



# **CWU CODE OF CONDUCT**

## **1. Introduction**

CWU members have the right to expect a quality service from their union, within the rules and the guidance laid down by the National Executive Council. Where a member feels the union, its employees or its agents (e.g. solicitors) have not provided such a service, they have the right to complain and to seek a valid explanation of the union's actions. Valid complaints may also give the union an opportunity to adapt and improve its service to members.

Equally, a member or a Branch Committee may make a complaint against a member to the effect the member has engaged in an action or activity which is in breach of the Rules of the Union or, is guilty of conduct unbecoming that of a member. (Such conduct includes the failure to act in accordance with the instructions of the National Executive Council during the course of an industrial dispute).

It is important to stress this Code is not a replacement for Company Grievance Procedures or Dignity at Work Procedures, which must be utilised in full by members, if they have a grievance in the workplace. This can be done with support from the Union. Furthermore, this code is not to be used to fast track an issue by ignoring or bypassing the agreed union structures. Such structures are in place to ensure members issues can be represented quickly and in accordance with the various Company procedures. Where matters are appropriate to be dealt with by the employer, the case will be referred back together with guidance on how to proceed.

In all cases the CWU approach will in the first instance be to attempt to deal with concerns or issues raised by members in an informal manner. Should this not prove possible, the matter may be investigated in accordance with this Code of Conduct.

## **2. Statement of Policy**

The Union is a voluntary organisation and is hugely dependent on the volunteers who act as Branch Officers or Committee Members. These representatives take on these roles in addition to working for their employer and this should be recognised by all. These volunteers have a right to be treated with dignity and respect while undertaking their role. The Union will not tolerate any circumstances where volunteers or employees of the Union are the target of abusive or threatening behaviour by any member and will pursue such cases as per rule 2.7 of the Union's rule book.

### **3. Purpose of Code**

The purpose of this Code of Conduct is to set out a process where issues that arise in respect of:

- Discipline of members
- Complaints by members against Branch Officers or Representatives during the course of union duties
- Complaints by members, Branch Committees or Branch Officers against National or Regional Officers

Complaints will be addressed fairly and speedily in accordance with the principles of natural justice and the Union's rule book. The Union's rule book is made available to all new members when they join the Union and is also available on request from Union Head Office.

### **4. Representation**

At all stages of this code, including any appeals, members will be advised that they are entitled to be accompanied to any meeting by a Union member of their choice. The representative's role is to support and assist the member concerned.

### **5. Discipline of Members**

A member may be investigated either by a Branch Committee or the National Executive Council under Rule 2.7 with:

- Acting in any way contrary to the rules of the Union whether in their capacity as a member or a Branch Representative
- Being a party to any fraud or any misappropriation or misuse of its funds or property
- Knowingly, recklessly or in bad faith providing the Union with false or misleading information relating to a member or any other aspect of the Union's activities
- Inciting, espousing, or practising discrimination or intolerance amongst members on grounds of race, ethnic origin, religion, age, gender, disability, family status, civil status, or sexual orientation
- Bringing about injury to or discredit upon the Union or any member of the Union including the undermining of the Union, branch or workplace organisation and individual workplace representatives or branch officers.
- Obtaining membership by false statement material to their admission into the Union or any evasion in that regard
- Breach of the Union's policies on diversity, bullying and harassment as it applies to Union activities which may include cyber bullying and harassment
- Making a vexatious or consistently raising nuisance complaints

The above list is not exhaustive.

An allegation under this rule can be heard by a Branch Committee or by the National Executive Council depending on who initiated the process. It would be the normal practice for such allegations to be heard at Branch Committee level in the first instance. However, from time

to time depending on the circumstances, cases may initially be heard by the National Executive Council. Disciplinary allegations deemed to be of a serious nature may be initiated by the National Executive Council. A Branch contemplating investigating a member under Rule 2.7 should contact Union Headquarters for advice on how they should proceed.

Issues referred to the National Executive Council, will in the first instance delegate, the responsibility for investigating / examining any such allegations to a Sub Committee of the National Executive Council.

A member investigated under Rule 2.7 may be suspended by the National Executive Council from holding any office or representing the Union in any capacity pending its decision. In such circumstances a member shall be given written notice of any such suspension as soon as reasonably practicable.

A member under disciplinary investigation/ examination or charged with a disciplinary offence, including Branch Officers and Branch Committee members may not attend meetings of their own Branch other than as part of the disciplinary process.

## **5.1 Procedures for Disciplinary Cases**

### **5.1.1 Cases initiated by Branch Committee**

1. Should a Branch Committee decide to investigate the conduct of any member under Rule 2.7 then, they should seek advice from Union Headquarters on how to proceed. Headquarters will encourage an attempt to resolve the issue informally but if this is either not appropriate or has been unsuccessful so far the branch will be advised to establish a special Sub Committee consisting of three members of the Branch Committee. All members selected should not be associated in any way with the complaint.
2. This Sub Committee will be responsible for formally gathering relevant information and conducting a prompt preliminary investigation / examination of the issue. The Sub Committee will inform the member concerned that they have been requested to undertake this investigation and will provide them with a copy of the Code of Conduct. The Sub Committee may meet with the member concerned to establish facts in relation to the matter under investigation / examination. The Sub Committee will inform the member concerned that they have been requested to undertake this investigation / examination. The member concerned is expected to cooperate fully with the preliminary investigation and will be asked to provide the Sub Committee with any relevant documents. The purpose of the preliminary investigation / examination is to allow the Sub Committee to gather factual information relating to any concerns or allegations against the member. The member concerned should be advised that they are entitled to be accompanied by a union member to any meeting.
3. Following a thorough investigation and as soon as practically possible the Sub Committee will determine whether the member concerned should be charged under Rule 2.7 and will present a report to the Branch Committee. If the Branch Committee accepts the report and decides the member concerned has a case to answer, then the Branch Secretary shall notify the member by registered post of the allegation(s), the penalties which may be imposed, and the time, date and place set for the hearing, which the member will be

invited to attend. The member will also be advised that they can choose to submit a defence in writing instead of attending the hearing. The date of the hearing will be at least fourteen (14) days after the date of the notice.

4. At the hearing the allegations against the member shall ordinarily be presented by the Branch Secretary.
5. Should the member fail to either, attend the hearing or, submit a written defence then the meeting will proceed to deal with the matter in the member's absence on the basis that the member concerned has no defence to make.
6. Following consideration of the matter by the Branch Committee and if by a majority they find the member guilty, then it may impose one of the penalties provided in Rule 2.7.1 i.e.
  - a. Prohibited from attending Union meetings for a given period;
  - b. Removed or suspended from office, prohibited from holding office or participating in any way in Branch or Union administration for a given period;
  - c. Deprived of some or all of the benefits of membership for a given period;
  - d. Suspended from membership for a given period;
  - e. Expelled from membership of the Union.
7. The member will be advised of the decision of the Branch Committee by email and by written notice sent to their address by registered post and the member will be advised of the right of appeal the decision to the National Executive Council.
8. The Branch Secretary will inform the General Secretary of any decision made and that the member concerned has been advised of the right of appeal to the National Executive Council.

#### **5.1.2 Appeals Process**

1. The member concerned shall have the right of appeal against a decision of the Branch Committee to the National Executive Council.
2. Any appeal must be submitted to the General Secretary within twenty-one (21) days of the notice to the member advising of the outcome of the investigation and the penalty imposed.
3. If an appeal is submitted the National Executive Council, a Sub Committee consisting of at least three (3) members of the National Executive Council will be established. These members will be drawn from the Appeals Sub Committee of the National Executive Council. A Head Office Official will also be appointed to oversee the handling of the appeal. They will be responsible for processing the appeal.
4. The appeal to the Sub Committee may be by way of an oral hearing or a written submission by the member.
5. The Sub Committee may reject, accept the appeal in whole or in part or vary the penalty imposed.

6. The report from the Sub Committee will be submitted to the National Executive Council and if accepted by the NEC, the member will be advised of the decision by email and by written notice sent to their address by registered post from the General Secretary.
7. The decision of such an appeal is final.

### **5.1.3 Cases initiated by the National Executive Council**

1. The National Executive Council may decide to investigate / examine the conduct of any member under Rule 2.7. If they so decide, then they will establish a special Sub Committee consisting of three members of the Appeals Sub Committee. In addition, a Head Office Official will also be appointed to oversee the handling of the appeal. They will be responsible for formally gathering all relevant information and conducting a prompt preliminary investigation.
2. They will inform the member concerned that they have been requested to undertake such an investigation / examination. The Sub Committee may meet with the member concerned to establish facts in relation to the matter under investigation. The member concerned is expected to cooperate fully with the preliminary investigation and will be asked to provide the Sub Committee with any relevant documents. The purpose of the preliminary investigation is to allow the Sub Committee to gather factual information relating to any concerns or allegations against the member. The member concerned should be advised that they are entitled to be accompanied by another Union member to any meeting
3. Following a thorough investigation and as soon as practically possible, the Sub Committee will determine whether the member concerned has a case to answer under Rule 2.7 and will present a report to the National Executive Council. Should the NEC accept the report and decide to charge the member, then the General Secretary shall notify the member by registered post of the allegation(s), the penalties which may be imposed, and the time, date and place set for the hearing, which the member will be invited to attend.
4. The member will also be advised that they can choose to submit a defence in writing instead of attending the hearing. The date of the hearing will be at least fourteen (14) days after the date of the notice.
5. At the hearing the allegations against the member shall ordinarily be presented by the President.
6. Should the member fail to either attend the hearing or submit a written defence then the meeting will proceed to deal with the matter in the member's absence on the basis that the member concerned has no defence to make.
7. Following consideration of the matter by the National Executive Council and if they find the member guilty, then one of the penalties provided by in Rule 2.7.1 may be imposed.
  - a. Prohibited from attending Union meetings for a given period;
  - b. Removed or suspended from office, prohibited from holding office or participating in any way in Branch or Union administration for a given period;

- c. Deprived of some or all of the benefits of membership for a given period;
  - d. Suspended from membership for a given period;
  - e. Expelled from membership of the Union.
8. The member will be advised of the decision of the National Executive Council by email and by written notice sent to their address by registered post by the General Secretary and the member will be advised of the right of appeal to the Irish Congress of Trade Unions.

#### **5.1.4 Appeals Process**

1. The member concerned shall have the right of appeal against a decision of the National Executive Council to the ICTU.
2. Any appeal must be submitted to the General Secretary of ICTU within twenty-one (21) days of the notice to the member advising of the outcome of the investigation and the penalty imposed.
3. Any such appeal will be heard by a committee appointed by the Irish Congress of Trade Unions.

### **6. Procedures for dealing with Complaints against Branch Officers, Branch Representatives, National Officers or Regional Officers**

#### **6.1 Introduction**

1. In dealing with complaints against either lay officials or Officers of the Union it is important that the correct procedures are utilised from the outset. Every effort should be made to resolve complaints locally and informally but where this is not possible the procedures outlined below should be used. Members' concerns will be examined and dealt with in a timely and efficient manner. No member will be penalised for making a complaint in good faith. It is not the role of the Union to investigate complaints between employees in the workplace. This is the role of Company management.
2. All complaints received must be in writing and signed by the member concerned. Complaints may also be sent by email.
3. Once complaints are received the Union will endeavour to resolve them informally. Where this does not prove possible the following process will be used.

#### **6.2 Complaints against Branch Officers or Branch Representatives**

1. Any member or members who are unhappy with the service provided by their Branch Officers or Branch Representatives should, in the first instance, attempt to resolve their concerns in consultation with their National / Regional Officer.

2. If matters cannot be resolved, then they should raise their concerns with the Deputy General Secretary.
3. Any complaint should be in writing and set out the nature of the complaint and include any or all relevant correspondence.
4. Once a complaint is received the Deputy General Secretary will appoint a Regional / National Officer to carry out an investigation / examination of the issues raised.
5. In examining the issue, the National / Regional Officer will share any correspondence received with the Branch Officer / Branch Representative concerned and seek their views or comments. Any response will subsequently be shared with the complainant.
6. On receipt of all correspondence the National / Regional Officer shall carry out a thorough examination and issue a detailed response to the member concerned addressing all the concerns raised in their initial complaint. A copy of this correspondence will also be sent to the Branch Officer or Branch Representative concerned and the Deputy General Secretary.
7. The complainant and the Branch Officer / Branch Representative concerned will be advised that they can appeal the outcome of the investigation to the National Executive Council.

#### **6.2.1 Appeals Process**

1. If the member and / or the Branch Officer / Branch Representative concerned is unhappy with the outcome they shall have the right of appeal to the National Executive Council.
2. Any appeal must be submitted to the Deputy General Secretary within twenty-one (21) days of the notice to the member or Branch Officer / Branch representative advising of the outcome of the investigation.
3. If an appeal is submitted, the National Executive Council will establish a Sub Committee consisting of at least three (3) members of the Appeals Sub Committee. In addition, a Head Office Official will also be appointed to oversee the handing of the appeal.
4. The Deputy General Secretary will provide the Sub Committee with all relevant correspondence relevant to the case.
5. The Sub Committee will either meet with the parties concerned or seek written submissions from them.
6. If attending any meeting the member will have the right to be accompanied by another member of the Union. Their role is to support and assist the member concerned.
7. Following a thorough examination of the issues involved the Sub Committee will issue a report to the National Executive Council either accepting the appeal, rejecting it or varying the original response.

8. Once considered and if accepted by the National Executive Council the member and the Branch Officer / Regional Officer concerned will be advised of the decision in writing.
9. They will also be advised that the decision of such an appeal is final.

### **6.3 Complaints against Regional or National Officers**

1. If a member or Branch Officer / Branch Representative wishes to make a complaint regarding the service provided by a Regional or National Officer, they may do so in writing to the General Secretary.
2. Any complaint should be in writing, signed and should set out the nature of the complaint and any or all relevant correspondence.
3. Once a complaint is received the General Secretary will appoint the Deputy General Secretary or another appropriate person to carry out an investigation / examination.
4. The Deputy General Secretary will share any correspondence received with the National Officer / Regional Officer concerned and seek their views or comments. Any response received will subsequently be shared with the complainant.
5. If attending any meeting the complainant will have the right to be accompanied by another member of the Union. Their role is to support and assist the member concerned.
6. On receipt of all correspondence the Deputy General Secretary will carry out a thorough examination and issue a detailed response to the member / Branch Officer / Branch Representative concerned addressing all of the issues contained within the initial complaint. He will advise if the complaint is upheld in whole or in part, or if it is not upheld the reason why.
7. The Deputy General Secretary will also give a full report to the General Secretary detailing the complaint and how it was dealt with and also that they have been advised that they may appeal the decision to the National Executive Council.
8. If the complaint is upheld and as a result it is decided to initiate disciplinary action against the National / Regional Officer concerned, then this will be dealt with through the Union's disciplinary procedure. Specific details of disciplinary action to be taken against any party are confidential. Other parties are not entitled as a matter of course to receive this information as part of the outcome.
9. The complainant will be advised that if they are unhappy with the outcome of their complaint, they may appeal it to the National Executive Council.

#### **6.3.1 Appeals Process**

1. The complainant has the right to appeal the outcome of their complaint to the National Executive Council.

2. Any appeal must be submitted to the General Secretary within twenty-one (21) days of the notice to complainant advising of the outcome of the investigation.
3. If an appeal is submitted the National Executive Council will establish a Sub Committee consisting of at least three (3) members of the Appeals Sub Committee. In addition, a Head Office Official will also be appointed to oversee the handing of the appeal.
4. The Deputy General Secretary will provide the Sub Committee with all relevant correspondence relevant to the case.
5. The Sub Committee will either meet with the parties concerned or seek written submissions from them. If attending any meeting the complainant will have the right to be accompanied by another member of the Union. Their role is to support and assist the member concerned.
6. Following a thorough examination of the issues involved the Sub Committee will issue a report to the National Executive Council either accepting the appeal, rejecting it or varying the original response.
7. Once considered and if accepted by the National Executive Council the member and the Branch Officer / Regional Officer concerned will be advised of the decision in writing.
8. They will also be advised that the decision of such an appeal is final.

## **7. Vexatious / Nuisance Complaints**

Vexatious / Nuisance Complaints are a form of abuse. They have the potential to hurt and disrupt another person's life that could have a negative impact on them and cause them psychological injury. Members will not be penalised for making a complaint in good faith. However, if it is found that the complaint is vexatious/ nuisance then member concerned could be charged with a breach of Rule 2.7 as detailed above.

While recognising that members have the right to complain if they feel their case is not being handled correctly this code should not be used where there is a difference of opinion as to how cases should be managed. In all cases the grievance procedures in companies must be utilised in full.

## **8. Review**

This Code will be monitored and reviewed on a regular basis in line with best practice.