

EXECUTIVE COUNCIL CONSTITUENCIES 2017-20

The Executive Council is required to agree constituencies for the next electoral term. These constituencies must be determined on the basis of Rule 14.2 and 14.1.1, which set down the number of seats to be allocated to sectors and regions on the basis of membership and provides for both national equality seats and for the proportionate representation of women and BAEM members, Rule 16.14 which determines the date at which membership figures shall be struck for this purpose, and Rule 3.2, which stipulates the categories of membership eligible to vote in Executive Council elections.

On the basis of the application of these rules and the present membership figures of the union applied to the sectors and regions, this would lead to an executive of 58 seats, one fewer than in the 2014-17 electoral period (before additional seats are accounted for). One seat each in the GPM and Chemical sectors would be lost due to reduced membership, offset by the creation of a new seat for Young Members. However, in endorsing the Heads of Agreement for the transfer of UCATT into Unite, the Executive Council has provided for an additional seven seats in construction (four from the present UCATT and three additional seats for the existing Unite construction sector).

This therefore leads to a proposal for an Executive Council for the next electoral period of 65 members – if for any reason the transfer of UCATT into Unite does not proceed, modified calculations will be presented at the December meeting of the Council. This document works on the assumption that the transfer will take place.

Unite's present membership is 27.4 per cent women and 10.3 per cent BAEM. The addition of the UCATT membership would dilute these figures slightly, but it is not possible to determine by exactly how much at present. It is unlikely that a difference would be made to the calculation as to the number of seats required to guarantee minimum proportionality for women and BAEM members. It could be argued that the members to be chosen by UCATT should be discounted for proportionality purposes but, given that these members will have full rights as EC members, this would represent a significant retreat on Unite's principles of equality, even if only for one term.

It is therefore required that an EC of 65 members includes at least 18 women members and at least seven BAEM members. The union has always preferred to try and achieve this through the designated seats system for the EC, in which some of constituencies established as per the formula set out in Rule 14.2 are reserved for only women or only BAEM members. The distribution of membership has made that increasingly difficult, since any sector which has one seat only must remain open for all eligible members in the sector irrespective of gender or ethnicity. For the present electoral period, the EC includes three additional seats for BAEM members in order to meet the requirements of minimum proportionality.

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The larger EC proposed for the next electoral period does not assist in the resolution of this issue since, without prejudging who may be elected to serve in any of the construction seats, either present UCATT or present Unite construction, this is a sector with a very low density of both women and BAEM members.

It is therefore only possible to designate 16 seats for women members and three for BAEM members within the constituencies provided for under Rule 14.2 and Rule 14.1.1. There is therefore a requirement for two additional seats to be provided for women members and four for BAEM members.

In determining proposals for such additional seats, several factors must be borne in mind – the proportion of women and BAEM members in any given sector or region, the absolute numbers of women and BAEM members concerned, and the total size of the membership in a sector, to ensure that there is the least possible disturbance to the balance of industrial representation.

In relation to women members, it is proposed that an additional seat is provided for in each of the Health and Finance/Legal sectors, which have a density of 70.2 and 60.3 per cent women members respectively, and in absolute numbers 64,831 and 46,964 respectively.

In relation to BAEM members, it is proposed that the three existing additional seats, in the West Midlands region and the CAT and Food/Drink/Agriculture sectors be retained, and that a further additional seat be created in the Automotive sector, which has 10.5% BAEM membership, or 5,871 declared BAEM members. This is the highest number of BAEM members in any sector which does not already have a reserved or additional seat for BAEM members, or an additional seat for women, provided for.

On this basis, the schedule of constituencies for 2017-20 is set out as attached. It is acknowledged that, at seventy-one, this will be a somewhat larger Executive Council than normal. However, it should be borne in mind that this is for one electoral period only, and that if everything else remained the same the subsequent EC would, as a result of the reduction in construction seats and the consequent reduction in the number of additional seats required for minimum proportionality, have only 63 members.

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Region	EC members	Designated Women	Designated BAEM	Additional
East Midlands	2	1		
Ireland	2	1		
London/Eastern	4	1	1	
NEYH	2	1		
North-West	3	1		
Scotland	2	1		
South-East	2	1		
South-West	2	1		
Wales	2	1		
West Midlands	2 + 1	1		1 BAEM
Sector				
Aerospace	2			
Automotive	2 + 1			1 BAEM
CAT	2+1	1		1 BAEM
Chemicals	1			
CN4P	1			
Construction (Unite)	4			
Construction (UCATT)	4			
Docks/Rails	1			
Education	1			
Energy/Utilities	1			
FDA	2 + 1	1		1 BAEM
Finance/Legal	2 + 1	1		1 woman
GEMS	2			

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Sector	EC members	Designated Women	Designated BAEM	Additional
Government etc	1			
GPM/IT	1			
Health	2 + 1	1		1 woman
Local Authorities	2	1		
Metals	1			
Passenger	2		1	
RTC	2			
Service Industries	1			
National Equality				
Women	1	1		
BAEM	1		1	
LGBT	1			
Disabled	1			
Youth	1			
TOTAL	71 (65 + 6)	16	3	2 women 4 BAEM

BALLOT GUIDELINES FOR THE ELECTION OF THE EXECUTIVE COUNCIL

The Executive Council is the governing body of Unite the union, responsible for the union's administration and governance, and its policy in between Policy Conferences. All eligible members are urged to consider standing for election to the Council. The union has produced a guide *Executive Council – Roles and Responsibilities* outlining what the EC does, and what is involved in being a member of it. This can be found on the union website alongside these guidelines, ballot notice and other EC election information.

The following guidelines to the conduct of the EC election for the May 2017- April 2020 electoral period are intended to ensure that the election conforms to law and the union's rule book, and to indicate what candidates and their supporters can and cannot do. It is aimed to ensure an open, fair and democratic process. It should be read in conjunction with Rules 14 and 16 of the Unite Rule Book – "Executive Council" & "Election of Executive Council Members and the General Secretary".

1. The union is required by law to have an Independent Scrutineer responsible for conducting the ballot and ensuring its conformity with legislation. This is *Electoral Reform Services* at 33 Clarendon Road, London N8 0WW. There is also a Returning Officer responsible for the internal administration of the election – this is the *General Secretary* of the union. Finally, the union's rules provide for an independent Election Commissioner to adjudicate on complaints by candidates or the Executive Council. This is *Professor Keith Ewing*. Both the Returning Officer and Professor Ewing can be reached through the union's Head Office.
2. All members of the union can vote in this election *except* retired and community members, and those who join after January 1 2017.
3. Notice of the ballot, together with a timetable and other details, will be sent to all Unite branches, workplace representative and full-time officials responsible for constitutional committees.
- 4.

CANDIDATES

5. To stand in the election members must be accountable representatives of workers. This is defined in Rule Six in the union's rule book and associated guidance, both available on the union website. In addition, candidates must have been members for at least 13 weeks, not to be more than 13 weeks in arrears on their subscriptions and cannot be employed by another trade union. Nominees who are eligible solely by virtue of being branch officers in employment will be asked by the Returning Officer to verify their employment status through presentation of pay slips or a current P60 form.
6. Prior to the nomination period for candidates opening, branches and workplace representatives will be advised that they can email details of prospective nominees to branches and workplaces. Prospective nominees will be allowed to provide a 150-word statement *only*, together with their membership details and the name of the constituency in

7. which they wish to stand, which will be circulated by the union with the letter inviting nominations.
8. Prospective Candidates must be a member in the region or sector, or in the equalities category, for which they wish to seek election. A nominee for the Youth seat must be under 27 years old at the date nominations close.

NOMINATIONS

9. Nominations can be made by branches and workplaces (where there is no workplace branch). Branches will be sent nomination forms. Forms for workplace reps will be available from Regional Secretaries and, for branches only, online. Nominations can only be made at a meeting properly convened for that purpose during the nominating period. All notices of meetings must be made available to the Returning Officer when nominations are submitted. Sample notices which can be used are included here for convenience, as an appendix.
10. Branches need not give special notice of the meeting if their branch meeting details are up-to-date on the membership system. Otherwise at least seven days' notice of the meeting must be given, and it must be clearly stated that EC nominations will be considered at the meeting. All workplaces must give such notice of their meetings. At least five members eligible to vote must be in attendance at Branch meetings, which may only nominate for national equalities seats, for the regional seats in the region in which the branch is located and for the sectoral seats(s) in sectors which the branch has at least five members. Workplaces may only nominate for the relevant sector seat and for national equality seats at least three members eligible to vote must be in attendance at the workplace meeting.
11. Nomination forms must be completed in full by both Branches and workplaces. Failure to do so may result in the Returning Officer declining to accept a nomination.
12. All prospective nominees must receive at least three nominations from branches, workplaces or a combination of both to become candidates, except candidates for regional seats who must receive at least three nominations from branches alone. Once candidates have received the required minimum number of nominations they will be so advised, and sent weekly updates of branches and workplaces nominating them.

INFORMATION

13. After the close of nominations and before the dispatch of ballot papers, the union will send an email to all branches and workplace representatives containing an election statement from candidates. Candidates must strictly observe the deadline notified for receipt of such a statement.
14. All eligible candidates will be sent postal and email contact addresses of the secretaries of branches which have nominated him/her where the secretary has signed the Data Protection Permission on the nomination form. Candidates themselves will be required to sign a similar declaration prior to the release of this information.

15. All candidates who have confirmed in writing that they accept nomination will be invited to submit an election address of up to 300 words. Guidance, *which must be strictly adhered to*, concerning how this address should be completed will be contained on the Election Address Form sent to the candidates for this purpose. If the address contains more than 300 words, only the first 300 will be printed, and no illustrative or visual material may be included. All legal liability for the contents of each candidates' election address rests solely and entirely with the candidate in question and not the union.

CAMPAIGNING

16. Branches may expend their own funds in support of a candidate nominated by them and any costs incurred by the Regional Administration in providing assistance will be charged against the appropriate branch fund. Otherwise, no union funds or other resources may be used to support any candidate, nor may the union's corporate identity or logo (or anything which in the opinion of the Returning Officer may be identified as such) be used in any material supporting any candidate(s). Unite's own social media platforms may not be used for election campaigning.
17. Candidates must ensure that members should only be written to, telephoned, e-mailed, texted or otherwise communicated with at their home or on private communications appliances if they are given a clear option to unsubscribe or otherwise decline to receive any further such communications.
18. No candidate shall email any Unite employee at their work in support of their campaign. No Unite employees should campaign or provide administration support using union facilities for any candidate.
19. All candidates and their campaign supporters should familiarise themselves with the provisions of the Data Protection Act 1988, details of which provisions will be made available to candidates once they are validly nominated and are available from the union administration at any time.
20. If the Returning Officer determines that a candidate or his/her campaign is in breach of any of the provisions of paragraphs 14-17 above, they may be disqualified from standing in the election. There will be no appeal.

VOTING

21. Eligibility to vote is as set out in paragraph 2 above. All eligible members will be sent the ballot papers and the election addresses for the seats in which they are entitled to vote together with a reply envelope. Should they not receive such a ballot paper by the date specified in the in the attached timetable they should contact the Independent Scrutineer which will determine whether a replacement ballot paper should be sent.
22. Member must by law be allowed to vote free from interference or restraint imposed by other members or by employees of the union. For example, it is not permitted to hold raffles or ballot days which encourage members to bring their ballot papers to a central

point for posting. Such activity may lead to the partial or total invalidation of the ballot and lead to the invocation of Rule 27 relating to membership discipline.

23. It is the responsibility of the member to ensure that his/her ballot is returned to the Independent Scrutineer by the close of ballot.

COUNT AND DECLARATION

24. The Independent Scrutineer is responsible for the count of the ballot. The count process (opening of ballot envelopes) will not commence until after the close of the ballot. Candidates may attend the count verification process, or may be represented at the count verification by one person only on their behalf.
25. The Independent Scrutineer will provide the result to the Returning Officer and the Executive Council will issue a declaration of the result, which will be published on the union's website, and will inform all branches.

This Guidance is designed to assist members of Unite in understanding the conduct of this ballot, and to set down clear parameters for nominating and campaigning. It does not cover all the points set out in Rule, nor all the legal provisions governing the election. If there is any doubt or confusion on any point, please refer to the union administration for information.

EXECUTIVE COUNCIL ELECTIONS FOR THE ELECTORAL PERIOD 2017 – 2020

The timetable for the election, including the advance publicity to encourage members to stand will be as follows. Branches will be able to make nominations on line or in the traditional manner. Workplace will be able to make nominations in the traditional way.

The new EC will hold office from 1st May 2017 to 30th April 2020. The following timetable for this election ensures that the new Council can take office on 1st May. Membership eligibility deadline for members voting in election – 1st January 2017 – to be eligible to vote a person must be a member at this date.

Ballot Rules and Guidelines for the conduct of the election AGREED JULY 2017

EC meeting Booklet – Your Union is run by You – EC Roles and Responsibilities Distributed to policy conference delegates

EC to decide on constituencies and timetable for election September 2016 EC meeting

Unite Website – post - Your Union booklet – and note official invitation will be sent in due course. Following September 2016

EC meeting Write to branches and workplace reps inviting campaign statement from people seeking nomination – email to branches and activists w/c 31 October 2016

Deadline for receipt of campaign statements 25th November 2016

Unite offices Closed for Christmas Holidays Friday 23rd December 2016 to Monday 2nd January 2017 (inclusive)

Despatch of Nomination Forms PLUS e-mail with campaign statement from people seeking nomination w/c 2nd January 2017

Nominations Period Monday 16th January – Friday 17th February 2017

Last date for Receipt of Nominations Wednesday 22nd February 2017

Last date for Acceptance and Receipt of Election Address Monday 27th February 2017

Voting Papers Despatched 27th March 2017

Helpline for members who have not received their ballot paper opens Friday 7th April

Deadline for despatching duplicate ballot papers Thursday 13th April 2017

Easter Holiday 2017 14th – 17th April

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Deadline for Voting papers to be returned to the Independent Scrutineer – 5.00 p.m. on Wednesday 19th April 2017

Count and scrutiny of ballot papers by ERS Thursday 20th to Wednesday 26th April 2017

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Count Verification attended by observers 27 & 28 April 2017

Executive Council receive report of Independent Scrutineer and result declared 28th April

New EC takes office 1st May 2017