

**GMB**

**U N I O N**

**GMB CONGRESS 2022  
CENTRAL EXECUTIVE COUNCIL  
RULE AMENDMENT 1**

**MAKE  
WORK  
BETTER**

**GMB CONGRESS 2022**

**CENTRAL EXECUTIVE COUNCIL RULE AMENDMENT 1**

**Delete: existing Rules 5 and 6; Insert new Rules 5, 5A and 6**

**Rule 5 Membership**

<b>No.</b>	<b>Current Rule</b>	<b>New No.</b>	<b>Proposed new rule</b>	<b>Reasons for proposed change</b>
1	GMB is an open and democratic organisation and welcomes into membership people from any industry or walk of life who are committed to upholding the aims and rules of the Union	1	GMB is an open and democratic organisation and welcomes into membership people from any industry or walk of life who are committed to upholding the aims of the union and will agree to abide with these rules.	Amended to make clear that any person becoming a member will need to agree to abide by the rules of the union.
2	The Central Executive Council may create temporary grades of membership if they think they are necessary	2	The Central Executive Council may create temporary grades of membership if they think they are necessary, on such terms and for so long as they	The power of the CEC to create temporary grades is extended to provide for the terms on which those grades are created and for the CEC to determine for how long they may be available

			consider appropriate	
3	<p>Despite anything set out in these rules, the Central Executive Council may, by giving six weeks' notice in writing, cancel the membership of any member, if this is necessary to keep to:</p> <ul style="list-style-type: none"> <li>• a decision made by the Disputes Committee of the Trades Union Congress (TUC).</li> <li>• a decision arising from an inter-union disputes committee set up by us and another union; or</li> </ul> <p>a recommendation of the Independent Review Committee, set up with the support of the TUC.</p>	3	<p>Despite anything set out in these rules, the Central Executive Council may, by giving six weeks' notice in writing, terminate the membership of any member, if this is necessary to comply with:</p> <ul style="list-style-type: none"> <li>• a decision made by the Disputes Committee of the Trades Union Congress (TUC); or</li> <li>• a decision arising from an inter-union disputes committee set up by us and another union:</li> </ul>	<p>The reference to termination of membership by reference to a recommendation of the independent review committee has been deleted, in the absence of clarification as to what this refers</p>
	<p>The Central Executive Council, a regional council or a regional committee has the power to suspend a member from benefit or ban them from holding any GMB office, or ban a</p>	4	<p>A member may be disciplined in accordance with this rule, Rule 5A, GMB policies and any guidance issued under this rule or Rule</p>	<p>This part of rule 5 is now expressly drafted as a disciplinary process, which will operate by reference to the rules and any policy or guidance issued under this rule (or new rule 5A)</p>

<p>member from taking part in GMB business and affairs, in any case for as long as the council or committee feels necessary:</p> <ul style="list-style-type: none"> <li>• if they believe the member is guilty of trying to harm the union or acting against the rules;</li> <li>• if the member makes or in any way associates themselves with any defamatory or abusive comments made against any of our officials or committees;</li> <li>• if the member, alone or together with any other members or people opposes or acts against any of our policies;</li> <li>• if the member acts against the best interests of the GMB</li> <li>• if the member encourages or takes part in the activities of any organisation or group whose policies or aims are racist or promote racist beliefs,</li> <li>• or for any other sufficient reason.</li> </ul>	<p>5A.</p> <p>The Central Executive Council or a regional council or regional committee may, subject to clause 5 of this rule, take action under clause 6 of this rule,</p> <ul style="list-style-type: none"> <li>a. where they determine that a member has <ul style="list-style-type: none"> <li>○ acted in a manner which has brought, or may bring, the union into serious disrepute or has harmed or may harm the union</li> <li>○ breached the rules of the union;</li> <li>○ harassed another member, a member of the union's staff or a third party related to any protected characteristic;</li> <li>○ made or in any way been associated with abusive, defamatory, or scurrilous written or</li> </ul> </li> </ul>	<p>The proposed offences have been extended to include action in a manner which has brought or may bring the union into serious disrepute in addition to the existing offence of trying to harm the union, which itself has been amended to action that has harmed or may harm the union.</p>
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			<p>oral comments made about the union, any of our officials or committees;</p> <ul style="list-style-type: none"> <li>○ alone or together with any other members or people, breached any of the union’s policies;</li> <li>○ acted against the best interests of the GMB;</li> <li>○ encouraged or taken part in the activities of, or communicated with, any organisation or group whose policies or aims are racist or promote racist beliefs;</li> <li>○ acted in breach of clause 13 of this rule; or</li> </ul> <p>b. for any other sufficient reason.</p>	<p>The current offence of opposing a policy of the GMB runs the risk of being breached if there is a debate on whether an existing policy should be maintained. This has been amended so that the offence is breaching a policy rather than to opposing it.</p>
		5	<p>Rule 5A, and not this rule, will apply to any allegation that a member has engaged in unwanted conduct of a</p>	



	committee.	<p>attending any branch meeting or voting in any branch vote),</p> <p>in any case for as long as the Central Executive Council. Regional Council or Regional Committee considers appropriate; or</p> <p>b. a regional council or regional committee may recommend to the Central Executive Council that the member be expelled from membership; and</p> <p>c. the Central Executive Council may, following a recommendation from a regional council or regional committee, or of their own volition expel a member from membership.</p> <p>If the Central Executive Council do not accept a recommendation from a</p>	<p>some clarity as to what is intended</p> <p>The two-stage process for an expulsion if recommended by the regional council or committee is clarified.</p> <p>The sanctions include a regional council or regional committee recommending to the central executive council that the member be expelled.</p> <p>To clarify what happens if the central executive council do not accept that recommendation, express provision is made for the CEC to impose their own sanction.</p>
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			<p>regional council or regional committee, to expel a member then the Central Executive Council may impose a sanction under paragraph a above.</p> <p>A member who is expelled from membership under this clause will not be eligible to re-join without the permission of the Central Executive Council.</p>	<p>It is made clear that once expelled from Membership, permission of the central executive council is required to re-join. As the member cannot be expelled by a Regional Council or regional committee, the rule now provides that only the CEC may readmit.</p>
6	<p>If a regional council or regional committee takes disciplinary action against a member under clause 4 of these rules and the member is not satisfied with the decision, he or she can appeal by writing to the general secretary within one month of the decision being made. The case will be referred to the Central Executive Council, who will make the final decision. In giving its decision, the regional council or regional</p>	7	<p>If a regional committee or regional council takes disciplinary action against a member under clause 6a of this rule or makes a recommendation for expulsion to the Central Executive Council under clause 6b, the member can appeal against the disciplinary action or the recommendation provided</p>	<p>This rule addresses the right of appeal to the central executive council which applies where disciplinary action has been imposed under clause 6 by either the regional council or the regional committee or in the event of there being a recommendation made to the central executive council that the member be expelled. If the member does not appeal against a recommendation to expel and the central executive council then proceed to expel the member, there is then no right of appeal against the expulsion.</p>



	<p>committee must tell the member, in writing, about their right to appeal. The Central Executive Council may order an appeal to be struck out for scandalous, vexatious or unreasonable behaviour by an appellant or for excessive delay in proceeding with the appeal. Before making such an order the appellant will be sent notice giving them an opportunity to show why the order should not be made.</p>		<p>written notice of appeal is received by the general secretary within one month of the decision, or notice of the recommendation, being sent to the member. The appeal will be referred to the Central Executive Council to be dealt with in accordance with any guidance made from time to time by the Central Executive Council. There shall be no further right of appeal against the decision of the Central Executive Council.</p>	<p>The provision governing the striking out of an appeal has been moved to clause 9, and applies to both an appeal to the CEC and the Appeal Tribunal</p>
7	<p>If the member is not satisfied with the Central Executive Council's decision under clause 4 or 5 (except where the Central Executive Council has made the final decision on a recommendation from a Region) of this rule, he or she can appeal by writing to the general secretary within one month of the decision being made. The case will be referred to the</p>	8	<p>A member may appeal against the decision of the Central Executive Council under clause 6c of this rule (but not a decision to expel based on a recommendation from a regional council or regional committee), provided written notice of appeal is received by the</p>	<p>The right of appeal against decision of the Central Executive Council does not arise where their decision to expel a member follows a recommendation to expel from a regional council or regional committee (for that the member needs to appeal the recommendation).</p>

	<p>Appeals Tribunal, who will make the final decision. In giving its decision, the Central Executive Council must tell the member, in writing, about their right to appeal. The Appeals Tribunal may order an appeal to be struck out for scandalous, vexatious or unreasonable behaviour by an appellant or for excessive delay in proceeding with the appeal. Before making such an order the appellant will be sent notice giving them an opportunity to show why the order should not be made.</p>		<p>general secretary within one month of the decision being sent to the member. The case will be referred to the Appeals Tribunal. There shall be no further right of appeal against the decision of the Appeals Tribunal.</p>	<p>The provision governing the striking out of an appeal has been moved to clause 9, and applies to both an appeal to the CEC and the Appeals Tribunal</p>
		<p>9</p>	<p>The Central Executive Council, or as appropriate, the Appeals Tribunal may order an appeal to that body to be struck out for scandalous, vexatious, or unreasonable behaviour by an appellant or for excessive delay in proceeding with the appeal. Before making such an order the appellant will be sent notice giving them an</p>	<p>This provision now applies to both an appeal to the CEC and the Appeal Tribunal, and reflects the provision previously found in the rules governing an appeal to the CEC and the Appeals Tribunal</p>

			opportunity to show why the order should not be made.	
		10	Where an appeal under this rule is against a recommendation to expel or decision to expel a member, a decision to ban a member from holding any GMB office, or a decision to ban a member from taking part in GMB activities, the member will not be able to participate in any union activities and/or will be suspended from any office held pending the determination of the appeal.	Where there is an appeal against a decision to expel, the rule now provides that pending the outcome of the appeal the member cannot participate in the activities of the union, and specifically may be suspended from any office held.
7a		11	If the conduct alleged against a member is deemed at any stage to be of such a serious a nature that requires it, then the Regional Committee or Regional Secretary may resolve at any time to suspend the member from any office held by the	This new sub rule introduces powers for the regional committee or (subject to regional committee ratification) the regional secretary pending the outcome of the disciplinary process to suspend a member from any office, and, in addition or as an alternative, to bar the member from taking part in union activities ( such as attending any meetings of the union).

		<p>member and/or bar the member from taking part in any union activities (including meetings) of the union pending the outcome of the disciplinary process. Where the decision to suspend and/or bar is made by the Regional Secretary, such suspension and/or barring from taking part in union activities will cease at the end of the next following meeting of the Regional Committee, unless that suspension and/or barring is ratified by the Regional Committee at that meeting. A resolution under this rule by the Regional Committee to suspend and/or bar from taking part in union activities or ratify a decision of the Regional Secretary under this rule will require a two thirds majority of the members of the Regional Committee present and</p>	<p>These powers are included to protect the union against a member damaging the union's interests when subject to the disciplinary process and are only available where the conduct alleged is of the most serious nature, due to their potential impact, which could include implications for a postholder's job (eg their full time release).</p> <p>It is proposed that to exercise these powers or to ratify a decision of the regional secretary, a 2/3rds majority of the regional committee present and voting in favour is required. The requirement for a 2/3rds majority is intended to provide protection, for all parties, against misuse of this power</p>
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			voting in favour. There shall be no right of appeal against such decision.	
8	<p>At each hearing before the regional council, the regional Committee, the Central Executive Council or the Appeals Tribunal, the member will have a reasonable opportunity</p> <ul style="list-style-type: none"> <li>to hear the evidence against them, to answer it and to question witnesses;</li> <li>to present their case orally or in writing, and</li> <li>to support their case with written statements or by using witnesses</li> </ul>	12	<p>Before any disciplinary action is taken under this rule, (except under clause 11), and before any decision is made on appeal, the Regional Council, the Regional Committee, the Central Executive Council or, as appropriate, the Appeals Tribunal will so far as reasonably practicable allow the member a reasonable opportunity</p> <ul style="list-style-type: none"> <li>to hear or be provided with a record of the evidence presented against them,</li> <li>to answer that evidence and to question, or raise questions to be asked of, any witnesses giving evidence against them;</li> <li>to present their case in</li> </ul>	<p>This sub rule now brings together the provisions that govern different parts of the process and includes new provision for the CEC to issue guidance further to regulate the process.</p> <p>That guidance is to include guidance as to how any hearing might be held remotely.</p> <p>The underlying protections provided to a member facing disciplinary action are broadened to allow for a modified procedure if it would be inappropriate for the reporting member and the member facing action to be in the same room together, and leave the process for the disciplinary body to determine within the constraints of the rule</p>

			<p>person or in writing, and</p> <ul style="list-style-type: none"> <li>• to support their case with written statements or by using witnesses.</li> </ul> <p>In notifying the member of any decision under this rule, the member must be notified in writing, about any right to appeal under these rules.</p> <p>The Central Executive Council may publish guidance governing any parts of the procedure to be followed under this rule as they may from time to time determine, to include when and how any hearing might be held remotely</p>	<p>Currently guidance is provided internally but is not directly referenced within the rules. It includes procedural guidance which as a matter of practice is issued to members who are subject to the rule 5 process and some which is not.</p> <p>The benefit of making express provision to the guidance in the rules is that it gives clear authority for that part of the guidance issued to members. However, if this approach is adopted, it may well be appropriate that there be a separation between the guidance (which would be made available in full to members) and what might then be best described as an</p>
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				explanatory note to be made available to regional secretaries and others operating the process, and which can in time include model letters etc
		13	Any member of a decision-making body under rule 5, 5A or 6 must be free to undertake their role on that body without interference from any other member such as by attempting to influence a decision, sanction, or outcome. Interference by any member is a serious disciplinary offence and any attempt to interfere with due process should be reported to the General Secretary.	This is a new rule seeking to address concerns about interference with the process. It can only address the actions of members. If there is a requirement to regulate the conduct of employees, then that needs to be addressed through their contracts of employment, or the staff handbook

**Rule 5A Sexual harassment policy for members**

			The Central Executive Council will issue a sexual harassment policy for members, which terms will	This is a new rule making express and separate provision for the sexual harassment policy to apply, including the procedure for considering complaints and
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		<p>include a procedure which will apply in respect of any complaints or allegations that a member has engaged in unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment against another member, a member of the union's staff or a third party. In the event of a conflict between the terms of these rules and that policy, the terms of the policy shall prevail.</p>	<p>allegations made. Neither rule 5 nor 6 will apply to sexual harassment and the position will be governed by the policy alone</p>
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**Rule 6 Complaints procedure for members**

1	<p>Any member who wants to complain must do so to their branch secretary who will take the matter to the branch. If the member is not satisfied with the branch’s decision or the branch decides it does not have the authority to deal with the matter the member can appeal in writing to the regional committee within one month of the branch meeting. The regional committee will make the final decision. The Regional Committee may order a complaint to be struck out for scandalous vexatious or unreasonable behaviour by the complainant or for excessive delay in proceeding with the complaint. Before making such an order the complainant will be sent notice giving them an opportunity to show why the order should not be made</p>	1	<p>Subject to other provisions within this clause, any member who wants to complain should ordinarily do so in writing to their branch secretary who will take the matter to the branch.</p> <p>If the complaint is one of sexual harassment, the member should raise their complaint under the sexual harassment policy issued under Rule 5A and this rule shall not apply.</p> <p>Any member may raise a complaint with their Regional Secretary if the complaint concerns the branch secretary or for any reason it would be inappropriate for the matter to be raised with the branch secretary and considered by a branch meeting, when it will be considered by the Regional Committee</p> <p>If raised with the branch secretary then if either:</p> <ol style="list-style-type: none"> <li>a. the branch decides it does not have the authority to deal with</li> </ol>	<p>The intent has been to seek to simplify this rule, make clear that the rule does not apply to sexual harassment complaints against members, and allows for the member to complain to the Regional Secretary, where the complaint relates to the branch secretary “or for any reason, it would be inappropriate for the matter to be raised with the Branch secretary and considered by the branch in meeting”</p> <p>Though it has been suggested that the regional committee decision might be subject to appeal, this is not a legal requirement and there may be</p>
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		<p>the matter or provide a remedy; or</p> <p>b. the branch considers the complaint, and the member is not satisfied with the branch's decision and provides written notice of appeal to the regional committee within one month of the branch meeting.</p> <p>the Regional Committee will consider the complaint.</p> <p>There shall be no right of appeal against any decision of the Regional Committee.</p> <p>The Regional Committee may order a complaint to be struck out for scandalous vexatious or unreasonable behaviour by the complainant or for excessive delay in proceeding with the complaint. Before making such an order the complainant will be sent notice giving them an opportunity to show why the order should not be made.</p>	<p>merit in the handling of complaints having early finality (assuming not referred to rule 5).</p>
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2	<p>At each hearing before the branch or the regional committee the member will have a reasonable opportunity</p> <ul style="list-style-type: none"> <li>• to present their case orally or in writing</li> <li>• to support their case with written statements or by using witnesses</li> <li>• to hear the evidence against their complaint, to answer it and to question witnesses.</li> </ul>	2	<p>At any hearing under this rule the Branch or the Regional Committee will so far as reasonably practicable allow the member a reasonable opportunity</p> <ul style="list-style-type: none"> <li>• to hear or be provided with a record of the evidence against presented against them,</li> <li>• to answer that evidence and to question, or raise questions to be asked of, any witnesses giving evidence against them;</li> <li>• to present their case in person or in writing, and</li> <li>• to support their case with written statements or by using witnesses.</li> </ul> <p>The Central Executive Council may issue guidance governing any parts of the procedure to be followed under this rule as they may from time to time determine, to include when and how any hearing might be held remotely, and when a matter should be referred for consideration under Rule 5.</p>	<p>This rule has been amended to reflect the new rule 5.12.</p> <p>Provision has been included for the CEC to issue guidance governing the procedure which are expressly intended to include how any hearing might be held remotely, and as to when the matter should be addressed under new Rule 5.</p> <p>The benefit of making express provision to the guidance in the rules is that it gives clear authority for that</p>
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				<p>part of the guidance issued to members. However, if this approach is adopted, it may well be appropriate that there be a separation between the guidance (which would be made available in full to members) and what might then be best described as an explanatory note to be made available to regional secretaries and others operating the process, and which can in time include model letters, recommended timescales for hearing complaints etc</p>
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