



# **BDC 2022**

## **Preliminary Agenda 2020/2022**

*Breaffy House Resort, Castlebar, Co Mayo  
4/5 April 2022*

## SECTION 1

### *Primary Schedule*

## Union Affairs

### 1. Maximising and Sharing Union Resources

This Conference recognises that Mandate Trade Union has finite resources both financial and personnel and that there is very limited scope in the immediate future to increase these resources by reverting to the existing membership base.

Because of these limited resources, as a union we must be selective and strategic in the issues we pursue across our agenda. Therefore, there is an onus on every level within Mandate to ensure that our existing resources are both appropriate and fit for purpose and that we use them to achieve maximum impact to improve the position of our members and workers generally. With this in mind, this conference instructs the incoming NEC, in conjunction with all stake holders to evaluate all union functions with a view to maximising our resources in areas where they deliver. This review should not only include Mandate's own internal resources but also how and on what basis we interact with other like-minded unions and to explore the potential for increasing and releasing resources and by increasing the impact of unions by collaboration and sharing resources so as to fight effectively, organise and represent workers into the future. A report should be presented to the NEC no later than twelve (12) months from the close of the 2022 BDC.

**National Executive Council**

### 2. Campaigns

This conference commends the stance made by Mandate Trade Union and our members on the industrial, social and political issues of importance not only to our members and their families, but also wider society. Issues such as the prevalence of low pay, precarious employment contracts, marriage equality, reproductive rights, homelessness, water changes, political corruption etc. This conference directs the incoming NEC to continue to highlight and campaign on such matters of importance as they arise and to continue to mobilise our members and supporters to fight injustices both at home and abroad

**National Executive Council**

### 3. Motion Updates

This Conference calls on the incoming National Executive Council of Mandate Trade Union to produce and disseminate to all local councils an update as to the actions undertaken by the Union in relation to motions passed at the previous Biennial Delegate Conference. The updates should be produced and disseminated 9 months and 18 months after the closing of the previous Biennial Delegate Conference.

**City Centre Local Council**

### 4. Communications

Conference acknowledges the strong communications Mandate currently has and operates by way of social media but instructs the incoming NEC to identify and make more use of other social media tools, namely twitter and Instagram.

**Letterkenny Local Council**

### 5. Internal Communication

Conference notes that the union has over time considerably resourced in developing and maintaining its communication facilities, e.g. SMS messaging, video links, social media, etc. Whilst welcoming this development and the clear and obvious benefits derived from the same, Conference notes the preferred member communication tool is direct face to face engagement at all levels. This type of engagement creates real activism and ensures it is two way, thus

developing the potential for relationships, trust and confidence in the organisation by encouraging constructive feedback, agreed strategy and absolute clarity of purpose.

Conference instructs that the NEC surveys its members on how best they want to be communicated, with a view to ensuring recognition of the most cost effective and efficient tool and/or process for future reference.

#### **Westport Local Council**

#### **6. Mandate Youth Observer Seat on the NEC**

Conference directs that incoming NECs provide for an observer status member seat for Mandate Youth on those NECs. The holder of this seat will be elected by Mandate Youth at its first meeting following the BDC at which the NEC has been elected.

#### **Leitrim Local Council**

#### **7. Company Insolvencies-Changes to Employment and Company Law**

This conference notes the devastating effect that Covid-19 has had on retail workers and in particular the negative impact on their mental, physical and financial well-being. Many of our members have paid the ultimate price through the loss of their jobs as a result of the businesses in which they worked being declared insolvent. It is an indictment on the current and previous governments that sufficient protective measures are still not in place preventing workers from being subjected to the legislative shortfalls contained within the current Company and Employment legislative framework intended to deal with insolvencies thus leading to unnecessary trauma and suffering for the workers impacted. From early in the Debenhams and Arcadia closures Mandate was and continues to be to the forefront in calling for appropriate changes to both labour and company law and in this regard we were central to the ICTU campaign that demanded such changes. This conference instructs the incoming NEC to ensure that priority is given to the delivery of these campaign objectives.

#### **National Executive Council**

#### **8. Union Democracy**

Conference, recognising that active members are the cornerstone of trade unionism and the lifeblood of any vibrant, dynamic Trade Union, instructs the incoming National Executive Council, to provide sufficient resources to:

- Conduct a communications' exercise to explain the purpose of Local Councils and encourage more participation amongst the membership.
- Provide training and mentoring to Local Council Members, so as to empower the members to have the skills and confidence to efficiently and effectively chair the Council meeting and for secretaries to take and circulate meeting minutes, agendas and generally encourage more member participation.
- To consider the feasibility of broadcasting the next Biennial Delegate Conference (public session) via webcast to the membership, leading to far greater membership participation.

#### **The Artane/Finglas/Santry Local Council**

### 9. Decent Work Charter

This conference notes the continued prevalence of low pay and precarious employment contracts, and the impact these have on retail workers, in particular female workers and how this impacts on the unacceptably wide gender pay gap not only in retail, but across the economy. This coupled with anti-union employers and the lack of effective statutory trade union rights is condemning many workers to poverty. This conference fully endorses Mandate's charter for decent work which sets out basic decency thresholds and workers'/union rights including a voice at work. This conference instructs the incoming NEC to make the charter for decent work the bedrock of Mandate's industrial policy in discussions with all employers, and to set a time frame for the achievement of the goals of the charter across the retail sector by the use of collective bargaining campaigns, organising and industrial action if required.

**National Executive Council**

### 10. Christmas/St Stephen's Day and Easter Sunday

Conference calls on the incoming National Executive Council to campaign to have Christmas Day, St Stephen's Day and Easter Sunday as designated non trading days in retail.

**Limerick Local Council**

### 11. Four Day Working Week

Conference calls on the incoming National Executive Council to campaign Government to introduce the four day working week without loss of earnings.

**WITHDRAWN**

**Limerick Local Council**

### 12. Self Service Tills

Conference calls on all Mandate members and their families to desist from using self-service tills as this has contributed to a reduction in hours and staffing levels notwithstanding the pressure on the one individual retail worker tasked with supervising these self-service tills.

**WITHDRAWN**

**Killarney Local Council**

### 13. Tip Theft

This Conference notes and commends the exceptional campaign being run by our sister union UNITE with regard to the tip theft by employers. We call on the incoming National Executive Council of Mandate Trade Union to establish, through the drafting and disseminating of a survey to our members employed in the bar trade, if tip theft is prevalent within the trade. If it is established that tip theft is an issue then the incoming National Executive Council of Mandate should develop and implement a campaign to highlight and stop the practice of tip theft.

**City Centre Local Council**

### 14. Comprehensive Motion 1 (to be moved by City Centre Local Council)

This Conference applauds the public stance taken by Mandate and other campaigning unions to seek to have the 1990 Industrial Relations Act repealed and replaced with a suite of legislation intended to better protect working people and assist them to better organise into unions.

Conference therefore instructs the incoming Mandate NEC to initiate and adequately fund a national campaign, with other like-minded campaigning unions, to secure strengthened employment law through the establishment of a Fair Work Act in Ireland. This Fair Work Act should include the right to join a union; the right access workplaces; the right to representation; effective union recognition and collective bargaining rights; the inalienable right to strike; the right

to decent and fair work and any additional legislative provisions deemed necessary in defence of the Irish working class.

Conference further instructs the incoming NEC to seek to influence the Irish Congress of Trade Unions to campaign to abolish the 1990 IR Act in its entirety and to join in the fight to secure robust and effective workers' rights legislation and if so required due constitutional amendment that adequately defends against the rampant neo-liberal agenda pursued by successive Irish governments since the foundation of the free State.

**Covering Motion 45 Repeal the Industrial Relations Act – National Executive Council,  
Motion 46 Trade Union Recognition – Sligo Local Council,  
Motion 47 Right of Access Political Campaign – Castlebar Local Council and  
Motion 48 Collective Bargaining – Swords Local Council  
(Secondary Schedule, Category A)**

#### **15. Industrial Relations**

Conference notes that Mandate members experience a multitude of pay rates/scales and terms and conditions within their own and across all Irish retail employments, many of which are potentially divisive within our workplace memberships. Conference recognises the necessity to address these serious inequalities and differences and instructs the NEC to ensure that future industrial relations strategies- most especially the large multi-national retailers – have at their core the fundamental of equalisation of pay and terms and conditions whereby the best practice becomes the norm, and not the reverse, thus creating a clear race to the bottom.

Conference notes that current Mandate 'pay and benefit claims' serve as a template for such strategy which receive the welcome endorsement of the majority of affected members. Conference recognises that the large retailers have the financial scope and capacity to relent to these pay and benefit claims and thus instructs that all future industrial relation strategy double down on these and thus present the organisation as one that matters in retail.

**Sligo Local Council**

#### **16. Respect Retail Workers re Robust Legislation**

In furtherance of Mandate's Respect Retail Workers' Campaign, Conference instructs the National Executive Council to work with other unions, political parties and independents, academics and other relevant groups for the purpose of initiating a campaign to bring forward robust legislation that will help eliminate all forms of bullying by individual and institutional bullying by organisations in the workplace, by providing for stiffer penalties not just for the guilty perpetrators but for the organisation they work by way of vicarious liability.

**Galway Local Council**

#### **17. Communities Against Low Pay**

Conference notes the restrictions placed on Trade Unions by the Industrial Relations Act 1990 when it comes to industrial action and strikes.

Conference further recognises the importance of strong community organisations such as Communities Against Low Pay, and the role they may play in the successful outcome of any industrial action and strikes.

Therefore, conference calls on the incoming NEC to work with like-minded political and civil society groups such as the Communities Against Low Pay to strengthen Mandate's industrial and political strength.

**Galway Local Council**

**18. Amendment to the Workplace Relations Act 2015**

This Conference instructs the incoming National Executive Council to campaign for an amendment to the Workplace Relations Act 2015. This legislation prohibits the Workplace Relations Commission from publishing the identity of the parties to a dispute. Therefore, Conference notes that employers found guilty of denying their employees their statutory and/or contractual rights are then protected by anonymity. This is in breach of the legal notion, that not only must justice be done; it must also be seen to be done.

**WITHDRAWN**

**Tullamore Local Council**

**19. Family Friendly Policies**

Conference acknowledges that many if not all retail employments family friendly policies are limited in their statement and application. Conference notes that at present there is little or no family friendly and/or work-life balance employment policies and legislation that ensures no disadvantage where required to look after a sick child or loved one. Whilst it is recognised that Force Majeure leave is a right, it is limited and only provides for emergency situations. Conference instructs the incoming NEC to explore by way of membership survey the feasibility of pursuing paid release for these type of workplace scenarios in future industrial relation strategies and similarly, the potential for possible inclusion in Mandate retail charters for pay and benefit claims.

**Letterkenny Local Council**

**20. Women's Rights**

Conference notes that the gender make-up of its membership is predominantly female. As such Conference instructs the incoming NEC to ensure that the organisation's industrial relations strategies embrace and work towards employer/union agreements that provide for women to access maternity pay while on leave, that gender related illnesses of whatever sort are not applied to generic sick pay schemes, that employer policies are gender proofed to ensure they do not adversely impact on female workers. The latter should recognise that the ever increasing flexibility and productivity demands of retail employers fails to recognise the impacts on work/life balances most particularly around child care responsibilities, etc., which in the main fall to women.

**Westport Local Council**

**21. The Living Wage**

Conference calls on our NEC to apply pressure in all ways it deems appropriate to increase the minimum wage to become a living wage of at least 60% of the median wage.

**Navan Local Council**

**22. Comprehensive Motion No.2- Mental Health Services**

Conference condemns the Minister for Health, for the HSE's failings in relation to adult inpatient psychiatric units including admissions for children, inadequate mental health assessment units and insufficient numbers in psychiatric nursing. The use of prisons as a dumping ground for people suffering from mental conditions is appalling as is the lack of proper co-ordinated children's counselling services.

Suicide in Ireland is the seventeenth highest rate in Europe and the fourth highest for males aged 15 – 24, this figure appears to be on the decrease, however, it is still alarmingly high. These figures would be different if Ireland had a Government that cared enough to put in place the facilities that are required.

Conference calls on the National Executive Council to call upon the Minister to conduct a root and branch assessment into what the HSE currently provides and as a matter of urgency put in place proper services and facilities for both adults and children.

Conference further directs the NEC to heighten membership awareness of suicide using whatever methods and available resources possible, e.g. Shopfloor articles, membership and activist driven fundraising, partnering with relative community groups, etc.

**Newbridge and Kildare Local Council**  
**With Motion 49, Suicide Awareness -Ballina Local Council**  
**(Secondary Schedule Category A)**

**23. Legalising Cannabis**

Conference recognises the medicinal benefits of the natural drug cannabis. Conference further notes the continued reluctance to have this drug legalised and available for medicinal purposes and thus instructs the incoming NEC to correspond Mandate's support for any campaign particular to addressing this medicinal deficit.

**Castlebar Local Council**

**24. Autism**

Conference notes that the long and far reaching austerity programme unleashed on the Irish people had most impact on the relatively voiceless electorate, i.e. the disabled. This has negatively impacted on due proper and adequate educational resourcing of children challenged with autism with evident consequences on their parents, siblings and the home.

Despite the obvious and welcome recognition that Irish society has for autistic children and adults, successive Irish governmental policies are only paying lip service to the educational needs of these children and the important supports required at home. Conference instructs the incoming NEC to correspond with the relative governmental departments, Mandate's concerns at the lack of resources and supports in this area.

**Ballina Local Council**



### 25. Training

Conference recognises the need for more coverage of trade unions on school learning curriculums. Trade unions have played a large role in our history and it is vitally important for young people before entering into employment to learn this and also be aware of the role of a trade union.

In light of this, Conference calls on the incoming National Executive Council to lobby government and the relevant departments of education to ensure both the history and the role of trade unions are included in students' learning in order to better educate future trade union members.

***Wicklow Local Council***

### 26. Trade Union Training Release

Conference instructs the incoming NEC to lobby the Irish Congress of Trade Unions (ICTU) to seek that all trade union members receive appropriate paid release from their employers to attend trade union specific training.

Conference requests that this policy, if adopted, is one of the 2 Mandate motions that will be put forward to the next ICTU Biennial Delegate Conference.

**Monaghan Local Council**

### 27. Mandate and Student Body Liaison

Conference directs the incoming NEC to develop an action plan that engages, educates and works with students providing the basic knowledge of Trade Unions and their roles in our society. Recognising the lack of knowledge and/or awareness about the Irish trade union movement and its history in the education system, most students have no knowledge of Trade Unions and/or their rights in the workplace. This action plan should involve going into Irish schools, engaging with the students using all our tools including workshops. The plan should also involve liaising with the Students Unions in our university/colleges to ensure knowledge of workplace rights.

**Leitrim Local Council**

### 28. Retirement Age – Working Beyond

Conference calls on the incoming National Executive Council to lobby Government to make it legally compulsory on employers to offer employees an extension to their employment beyond age 65 and on the employees existing terms and conditions.

**Limerick Local Council**

### 29. Stop 67 Campaign

This Conference notes and commends the exceptional Stop 67 campaign, being run by our sister union SIPTU with regard to the Irish government's plan to increase the State Pension Age to 67 in 2021. We call on the incoming National Executive Council of Mandate Trade Union to fully support the Stop 67 Campaign by highlighting the campaign amongst the Mandate members.

**City Centre Local Council**

### 30. Extension of Free Travel Pass to Long Term Illness Scheme

Conference recognises the challenges faced by people with long-term illnesses in actively participating in the labour market.

Conference notes that free travel pass is extended to those with disabilities but not to those with long term illnesses that choose to remain in the labour market.

Conference therefore calls on the incoming NEC to campaign and lobby for the inclusion of the Free Travel Pass to people entitled to access the long-term illness scheme as a support to these workers to remain in the labour market.

**Galway Local Council**

### 31. Homelessness Fund Report

Conference notes the rise in homelessness in Irish Society in recent years. Many Mandate members are affected by this unfortunate development.

Consequently, conference calls on the incoming NEC to commission a report in relation to the establishment of a fund to be made available to Mandate members in such circumstances. The report to consider whether this fund is funded from existing union subscriptions and/or a voluntary additional levy; the criteria to avail of the fund and the necessary rule changes required should such a fund be established. Conference calls on the incoming NEC to report back to the 2022 BDC with a recommendation on the merits or otherwise of the establishment of such a fund.

**Galway Local Council**

### 32. Mandatory Pension Scheme

Conference notes with concern the government's plan to introduce a mandatory private pension scheme for all employees in Ireland increasing to 6% contribution from both employers and employees. This is an effective pay cut or low paid workers in Ireland.

Conference further notes employers in Ireland pay the lowest rate of social insurance contributions (PRSI) in the EU (second only to Denmark who include social insurance in general income tax). If the employer was to pay the full 12% contribution, they would still not be paying the average social insurance rate of the EU countries.

Conference further notes with concern the money raised from pension contributions may currently be invested in arms manufacturing and industries that are a threat to the environment.

Therefore conference calls on the incoming NEC to initiate a campaign with the other unions, political parties, independent TDs and civil society groups, to call for the 12% contribution to be made entirely by the employer in full recognition of the low social insurance contributions they pay compared to most other EU states, and calls on all money raised through the new system to be ring-fenced for investment in State funded housing health education.

**Tullamore Local Council**

**33. New Pension Scheme**

Conference affirms its absolute opposition to current government proposals re the state pension contributory scheme, as well as the increase of the pension/retirement age. Conference instructs the incoming NEC to do what it can to highlight our policy position on these proposals and similarly enjoin with and support as far as possible all campaigns similarly positioned.

**Letterkenny Local Council**

**34. Taxation**

Conference affirms that successive governmental policies and budgets unfairly and unevenly disadvantages the lesser well off. In terms of limiting the tax intake potential that currently prevails, e.g. low rates of corporation tax, legislated for tax loopholes, SARF type incentive schemes, etc., Conference requests that the incoming NEC does what it can to make Mandate's policy position on current taxation regimes known and where possible initiate and/or enjoin with those campaigning similar to this policy position.

**Sligo Local Council**

**35. The Far Right**

Conference notes the rise of the far-right wing in Irish society in recent months. Conference instructs the incoming NEC to encourage and support all Mandate members, activists and employees to curb the rise of the far-right wing in their workplace and communities, as the ideology runs counter to the principles of Trade Unionism. Conference calls on the NEC to work with other organisations, political parties and groups that share similar objectives to curb the rise of the far-right wing, which should have no part in Irish society.

**Athlone Local Council**

**36. An Teanga Gaeilge**

Tugann an chomhdháil fáilte agus aitheantais d'ar saoráid gnáthchleachtadh maidir leis an teanga Gaeilge ag tabhairt deiseanna d'ár mbaill agus a dteaglaigh, scoilairéachtaí Gaeltachta a bhaint amach. I dtáca le seo tá na haltanna treimhsiúla i 'Shopfloor' ó BDC 2018. Dearbhaíonn an chomhdháil gurb fhuí ár dteanga a chaomhnú agus an meas agus aitheantas cuí a thabhairt dí ar fud fad na hÉireann. Ba cheart nuair atá aon deis ar fáil go mbeidh muid uile ghníomhach i bhfeachtas ar bith atá naisúinta leis an pholasaí seo a chur i bhfeidhm.

Tugann an chomhdháil comhairle sa bhreis an NEC nua chun costais a fhiosrú agus cursaí a chur ar fáil i gceantair Gaeltachta a bheadh infhaighte agus fóirsteanach d'ár mbaill agus oifigí araon.

agus an leagan Bearla,

**Irish Language**

Conference recognises and welcomes our current language facility of Gaeltacht scholarships for members and their families, as well as the periodic contributions in Shopfloor since BDC 2018. Conferences accepts that our language is worthy of preserve, regard and due recognition across the whole of Ireland, and thus directs that where possible we actively involve ourselves in all-Ireland campaigns that deliver on this policy position. Conference further instructs the NEC to cost and provide Irish language courses and/or schools, preferably in designated Gaeltacht areas recognised as suffering from economic decline which thus impacts on the conservation and preservation of one of our most valuable and cherished resources – the Irish language. These courses if so provided should be open to both Mandate members and employees.

**Sligo Local Council**

**37. North West Investment**

Conference recognises that to date there has been little or no progress made on our policy position regards the lack of governmental investment and resource in the North West area, namely Co Donegal. As a means of strategically addressing this, Conference requests the NEC to instruct Mandate's Letterkenny and Sligo Local Councils to immediately design and launch a campaign involving appropriate political, community, fraternal and associated trade union councils to highlight our consistent policy position on this. This campaign should involve as far as possible media drives, engagement with local and national political representatives, alliances with community groups campaigning for due investment and resources, the hosting and delivering of public awareness seminars and where possible all types/methods of peaceful protests.

**Letterkenny Local Council**

**38. Insurance Costs**

Conference recognises and applauds Sinn Fein's – not least its TD Pearse Doherty – current campaign regards what can only be regarded as the exploitative money making practices of the country's insurance industry. These are particularly manifest and felt in rural Ireland where due to the lack of infrastructure and public transport, people – Mandate members included – rely on their own means of transport to travel. Thus the extortionate cost of car insurance has maximum impact. Conference instructs the incoming NEC to correspond with Sinn Fein's Pearse Doherty our support for his and his party's efforts and campaigning on this matter. Further Conference instructs the incoming NEC to ensure that that correspondence of support is made known by whatever means possible to our membership.

**Letterkenny Local Council**

**39. Tenancy and Rents**

Conference notes the continued homelessness crisis and the fact that successive governments and certain Irish political parties either legislate for or have a clear opposition to legislate against the ongoing malpractices of landlords that are and continue to take advantage of the current housing market forces that are unfairly balanced towards these same landlords.

Conference directs that the incoming NEC corresponds Mandate's continued support for those political parties and campaigns that seek to address these unfair imbalances that disadvantages tenants and only contributes to the spiralling homelessness crisis. In corresponding Mandate's support for the aforementioned, Conference instructs that the incoming NEC ensures Mandate's representative and member activism is actively encouraged all such campaigns that legislates for the protection of tenancy against landlord opportunism.

**Castlebar Local Council**

**40. Raise the Roof Campaign**

Conference calls on the incoming NEC that we continue and step up the Raise the Roof campaign. Nowhere near is enough being done by our government to improve homelessness, which has been on a steady rise, including young children and families being placed in emergency accommodation.

**Leitrim Local Council**

**41. Exploitation of Migrant Workers**

Conference calls on our NEC to engage with relevant community and voluntary organisations, and migrant community groups, to raise awareness of the exploitation of workers and to work with them to close loopholes in the law that allows the exploitation of migrants to continue.

**Drogheda Local Council**

**42. Increase Workers' Share of National Income**

Over the years, the share of the national economy going to labour as opposed to capital has declined.

Therefore we call on conference to instruct our National Executive Council to pursue a campaign which will ensure that the CSO and other agencies will publish and analyse how economic output is distributed.

Will ensure the CSO and other agencies publish and analyse how income and wealth are distributed across society.

Will lobby the government to replace the Combat Poverty Agency, abolished by Fianna Fail in 2009, with a new economic equality agency tasked with designing a social democratic market economy model for Ireland that will eliminate poverty and ensure everyone can achieve a decent standard of living.

That the State will create a standing commission on taxation to analyse the tax and social insurance system, to recommend changes so that there is a fairer distribution of income and wealth across society.

**Dundalk Local Council**

**43. Anti-War and Peace Movements**

Conference calls on the incoming NEC to take greater action in the promotion of the Anti-war/peace movements in Ireland; to strongly counter the erosion of Ireland's historic neutrality; to support the public condemnation of the allowance of US troops through Shannon airport and support opposition to Ireland joining the European PESCO agreement.

**Athlone Local Council**

**44. Climate Change**

Conference calls on retailers to take a more proactive approach in relation to the impact of the products that are sold and packaged to the environment. Retailers are in a good position to make decisions that could put the larger consumer goods industry on a more environmentally sustainable path.

Not only is there irresponsible packaging of food and dry goods, but the clothing industry releases millions of tons of microfibers into our oceans every year which is no longer sustainable.

Conference calls on the National Executive Council to meet with IBEC and other bodies to discuss how retailers can play a more responsible role in cleaning up the environment and doing their part in helping to reverse the damage done to our climate.

**Longford Local Council**

## Section 2

### Alteration to Rule

#### 1. Rule 44

##### **Complaints against Union Employees**

*Submitted by: Longford Local Council*

*Division: Midlands Division*

#### **44 COMPLAINTS AGAINST UNION EMPLOYEES**

- 44.1 The General Secretary on receiving a complaint in writing about any alleged act or omission by any Mandate employee/s from one or more Mandate members, shall have power to initiate an investigation into the alleged act or omission so complained of. Such complaints must in the first instance be put in writing by the member/s involved to the General Secretary within one month of the date of the alleged offence.
- 44.2 The investigation shall be conducted in accordance with the terms and provision of the Staff Disciplinary Policies as outlined in the Mandate Staff Policies Manual.

#### **Alteration:**

In Section 44.1, Delete “Investigate” and replace it with “Investigation”

In Section 44.2 Delete “Staff Disciplinary Policies” and replace it with “relevant staff relations Policy/s and in particular will be directed in a manner that adheres to the Principles of Natural Justice and the Union’s Staff General Data Protection policies and procedures”

#### **New Rule to Read:**

#### **44 COMPLAINTS AGAINST UNION EMPLOYEES**

- 44.1 The General Secretary on receiving a complaint in writing about any alleged act or omission by any Mandate employee/s from one or more Mandate members, shall have power to initiate an investigation into the alleged act or omission so complained of. Such complaints must in the first instance be put in writing by the member/s involved to the General Secretary within one month of the date of the alleged offence.
- 44.2 The investigation shall be conducted in accordance with the terms and provision of the relevant staff relations Policy/s and in particular will be directed in a manner that adheres to the Principles of Natural Justice and the Union’s Staff General Data Protections policies and procedure as outlined in the Mandate Staff Policies Manual.



## 2. Rule 4 – Biennial Delegate Conference

### Biennial Delegate Conference

Submitted by: *National Executive Council*

Division: *Mandate Trade Union*

#### Alteration to Rule:

Insert after clause 4.16 a new clause 4.17:

4.17 The retired members' section may send a maximum of two of its members as observers to the BDC. These observers will have no voting rights at the BDC but may address the BDC on matters of importance to the Retired members' Section. Requests to address conference must first be approved by the Standing Orders Committee.

#### New Rule to read as follows:

## 4 BIENNIAL DELEGATE CONFERENCE

4.1 The supreme government of the Union shall be vested in the Biennial Delegate Conference (hereinafter referred to as the BDC) which shall meet on the date and at a time and venue to be determined by the NEC. The BDC shall determine the principles and policies of the Union.

4.2 The BDC shall be composed of delegates from the various Local Councils of the Union on the following scale:

Membership	Delegates
15 to 100	1
101 to 200	2
201 to 300	3
301 to 400	4
401 to 500	5
501 to 700	6
701 to 900	7
901 to 1000	8
1001 plus	8 plus 1 delegate for each complete 200 members above 1001
2001 plus	1 plus 1 delegate for each complete 500 members above 2000 members

4.3 An official of the union shall be entitled to attend the BDC and to speak on any issue coming before the Conference but shall not be entitled to vote on any question coming before the Conference.

4.4 It shall be the responsibility of the Local Council to notify the General Secretary of the names and addresses of the delegates appointed to the BDC.

4.5 The number of delegates to which a Local Council may be entitled to nominate under this rule shall be computed on the figures of the Local Council's membership given in the Annual Report and Balance

Sheet of the Union as of 31 December next preceding the BDC.

- 4.6 Delegates to the BDC shall be members of the Local Council by which they are appointed.
- 4.7 The BDC shall review the entire workings of the Union and shall determine the Union's policy on all matters affecting or touching upon the interests of the Union or its members.
- 4.8 Without prejudice to the generality of the foregoing, the business transacted by the BDC shall include:
- (a) The consideration of the Report of the NEC and the Balance Sheet and Accounts for the Union relating to the two preceding years ended 31 December;
  - (b) The consideration of motions and amendments submitted by Local Councils or the NEC provided that such motions do not seek to contravene any provision of these rules;
  - (c) The consideration of proposals to amend these rules;
  - (d) The hearing and determination of all appeals made against decisions of the NEC and the Union's Appeals Committee brought under these rules;
  - (e) The election of such officers of the Union and in such manner as provided for by these rules;
  - (f) The endorsement of the election of a NEC in the manner hereinafter provided;
  - (g) The endorsement of the election of the Appeals Committee as provided for in Rule 7.2;
  - (h) The endorsement of the election of the Standing Orders Committee as provided for in Rule 6.1;
  - (i) The conduct of such other business as the Conference is authorised to conduct under any other provision of these rules;
- 4.9 Where appropriate the NEC may schedule workshops at the BDC.
- 4.10 The proceedings of the BDC shall be conducted in conformity with the Standing Orders set out and provided for in these rules and at Annexe 1 of these rules.
- 4.11 The quorum at any BDC shall be a majority of the delegates entitled to attend.
- 4.12 Members of the NEC shall attend the BDC as a collective body but shall not be entitled to take part in any vote or election, save that the officer presiding at the time shall be entitled to a casting vote in the event of an equal number of votes being cast on each side.
- 4.13 Other than the election processes voting shall be a show of hands except when a card vote is called by the officer presiding or demanded where it is so demanded by one third of the delegates attending or the delegates of one third of the Local Councils represented.
- 4.14 Where a card vote is taken in accordance with the preceding paragraph of this rule, the delegation from each Local Council shall appoint from amongst their number a principal delegate, who shall cast a number of votes equal to the entire membership of that Local Council as shown on the Report and Balance Sheet for the period ending 31 December next preceding the date on which the BDC is being held. The question before the BDC shall then be decided on the aggregate majority of the votes cast.
- 4.15 Local Councils shall be given not less than 15 weeks clear notice of the holding of the BDC.
- 4.16 Delegates to the BDC shall be paid such expenses as are necessarily incurred by them in attending at the Conference within a scale which shall be determined, from time to time, by the NEC.
- 4.17 The retired members' section may send a maximum of two of its members as observers to the

BDC. These observers will have no voting rights at the BDC but may address the BDC on matters of importance to the Retired members' Section. Requests to address conference must first be approved by the Standing Order Committee.

### 3. Rule 9 – 9.2

#### National Executive Council

*Submitted by: City Centre Local Council*

*Division: Dublin Central and West*

#### Current Rule

- 9.2 Each division of the Union shall be allocated a number of ordinary seats of the National Executive Council in accordance with the following scale of members within each division as recorded on the 31st of December prior to the BDC:

500 – 4,000	2 members
4,001 – 15,000	3 members
15,001 – 25,000	4 members
25,001 – 35,000	5 members
35,001 – 45,000	6 members
45,001 plus	7 members

#### Alteration to Rule:

Rule 9.2. National Executive Council – In the second line of the table delete the figure 15,000 and replace it with the figure 5,000. In the third line of the table delete the figure 15,001 and replace it with the figure of 5,001. In the third line of the table delete the figure of 25,000 and replace it with the figure 15,000. In the fourth line of the table delete the figure 25,001 and replace it with the figure 15,001.

#### New Rule to Read

- 9.2 Each division of the Union shall be allocated a number of ordinary seats of the National Executive Council in accordance with the following scale of members within each division as recorded on the 31st of December prior to the BDC:

500 – 4,000	2 members
4,001 – 5,000	3 members
5,001 – 15,000	4 members
15,001 – 35,000	5 members
35,001 – 45,000	6 members
45,001 plus	7 members

#### **4. Rule 9 – 9.2**

##### **National Executive Council**

*Submitted by: Dublin South East Local Council*

*Division: Dublin South and Wicklow Division*

#### **9 NATIONAL EXECUTIVE COUNCIL**

9.1 For the general administration of the Union's business and for the government of the Union between meetings of the BDC there shall be a NEC. The NEC shall consist of such members and have such powers as are provided by these rules.

9.2 Each division of the Union shall be allocated a number of ordinary seats of the National Executive Council in accordance with the following scale of members within each division as recorded on the 31st of December prior to the BDC:

500 – 4,000	2 members
4,001 – 15,000	3 members
15,001 – 25,000	4 members
25,001 – 35,000	5 members
35,001 – 45,000	6 members
45,001 plus	7 members

9.3 A President, a Vice-President, a Treasurer and three Trustees who shall be collectively known and herein referred to as the "Officers" will be elected by the BDC from the ordinary elected members of the incoming NEC which is to take office at the close of the BDC. The remaining members shall be called ordinary members.

9.4 The ordinary members of the NEC shall be elected to hold office for a period of 2 years or if retired from employment or becoming unemployed, up to the close of the BDC next following such an event.

9.5 The President, the Vice-president, the Treasurer and the three trustees shall be elected at the BDC and shall hold office for a period of two years or if retired from employment or becoming unemployed, up to the close of the BDC next following such an event.

##### **Alteration to Rule:**

Insert new section 9.6 to read as follows after section 9.5:

9.6 For the purpose of this rule only, all members of the NEC are considered Officers of the union, for the purpose of the Industrial Relations Act 1990, Part 2, Section 11, Subsection 5, peaceful picketing.

##### **New Rule to Read:**

#### **9. NATIONAL EXECUTIVE COUNCIL**

9.1 For the general administration of the Union's business and for the government of the Union between meetings of the BDC there shall be a NEC. The NEC shall consist of such members and have such powers as are provided by these rules.

- 9.2 Each division of the Union shall be allocated a number of ordinary seats of the National Executive Council in accordance with the following scale of members within each division as recorded on the 31st of December prior to the BDC:

500 – 4,000	2 members
4,001 – 15,000	3 members
15,001 – 25,000	4 members
25,001 – 35,000	5 members
35,001 – 45,000	6 members
45,001 plus	7 members

- 9.3 A President, a Vice-President, a Treasurer and three Trustees who shall be collectively known and herein referred to as the “Officers” will be elected by the BDC from the ordinary elected members of the incoming NEC which is to take office at the close of the BDC. The remaining members shall be called ordinary members.
- 9.4 The ordinary members of the NEC shall be elected to hold office for a period of 2 years or if retired from employment or becoming unemployed, up to the close of the BDC next following such an event.
- 9.5 The President, the Vice-president, the Treasurer and the three trustees shall be elected at the BDC and shall hold office for a period of two years or if retired from employment or becoming unemployed, up to the close of the BDC next following such an event.
- 9.6 For the purpose of this rule only, all members of the NEC are considered Officers of the union, for the purpose of the Industrial Relations Act 1990, Part 2, Section 11, Subsection 5, peaceful picketing.

## 5. Rule 4 – 4.2

### Biennial Delegate Conference

Submitted by: *Leitrim Local Council*

Division: *North and West Division*

- 4.2 The BDC shall be composed of delegates from the various Local Councils of the Union on the following scale:

Membership	Delegates
15 to 100	1
101 to 200	2
201 to 300	3
301 to 400	4
401 to 500	5
501 to 700	6
701 to 900	7
901 to 1000	8
1001 plus	8 plus 1 delegate for each complete 200 members above 1001
2001 plus	1 delegate for each complete 500 members above 2000 members

### Alteration

At 4.2, first line of the "membership/delegate scale" insert 15 - 200 membership 2 delegates and remove line 1 & 2 which currently reads '15 - 100 1 delegates, 101 - 200 2 delegates'.

### New Rule to Read:

- 4.2 The BDC shall be composed of delegates from the various Local Councils of the Union on the following scale;

Membership	Delegates
15 to 200	2
201 to 300	3
301 to 400	4
401 to 500	5
501 to 700	6
701 to 900	7
901 to 1000	8
1001 plus	8 plus 1 delegate for each complete 200 members above 1001
2001 plus	1 delegate for each complete 500 members above 2000 members

**6. Rule 23 – 23.1**

**Membership**

*Submitted by: National Executive Council*

*Division: Mandate Trade Union*

- 23.1 The Union shall consist of any number of persons who are employed – including temporary employees – or normally employed or seek to be employed of an appropriate employment, as determined by the NEC, who accept the principles, objects and methods of the Union and whose application for membership is accepted in accordance with this rule.

**Alteration**

‘and/or unemployed persons, including but not limited to retired workers’,

**New Rule to Read:**

- 23.1 The Union shall consist of any number of persons who are employed – including temporary employees – or normally employed or seek to be employed of an appropriate employment and/or unemployed persons, including but not limited to retired workers, as determined by the NEC, who accept the principles, objects and methods of the Union and whose application for membership is accepted in accordance with this rule.

**7. Rule 29 – 29.1**

**Unemployed Members**

*Submitted by: National Executive Council*

*Division: Mandate Trade Union*

- 29.1 Notwithstanding any other provisions of these rules, the NEC shall be empowered to reduce the contribution payable by a member who becomes unemployed, for as long as they remain unemployed, to a rate to be determined by the NEC.

**Alteration**

After the words Unemployed in the heading of rule 29 insert the words “and Retired Members”

After the words “who becomes unemployed” insert the words “or retired”

**New Rule to Read:**

**29 UNEMPLOYED MEMBERS AND RETIRED MEMBERS**

- 29.1 Notwithstanding any other provisions of these rules, the NEC shall be empowered to reduce the contribution payable by a member who becomes unemployed **or retired** for as long as they remain unemployed, to a rate to be determined by the NEC.

**8. Rule 29 – 29.2**

**Unemployed Members**

*Submitted by: National Executive Council*

*Division: Mandate Trade Union*

- 29.2 Unemployed members are not entitled to contest elections for NEC positions but NEC members who become unemployed during the tenure of their office shall be covered by Rules 9.3 and 9.4 of these rules.

**Alteration:**

**Line 1 after the Word “Unemployed” insert the words “or retired”**

**Line 2 after the word “become unemployed” insert the words “or retired”**

**New Rule to Read:**

- 29.2 Unemployed **or retired** members are not entitled to contest elections for NEC positions but NEC members who become unemployed **or retired** during the tenure of their office shall be covered by Rules 9.3 and 9.4 of these rules.

**9. Rule 45 - 45.1**

**Local Councils**

*Submitted by: National Executive Council*

*Division: Mandate Trade Union*

**45 LOCAL COUNCILS**

- 45.1 The membership of the Union shall be divided into Local Councils and Divisions to one of which every member shall belong. Local Councils shall be formed, dissolved amalgamated or divided by the NEC. Insofar as it is practicable, Local Councils shall be based on geographical areas.

**Alteration**

Insert at after the words “geographical areas.” the words “Retired members may not constitute more than one-third (33.3%) of the members on the Local Council to which they have been allocated.”

**New Rule to Read:**

**45 LOCAL COUNCILS**

- 45.1 The membership of the Union shall be divided into Local Councils and Divisions to one of which every member shall belong. Local Councils shall be formed, dissolved amalgamated or divided by the NEC. Insofar as it is practicable, Local Councils shall be based on geographical areas. **Retired members may not constitute more than one-third (33.3%) of the members on the Local Council to which they have been allocated.**



**10. Rule 46 – 46.1**

**Divisions**

*Submitted by: National Executive Council*

*Division: Mandate Trade Union*

**46 DIVISIONS**

- 46.1 Local Councils shall be grouped into Divisions which shall be the organisation's electoral units for the NEC. Divisions shall be formed, dissolved, amalgamated or sub-divided by the NEC.

**Alteration:**

Insert the following clause 46.2 after the clause 46.1:

- 46.2 All retired members who notify the union of their retirement and their desire to remain a member of Mandate Trade Union will be allocated into a National Retired Members' Section. This section may elect its own Officers/Committee and may call national meetings on matters of specific interest to retired members, such requests for national meetings must be notified in advance to the General Secretary and approved by the NEC.

**New Rule to Read:**

**46 DIVISIONS**

- 46.1 Local Councils shall be grouped into Divisions which shall be the organisation's electoral units for the NEC. Divisions shall be formed, dissolved, amalgamated or sub-divided by the NEC.
- 46.2 All retired members who notify the union of their retirement and their desire to remain a member of Mandate Trade Union will be allocated into a National Retired Members' Section. This section may elect its own Officers/Committee and may call national meetings on matter of specific interest to retired members, such requests for national meetings must be notified in advance to the General Secretary and approved by the NEC.

## Section 3

### Secondary Schedule

#### Category A

*Motions which are covered by a composite or comprehensive motion on the primary schedule*

#### 45. Repeal Industrial Relations Act

Conference notes the continued and sustained attack on workers and trade unions in their efforts to organise collectively. Conference further notes the near total absence of effective trade union rights on issues such as collective bargaining, victimisation, and “access” to work places and trade union training. This conference instructs the incoming NEC to join with other unions and federations, civil society and members to launch a campaign to repeal existing clauses in current industrial relations legislation which limits the rights of workers/unions to take action collectively, politically or supportive and to replace this restrictive legislation with a new trade union act which gives workers and unions the right to organise collectively, to bargaining, to take solidarity and political action in support of their members or the members of other unions, to give unions the right to access to places of employment and to protect against all forms of victimisation either against trade unions, their members or perspective members.

**National Executive Council**

***With Motion 14, Comprehensive Motion 1 – Repeal of the 1990 Industrial Relations Act***

***(Primary Schedule Section 1)***

#### 46. Trade Union Recognition

Conference recognises the constant challenges for all trade unions – not least Mandate – in ensuring a workplace influence and relevance, namely the right to collectively bargain. Conference affirms that the voluntarist nature of this right disadvantages trade unions and the members they represent. Conference instructs the incoming NEC to use all within its powers to address this representational deficit by way of political engagement that delivers due legislation collective bargaining recognition and rights, and similarly the appropriate constitutional reform.

**Sligo Local Council**

***With Motion 14, Comprehensive Motion 1 – Repeal of the 1990 Industrial Relations Act***

***(Primary Schedule Section 1)***

#### 47. Right of Access Political Campaign

Conference notes that to date Mandate has yet to fulfil its current ‘right of access’ policy position as per the 2018 Mandate Biennial Delegate Conference, most notably with the major employer Tesco Ireland.

Conference instructs the incoming NEC to initiate a campaign that engages and educates the country’s political legislators that will deliver in law on our current ‘right of access’ policy position.

**Castlebar Local Council**

***With Motion 14, Comprehensive Motion 1 – Repeal of the 1990 Industrial Relations Act***

***(Primary Schedule Section 1)***

#### 48. Collective Bargaining

“Conference calls for Mandate to pursue a belt and braces approach to enshrining workers’ right to collective bargaining through legislation and constitutional change.

We should pursue legislation to recognise the right to collective bargaining in law.

We should also campaign for the right to collective bargaining to be placed in the constitution so that future governments will find it harder to dilute or take away this right.

We call on conference to support this motion.”

**Swords Local Council**

**With Motion 14, Comprehensive Motion 1 – Repeal of the 1990 Industrial Relations Act  
(Primary Schedule Section 1)**

**49. Suicide Awareness**

Conference notes that despite the increased public awareness of suicide, there is a clear lack of public resources in this very important area. Conferences further notes that with the clear and evident demise of rural Ireland consequential of successive government’s policies regards same, the issue of suicide has serious unfortunate context, leaving many rural communities relatively untouched.

Conference therefore directs the NEC to heighten membership awareness of suicide using whatever methods and available resources possible, e.g. Shopfloor articles, membership and activist driven fundraising, partnering with relative community groups, etc.

**Ballina Local Council**

**With Motion 22 – Comprehensive Motion 2 Mental Health Services  
(Primary Schedule Section 1)**

**Category B**

***Motions which re-state existing Union Policy***

**50. Right to Water Campaigns**

Conference calls on the incoming NEC to continue with this great campaign. Clean water should be a basic right for every person.

**Leitrim Local Council**

**51. Disability**

Congress calls on the NEC to help and support people with disabilities to access work to a far greater extent that they are doing so at present.

**Balbriggan Local Council**

**Category C**

***Motions which can be deal with by correspondence with Union Head Office:***

There are no motions listed in this category

#### **Category D**

***Motions which are competent to be dealt with by a body established under Rule 15.3 of the rules of the Union and which are to be remitted to the NEC for reference to that body***

#### **52. University Hospital Limerick**

Conference calls on the incoming National Executive Council to highlight to Government the constant ongoing overcrowding at the Accident and Emergency Department of University Hospital Limerick.

**Limerick Local Council**

#### **Category E**

- (i) Motions which are unclear, vague to the extent that the motion is not understandable and/or is not written properly and/or in proper motion format**
- (ii) Motions which could bring the union into disrepute, or which expose the union to legal challenge.**

#### **53. Pro-life/choice (Category E (ii))**

Conference notes the amount of pro-life members within the Mandate membership and that we therefore take a neutral stance on this issue. Conference accepts that the divisiveness of this issue and its potential impact on any and all future membership levels and therefore promotes a neutral position.

**Leitrim Local Council**

#### **54. Israel/Palestine conflict (Category E (ii))**

Conference calls on the incoming NEC to take a neutral position on this very deep, religious and complicated conflict. Conference notes our current policy of support for pro- Palestinian solidarity/BDS groups and campaigns, which reportedly have corrupt and exploitive practices. Conference therefore instructs the incoming NEC to remove our support and involvement in these and other similar organisations particular to this conflict.

**Leitrim Local Council**

#### **55. Proposed Alteration to Rule 14 – 14.2**

##### **Filling Casual Vacancies on National Executive Council**

*Submitted by: Blanchardstown Local Council*

*Division: Dublin North*

- 14.2** Where an ordinary vacancy arises during the term of the NEC, the NEC will fill that vacancy by calling upon the person, who is then standing highest on the list of unsuccessful candidates at the last relevant election, who is a member and who is still willing to serve on the NEC subject to satisfying the provisions of Rule 11.6. In the event that there is no person on the list of unsuccessful candidates at the last relevant election to satisfy the provisions of Rule 11.6, then the NEC will call upon that person who is then standing highest on the same said list to fill the NEC vacancy as per Rule 11.7. A person elected as an ordinary member of the NEC at a bye-election shall continue in office for the remainder of the term of the person whom he/she replaces."

**Alteration:**

On line two after the words “*calling upon the*” delete the words on lines two & three “*person, who is then standing highest on the list of unsuccessful candidates at the last relevant election, who is a member and who is still willing to serve on the NEC*” and insert the words “*Local Council who nominated the person who gave rise to the vacancy to elect that persons replacement from within its membership*”

cont.

**Amended 14.2 should now read as follows;**

Where an ordinary vacancy arises during the term of the NEC, the NEC will fill that vacancy by calling upon the Local Council who nominated the person who gave rise to the vacancy to elect that persons replacement from within its membership subject to satisfying the provisions of Rule 11.6. A person elected as an ordinary member of the NEC at a bye-election shall continue in office for the remainder of the term of the person whom he/she replaces.

**56. Proposed Alteration to Rule 45 – 45.3**

**Local Councils**

*Submitted by: Blanchardstown Local Council*

*Division: Dublin North*

45.3 Without prejudice to the generality of the foregoing the business of the Local Councils shall be:

- (a) The nomination of candidates within the Division for election to the NEC, the Appeals Committee and Standing Orders Committee;
- (b) The submission of motions for inclusion on the agenda of the BDC and the submission of amendment thereto;
- (c) the nomination, and, if required, election of candidate(s) to the BDC as processed at the Local Council's Biennial General Meeting;
- (d) The mandating of delegates appointed by the Local Councils to the BDC in matters relating to the agenda for Conference and the election of officers by the Conference;
- (e) recruitment of workers eligible for membership of the Union with that Local Council's geographical area;
- (f) the submission of proposals and reports on Local Council activity to the NEC as and when directed;
- (g) the recording of financial transactions carried out with monies provided by the NEC in furtherance of Local Council activity;
- (h) the engagement and cessation of any activity as directed by the NEC

**Alteration:**

After Subsection (h) of Rule 45.3.insert a new subsection (i) as follows “**to elect from its members a substitute to fill any vacancy with respect of an ordinary member which may arise on the NEC in accordance with Rule 14.2**”

**New Rule to Read:**

**45.3 Without prejudice to the generality of the foregoing the business of the Local Councils shall be:**

- (a) The nomination of candidates within the Division for election to the NEC, the Appeals Committee and Standing Orders Committee;
- (b) The submission of motions for inclusion on the agenda of the BDC and the submission of amendment thereto;
- (c) the nomination, and, if required, election of candidate(s) to the BDC as processed at the Local Council's Biennial General Meeting;
- (d) The mandating of delegates appointed by the Local Councils to the BDC in matters relating to the agenda for Conference and the election of officers by the Conference;
- (e) recruitment of workers eligible for membership of the Union with that Local Council's geographical area;
- (f) the submission of proposals and reports on Local Council activity to the NEC as and when directed;
- (g) the recording of financial transactions carried out with monies provided by the NEC in furtherance of Local Council activity;
- (h) the engagement and cessation of any activity as directed by the NEC
- (i) to elect from its members a substitute to fill any vacancy with respect of an ordinary member which may arise on the NEC in accordance with Rule 14.2"