

RULE 6. LAY OFFICE: EC STATEMENT

The Executive Council supports the principle set out in Rule 6 that key decisions within our union should be taken by those who are elected to represent members in the workplace and are involved in collective bargaining. The union is stronger, more representative and accountable to members under these principles.

Responsibility for oversight of Rule 6 sits exclusively with the Executive Council, which is empowered to take into account changing industrial realities and the unique nature of some industries (e.g. construction, contracting, leisure, rural, etc),. Limited exceptions apply to representatives who have been subject to employer victimisation, including blacklisting.

Executive Council, National Industrial Sector Committees and Regional Committees

In line with Rule changes agreed in 2023, those seeking to serve on Unite's Executive Council, National Industrial Sector Committees and Regional Committees must be an "accountable representative of workers in a workplace", as defined in EC guidelines at the time of the election. This means they must have been elected in a workplace to represent Unite members.

Other Unite Committees or bodies or conferences

Members seeking to serve on Unite's other constitutional committees, including RISCs, national and regional equalities committees, or as delegates to constitutional conferences must be an "accountable representative of workers" at the time of the election, in order to be eligible to stand.

This is broader criteria than that which applies to election for Executive Council, NISCs and Regional Committees. It not only includes Unite workplace representatives elected in a workplace but also includes members elected as a branch secretary, treasurer, chair or equalities officer (where that branch official is in paid employment for a company or organisation which is not Unite the Union).

Exceptions:

The Executive Council is committed to ensuring members are able to participate in Unite structures.

It will also take particular care to ensure that those members victimised or blacklisted for their trade union activities are not denied the right to serve on the union's constitutional committees. The Executive Council recognises that particular measures need to be taken to ensure the proper representation of activists in the construction industry, in hospitality and for former Rural & Agricultural members and to monitor the impact of the rule in relation to Unite's equalities rules, with the intention of ensuring strong representative equalities committees.

The Executive Council shall establish a mechanism to ensure that members denied the right to hold office under Rule 6 and its associated Guidelines shall be able to appeal to a sub-committee of the Executive.

The Executive Council has also agreed the following:

Young Members

The Executive Council is committed to encouraging young members to participate in Unite democratic structures and to become accountable representatives of workers. So, Rule 6 requirements should not always apply to participation in the young members structure at a regional level.

For the election of delegates to the National Young Members Committee and National Young Members Conferences, priority will be given to young members who are an elected workplace representative or a branch secretary, treasurer, chair or equality officer who is in paid employment for a company or organisation other than Unite the Union.

Where there are no nominations for an “accountable representative of workers” then nominations will be accepted from members who are not Rule 6 compliant. (For see further detail in the guidance on Rule 9).

However, young members seeking election to a Regional Committee, National Industrial Sector Committees, or the Executive Council must be “an accountable representative of workers in a workplace”, (i.e. an elected workplace representative) as defined in EC guidance.

Young members seeking election to sit on a RISC must be an accountable representative of workers, (i.e. an elected workplace representative or branch official), as defined in EC guidance.

Retired Members

The Executive Council recognises that retired members will not be in paid employment. To be eligible to stand for election to sit on the Executive Council to represent retired members, a Regional Committee, the National Committee for Retired Members or Regional Retired Members Co-ordinating Committees, or as a delegate to Unite conferences must be:

- Retired Member Plus and not in arrears **and**
- a branch secretary, treasurer, chair or equality officer in a retired members branch [or a workplace, industrial or geographical branch.

Area Activists Committees

Area Activist Committees should be open to all activists, including those who are unable to be an accountable representative of members. However, Area Activist delegates elected to sit on a Regional Committee must be “an accountable representative of workers in a workplace” (i.e. an elected workplace representative), as defined in EC guidance.

Regional Labour Party Liaison Committees

Additionally, membership of Regional Labour Party Liaison Committees will be open to Unite members who play an active part within the Labour Party at all levels, whatever their other circumstances.

Other bodies

In relation to other bodies within the union, the EC will continue to take into account of particular circumstances in particular industries, including but not confined to those identified in Rule (construction, contracting, leisure and rural).

The definition of what constitutes an “accountable representative of workers”, as set out in the EC Guidelines is under regular review and will be reviewed by the EC prior to the start of each electoral period within the union.

RULE 6. LAY OFFICE: EC GUIDANCE

- 6.1 The Executive Council shall make provision to ensure accountability of Regional, Industrial and Equalities Executive Council members and those Executive Council members elected pursuant to Rule 14 shall meet with their respective National Industrial Sector, National Equalities or Regional Committees at least four times per year.
- 6.1.1 Members elected to the Executive Council from a regional seat shall attend the Regional Committee for their region when it meets in an *ex officio* capacity. Other Executive Council members in the relevant region should also be invited to attend their respective Regional Committee in an *ex officio* capacity.
- 6.1.2 Members elected to the Executive Council from an industrial seat shall attend the National Committee for their industrial sector when it meets in an *ex officio* capacity. Other Executive Council members in the relevant sector should be invited to attend the National Committee for their respective industrial sector in an *ex officio* capacity.
- 6.1.3. Members elected to the Executive Council to be a national representative for women, shall attend the National Women's Committee when it meets in an *ex officio* capacity. Other women Executive Council members should be invited to attend the National Women's Committee in an *ex officio* capacity.
- 6.1.4 Members elected to the Executive Council to be a national representative for Black and Asian ethnic minority members, shall attend the national Black and Asian Ethnic Minority Committee when it meets in an *ex officio* capacity. Other Black and Asian ethnic minority Executive Council members should be invited to attend the National Black and Asian ethnic minority Committee in an *ex officio* capacity.
- 6.1.5 Members elected to the Executive Council to be a national representative for Lesbian, Bisexual, Gay & Trans + members, shall attend the National LGBT+ Committee when it meets in an *ex officio* capacity. Other LGBT+ Executive Council members should be invited to attend the National LGBT+ Committee in an *ex officio* capacity.
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- 6.1.6 Members elected to the Executive Council to be a national representative for Disabled members, shall attend the National Disabled Members' Committee when it meets in an *ex officio* capacity. Other Executive Council members with disabilities should be invited to attend the National Disabled Members' Committee in an *ex officio* capacity.
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- 6.1.7 Where a member is attending a meeting or Conference (that is not an Executive Council meeting) in their capacity as an Executive Council member they shall have the right to speak, but not to vote.

6.2 In order to be eligible to be a candidate for election to the Executive Council, National Industrial Sector Committee and Regional Committee the member in question must be an elected accountable representative of workers in a workplace.

6.2.1 In order to be eligible to be a candidate for election to any other committee, council, or other body of the Union provided for by these rules, the member in question must be an accountable representative of workers, with the exception of Area Activists Committees and the young members' structure, other than the Young Members' delegate to the Executive Council and Regional Committees as specified elsewhere in these rules.

Only members who are elected in a workplace to represent members, as defined in this guidance, will be eligible to stand for election to the Executive Council, National Industrial Sector Committees and Regional Committee.

Only members who are elected in a workplace to represent workers or in a Unite branch will be eligible for election to serve on other Committees and bodies of the union or for election to Unite conferences, with the following exceptions:

- in the young member structures, as specified elsewhere in this guidance
- branch and workplace meetings (which all members may attend)
- Area Activists Committees and
- Regional Labour Party Liaison Committees, as specified elsewhere in this guidance.

6.3 The definition of the term "accountable representative of workers" shall be in the exclusive power of the Executive Council, which is empowered to take into account changing industrial realities and the unique nature of some industries (e.g. construction, contracting, leisure, rural etc). In formulating such a definition for the purpose of the Executive Council, National Industrial Sector committee and Regional Committee, it must only include elected workplace representatives who are in employment when employed by an organisation that is not Unite the union. Elected workplace representatives shall include shop stewards, health & safety, equalities and learning representatives. In formulating such a definition for all other committees, councils or purposes the Executive Council must include branch executive officers who are in employment when employed by an organisation that is not Unite the union, shop stewards, health & safety, equalities and learning representatives elected at their place of work.

6.3.1 An "accountable representative of workers" must have been elected by the Unite members at a Unite branch or in a workplace.

6.3.1.1 For the election of workplace representatives, the workplace must contain a minimum of five members. (Workplaces should be defined as either a single site where members have the same employer, a geographical cluster where members have the same employer, or a bargaining unit where all members have the same employer).

- 6.3.1.2 All elections in branches and workplaces must comply with the guidance in 6.5. The election of workplace representatives must also comply with guidance issued under Rule 18.1 to 18.3.
 - 6.3.1.3 Before a branch election, all members in the branch must be informed of the impending election. Before the election of a workplace representative, all members in the workplace must be informed of the impending election.
 - 6.3.1.4 Regional Officers responsible for the workplace or branch must take care to ensure that the details of the election of workplace representative are accurately recorded.
- 6.3.2 An “accountable representative of workers” must also be in paid employment in the relevant company or organisation other than Unite the union, save with the specific permission of the Executive Council, (taking in to account their current employment). (See further guidance in 6.3.7). Branch officials seeking election to a Unite constitutional committee must be in paid employment in the relevant sector(s).
- 6.3.3 Executive Council guidance may specify the range of elected offices which apply in relation to specific rules. However, in all cases where the representative has been elected to the following roles in line with this guidance, they will count as “accountable representatives of workers”.
- 6.3.4 “Workplace representatives” who have been elected by Unite members in a workplace shall be eligible to stand for election and hold office in all Unite constitutional committees and bodies, **including the Executive Council, the National Industrial Sector Committees and the Regional Committees. Such workplace representatives shall include:**
- 6.3.4.1 convenor (only if elected directly by workers who are Unite members to represent those members in their workplace(s))
 - 6.3.4.2 shop steward (or "workplace representative"/"father/mother-of-the-chapel", etc., where such phrases are the local colloquial term for such representative as represents members in bargaining and disciplinary and grievance matters)
 - 6.3.4.3 health and safety representative
 - 6.3.4.4 equalities representative

6.3.4.5 learning representative

6.3.4.6 environmental representative

6.3.4.7 It is recognised that in some sectors an “elected workplace representative” is referred to as a Branch Secretary (for example, in local government). Such individuals shall qualify as an “elected workplace representative”, if they are elected in a workplace to represent members in accordance with Rule and guidance at the time of the election.

6.3.5 A broader definition of “an accountable representative of workers” applies for Unite constitutional committees and bodies, **except for** the Executive Council, the National Industrial Sector Committees and the Regional Committees. This includes RISCs, and National and Regional Equalities Committees
Individuals seeking election to these committees and bodies shall be “an accountable representative of workers” if they are:

6.3.5.1 an elected workplace representative (as defined above) or

6.3.5.2 a branch officer, that is secretary/treasurer/chair/equalities officer, (where in a workplace branch that branch official is in paid employment for the company or organisation which is not Unite the Union or in the case of an industrial or geographical branch where that branch official is employed in the relevant sector) except with the specific permission of the Executive Council (taking into account their current employment)

6.3.6 Appointment as an “accredited support companion” (aka “lay companion”) in itself does not confer the status of “accountable representative of workers”. To qualify an accredited support companion would also need to be elected as “an accountable representative of workers” as defined above at the time of the election.

6.3.7 To allow for proper representation in those industries with unique characteristics, (subject to 6.3.7.4) it shall be case:

6.3.7.1 that officers of construction sector branches who work in construction be recognised as “accountable representatives of workers in the workplace” (i.e. as elected workplace representatives) irrespective of their employment.

6.3.7.2 that hospitality members who are elected branch officers, that is secretary/treasurer/chair/equalities officer, and are in any form of paid employment in the hospitality sector be

recognised as “accountable representatives of workers in the workplace” (i.e. as elected workplace representatives).

6.3.7.3 that former rural and agricultural sector members who are elected branch officers and are in any form of paid employment in the former rural and agricultural sector be recognised as accountable representatives of workers in the workplace (i.e. as elected workplace representatives).

6.3.7.4 The above exceptions will not apply to members who are employed in a workplace which is organised and elects workplace representatives and where collective bargaining takes place.

6.3.7.5 An individual whose main occupation is or who mainly undertakes duties as an elected Councillor is not eligible to stand for election to any Unite constitutional committee or other bodies. Members of the UK, Irish, Scottish, Welsh or European Parliaments / Assemblies shall similarly not be eligible to stand.

6.3.8 To allow for proper representation of groups who are not ‘in employment’, it shall be the case that:

6.3.8.1 Retired members will only be eligible to stand for election or as a delegate to a conference, if they are Retired Member Plus, an officer of a retired members branch or other branch and not in arrears.

6.3.8.2 Community members will only be eligible to stand for election or as a delegate to a conference if they are a branch officer of a community members branch.

6.3.9 It is also the case that implementation of the Union’s equalities policies sometimes encounter difficulties because, for example, of enduring discrimination in society at large or little opportunity for effective equalities monitoring. The strict application of Rule 6 to some of our equalities committees can produce results that are the opposite of what was intended, i.e., meaning that there are too few eligible “accountable representative of workers” to fill the available committee seats. Therefore, the following shall apply:

6.3.9.1 Regional Women’s Committees – to sit on any of the Regional Women’s Committees a member must be Rule 6 compliant.

6.3.9.2 Regional BAEM Committees – to sit on any English Regional BAEM Committee a member must be Rule 6 compliant; for Ireland, Scotland and Wales Rule 6 should not be applied for the election of the Regional BAEM Committees in constituencies

where there have been no nominations from accountable representatives of workers.

6.3.9.3 Regional Disabled Members' Committees and Regional LGBT+ Committees – Rule 6 should not be applied to the election of any of these committees in constituencies where there have been no nominations from accountable representatives of workers.

6.3.9.4 National Women's Committee, National BAEM Committee, National LGBT+ Committee, National Disabled Members Committee - to sit on one of these four committees a members must be Rule 6 compliant.

6.4 It is further required that a fair procedure be developed by the Executive Council to deal sympathetically with cases where a member's eligibility to stand for election or continue to hold office may be affected by employer victimisation.

6.4.1 In the event of a workplace representative being sacked, blacklisted or denied employment due to victimisation for trade union activity, a report will be submitted by the Regional Secretary after consultation with the RISC, to the Executive Council which will rule on whether that member should continue to hold office as an “accountable representative of workers”.

6.4.1.1 Victimisation, including blacklisting, shall be defined as a member being able to show, to the satisfaction of the Executive Council (or such body or person as the Executive Council shall authorise from time to time), that he or she, for reasons of membership of this Union, has been excluded from employment or prevented from obtaining employment by an employer.

Rule 18.9 provides additional guidance on the victimisation of workplace representatives in the guidance to 6.4 above:

Shop stewards/workplace representatives shall receive the fullest support and protection from the union ... an immediate inquiry shall be undertaken by the appropriate regional industrial sector or regional committee into every case of dismissal of a shop steward with a view to preventing victimisation, either open or concealed. If it is deemed necessary, a ballot for industrial action will be convened.

6.4.2 Where the dismissed representative ceases to hold office as a representative for their former workplace, the Executive Council shall consider whether the dismissed former representative should be entitled to continue to attend any such conferences or committees that they would have attended for the remainder of their elected term even if they are replaced within the workplace by a new elected representative.

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6.4.2.1 In the event that the Executive Council sees fit to grant such entitlement, the dismissed former representative will be counted for the purposes of this rule as an 'accountable representative of workers' until the expiry of their three-year term.

6.4.2.2 In the event that the dismissed former workplace representative wins a case and gets their job back, they will be entitled to resume their elected office in the workplace for the remainder of the three years since their last election.

6.4.3 In the event of the dismissed representative taking up alternative employment they shall cease to hold office in relation to their former workplace with immediate effect.

6.5 The electoral period to hold lay office shall be three years unless otherwise provided for under these Rules.

6.5.1 All lay representatives must be elected. Elections, other than casual vacancies, should always take place between January and March to ensure synchronisation with other aspects of the union's constitutional structures.

6.5.2 They will be elected to hold office for three years, unless one of the following occurs, in which case an election will be held for a replacement as soon as is practicable:

6.5.2.1 The elected representative changes jobs so that they no longer work in the workplace (or department, or role) that they were elected to represent.

6.5.2.2 More than 50% of the members in the constituency that they were elected to represent, vote or petition to hold a new election for that post.

Should industrial circumstances or particular workplace traditions dictate that elections are necessary more frequently than three years that is permissible, but under no circumstances less frequently.

Refer also to EC Guidance Lay Office – Right of Recall.

6.5.3 There shall be no limit of the number of successive terms that an elected representative may hold, provided that they continue to comply with all other criteria applicable at the time.

6.5.4 Prior to any election, the members in the workplace should be informed of the pending election and invited to volunteer for election or nominate a colleague for election. The precise mechanics of informing the members on the

workplace, and dealing with nominations and the election, may vary from workplace to workplace, but in any such case will be a fair procedure. In the event of dispute the appropriate Regional Officer should be contacted and the Regional Secretary should be informed.

- 6.5.5 In the event of nominations having been invited from the relevant workplace, and only one candidate having been nominated, or volunteered, that candidate may be declared elected unopposed.
- 6.5.6 Immediately following the election of any representative notification should follow in accordance with

Rule 18:7 Following election of a workplace representative the appropriate Regional Officer shall be informed of the election by the elected representative without delay. The Regional Officer shall ensure that the Regional Industrial Sector Committee and the Union's membership department are informed of the date of the election and the identity, constituency and contact details of the elected workplace representative.

In addition, the Union's regional office should be informed and the representative's membership record should be amended to show that they are an elected representative for that workplace, and the date on which they were elected. The representative should be asked for an e-mail address which can be added to the union's database for activists so that the representative can receive relevant e-mail updates.

- 6.5.7 The region shall ensure that each elected representative is sent a letter confirming their representative status, and the scope of the role for which they are accredited by the union¹ and that they should attend Unite education courses. (No lay representative is accredited by the union to advise on settlement agreements.)
- 6.5.8 The regions shall supply the Regional Committee, the Regional Industrial Sector Committee and the Regional Equality Committees with the full list of representatives (showing name and workplace) elected since the prior meeting of that Committee.

¹ It should state the group of members they are elected to represent; the type of representative role that they have been elected to; and whether they are accredited to represent members in grievance and/or disciplinary hearings. In the case of equalities representatives they may be accredited to represent people in harassment procedures and certain types of equalities grievances. The local officer for the workplace should acquaint him/herself with the representative and advise the region on the suitable scope of representation entitlement. The officer should take into account whether the representative has attended any union training on equalities and /or organising and /or employment law issues, and should also encourage representatives to attend such training. A record of the individual representative's training should be kept on their membership record.

LAY OFFICE – RIGHT OF RECALL: EC GUIDANCE

Workplace Representatives

An “accountable representative of workers” elected in a workplace shall cease to hold office when more than 50% of the members in the constituency that they were elected to represent vote or petition to hold a new election for that post.

As per Rule 6.3, the definition of an “accountable representative of workers” shall be in the exclusive power of the Executive Council. Under the current terms of EC Guidance Clause 6.3.4 the following roles will count as “accountable representatives of workers”:

- Convenor
- shop steward (or "workplace representative"/“father/mother-of-the-chapel”, etc, where such phrases are the local colloquial term for such representative as represents members in bargaining and disciplinary and grievance matters)
- health and safety representative
- equalities representative
- learning representative
- environmental representative.

It may be case that a “convenor” is not directly elected by members but elected to that position by a committee of workplace representatives. In such circumstances the convenor’s “constituency” shall be the committee of workplace representatives and if s/he is subject to more than 50% of members of that committee voting or petitioning to hold a new election for that post then the convenor shall cease to hold office as convenor.

Constitutional Committees

All Unite full-time officers assigned to the Union’s constitutional committees are responsible for maintaining an up-to-date record of constitutional committee members’ credentials in order to ensure compliance with Rule 6. This record is to be reported to all constitutional committee meetings and included in the Minutes.

Regional Committee/National Industrial Sector Committee/National Equalities Committee/Executive Council

Should a member of these Committees cease work during the period of office, particularly if such cessation is due to retirement, the member of the Committee shall report to the constituent committee that elected her/him (RISC, AAC or Regional Equalities Committee) and seek majority approval of that lower committee for the member to see out his/her term of office on the higher committee.

Executive Council

The General Secretary and Executive Council shall be empowered to call a vacancy and a fresh election arising from the failure of any member of the Executive Council, without good reason, to attend two consecutive Executive Council meetings.

Branch Officers

A branch should elect four officers as set out in Rule 17:

- chair
- secretary }
- treasurer } may be the same person
- equalities officer

plus other such officers as it may choose to elect.

A Motion of “no confidence” in any branch officer may be lodged with the branch secretary (or branch chair if the Motion concerns the branch secretary) and will be deemed valid if signed by at least 25% of members of that branch.

The branch secretary (or branch chair) shall convene a meeting of the branch within one calendar month of receiving such a Motion – members must be advised (by notice, post or electronically) that this Motion will be dealt with at the branch meeting.

A branch officer shall cease to hold office if such a “no confidence” Motion is carried by a simple majority at this branch meeting so long as the meeting is quorate.

