

PDA Union Rules

Version 15 - Agreed 16 January 2020

A. NAME, OBJECTS AND DEFINITIONS

1. Name and Principal Office

The Union shall be named - "The PDA Union" (hereinafter called the "Union") with its principal office at The Old Fire Station, 69 Albion Street, Birmingham, B1 3EA or such other place as the National Executive Committee shall from time to time decide.

2. Definitions

Throughout the Rules unless the context otherwise requires:

- (a) "Staff" means all persons in the employment of the Union.
- (b) "Full Member" means a person holding a current Membership Card who is not more than two months in arrears with their membership subscription payments,
- (c) "Associate Member" means a person holding a current Membership Card who is not more than two months in arrears with their membership subscription payments who has joined or renewed in the Associate membership category.
- (d) "Student member" means a person who has had their membership or renewal application accepted in the Student membership category.
- (e) "Retired member" means a person who has joined or renewed in the Retired membership category.
- (f) "The Members" mean the Full, Associate and Student Members of the Union.
- (g) "Employers" mean those companies or organisations that employ that have previously employed, or will employ pharmacists or pre-registration trainee pharmacists .

- (h) "The Officers" means the General Secretary, Assistant General Secretaries, Communications Officer, Treasurer and any other role as decided by the National Executive Committee
- (i) "The Trustees" mean the Trustees of the Union.
- (j) " National Executive Committee" will be referred to as NEC.
- (k) "Regional Committee" will be referred to as RC.
- (l) "Regional Official" will be referred to as RO.
- (m)"Divisional Committee" shall be referred to as DC.
- (n) "Officials" are senior employees of the Union authorised to act on the union's behalf.
- l) "The Rules" mean the Rules of the Union from time to time in force.

In these Rules the singular includes the plural and vice versa.

3. Objects

The objects of the Union shall be:

- (a) Where appropriate, to be recognised by Employers for the purpose of regulating the relations between the Members and Employers through negotiation and consultation and where appropriate the provisions of the Information & Consultation Regulations.
- (b) To protect the Terms & Conditions of the Members individually (or collectively) and where appropriate secure adequate remuneration for their services and improvements in their conditions and material wellbeing.
- (c) To represent, defend and support the interests of Members either individually or collectively in respect of their Terms & Conditions in dealing with Employers and/or outside organisations.
- (d) To encourage all eligible Pharmacists, Pre-Registration Graduates and Pharmacy Under-Graduates to become Members of the Union, but to exclude Directors of Pharmacy companies, Superintendents of Pharmacy chains greater than 10 shops and owners/proprietors of Pharmacy businesses.
- (e) To provide such benefits, representation, legal and other services and assistance to its members who were members at the time of the

termination of their employment as the NEC shall consider appropriate and practical.

- (f) To accumulate and utilise funds for the promotion of its objects and to invest such funds in such a manner as the NEC shall decide.
- (g) To associate with such other organisations and unions as shall be considered desirable for promoting Union's objects.
- (h) To hold an annual meeting(s) (or other such meetings that may from time to time be required) of the members of the Union.
- (i) To circulate such information as may be thought desirable by means of a periodical journal, which shall be the journal of the Union, and by the occasional publication of other papers.
- (j) To promote equality for all and to eliminate all forms of harassment, prejudice and unfair discrimination, both within its own structures and through all its activities, including its own employment practices.
- (k) To do all things as will assist in achieving the above.

B. POLITICAL AFFILIATION

4. Political Affiliation

The Union shall not affiliate to or subscribe to any political party unless a political fund has been created in accordance with trade union legislation.

C. MEMBERSHIP

5. Eligibility

Membership shall be open to all Pharmacists as defined in rule 3(d)

- (a) Every applicant for membership of the Union shall complete an application form and forward it to the union's principal office. Membership shall commence on the first day of the month in the month the application is made. In cases of rejection the applicant has the right of appeal in accordance with the procedure under Rule 10 section (b)(iv).
- (b) All applicants, other than Student and pre-registration Pharmacists, who are accepted into membership will receive a Membership Card. A copy of

the rules is available on the website – a hard copy is available from the General Secretary. (Rules are available in different formats on request).

- (c) Individual representation shall not be provided for any issues that occurred or began before membership was incepted except at the discretion of the NEC.
- (d) Any member ceasing to be a member, resigning, being expelled or suspended from membership shall have no right or claim upon the Union nor upon its funds or effects, nor shall they be able to vote (see Rule 16).
- (e) Officials shall be deemed to have membership of the Union but shall have no voting rights nor any rights upon the funds or effects of the Union other than by any individual contract to which they may be a party.

6. Retired Membership

All retired members of the Union shall not be entitled to vote or hold any Office. They shall have access to the website and continue to receive communications unless they state to the contrary.

7. Register of Members

The General Secretary shall hold a register showing the addresses of all Members, Employer, work location and job title, together with any other relevant information. Members shall notify the Assistant General Secretary (Administration & Membership) in writing, of any changes.

- (a) The General Secretary is responsible in ensuring that the membership records are held and are available in accordance with the Data Protection Act 2018, General Data Protection Regulation (GDPR) and the Transparency of Lobbying, Non-Party Campaigning and Trades Union Administration Act 2014.
- (b) Trade Union membership is considered as sensitive and personal data as defined within the Data Protection Act 2018 and General Data Protection Regulation (GDPR) and as such requires the specific permission of the data subject for this information to be held. In granting membership to the union it is considered that the applicant has given such permission.
- (c) The General Secretary is responsible in ensuring that the membership records are held and are available in accordance with current trade union legislation.

8. Subscriptions

- (a) The Subscription shall be considered on an annual basis, or on a more regular basis, as determined by the NEC. The subscription level shall be set by the NEC, who may vary such subscriptions depending upon the status or description of the member.
- (b) Subscriptions shall be due on the first day of the calendar month of commencement of membership and is paid annually thereafter.
- (c) An additional levy (not exceeding 12 month's subscriptions) for a specific purpose may be made by the NEC with the approval of a majority of the members who vote on a resolution by way of ballot.
- (d) A member whose subscription is one calendar month overdue, or who is one month overdue in the payment of any other money payable under or by virtue of these Rules shall be given written notice of the fact and will not thereafter be entitled to attend any meeting of the Union or to vote in any ballot. The NEC shall have the power to reduce or waive a member's subscriptions in case of special hardship.
- (e) Any person whose membership has been terminated in accordance with Rule 8 (d) hereof may be re-admitted to membership on payment of all outstanding subscriptions and an application for membership provided always that the NEC may, in their absolute discretion, waive the payment of all or any part of such arrears.
- (f) The Union shall give 28 days' notice to members of any changes to subscription rates.

9. Termination of Membership

- (a) A member may terminate his/her membership at any time by giving one calendar months' notice in writing to the General Secretary. This may be subject to an Administration fee.
- (b) A member who is "struck off" from the official register of Pharmacists in Great Britain and/or the official register of Pharmacists in Northern Ireland, shall cease to be a member of the Union unless they are and continue to be represented by the Union and are up to date with their subscriptions.
- (c) A student member who ends their course without qualifying or a pre-registration member who does not become a registered pharmacist shall cease to be a member of the Union unless they are and continue to be represented by the Union.

- (d) Provided notice has been given under Rule 8 (d), any member who makes default in the payment of subscriptions for more than two months or in the payment of any other money payable under or by virtue of these Rules shall cease to be a member.
- (e) Any member whose conduct is deemed to be detrimental to the objects and wellbeing of the Union shall be removed from membership by a resolution passed by a simple majority of the NEC attending a formal meeting.
- (f) Any member ceasing to be a member or resigning or being expelled or suspended from membership shall have no right or claim upon the Union or upon its funds or effects.

10. Discipline

- (a) All members, including Retired members, of the Union are required to act in accordance with these Rules and not to conduct themselves in any way prejudicial to the interests of the Union.
- (b) If the NEC of the Union as defined in Rule 13 has a reason to believe that a member (which expression shall include an Officer) has acted contrary to the Rules or conducted himself/herself in a way detrimental to the objects and wellbeing of the Union, they may take disciplinary action against him/her as follows:
 - i.* The member shall be given notice in writing by the General Secretary setting out the complaint and notifying him/her that he/she may be represented to make representations in person or in writing to the meeting of the NEC at which the complaint is to be considered, which shall not be less than twenty-one days from the date of the notice.
 - ii.* The NEC shall give full consideration to any representation made by or on behalf of the member and if they find the charge proven, shall give him/her written notice of their findings which may provide for one or more of the following penalties:
 - Expulsion from membership;
 - Suspension from membership for a specified period;
 - Debarring from Office for a specified period.
 - iii.* The member may, within fourteen days of the date of the notice of their findings, appeal against the decision of the NEC. The notice of appeal shall be in writing addressed to the General Secretary. The ruling of the NEC shall not be applied during the fourteen days, nor,

if an appeal has been made within that period, until the appeal has been decided.

- iv. The appeal shall be to an appeal body composed of members of the union appointed at the Annual General Meeting who are not members of the NEC. The Appeal Body to be Chaired by the Consultant or another appropriate neutral Trade Union Official. The General Secretary shall summon them for the purpose and give reasonable notice of their meeting to the appellant member or applicant, who may attend, may be represented and will be entitled to be heard. The appeal body may uphold or reverse the verdict and confirm, vary or rescind the decision or ruling of the NEC within the limits prescribed in paragraph (b) (ii) above. The ruling of the appeal body shall have immediate effect unless the appeal body otherwise decide, and shall be notified in writing to the appellant.

D. ADMINISTRATION

11. Organisation

The Union shall be administered as follows:

- (a) A number of Regional Committee's, RC's as defined in Rule 12.
- (b) A National Executive Committee, NEC, as defined in Rule 13.
- (c) An Annual General Meeting as defined in Rule 15.
- (d) The Trustees as defined in Rule (17)(f).

12. Regional Committees (RC's) & Divisional Committees (DC's) (see appendix 2)

- (a) The Union shall comprise of a number of RC's (as determined from time to time by the NEC) –

- Region 1
- Region 2
- Region 3
- Region 4

- (b) Each RC shall comprise of representatives from the following sectors –

- Locums
- Community Employees

Hospital Employees
Primary Care

+ where appropriate 1 representative from each DC within the RC

Students and Pre-Registration Students will be represented centrally by having an elected representative attending the NEC

Each sector will have a number of representatives based on a ratio of 1:500 with a maximum number of 3 representatives for each RC.

Should a representative move from one sector to another and/or one region to another, then he will be deemed to have resigned from that post and an election for the vacant post should take place.

Each RC will be supported by Officers or Officials of the Union where appropriate. The RC will recommend items to be discussed at NEC Meetings and put forward the views of their RC at such meetings on topics raised by the NEC or other RC's.

Each RC will elect from amongst the representative's one member to sit on the NEC and also represent the views of their members at AGM's and any SGM.

To ensure that the views of other RC's are known, each sector representative will partake in a "Virtual Meeting" with their corresponding post holder in all the other regions.

- i.* Normally the RC shall meet three times a year or on sufficient occasions as decided by the RC. The RC shall recommend items to be discussed by the NEC. However, 10% or 50 of the members in a Region (whichever is the smaller number), may by a request in writing to the General Secretary, require that a meeting of the RC be convened to discuss a specific topic as outlined in the letter of request.
- ii.* Resolutions debated at a RC shall be decided where appropriate by a majority of votes. Any RC member unable to attend may submit a proxy in writing to the Local Chair (see rule 12 (b)(vi)) The Local Chair or in his absence the person Chairing the meeting shall not have a casting vote.
- iii.* The RC shall have power to co-opt, provided that the total number of co-opted members shall not in any case exceed five. Co-opted members shall have no voting rights or be deemed to form part of a quorum. The purpose of the co-option is to provide specialist knowledge on a given topic. The co-optee will only address the

meeting when asked by the Chair of the meeting and only on the topic for which the co-option was made.

(c) Election of RC's

- i. Any member may be nominated as a representative to the RC, provided they have completed twelve months continuous membership of the Union.
- ii. Elections shall normally be held in January and the person appointed will assume office on the 1st day of the following April and serve for a period of five years. In the first year only the date of the Election and commencement of office will be determined by the Executive.
- iii. Nominations shall be in writing signed by the candidate, a nominee and four seconders who must be members and must be received not less than 21 days prior to the date of the election and must be accompanied by written confirmation by the nominee of his/her willingness to accept nomination.
- iv. In an election every full member, other than a member disqualified from voting by virtue of rule 8(d), shall be entitled to vote.
- v. Voting shall be by ballot in accordance with Rule 16.
- vi. The RC shall elect from amongst their number a Local Chair (see Appendix 3).
- vii. The RC shall elect from amongst their number one representative to sit on the NEC. (See Appendix 3)
- viii. Where the union has recognition rights with an employer then the DC shall be deemed to be a sub-committee of the relevant RC. In such cases one representative from the DC (normally the full time seconded representative) shall be a member of the relevant RC.
- ix. Any ordinary member may attend the Annual General Meeting of the RC.
- x. Any member absent from more than two consecutive RC Meetings, or is unlikely to be available for a period of excess of 6 months, shall be required to furnish an explanation and unless a satisfactory explanation is received the position shall be declared vacant. The authority regarding declaration of a vacancy lies with the NEC.

(d) Administration of Regional Committees

Each RC shall be administered by a

- (i) A Chair
- (ii) A Regional Official (RO)

The Chair shall be responsible to chair meetings and conduct meetings.

The Regional Official shall be appointed by the NEC.

The role is that of a Trade Union Official and the post holder will have no voting rights on the RC.

13. National Executive (NEC)

(a) Constitution

The NEC shall consist of:-

- i.* 6 full members elected directly by the membership who will constitute the Officers together with 4 full members, one from each RC and one member representing Students & Pre-Registration Students. The directly elected executive members shall elect from the 6, the Officers of the union.

NB. Should the union receive accept a Transfer of Engagements then this Constitution can be amended by a Section 102 Memorandum in accordance with the Trade Union & Labour Relations (Consolidation) Act 1992.

- ii.* A Consultant, (should the NEC wish to appoint such a role) who will be expected to attend meetings as required to give advice, but he/she will not be a member of the committee, he/she will not have any executive functions and will not be entitled to vote. The Consultant shall also be a Trade Union Official.
- iii.* Such co-opted members as necessary, but not exceeding one half of the normal compliment of the NEC.
- iv.* The NEC shall have the power to invite others to attend NEC Meetings to assist in their deliberations on specific matters.

(b) Election of NEC

Apart from the four members elected by the RC's and the member elected by the Student & Pre-Registration Students, the remaining NEC Members (who shall be the Officers) shall be directly elected by the membership. Voting shall be by a secret ballot conducted in accordance with current trade union legislation.

(c) Functions of the NEC

- i.* The NEC shall regulate its own affairs, subject to the Rules and Objects of the Union, and IS THE POLICY MAKING BODY OF THE UNION.
- ii.* The NEC shall engage and pay for any services it may consider necessary to further the objects of the Union. This includes the power to provide administration services and engage the services of a Consultant whose duties are defined in Rule 18 (a) or such other posts as from time to time are deemed as necessary
- iii.* The NEC shall form part of the appeals procedure of the Union and any member has the right to be heard by the NEC before any decision regarding disciplinary action is reached.
- iv.* Any member of the NEC can be removed from office when a resolution is supported by at least two-thirds of the NEC or at an AGM or SGM.
- v.* The NEC shall determine the Union's attitude on all matters in accordance with the Objectives of the union and the recommendations of the RC's.
- vi.* To recommend to the Trustees the investment of surplus funds in any manner.
- vii.* Determine the amount of subscriptions/levies from time to time payable in accordance with the rules.
- viii.* Appoint, give direction to and disband sub-committees of the NEC
- ix.* Delegate authority to a sub-committee of the NEC for a particular aspect of the union's work and to receive their recommendations,
- x.* Appoint scrutineers to supervise ballots as and when necessary.
- xi.* Recommend items to be discussed at RC's to gain a membership view.
- xii.* Put forward resolutions to the, AGM & SGMs.

- xiii.* Consider and recommend the annual accounts of the union to the AGM.
- xiv.* Recommend auditors to the AGM.
- xv.* Take any action consistent in furthering the interests of the members.
- xvi.* Determine from time to time the RC's (see Rule 2).
- xvii.* Determine the year end of the Union.
- xviii.* To enact rule changes of a strategic and/or operational nature in accordance with rule 22. Recommend all other rule changes to the membership.
- xix.* Determine the outcome of any topic on which this or any associated document is silent.
- xx.* Appoint a trade union official to any DC where the union has recognition from an employer. (See appendix 2).
- xxi.* Appoint RO's in accordance with rule 12c(ii).
- xxii.* Appoint other Trade Union Officials.
- xxiii.* Decide the "relevant date" for ballots thus determining those members eligible to vote (See Rule 16).
- xxiv.* Decide on the criteria for Membership categories (See appendix 4)

(d) Attendance from RC

Should the NEC member elected by an RC be unable to attend a meeting of the NEC, the RC Chair may attend in their place with the same voting rights. Should the RC Chair also be unable to attend another member of the RC may be invited to attend the NEC meeting as an observer.

14. Administration of Committees

- (a) The NEC, RC's and sub-committees shall regulate their own affairs subject to the objects and Rules of the Union. The election process for Chairs and NEC members elected by RCs is defined in Appendix 3.

Any DC will regulate their affairs in accordance with Appendix 2 – Should Appendix 2 be silent on any matter then the general rules of the union shall apply.

- (b) The Committees shall meet as follows:

The NEC – a minimum of 4 times a year and hold any additional meetings as they deem necessary.

RC's - a minimum of 3 times a year and hold any additional meetings as they deem necessary.

Sub committees as and when required, but in such a timely fashion as to be able to report to the NEC.

- (c) Notice of Meetings shall be issued to all Members of the RC concerned at least twenty eight days before the date of the Meeting. Items for the Agenda should be received two days before the issuing of an Agenda, which will be issued 14 days before the meeting.

Information about RC meetings will be made available to all ordinary members within that constituency in order that they may advise their representative(s) of any topic that they wish to be discussed at that meeting.

- (d) For Meetings of the NEC, an Agenda shall be prepared and issued to all NEC members seven days before the Meeting.

- (e) Minutes of each meeting of the RC shall be sent to the NEC for review at their next meeting after the RC meeting. A précis of the RC Meeting will be made available to all members within the relevant constituency within 14 days of the meeting.

- (f) A quorum shall consist of the smallest number exceeding one-half of the Committee concerned.

- (g) The General Secretary shall preside at all NCE Meetings, the AGM or any SGM. In the absence of the General Secretary, the Assistant General Secretaries shall preside. In the absence of the General Secretary, or the Assistant General Secretaries, the Treasurer or Communication Officer shall preside. In the absence of all of these roles, a Chair shall be elected by those present.

- (h) Decisions of the NEC shall generally be by agreement but if two or more persons request a vote it shall be by hand with each member having one vote. (The General Secretary or the person chairing the meeting shall not have a casting vote)

- (i) Any member absent from more than two consecutive NEC Meetings, or is unlikely to be available for a period of excess of 6 months, shall be required to furnish an explanation and unless a satisfactory explanation is received the position shall be declared vacant. The authority regarding declaration of a vacancy lies with the NEC.
- (j) The accidental omission to give Notice of a Meeting or the non-receipt of a Notice of a Meeting by any person entitled to receive Notice shall not (automatically) invalidate the proceedings at that meeting.

15. Annual and Special General Meetings

(a) Organisation

The General Secretary, under the guidance of the Officers and the NEC, shall administer Annual General Meetings and Special General Meetings of members.

(b) Annual General Meetings (AGM)

An Annual General Meeting of members shall be held in within 3 months of the year- end;

- i.* the Annual Reports and Annual Accounts for the previous year;
- ii.* the appointment of auditors
- iii.* the report on the preceding year's activities from the General Secretary
- iv.* the appointment of an Assured Assessor in accordance with the Transparency of Lobbying, Non-Party Campaigning and Trades Union Administration Act 2014
- v.* any other resolution, within the confines of the Constitution, notice of which shall have been received at least 14 days prior to the date of the Meeting submitted by either:
 - The NEC, or
 - Any member supported by 20 other members.

At the conclusion of the formal proceedings an Open Forum shall take place. This gives members the opportunity to raise matters of interest with senior officials of the union. The Open Forum will not be minuted, but the NEC reserve the right for topics of merit to be discussed at the relevant RC, DC and/or the next appropriate NEC meeting.

(c) Special General Meetings (SGM)

- i.* Special General Meetings shall be called at the request of the NEC or if a request in writing supported by 30% of the full members, is received by

the General Secretary. The resolution must state the reason for requesting the calling of the Meeting and must be formally proposed and seconded.

- ii.* No business shall be discussed at the Special General Meeting other than that for which the Meeting was called.
- iii.* The accidental omission to give Notice of a Meeting or the non-receipt of a Notice of a Meeting by any person entitled to receive Notice shall not invalidate the proceedings at that Meeting.

(d) Administration

At least 28 days written notice of the meeting, stating the business to be transacted thereat, must be given of General Meetings. An Agenda will be issued 14 days before the meeting, or in the event of a Special General Meeting any amendments to any resolution to be laid before a Special Meeting; 30 full members attending shall constitute a quorum; voting shall be by show of hands. The Chairman does not have a casting vote. The result shall not be binding on all members of the Union unless the motion is first passed by a general vote at the meeting subsequently supported by a vote of all members where 2/3rds or more vote in favour. Full members not present may give a proxy vote (in writing) on any resolution that appears on the Agenda.

E. BALLOTS

16. Voting Procedure

Only those members who are in membership at the relevant date of the ballot shall be entitled to vote in any ballot. The relevant date shall be decided by the Executive, otherwise the relevant date shall be the date, or the last date on which voting papers are distributed.

(a) Supervision of Elections for RC's

The NEC shall, in accordance with the statutory provisions, appoint independent scrutineers from the list approved by the Secretary of State for Employment, who will be responsible for supervising the production and the distribution of nomination papers.

The nomination paper should show the name of the candidate (who must be a current member), together with the name and signatures of the candidate nominee and 4 seconders, who must also be current members. The proposed candidate, nominee and seconders shall be from their own RC. In the event of there being the same number of nominees (or less) as vacancies then the nominees will be considered duly elected. In the event of there being

more nominations than vacancies then the scrutineers will hold a ballot and act as returning officer(s).

(b) Administration

- i.* No voting papers shall identify the member to whom it is issued.
- ii.* All those entitled to vote must be given voting rights.
- iii.* Voting must be by the marking of a ballot paper in secret.
- iv.* Every member must be allowed to vote without interference or constraint.
- v.* Voting shall be by secret postal ballot.
- vi.* So far as practicable, every Member must be allowed to vote without incurring any costs.
- vii.* The names of the candidates must be printed on the ballot paper or on a separate document annexed to the ballot paper. Each candidate will be afforded the opportunity of addressing the membership by way of an election address (not to exceed 200 words), which will accompany the ballot paper.

(c) Supervision of Election of NEC's

The NEC shall be elected in accordance with Rule 13. Voting shall be by a secret ballot conducted in accordance with current trade union legislation.

The NEC shall, in accordance with the statutory provisions, appoint independent scrutineers from the list approved by the Secretary of State for Employment, who will be responsible for supervising the production and the distribution of nomination papers.

The nomination paper should show the name of the candidate (who must be a current member), together with the name and signatures of the candidate, nominee and 4 seconders, who must also be current members.

The proposed candidate, nominee and seconder may come from any member.

Administration of the ballot should be in accordance with 16 (b).

(d) General Meetings

Ballots for General Meetings (including Special General Meetings) shall be held in accordance with Rule 15 (d).

(e) Other Ballots

In the case of all other ballots that are specified by statute, then the NEC, shall take those steps necessary to comply with the relevant statute(s).

F. OFFICERS & OFFICIALS

17. Officers

Officers shall be elected directly by the membership for a period of 5 years.

(a) General Secretary

The General Secretary shall be the principal officer of the Union:

- i.* Preside at all meetings of the NEC and RCs/DCs (when invited) and at Annual General Meetings and Special General Meetings.
- ii.* Sign the Minutes of the NEC, Annual General Meetings & Special General Meetings and other official documents.
- iii.* Be responsible for ensuring that duties delegated to others for the proper organisation of the Union are performed.
- iv.* Be a cheque signatory.

(b) Assistant General Secretary (Strategic)

The Assistant General Secretary shall act in all matters in the absence of the General Secretary, and assume the authority given under these Rules to the General Secretary and be a cheque signatory.

(c) Assistant General Secretary (Tactical)

The Assistant General Secretary (Tactical) shall act in all matters in the absence of the General Secretary or Assistant General Secretary (Strategic), shall deputise for other members of the NEC as appropriate and be a cheque signatory.

(d) Assistant General Secretary (Administration & Membership)

The Assistant General Secretary (Administration & Membership) shall act in all matters in the absence of the General Secretary, Assistant General Secretary (Strategic) or Assistant General Secretary (Tactical), shall deputise for other members of the NEC as appropriate and be a cheque signatory.

(e) Communications Officer

The Communications Officer, as the Union's principal point of communications shall:

- i.* Advise members about the affairs of the Union by the publication of regular bulletins.
- ii.* Be the Chair of any Editorial sub-committee.
- iii.* Be the Union's public relations Officer in respect of external relationships.
- iv.* Ensure that the Union's publicity literature projects a proper image of the Union.
- v.* Be a cheque signatory.

(f) Treasurer

The Treasurer shall:

- i.* Receive all income paid to the Union including members' subscriptions.
- ii.* Maintain all accounting records relating to the Union and shall place all monies into a bank account in the name of the Trustees of the union or as directed by the Trustees.
- iii.* Be responsible for paying all the Union's expenses. Shall be a cheque signatory and ensure that all cheques drawn are properly authorised, provided that in respect of payments in excess of £250, the signatures of two authorised signatories are obtained.
- iv.* Recommend to the Trustees, & the NEC proposals for the investment of surplus funds and on the authority of the NEC make the necessary arrangements.
- v.* Prepare interim accounts as required by the NEC.

- vi.* Prepare for consideration and approval at an Annual General Meeting an Income and Expenditure Account and a Balance Sheet showing the state of the Union's affairs at the end of the financial year. Copies will be circulated to members prior to the Annual General Meeting.
- vii.* Prepare an Annual Return for submission to the Certification Officer for Trade Unions & Employers' Associations.
- viii.* Prepare a financial statement for circulation to the members within 8 weeks of the submission of the Annual Return to the Certification Officer.
- ix.* Maintain a petty cash float not exceeding £500 for the payment of properly authorised expenses. (It is preferred that expenses are paid by cheque).
- x.* For the first meeting of the financial year, prepare budgetary recommendations to enable the NEC to fix the amount of Members' subscriptions in accordance with Rule 8 (a).
- xi.* Recommend the level at which expenses will be reimbursed to RCs, DCs, NEC members, Officials and staff.
- xii.* Report to each NEC meeting on the Union's income and expenditure, assets and liabilities.
- xiii.* Ensure that there is an insurance policy in force to indemnify representatives at all levels.

(f) Trustees

The Officers of the Union may also be the Trustees (unless it is decided by the NEC that external Trustees are appointed in accordance with the legislation in force at that time in respect of Trusteeship).

- i.* All property of the Union both real and personal shall be vested in the Trustees and the Trustees shall hold the same upon trust for the purposes of the Union.
- ii.* Subject always to the approval of the NEC shall have the power to invest funds of the Union in any investment authorised by statute.
- iii.* Subject to the approval of the NEC the Trustees shall supervise the financial dissolution of the Union.
- iv.* In operating any bank or other account the Trustees may make arrangements for withdrawal on the signatures of two trustees.

- v. A Trustee who becomes unfit (on grounds of bankruptcy or other civil or criminal misdemeanour) or is unable on medical grounds to carry out his/her duties can be replaced by a resolution of the NEC.
- vi. A certified copy of a resolution of the NEC appointing or removing the Officers of the Union shall be deemed to be evidence of the appointment or removal of Trustees.

18. Staff and Officials

(a) Consultant

A Consultant, who shall not be an employee of the union, may be appointed or if necessary removed under the terms and conditions established by the NEC under whose direction he/she shall work. While he/she shall be required to attend Meetings of the Union from time to time, he/she shall have no entitlement to vote on any issue. The Consultant shall:

- i. Advise the Union on aspects of personnel and industrial/employee relations policy.
- ii. In particular advise on legislation relevant to employment.
- iii. As required, conduct negotiations on behalf of the Union.
- iv. When required by the General Secretary and/or the NEC give such assistance required by way of advice and representation of members involved in grievance or disciplinary procedures.
- v. Be considered as a Trade Union Official within the meaning of current legislation.

The Consultant cannot commence any industrial action without the requisite authority as specified in Rule 26.

(b) Regional Officials (RO's)

The role is that of a Trade Union Official and the post holder will have no voting rights on the RC or NEC.

The duties of the Regional Official will be stipulated in the Job Description, but will include the following items, although this list is not exhaustive.

- i. Advise and/or represent members in the region in either individual or collective Grievance or Disciplinary matters.

- ii.* Attend to the day-to-day administration of the region.
- iii.* Attend all regional meetings and take minutes.
- iv.* Act in a secretarial role for the region.

(c) Staff

The General Secretary may appoint staff and agree their job content and reporting structures as required from time to time to best meet the needs of the union

- (d) The NEC may appoint National Officers or other Trade Union Officials as required from time to time to best meet the needs of the union .

(e) Individual Case Representatives

The Executive may appoint Individual Case Representatives to assist in handling grievance and disciplinary matters on behalf of individuals or groups of members. These Representatives will be appointed as Trade Union Officials subject to current trade union legislation.

(f) DC's – Trade Union Officials

There shall be at least one trade union official appointed by the NEC to each DC.

(g) Assured Assessor

An Assured Assessor appointed in accordance with the Transparency of Lobbying, Non-Party Campaigning and Trades Union Administration Act 2014.

G. ACCOUNTS & AUDITORS

19. Accounts

- (a) The funds of the Union shall be applied to purposes as are consistent with the objects of the Union.
- (b) The Union's financial year shall terminate at 31st March of each year.
- (c) An income and expenditure account and a balance sheet shall be completed at the end of each financial year and circulated to members prior to the Annual General Meeting in accordance with Rule 17(e)vi.
- (d) All returns required by statute shall be completed and sent to the Certification Officer after the Annual General Meeting.

20. Auditors

- (a) Subject to Rule 15 (b) (ii) Auditors shall be appointed by a resolution passed by members at an Annual General Meeting to hold office up to and including the next Annual General Meeting.
- (b) In particular auditors shall not be removed from office except by a resolution passed at a either an Annual General Meeting or Special General Meeting of members.
- (c) The Auditors must be able to comply with current trade union legislation.

H. GENERAL

21 Resolutions requiring the general approval of members

The Union cannot amalgamate, transfer its engagements, be dissolved or affiliated with another organisation except by a special resolution authorised by the NEC and passed by two thirds of the membership voting by postal ballot. In the event of the Union being dissolved, the NEC shall remain in office until the affairs of the Union have been wound up.

22 Rule Changes

The Rules of the union clearly fall into two categories, those that are operational and/or strategic, and those that are Constitutional. Examples of those items that are considered as Operational/Strategic and those that are considered as Constitutional are contained in Appendix A – these examples are not exhaustive.

- (a) By their nature, those items that are operational and/or strategic, that affect the efficiency of the Union require immediate action and are therefore the proper domain of the NEC. Such rules may be changed by the NEC in accordance with rule 13 (c) xvii and subject to rule 23a.
- (b) Such items that are deemed to be of a Constitutional nature require the authority of a General Meeting (AGM or SGM), unless they can be determined by reference to rule 23a.

23. Interpretation and availability of Rules

- (a) The interpretation of any of these Rules lies with the NEC and the NEC shall determine any matters where these Rules are silent.

- (b) Any member of the Union shall be entitled to view the rules on the web site or obtain a hard copy of the Rules on application to an Officer or elected representative of the Union.

24. Investigation into complaints by members

When any member has a complaint that action contrary to the Rules of the Union has been taken, the following procedure shall apply;

- (a) A written statement giving precise details of the action complained of, and in particular the relevance of any Rules of the Union, shall be submitted to the General Secretary.
- (b) The General Secretary shall make any enquiries he/she considers necessary and advise the member of his/her findings.
- (c) If the member remains dissatisfied the matter shall be placed before the next meeting of the NEC.
- (d) The views of the NEC shall be made known in writing to the member who raised the issue.
- (e) If the member remains dissatisfied, they may refer the matter to the Appeals Sub-Committee appointed by the AGM. The member shall be entitled to make representation to the sub-committee personally.
- (f) The report of the sub-committee shall be made known to the member concerned and the NEC.

25. Winding-up of the affairs of the Union

- (a) If a resolution for the dissolution of the Union is approved by 2/3rds of the membership by voting in a ballot, then the NEC shall remain in Office until all the affairs of the Union have been wound up.
- (b) The Union's surplus funds and assets, after providing for all liabilities, shall be used for welfare purposes for the benefit of the members. In the event of a deficit being revealed this shall be met by means of a levy on the persons who were members at the end of the calendar month prior to the date on which the resolution for dissolution was passed.

26. Industrial Relations

IT IS THE OVER-RIDING POLICY OF THE UNION THAT NO ACTION WILL BE TAKEN THAT WOULD BE IN CONTRAVENTION OF THE PHARMACY CODE OF ETHICS IN RELATION TO PATIENTS.

Subject to the above paragraph, the following conditions should be applied -

- (a) All stages of conciliation and arbitration must be completed before industrial action may be contemplated by members of the Union.
- (b) In matters subject to arbitration no industrial action shall be taken unless an Employer fails to comply with the award of an Arbitrator.
- (c) Where there is no provision for arbitration, industrial action can only be taken after a meeting between representatives of the NEC and the Employer at which the Union has registered a "failure to agree".
- (d) The authority for industrial action lies as follows:-

- i.* The NEC

- Official industrial action which does not include the withdrawal of labour must have written approval of the NEC.

- ii.* Total Membership

When the action contemplated is a withdrawal of labour by either a specified group of members or by the total membership, approval is required by ballot in accordance with legislation current at the time.

- (e) The NEC shall be responsible for ensuring that any form of industrial action which is contemplated shall only take place after all statutory requirements have been complied with.

27. Inspection of Register of Members

The Register of Members will be held in accordance with the Data Protection Act and the Transparency of Lobbying, Non-Party Campaigning and Trades Union Administration Act 2014

Any member of the Union shall have the right to inspect the Register of Members within 7 days of the receipt by the General Secretary of a written request to do so, provided always that such written request shall set out the reasons for the inspection and these reasons comply with Data Protection legislation.

Any member may make a data subject access request in accordance with Data Protection legislation.

The Register of Members may be disclosed to the appointed scrutineers (a scrutineer on the list approved by the Secretary of State for Employment or the Electoral Reform Society)

Appendix 1 – Rule Changes

Operational/Strategic	Constitutional
A1; A2	A3
	B
C5; C7; C8 [except C8 (c)]; C9; C10;	C6; C8(c)
D11; D13; D14	D12; D15
	E16
F17; F18	
	G19; G20
H22 [excluding (ii)]; H23; H25; H26 [excluding (d)(ii)]; H27	H21; H22 [excluding (i)] H24; H26 (d)(ii)
Appendix 2, 3 & 4	Appendix 1

Appendix 2 - Divisional Committees (DCs)

There will be a DC formed in each employer where the union has formal recognition from an employer. This Committee will be considered as a sub-committee of the relevant RC based on the location of the principal UK office of that company.

For instance recognition in Boots which has a Head office in Nottingham would be known as the Boots Division, part of the North Region.

Constitution

The DC will reflect the size and geographical nature of the workforce they represent. Normally the DC will be supported by the local RC. However the make-up of each divisional/regional committee will be decided by the NEC.

A quorum shall be one member more than half of the membership of the relative committee.

At the first meeting and annually thereafter, they shall elect from amongst their number a Divisional Chair and Secretary to preside over meetings and maintain minutes and records respectively. The term of office will coincide with their term as a representative.

They will be directed by a Trade Union Official who shall be appointed by the NEC

They can seek support from the parent RC

Wherever possible the union will seek full or part time seconded representatives.

Election of DC Representatives

Any member may be nominated as a representative to the DC, provided they have completed twelve months continuous membership of the Union or twelve months employment with the employer, or a subsidiary of the employer that has been transferred by either TUPE or Share Transfer.

Elections shall be held at the commencement of the DC and then coincide with the main PDAU elections. The person appointed will assume their duties on the 1st day of the following month and serve for a period of 5 years.

Nominations shall be in writing signed by two members and must be received by the General Secretary not less than 21 days prior to the date of the election and must be accompanied by written confirmation by the nominee of his/her

willingness to accept nomination. In an election every member working for that employer, other than a member disqualified from voting shall be entitled to vote.

Voting shall be by ballot in accordance with union rules

If an elected representative ceases to be qualified for membership of the DC an election for a successor will take place and the person elected shall take up office immediately and shall serve for the balance of the unexpired term. Provided always, that in the event of the representative ceasing to be qualified as aforesaid less than six months prior to the date upon which his/her term of office expires, no election need be held and the power of co-option may apply.

The DC shall elect from amongst their number a delegate or delegates to accompany the seconded representative to attend the RC, in accordance with the process detailed in Appendix 3

In the case of all other ballots that are specified by statute, then the NEC, where appropriate, shall take those steps necessary to comply with the relevant statute(s).

Any member absent from more than two consecutive DC Meetings, or is unlikely to be available for a period of excess of 6 months, shall be required to furnish an explanation and unless a satisfactory explanation is received the position shall be declared vacant. The authority regarding declaration of a vacancy lies with the NEC.

Function of the DC

The DC shall meet usually after the RC Meeting and before a JCNC Meeting. In addition a meeting may be called by the seconded representative or the appointed Trade Union Official or more than 50% of the DC.

Resolutions debated at the DC shall be decided, where appropriate, by a majority of votes. Any DC member unable to attend may submit a proxy in writing to the Secretary.

The Chair or in his/her absence the person chairing the meeting, shall not have a casting vote.

Consider all matters affecting the members brought to its attention in writing, by any member or by a DC Representatives attending the meeting.

Refer to the DC/JCNC any matter raised, discussed and passed at the RC

Review on a regular basis the ratio of representatives to members considering the size and nature of the workforce and recommend any change to the NEC. (Dependant on the size and structure of the employer the DC may create sub-committees to ease communication with the membership)

Appoint other sub-committees made up of members of the DC to study relevant matters and provide them with a clear direction as to their remit.

Arrange suitable training for representatives.

Take any action consistent with the Rules to further the interests of its members.

Recommend to the RC any rule change that affects the RC or DC.

Administration of the DC

The DC shall regulate its own affairs subject to the Objects and Rules of the Union.

The Chair shall:

1. Preside at all meetings of the DC and attend other meetings of the Union by invitation or request.
2. In the absence of a full time seconded representative, normally be the first point of contact between the Company and the DC on local issues only.
3. Be responsible for ensuring the duties delegated to others for the proper running of the DC are performed.

The Secretary shall:

1. In the absence of the Chair will assume all the roles of the Chair.
2. Issue a Notice of Meetings to all Members of the DC at least fourteen days before the date of the Meeting (unless all available members of the DC waive such Notice) and Notice shall be deemed to have been given.

The accidental omission to give Notice of a Meeting or the non-receipt of a Notice of a Meeting by any person entitled to receive Notice shall not (automatically) invalidate the proceedings at that meeting.

3. Issue within 7 days of the meeting an Agenda in respect of the DC to all ordinary members within the employer in order that they may advise their representative of any topic they wish to be discussed at that meeting. For the purposes of the Information & Consultation Regulations, the Notice of Meeting will be made public to non-members.
4. Prepare Minutes of DC Meetings in time for submission to the RC only – a précis of the Meeting will be made available to all members (and staff under any applicable ICE Regulations).
5. A copy of all Notices and Minutes shall be sent to the NEC and the RC
6. Refer all items that require authorisation and payment to the Treasurer of the Union.

Decisions shall generally be made by agreement, but if two or more DC Representatives request a vote, it shall be by hand, with each member of the DC having one vote.

Any DC representative absent from more than two consecutive meetings shall be required to furnish an explanation and unless a satisfactory explanation is received the position shall be declared vacant by the Committee.

Negotiating Team JCNC

The negotiating team shall normally consist of 3 people – a full time seconded representative, the trade union official or their deputies and one other from the DC.

A full time seconded representative shall normally be the principal point of contact with the company and sign the minutes any JCNC meetings or other minutes relating to meetings with the Company

The appointed trade union official/seconded representative will normally lead discussions with the company.

General

Should any instance appertaining to the running of the DC not be covered by appendix 2 then the normal rules of the union shall apply.

Elections shall be held in accordance with Section E Rule 16 of the rules of the union.

Appendix 3 - Election of Chair and NEC member by RC / Election of Secretary, Chair and RC member by DC

The Meeting

The first action of a RC or DC is to elect its Chair, Member of its parent Committee and Secretary (for DC only).

Elected members of the Committee vote to elect this position. Any co-opted members of the committee do not participate in these elections but may observe.

The RO or other attendee can chair the meeting for this initial item, after which the newly elected Chair will take over Chairing of the meeting. Should the successful candidate be absent from the meeting then following the election the committee will elect a Chair for the remainder of that meeting.

Election process

Elected Committee members are invited to submit a written application for the role. This can be an election address of up to 200 words before a deadline communicated by the RO. Bullet points and other punctuation do not count towards the word count. It is for each candidate to decide the content of their address, however for guidance they may wish to mention their qualifications, involvement in the union, and other pharmacist organisations and why they wish to be elected into the position and what they hope to do if elected. They should discuss their own candidature and not any other candidates.

If there is only one valid candidature by for a position received by the RO at the deadline that person will be deemed to be elected. If there are two or more valid candidates then members of the Committee will vote to elect the successful candidate.

The election addresses will be circulated to all elected members of the committee by the RO in advance of the meeting.

Candidates may contact other members of the committee to discuss their candidature and each will be entitled to receive the email contact details of committee members to facilitate that process. Care must to keep all content tone and the volume of such communication reasonable and proportionate.

At the meeting elected members present, including the candidates, will be invited to complete a ballot paper indicating which candidate they are voting for. Members unable to attend the committee meeting will be able to submit their vote in advance of the meeting and in confidence in a method determined by the RO which keeps their identity secret when ballots are counted. This may be in paper in a sealed envelope or by private e-communication.

There are no presentations or discussion on the candidates. Paper ballot papers will be distributed and collected by the Regional Official.

Another person should also count the votes with the Regional Official. The result of the vote will be announced to the meeting. The candidate with the most votes will be elected (on a first past the post basis).

If the number of votes is tied between two or more candidates, then the ballot will be re-run after removing from the process the names of any candidates who received less votes than the tied amount.

Members of the “parent” committee

A DC elects a member of the “parent” RC. An RC elects a member of the NEC. This position is elected following the same process as above.

The RC Chair is not eligible to also be the NEC member elected by the RC. A DC Chair is not eligible to also be the RC member elected by the DC. It is possible for a person to be both DC Secretary and the RC member elected by the DC.

The same person cannot be both Chair and Secretary of a DC.

These positions are for terms of office that match the current term of office of a Committee member. Should a committee agree to rotate these positions then the Chair/ NEC member elected by the RC/ RC member elected by the DC can resign that role (but remain on the Committee). This would cause a by-election which follows the same process.

Appendix 4 –Membership eligibility

1) Full members

- i) Pharmacists in Great Britain, Northern Ireland, the Channel Isles or Isle of Man are eligible for full membership of the union, except for those who are eligible for Associate membership.

2) Associate members

Pharmacists who would otherwise be eligible for Full membership, but that are:

- i) full or partial owners, or board Directors of organisations that employ other pharmacists. Minimal share ownership of large public limited companies is not considered as being an owner for these purposes; or
- ii) superintendents of pharmacy chains of greater than 5 registered pharmacy premises or of on-line pharmacies; or
- iii) Directors of Pharmacy or in roles of similar, or greater, seniority.

3) Student members

- i) Undergraduate pharmacy students, pre-registration trainee pharmacists in Great Britain, Northern Ireland, the Channel Isles or Isle of Man are eligible for student membership of the union.

4) Retired members

- i) Individuals that were formerly registered as pharmacists in Great Britain and/or Northern Ireland, the Channel Isles or Isle of Man are eligible for Retired Membership.