executive Committee shall not be members of the Security Fund Committee.
115. At the first meeting after Annual Congress the Security Fund Committee shall elect a Chairperson from amongst its members.
116. The Trustees shall cause to be prepared each year an audited account of the Security Fund which shall be presented each year to the Annual Congress.

## PROVIDENT FUND

117. The Union shall establish and administer a Provident Fund for the purpose of providing assistance to members in the event of sickness or death.
118. Such portion of each member's annual subscription as shall be determined by Annual Congress from time to time, with the exception of subscriptions from retired and associate members, who are not part-time teachers, shall be allocated to the Provident Fund.
119. Amounts allocated to the Provident Fund may be invested in such a way as to secure such terms, as in the opinion of the Executive Committee, offer the greatest benefit to members.
120. The Provident Fund shall be used only to provide assistance to members or their estate, to pay surgical, nursing or hospital expenses incurred by or on behalf of members due to illness or accident or for the payment of a lump sum benefit to the next of kin of members who die in service. The Provident Fund shall also provide first instance legal advice to members.
121. No part of the Provident Fund shall be used for any purpose other than those specifically pertaining to payments from the Provident Fund other than that provided for in Rule 127.
122.
  - (a) To be eligible for a grant from the Provident Fund a member must be shown in the books of the General Secretary to have paid at least one year's subscription.
  - (b) Paragraph (a) of this rule shall not apply to a teacher during his/her first year of membership, provided that he/she became a paid up member in the first month succeeding his/her appointment and was not in arrears on the date on which the illness or accident in respect of which a grant is sought arose.
123.
  - (a) No grant from the Provident Fund shall be paid to or in respect of any member who is out of benefit.
  - (b) A grant from the Provident Fund shall not be paid to or in respect of any member for illness or accident occurring during a period in which he/she is out of benefit.

124. Associate members who are not part-time teachers and retired members shall not be eligible for any grant from the Provident Fund. Associate membership may however be reckoned as portion of the period required by a member to qualify for any grant from the Provident Fund provided that the associate membership has been followed by one month's ordinary membership.
125. An audited account of the Provident Fund shall be presented each year to Annual Congress.
126. Any surplus in excess of €1,269.74 remaining in the Provident Fund at the end of each financial year shall be allocated to the Contingency Fund.

### CONTINGENCY FUND

127. The Union shall establish and administer a Contingency Fund for the purpose of providing legal assistance and relief to members during disputes.
128. €6.35 of each full member's annual subscription shall be allocated to the Contingency Fund together with any surplus at the end of each year from the Provident Fund and such other moneys as may be added from time to time by the Executive Committee.
129. Amounts allocated to the Contingency Fund may be invested in such a way as to secure such terms, as in the opinion of the General Secretary and the Executive Committee offer the greatest benefit to members.
130. The Contingency Fund shall be used to provide:
  - (a) Legal assistance to members and the Union.
  - (b) Relief to members during withdrawal of service approved by the Executive Committee or during unemployment arising out of dismissal or suspension where the Executive Committee declare it is not in agreement with the decision of the Minister or the employer concerned.
  - (c) Finance for local disputes approved by the Executive Committee and/or Congress.
  - (d) Defraying of any financial deficit on the Provident Fund.

131. To be eligible for benefits from the Contingency Fund a member must be
  - (a) In-benefit.
  - (b) To be shown on the General Secretary's record to be a member for at least 12 months or in the case of first appointment to have joined within one month of taking up the appointment.
132. The amount of benefit to be paid to members out of the Contingency Fund shall be determined by the Executive Committee subject to the approval of Congress.
133. An audited account of the Contingency Fund shall be presented each year to Annual Congress.

### CONGRESS FUND

134. The Union shall establish a fund to help defray the cost of running Annual Congress. A Special Congress shall continue to be funded from the General Fund and the Branch's Funds.
135. 1% of each member's annual subscription shall be allocated to the Congress Fund.
136. The General Secretary shall transfer to a duly appointed Congress Organising Committee such moneys as are approved by the Executive Committee to help defray the cost of running Annual Congress.
137.
  - (a) The Congress Organising Committee shall be responsible for the local arrangements of Annual Congress.
  - (b) The Organising Committee shall furnish a set of accounts to the General Secretary within 6 months of the date of termination of the Congress.
  - (c) An audited account of the Congress Fund shall be presented each year to Annual Congress. This account shall be in two parts:
    - (1) Congress Fund utilised by the Organising Committee
    - (2) Congress Fund utilised by Head Office.

### THIRD WORLD FUND

138. €0.95 of each full member's subscription shall be allocated to a Third World Fund. This fund shall be used to assist such educational, developmental and trade union projects in underdeveloped countries as may be approved by the Executive Committee from time to time.

## **SECTION Q**

### **UNWORTHY CONDUCT**

139. It shall be deemed unworthy for any member:
- (i) To take an appointment from which a member has been dismissed or suspended in circumstances where the Executive Committee declares it is not in agreement with the decision of the Minister and/or the employer.
  - (ii) To be guilty of conduct which in the opinion of Congress or of the Executive Committee is injurious to the interests of the Union.
140. A member charged with unworthy conduct shall be given an opportunity to submit in writing to the Executive Committee within one month any observations he/she may wish to make on the charge against him/her and the Executive Committee shall consider such observations before arriving at a decision.

The member charged with unworthy conduct, shall be provided with the complete details constituting the case against him/her. Furthermore, if having requested it, the member charged with the offence, shall be entitled to an oral hearing by the Executive Committee.

141. A member found guilty of unworthy conduct by the Executive, may be censured, fined, suspended or expelled from the Union. Such a member shall have a right to appeal to the next Congress.

## **SECTION R**

### **STRIKES AND INDUSTRIAL ACTION**

142. (i) The Provisions of this rule shall apply notwithstanding any other provision contained in these rules.
- (ii) In this rule the terms “strike” and “industrial action” shall have the same meaning as in the Industrial Relations Act 1990.
- (iii) In this rule the term “member” shall have the same meaning as an in-benefit member defined in these Rules.
- (iv) The Union shall not organise, participate in, sanction or support a strike or other industrial action without a secret ballot, entitlement to vote in which shall be accorded equally to all members whom it is reasonable at the time of the ballot to believe will be called upon to engage in the strike or other industrial action.

- (v) The Union shall take reasonable steps to ensure that every member entitled to vote in the ballot votes without interference from, or constraint imposed by, the Union or any of its members, officials or employees and, so far as is reasonably possible, that such members shall be given a fair opportunity of voting.
- (vi) 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 in Paragraph (viii) of this rule, favours such strike or other industrial action.
- (vii) The Executive Committee shall not organise, participate in, sanction or support a strike or other industrial action against the wishes of a majority of the Union's members voting in a secret ballot except where, in the case of a ballot by more than one trade union, an aggregate majority of all the votes cast, favours such strike or other industrial action.
- (viii) Where the outcome of a secret ballot conducted by the Union, or in the case of ballots conducted by the Union and any number of other trade unions which are affiliated to the Irish Congress of Trade Unions an aggregate majority of all the votes cast is in favour of supporting a strike organised by another trade union, a decision to take such supportive action shall not be implemented by the Union without the sanction of the Irish Congress of Trade Unions.
- (ix) As soon as practicable after the conduct of a secret ballot the Union shall take reasonable steps to make known to the members of the Union entitled to vote in the ballot
  - (a) the number of ballot papers issued
  - (b) the number of votes cast
  - (c) the number of votes in favour of the proposal
  - (d) the number of votes against the proposal, and
  - (e) the number of spoiled votes.
- (x) Nothing in this rule shall constitute an obstacle to negotiations for the settlement of a trade dispute nor the return to work by members of the Union party to the trade dispute, and any decision taken in accordance with this rule to organise, participate in, sanction or support a strike or industrial action may be rescinded or amended without the necessity of a further ballot of the members concerned provided always nothing in this rule shall be construed in such a manner as to hinder the right of any member or Branch to express freely their views and opinions in relation to formulation of Union policy on any matter.

## SECTION 5

### ALTERATION OF RULES

143. These rules or any of them shall be altered, amended or rescinded on a majority vote of not fewer than two thirds of the Branch delegates to Congress present and voting, provided all such proposals appear on the Final Agenda. Alterations to rule shall be notified to the Registrar of Friendly Societies.
144. Notwithstanding the provisions of Rule 143 hereto, the special provisions set out hereunder shall apply to all proposals to delete, alter, amend or add to the rules herein contained specially applicable to the Security Fund or the Security Fund Committee other than such rules as are specially applicable to membership of, or election to, the Security Fund Committee namely:
- (a) Every such proposal shall be first put before Congress by the Security Fund Committee.
  - (b) A Branch deciding to have such a proposal placed before Congress shall send the relevant Branch motion to the General Secretary not later than 12 weeks before Annual Congress, who shall forthwith send the same to the Security Fund Committee.
  - (c) The Security Fund Committee shall ensure that every such motion is placed on the Agenda for Congress together with notice of their intention to propose the acceptance or rejection thereof.
  - (d) In any case where the Security Fund Committee propose the acceptance of such a motion or proposal to Congress, it shall be deemed to have failed unless two thirds of the votes actually cast favour acceptance.
  - (e) In any case where the Security Fund Committee propose the rejection of such a motion or proposal to Congress and a simple majority of the votes actually cast favour acceptance, the motion or proposal shall, as soon as is possible be put to the general membership by way of postal ballot vote and the result of the vote, decided by a simple majority of the votes actually cast, shall be regarded as the final decision of the Union upon the proposal.

## **SECTION T**

### **GENERAL**

145. One copy of this Rule Book shall be given free to each member when admitted to membership. Further copies may be supplied at a price to be determined by the Executive Committee. A current Rule Book shall be issued to each member on request.
146. Alterations or amendments to the rules shall be brought to the notice of members through the Branches.
147. An Accountant, or firm of accountants, shall be engaged to count and declare the result of all postal ballot votes.
148. In the event of an affiliation taking place during the year formal resolution for the ratification thereof shall be placed on the Congress Agenda. If ratification is withheld by Congress the affiliation shall cease forthwith.

## **SECTION U**

### **DISSOLUTION**

149. (a) The Union shall be dissolved with the consent of five-sixths of the members, subject to any special provisions hereafter attached to particular funds and to the provisions hereinafter contained in respect of the Security Fund. Any surplus funds shall be divided equally between the members who are in-benefit at the date upon which the resolution that the Union is dissolved is passed.
- (b) The capital moneys standing to the credit of the Security Fund on the date upon which the resolution that the Union be dissolved is passed shall be applied in the first place in paying to each member the amount of the contributions actually paid by him or her and any surplus thereafter remaining shall be applied in the manner herein before appointed for surplus funds of the Union.