



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 used in full by members if they have an issue 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 2.7¹ of the Union's rule book.

3. Purpose of Code

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

- Discipline of members
- Complaints by members against Branch Officers or Representatives, including NEC members during the course of union duties
- Complaints by members, Branch Committees or Branch Officers against National or Regional Officers
- Any alleged incidents of disorderly conduct and inappropriate behaviour at CWU BDC and Seminars or other CWU forums as appropriate

In dealing with complaints against either members, lay officials or officers of the Union it is important that the correct procedures are used 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. 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, is available on the CWU website, and is also available on request from Union Head Office.

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.

4. Representation

At all stages of this code, including any appeals, members and the persons complained of will be advised that they are entitled to be accompanied to any meeting by a Union member. 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 for:

- 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 Union funds or property.

¹ See Appendix 1 for reference to rule 2.7

- 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 the 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.
- Breaching the Union's policies on diversity, bullying and harassment as they apply to Union activities, which may include cyber bullying and harassment.
- Making a vexatious complaint 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 the circumstances and 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, cases may initially be heard by the National Executive Council, e.g., disciplinary allegations deemed to be of a serious nature may be initiated by the National Executive Council.

The National Executive Council, on receipt of issues referred to it, will, in the first instance, delegate, the responsibility for a preliminary examination of such allegations to a Subcommittee 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 or charged with a disciplinary offence, including Branch Officers and Branch Committee members will 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 **must** 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 Subcommittee consisting of three members of the Branch Committee. The Subcommittee will receive training and/or guidance from head office prior to conducting an investigation. Members selected should not be associated in any way with the complaint.

2. This Subcommittee will be responsible for formally gathering relevant information and conducting a prompt preliminary examination of the issue. Once the Subcommittee has decided that an investigation is necessary and having deemed informal resolution not feasible, they will advise the member concerned that they have been requested to undertake an investigation and will provide them with a copy of the Code of Conduct.
3. The Subcommittee should 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 investigation and will be asked to provide the Subcommittee with any relevant documents. The purpose of the investigation is to allow the Subcommittee 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.
4. Following a thorough investigation, and as soon as practically possible, the Subcommittee 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, or as appropriate, 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. If, for any reason, it is neither possible nor appropriate for the Branch Secretary to be involved in the hearing, the Committee will make such other arrangements necessary for the matter to proceed. 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 Branch Secretary.
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 Branch Committee and if by a majority they find the member has a case to answer, then it may recommend the imposition of one of the penalties provided in Rule 2.7.1 - i.e., that the member be:
 - 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 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.
9. The Branch Secretary will inform the General Secretary that the complaint against the member has been upheld and that the member concerned has been advised of the right of appeal to the National Executive Council.
10. Should the Subcommittee deem that there is no case to answer, then 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. The Subcommittee will also inform the General Secretary accordingly.

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 outlining the grounds for such an appeal 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 to the National Executive Council, a Subcommittee consisting of at least three (3) members of the National Executive Council will be established. These members will be drawn from the Appeals Subcommittee 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 Subcommittee may be by way of an oral hearing or a written submission by the member.
5. The Subcommittee may reject the appeal, accept the appeal in whole or in part or vary the penalty imposed.
6. The report from the Appeals Subcommittee 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, on receipt of issues referred to it, will, in the first instance, delegate, the responsibility for a preliminary examining of any such allegations to the General Purposes Subcommittee of the National Executive Council.
2. The General Purposes Subcommittee will encourage an attempt to resolve the issue informally but if this is either not appropriate or has been unsuccessful so far, the General Purposes Subcommittee following the preliminary examination may decide to investigate the conduct of any member under Rule 2.7. In addition, a Head Office Official will also be appointed to oversee the handling of the investigation. They will be responsible for formally gathering all relevant information and conducting a thorough investigation.
3. They will inform the member concerned that they have been requested to undertake such an investigation. The Subcommittee should meet with the member concerned to gather factual information relating to any concerns or allegations against the member under investigation. The member concerned is expected to cooperate fully with the investigation and will be asked to provide the Subcommittee with any relevant documents. The member concerned should be advised that they are entitled to be accompanied by another Union member to any meeting.
4. 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.
5. 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.
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 a thorough investigation and as soon as practically possible, the Subcommittee will determine whether the member concerned has a case to answer under Rule 2.7 and will present a report with recommendations as appropriate to the National Executive Council.
8. Following consideration of the matter by the National Executive Council and if they uphold the complaint, then one of the penalties provided by in Rule 2.7.1 may be imposed - i.e., that the member be:
 - 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.
9. The member will be advised of the decision by registered post by the General Secretary who shall notify the member of the outcome, the penalties which may be imposed, and the appeals process.

10. 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. 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. The National/ Regional Officer will conduct a preliminary examination of the issue with a view to resolving the matter informally.
2. Once complaints are received an attempt will be made 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. If matters cannot be resolved informally, then the issue should be sent to either the General Secretary, the Deputy General Secretary OR President as appropriate. Complaints must be received in writing and signed by the member concerned. Complaints may also be sent by email
2. Any complaint should be in writing and set out the nature of the complaint and include any relevant correspondence.

3. The Deputy General Secretary will appoint a Subcommittee of the General Purposes Subcommittee as appropriate to conduct an investigation of the issues raised.
4. They will inform the Branch Officer/Representative concerned that they have been requested to undertake such an investigation. The Subcommittee should meet with the member concerned to gather factual information relating to any concerns or allegations against the Branch Officer/Representative under investigation. All parties concerned should be advised that they are entitled to be accompanied by a union member to any meeting.
5. The Branch Officer/Representative concerned is expected to cooperate fully with the investigation and will be asked to provide the Subcommittee with any relevant documents. The Branch Officer/Representative concerned should be advised that they are entitled to be accompanied by another Union member to any meeting.
6. The Branch Officer/Representative 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 the Branch Officer/Representative shall be given written notice of any such suspension as soon as reasonably practicable.
7. The Branch Officer/Representative 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.
8. Should the Branch Officer/Representative fail to either attend the hearing or submit a written defence, then the meeting will proceed to deal with the matter in their absence on the basis that the Branch Officer/Representative concerned has no defence to make.
9. During the investigation, any relevant correspondence will be shared with the Branch Officer / Branch Representative concerned and their views or comments will be sought. Any response will subsequently be shared with the complainant.
10. Following a thorough investigation and as soon as practically possible, the Subcommittee will determine whether the Branch Officer/Representative concerned has a case to answer and will present a report with recommendations as appropriate to the National Executive Council.
11. Following the investigation, a detailed response will be sent to the member and the Branch Officer/ Branch Representative. The notice will be sent by registered post by the General Secretary who shall advise of the outcome, and the appeals process.
12. 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 stating the grounds for the appeal, 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 Subcommittee consisting of at least three (3) members of the Appeals Subcommittee. 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 Appeals Subcommittee with all relevant correspondence to the case.
5. The Appeals Subcommittee will either meet with the parties concerned or seek written submissions from them.
6. In any meeting the member will have the right to be accompanied by another member of the Union.
7. Following a thorough examination of the issues involved the Appeals Subcommittee will issue a report to the National Executive Council either accepting the appeal in whole or in part, 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 by the Deputy General Secretary by registered post.
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. Any complaint should be in writing, signed and should set out the nature of the complaint and any or all relevant correspondence.
2. Once a complaint is received the General Secretary will appoint the Deputy General Secretary or another appropriate person to conduct a preliminary examination with a view to resolving the matter informally.

3. If following the preliminary examination, it is found that an investigation is required then the Deputy General Secretary will appoint a Subcommittee of the GPC to carry a prompt and thorough investigation.
4. They will inform the National/Regional Officer concerned that they have been requested to undertake such an investigation. The Subcommittee should meet with the member concerned to gather factual information relating to any concerns or allegations against The National/Regional Officer under investigation. The National/Regional Officer concerned is expected to cooperate fully with the investigation and will be asked to provide the Subcommittee with any relevant documents.
5. All parties concerned should be advised that they are entitled to be accompanied by another Union member to any meeting.
6. The National/Regional Officer 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 the Branch Officer/Representative shall be given written notice of any such suspension as soon as reasonably practicable.
7. The National/Regional Officer 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.
8. Should the National/Regional Officer fail to either attend the hearing or submit a written defence, then the meeting will proceed to deal with the matter in their absence on the basis that the Branch Officer/Representative concerned has no defence to make.
9. The GPC 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.
10. Following the investigation, the Deputy General Secretary will issue a detailed response to the member and National/Regional Officer concerned and will advise if the complaint is upheld in whole or in part, or if it is not upheld the reason why and the appeals process as appropriate.

11. The Deputy General Secretary will inform the National/Regional Officer of the outcome and will also give a full report to the General Secretary detailing the complaint and how it was dealt with and that the National/Regional Officer has been advised of the outcome as well as the appeals process to the National Executive Council as appropriate.
12. 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.
13. 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. All parties have 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 Subcommittee consisting of at least three (3) members of the Appeals Subcommittee. 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 Appeals Subcommittee with all relevant correspondence relevant to the case.
5. The Appeals Subcommittee 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.
8. Following a thorough examination of the issues involved the Appeals Subcommittee may reject the appeal, accept the appeal in whole or in part or vary the penalty imposed and will issue a report to the National Executive Council.
6. 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.
7. They will also be advised that the decision of such an appeal is final.

7. Professional, Respectful, and Courteous Behaviour at CWU Conferences and Seminars

The National Executive Council has established this code to prevent and address any alleged incidents of disorderly conduct and inappropriate behaviour at CWU Conferences and Seminars, including bullying, harassment, and sexual harassment.

Everybody attending our conferences and seminars is entitled to be treated with dignity and respect. Inappropriate behaviour will not be tolerated. The CWU takes matters of this nature very seriously and any such complaints will be addressed in line with the Code of Conduct procedures.

Scope:

All attendees at Conference & Seminar are covered by this code, including delegates, staff, guests, and stand exhibitors.

Implementation:

A Courteous Behaviour Committee has been established to receive complaints and follow up accordingly.

We encourage conference/seminar attendees to immediately report misconduct, irrespective of whether they are the complainants or a witness. Should the committee receive a complaint that an attendee may be in breach of the code of conduct, then the committee will review the matter and consult with the General Secretary to take appropriate action.

While we aim to deal with matters informally this may not always be suitable to the situation, and actions may need to be taken swiftly, for example expulsion from the conference/seminar. There may also be circumstances where a head office investigation may be deemed necessary following the event and this may lead to a disqualification from attending future CWU conferences and seminars.

The members of the Courteous Behaviour Committee can be contacted via email during conference/seminar working hours.

8. 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 at any stage of an investigation it is found that the complaint is vexatious then the 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 managed correctly this code should not be used where there is a difference of opinion as to how cases should be managed.

9.Review

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

Appendix 1 – Reference to Rule 2.7

2.7 DISCIPLINARY ACTION 1.

1. A member who is considered to have consciously acted in a manner contrary to these Rules and/or the CWU Code of Conduct, as agreed by the National Executive Council, may be:

- (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.

2. The Branch Committee or National Executive Council may impose one or more of the sanctions referred to above following a thorough investigation of the allegations of misconduct. The procedure for investigations is set out separately in the CWU Code of Conduct.

3. A member who has an allegation of misconduct made against them under Section 1 of this Rule will be given written notice to be sent by registered post. The notice will also state the details of the allegation, the time, date and place set for the hearing of the case, which the member will be invited to attend. The member may choose to submit a defence in writing instead of attending the hearing

Note: please refer directly to the union rule book.

[Forms & Booklets - Communications Workers' Union \(cwu.ie\)](http://www.cwu.ie)