



**Last updated: 20 November 2024**

### **1. Introduction**

This procedure outlines the process by which allegations against members of the Union Workers' Union (hereinafter referred to as "the Union") will be handled. It is designed to ensure that complaints are addressed fairly, transparently, and in a manner consistent with the Union's rules and interests. This procedure should be read in conjunction with Rule 11 of the Union Workers' Union Rule Book.

### **2. Allegations**

#### *2.1 Types of allegations*

An allegation may be brought before the Executive Committee in cases of:

- A breach of Union rules.
- Conduct incongruous with the interests of the Union.
- Conduct unbecoming of a member of the Union.

### **3. Suspension**

#### *3.1 Grounds for suspension*

In cases where a serious allegation is made, and it is deemed in the interests of the Union, the Executive Committee may temporarily suspend the member from official duties and/or membership. This suspension may only occur if a simple majority of a quorum of the Executive Committee agrees that the situation merits such action.

#### *3.2 Nature of suspension*

A suspension imposed under Rule 11.6 is not considered a sanction but is a temporary measure pending the outcome of the Rule 11 investigation and decision.

#### *3.3 Effect of suspension*

A member who is suspended from membership shall be considered a non-member for the duration of the suspension period.

### **4. Investigation**

#### *4.1 Sub-committee formation*

Upon receipt of an allegation, a sub-committee consisting of two Executive Committee members shall be established to investigate the matter.

### *4.2 Independence of Investigators*

Wherever possible, the members of the sub-committee shall not be employed by the same employer as the individual(s) subject to the investigation or any potential sanction. This is to ensure impartiality in the investigation process. However, it must be recognised that in a small organisation operated largely by volunteers, it may be necessary to reuse decision-makers and/or for decision-makers to be involved in more than one stage of the complaint process.

### *4.3 Notification to subject of the complaint*

Members against whom an allegation has been made will be provided with written details of the complaint or report, including the source of the allegation.

### *4.4 Timeframe for notification*

The information described in §4.3 shall be provided to the accused member no less than one week prior to the meeting of the sub-committee where the allegation will be heard and determined.

## **5. Hearing and Response**

### *5.1 Right to a fair hearing*

The member subject to the allegation shall have the right to:

- Hear all allegations made against them.
- Respond to the allegations, either in writing or in person, before the sub-committee.

## **6. Sanctions**

### *6.1 Possible sanctions*

Should a member be found guilty of an allegation in accordance with Rule 11, the sub-committee may impose one or more of the following sanctions:

- Receipt of a formal caution regarding future conduct.
- Removal of the right to attend Union meetings for a specified period.
- Removal of the right to hold office for a specified period.
- Suspension from membership for a specified period.
- Expulsion from membership.

## **7. Right of Appeal**

### *7.1 Appeal process*

Any member subject to a sanction under section 6 has the right to appeal the decision.

### *7.2 Notice of appeal*

The member must submit their notice of appeal in writing to the Executive Committee within 14 days of receiving notification of the sanction.

### *7.3 Appeal hearing*

An appeal will be heard by an independent appeals panel consisting of two members of the Executive Committee who ideally were not involved in the original investigation or decision. The appeals panel shall review the case, considering any new evidence or arguments presented by the appellant.

### *7.4 Outcome of appeal*

The appeals panel has the authority to:

- Uphold the original decision.
- Modify the sanction.
- Overturn the decision entirely.

### *7.5 Final decision*

The decision of the appeals panel shall be final and binding.

## **7. Conclusion**

This procedure aims to uphold the integrity of the Union by ensuring that all members adhere to the Union's rules and conduct themselves in a manner that reflects the Union's values. The Executive Committee will enforce these procedures fairly and consistently, with due regard for the rights of all members involved.