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Department for
**Employment
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ER33 Trade Union Political Funds



Introduction

A trade union wishing to spend money on political activities must set up a separate political fund for financing any such expenditure. Trade unions must comply with certain statutory requirements in setting up and running such funds and union members have certain statutory rights in relation to these requirements.

In particular, every Northern Ireland member wishing to contribute to a union's political fund must firstly provide a written consent to the union allowing such deductions to be made. This procedure is referred to as 'contracting-in'.

This booklet has a dual function:

- (a) to advise Northern Ireland headquartered unions and their members of the relevant Northern Ireland legislative provisions contained in Part V of the Trade Union and Labour Relations (NI) Order 1995 (the 1995 Order); and
- (b) to advise unions based elsewhere with Northern Ireland members of their statutory obligations set out in the 1995 Order. The booklet aims to a general understanding of the relevant statutory requirements, and rights of Northern Ireland members. The relevant statutory requirements apply not only to Northern Ireland headquartered unions and their members, but also to Northern Ireland members of trade unions based elsewhere including Great Britain (GB) and Republic of Ireland (ROI) headquartered unions.

Please note that this booklet gives general guidance only and should not be regarded as a complete or authoritative statement of the law. Authoritative interpretations of the law can only be given by the courts. Readers should be alert to the possibility of developments in case law that may affect the rights described.

Further information can be obtained from the Labour Relations Agency (LRA). For the addresses of its two offices see [Appendix 2: Useful addresses](#).

The contents of this booklet apply equally to men and women. For simplicity, however, the masculine pronoun is used throughout.

Any reference throughout this booklet to Jobs and Benefits offices includes JobCentres.

This booklet, [others in the series](#) and [related publications](#) are free to download from the Departmental website at www.delni.gov.uk/erpublications. Alternatively they may be obtained upon request from your local [Jobs and Benefits office](#). For information on [Jobs and Benefits offices](#): FREEPHONE 0800 353530.

Upon request, consideration may be given to making this booklet available in alternative formats and in other languages for people who are not proficient in English.

The Employment Rights ('ER') series of booklets is updated on a regular basis. As part of this updating process the Department would welcome any comment/s from members of the public regarding the content of these booklets.

All comments should be addressed to:

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Alternatively, comments may be sent via e-mail to: erbooklets@delni.gov.uk

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SECTION 1: SETTING UP A POLITICAL FUND

When does a union need a political fund?

A Northern Ireland headquartered trade union needs a political fund **only** if it wants to use its funds for what the law defines as 'political objects'.

What are 'political objects'?

'Political objects' cover what can broadly be described as electoral or other party political activities. They are defined as the expenditure of money:

- on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;
- on the provision of any service or property for use by or on behalf of any political party;
- in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by the union in connection with any election to a political office (that is the office of Member of Parliament, Member of the Northern Ireland Assembly, Member of the Scottish Parliament, Member of the Welsh Assembly, Member of the European Parliament, or member of a district council, or any position within a political party);
- on the maintenance of any holder of a political office (as defined above);
- on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party (including any expenditure incurred in connection with the attendance of delegates or other participants); or
- on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote or not to vote for a political party or candidate.

Expenditure for **any** purpose not included on this list, but allowable under the union's own rules, may be made out of its general, or some other, fund.

What must a union do if it wishes to set up a political fund?

If a trade union wishes to establish a political fund its members must approve a resolution adopting the 'political objects' as an object of the union in a secret ballot. The rules for conducting that ballot must be adopted as rules of the union, **and in respect of Northern Ireland members must be approved by the Certification Officer for Northern Ireland before the ballot takes place. This provision also applies to unions based elsewhere.**

The Certification Officer will give his approval only if the political fund ballot rules meet certain requirements. In particular:

- entitlement to vote must be given to every member of the union;
- the ballot must be held by post (unless for the purpose of personal safety a member has requested in writing to the union to send a voting paper by other means); and
- the ballot must be conducted and supervised by an independent scrutineer, in accordance with the requirements of the relevant law¹.

An information pack outlining the model rules and procedures to be followed by Northern Ireland headquartered trade unions and unions based elsewhere in respect of their Northern Ireland members is available from the Certification Officer (whose address and telephone number are provided in [Annex 3](#) to this booklet).

What if the union fails to comply with the ballot rules approved by the Certification Officer?

If a trade union member believes that a political fund ballot has been, or will be, held by his union in a way that does not comply with the rules for holding the ballot approved by the Certification Officer, the member may complain either to the Certification Officer or to the High Court². Northern Ireland members can complain to the Northern Ireland Certification Officer about the conduct of the ballot regardless of where the union is headquartered.

Who can complain?

Any member of the union can make a complaint. Where the ballot has already been held, a person must also have been a member of the union at the time the ballot was taken.

When can a complaint be made?

A complaint about a political fund ballot, which has already been held, must be made within a year of its result being announced by the union.

What happens when a complaint is made?

Whether a member complains to the Certification Officer or to the courts he will need to point to specific ways in which he believes the ballot did not comply, or would not comply, with the rules for that ballot approved by the Certification Officer.

What procedures are involved?

The Certification Officer's procedures are less formal than a court's and he is required to reach a decision on an application within six months if at all possible. He is also required to give the parties to the complaint an opportunity to present their case at a public hearing, though the parties can agree to the case being determined without a hearing.

The timetable for hearing an application to a court is a matter for the court itself to determine. However, the court has the power to grant an interim order, which would prevent a union from setting up a political fund pending a full hearing of the case, and the court may be willing to consider an application on this basis very quickly.

A member who has complained to the Certification Officer is prevented from complaining to the court later on the same issue.

What happens if a complaint is upheld?

Both the Certification Officer and the court have the power to make an order to remedy any breach that has occurred.

Where a trade union refuses to comply with an order made by the Certification Officer, the applicant can apply to the County Court to enforce it as if it were an order of the court.

What happens if the ballot results in a majority of 'yes' votes?

The trade union must adopt 'political fund rules' and these must be approved by the Certification Officer. In the case of unions based elsewhere the Certification Officer for Northern Ireland must agree any part of the rules relating to NI political funds.

These rules must safeguard the rights of members by:

- reflecting the fact that Northern Ireland members are automatically exempt from contributing to the political fund unless they have **'contracted-in'**;
- ensuring that Northern Ireland members who do not contract-in will not be subject to any detriment within the union because of their refusal to contribute to the political fund; **and**

- providing that contributing to the political fund shall not be made a condition for admission to membership of the union.

The Certification Officer can provide 'model political fund rules' for guidance purposes.

Breaches of political fund rules

A union member can complain about breaches of 'political fund rules' to the Certification Officer. The Certification Officer may make an order requiring the union to remedy any breach of its 'political fund rules' which has occurred, and a member may apply to the County Court for any such order to be enforced. NI trade union members must complain to the Certification Officer for Northern Ireland if the union is headquartered in NI. If the union is headquartered in Great Britain then a Northern Ireland member may complain to the Certification Officer for Northern Ireland if the breach concerns rules specific to Northern Ireland, such as the 'contracting-in provision'. However, if the breach relates to overall political fund rules (e.g. where a member feels that a union has used its political funds for an inappropriate purpose) a Northern Ireland member must complain to the GB Certification Officer – see [Annex 3](#). If in doubt about which Certification Officer to complain to, a Northern Ireland member should contact the Certification Office for Northern Ireland and seek clarification.

SECTION 2: OPERATING A POLITICAL FUND

How is a political fund financed?

The union's political fund will normally be financed mainly, if not wholly, from contributions by members – the 'political levy'. Its collection can be arranged in two ways:

- (i) by means of a separate contribution to the political fund from Northern Ireland members who have 'contracted-in'; or
- (ii) by making the levy a part of the normal union subscription and relieving those who are 'contracted-out' from paying that part.

The 'political fund rules' will state which of these methods is to be used.

A trade union must not at any time transfer into its political fund any money (or other assets) which do not represent either direct contributions to the political fund or property which accrues to the fund in the course of administering the fund's assets. A member who believes that his union has failed to comply with these requirements may complain to the Certification Officer or the court. In this case, a NI member may complain to the Certification Officer for NI if the union is headquartered in NI, and to the GB Certification Officer if the union is headquartered in GB.

SECTION 3: 'CONTRACTING-IN' TO A POLITICAL FUND

Unlike their GB counterparts, NI trade union members are legally exempt from contributing to a trade union's political fund. Any member who wishes for the political levy to apply to him must 'contract-in' to the political fund. This requirement applies to all Northern Ireland union members, regardless of where their union is headquartered.

Where a Northern Ireland member does not contract-in or, having contracted-in subsequently contracts-out, he is exempt from contributing to the political fund³. **Any deduction by a trade union from a member of an amount to be paid to the political fund, without a written 'contracting-in' notice is unlawful.** Any NI member who believes an unlawful deduction of this nature has taken place may complain to the Certification Officer for Northern Ireland.

Northern Ireland members who initially contract-in, and then subsequently decide to contract-out, must do so in writing. An appropriate standard form as at Figure 1 – page 7 may be used or a note or letter to the same effect. Where a member contracts-out after having been contracted-in, the law provides for the notice of withdrawal to take effect from the 1st January following the giving of the notice.

The above conditions apply to all NI members regardless of where their union is headquartered.

How does a member 'contract-in'?

If its members vote to set up a political fund the trade union's rules must provide that:

- each Northern Ireland member must contract-in in writing in order to pay the political levy; and
- a form with which they can contract-in is available on personal application to, or by post from, the union's head office, or any branch office, or from the Certification Officer.

A Northern Ireland member who wishes to contract-out having initially contracted-in is not obliged to use an official exemption form. He may complete and send to his union a form which he has drawn up himself (whether typed or hand written) provided that the form follows the outline given in Figure 1 or has the same effect.

Whatever form is used, it is essential that the member sends it to the union if the notice is to be effective.

A Northern Ireland member may contract-in or contract-out at any time. However exemption only takes effect from the beginning of the next calendar year. A Northern Ireland member denied his right to 'contract-in', or who finds that a political fund deduction is being made from his deduction

What happens when 'check-off' operates?

There are additional safeguards for members who pay their union subscriptions by 'check-off', where the political levy forms part of or is collected with their subscriptions. ('Check-off' is the system under which the employer deducts trade union subscriptions from members' pay.⁴)

An employer may deduct union subscriptions from a member by check-off if the member has signed and dated a written authorisation within the previous three years. The member is entitled to withdraw his authorisation at any time and if he does so, his employer has no right to deduct his subscriptions by check-off.

Note: A consent given before 23 June 1998 will lapse three years after it was signed unless it is extended, and will not cover any increase in subscription unless the worker is notified at least one month before the increase takes effect.

Resolving disputes in the workplace

Where there is a dispute about a workplace issue involving rights and responsibilities those involved should try to sort out the matter between themselves. Whether the employee is complaining (raising a grievance) about something the employer has done or the employer has concerns about the employee's work or behaviour (a disciplinary matter) it is generally a good idea to talk the matter over informally and try to get it resolved as soon as possible. If this approach fails it is normal to involve line management and a union representative (where there is one) to explore potential solutions.

If the dispute goes beyond this point without being resolved, employers and employees are generally required to follow a minimum formal process to ensure that workplace disputes are properly discussed. Even at this stage it can be useful to seek outside assistance or advice from the Labour Relations Agency (LRA). The LRA may be able to help resolve the dispute.

If the dispute continues and the employee or the employer fails to follow the process this could influence the outcome of a subsequent claim to an Industrial Tribunal. Tribunals have power in most situations to take action where the procedures have not been followed. For example - depending on the circumstances they can reduce or increase an award, rule automatically against the employer, or refuse to accept the claim.

Detailed guidance about the procedures including when they do not apply and when they are treated as having been followed is available on the Departmental website: www.delni.gov.uk/index/er/resolvingdisputes.htm. Further advice including advice on employment rights and responsibilities generally, can be obtained from the LRA by contacting their helpline: 028 9032 1442.

A union member who thinks his employer has deducted union subscriptions from him when he had not given an authorisation or his authorisation had expired has a right of complaint against his employer to an industrial tribunal.

Further, an employer must not collect political contributions by 'check-off' from any Northern Ireland union member who notifies him in writing that he:

- is not a contributor to the fund; **or**
- has notified his union of his wish to 'contract-out' having first contracted-in.

If an employer then:

- refuses to reduce the level of that member's 'check-off' deduction by the amount of the political fund levy; **or**
- cancels his 'check-off' deduction altogether while continuing to operate the system for other members of the union,

the member may apply to the County Court for a declaration that the employer's action is unlawful. The County Court may make such an order, as it considers appropriate to ensure that the employer does not continue with such action.

Where the County Court has made such a declaration, the union member can also obtain a **refund** of any political fund subscriptions deducted unlawfully. To do so, the member may apply to an industrial tribunal for:

- a declaration that unlawful deductions have been made; **and**
- an order requiring the employer to refund the money unlawfully deducted.

The application to a tribunal should be made within three months of the date of payment of the wages from which the deduction was made. A tribunal may, however, agree to deal with a complaint made outside the three-month period if it considers that it was not reasonably practicable for the time limit to be met.

SECTION 4: REVIEWING THE POLITICAL FUND

Can the union maintain its political fund indefinitely?

A properly conducted ballot of its entire membership gives a union the ability to set up and maintain a political fund for up to ten years.

If the union wishes to retain the fund beyond that time it must re-ballot its members (i.e. hold a 'review ballot'). If a trade union with a political fund fails to hold a review ballot within ten years of the fund being set up its authority to spend money on political objects automatically lapses at the end of that period.

The procedures, which the union must follow for any review ballot, are the same as those for a ballot to set up the fund as described in the [Setting up a political fund](#) section of this booklet.⁵ A Northern Ireland member's right to complain about any breach of the balloting rules and his means of doing so are also the same regardless of whether or not he is being balloted.

What happens where a review ballot is held but members vote against continuing a fund?

Where a majority of union members voting in a political fund review ballot decide that their union should no longer spend money on 'political objects', the union **must**:

- take such steps as are necessary to ensure that the collection of political contributions ceases as soon as is reasonably practicable;
- pay any political contributions collected in the meantime into a fund other than the union's political fund;
- refund any political contributions collected in the meantime to individual union members if requested by them to do so; and
- stop all spending on political objects within six months of the date of the ballot⁶ (or immediately if the political fund is in deficit).

However, the law allows a union to transfer money from its political fund into other funds of the union if it chooses to do so⁷.

There are special provisions for complaints about failures to take steps to stop the collection of political contributions. In such circumstances a union member may apply to the court for a declaration that his union has failed to satisfy the statutory requirements. The court can also make an order setting out action which the union must take to put right its infringement and a time limit will normally be set within which the union must take that action.

What happens if members vote in favour of the fund in a review ballot?

Where approval is given for the trade union to continue spending money on political objects, the union **must** inform all its members:

- that each Northern Ireland member must 'contract-in' in order to pay the 'political levy'; **and**
- a form with which to 'contract in' is available (by personal application or by post) from the union's branch or head office, or from the Certification Officer.⁸

SECTION 5: UNLAWFUL EXPENDITURE ON POLITICAL OBJECTS

A Northern Ireland union member may complain if his union spends money from its general fund (or any fund other than a political fund) on 'political objects'.⁹ A member may also complain if his union spends money on 'political objects' without a political fund resolution being in force, or without approved political fund rules.

Expenditure on 'political objects' from the general fund will be a breach of the law, and the union's 'political fund rules'. A member's right of complaint is the same as for another breach of the political fund rules. A member of a trade union headquartered in Northern Ireland or ROI may complain to the Certification Officer for Northern Ireland who, if he considers a breach has occurred, may make an order for remedying it which may then be enforced in the County Court. An N.I. member of a union headquartered in GB should in this instance apply to the [GB Certification Officer](#). A Northern Ireland Member of a Union headquartered elsewhere should contact the GB Certification Officer.

SECTION 6: INDEPENDENT SCRUTINY OF POLITICAL FUND BALLOTS

The law:

- requires that union political fund ballots which are required to be held by statute must be supervised by an independent scrutineer appointed by the union;
- sets out the requirements a union needs to satisfy in appointing an independent scrutineer, what the appointment must require the scrutineer to do, certain matters which must be contained in the scrutineer's report and the arrangements for circulating that report to union members; **and**
- gives the Department power to specify by order bodies which may act as independent scrutineers, and qualifying conditions which other scrutineers must meet.

What must the union do?

The union must:

- before the ballot takes place, appoint a qualified independent scrutineer to carry out the functions described below and any additional functions it wishes;
- ensure that nothing in the scrutineer's terms of appointment, or in any additional functions which the union requires him to perform, could cast reasonable doubt on his independence from the union;
- before the scrutineer begins to carry out his functions, either:
 - (i) send a notice stating the scrutineer's name to every member of the union to whom it is reasonably practicable to do so; or
 - (ii) take whatever steps to notify members of the scrutineer's name as is the practice of the union when matters of general interest are brought to the attention of members;
- impose a duty of confidentiality (see section on **Duty of confidentiality - p.20**) on the scrutineer;
- supply to the scrutineer a copy of the register containing the names and addresses of those who are entitled to vote in the political fund ballot. (Where the register is held on computer, the union must supply the copy in computerised form – for example on a disk – if the scrutineer prefers it this way and give him access to its computer at

any time during the period he is required to retain the copy, so that he can read it);

- comply with any request made by the scrutineer to inspect the union register as it stands at any particular time;
- ensure that the scrutineer carries out the functions he is appointed to carry out and that there is no interference with his carrying out of those functions which could cast reasonable doubt on his independence from the union; **and**
- comply with all reasonable requests made by the scrutineer in connection with the carrying out of his functions.

Who can be an independent scrutineer?

The section provides that an independent scrutineer must:

- satisfy all conditions as may be specified in an order of the Department **and**
- be someone who the union has no reason to believe will carry out his functions incompetently or could reasonably have his independence called into question in relation to the union or the election.

The bodies which have been specified as eligible for appointment as scrutineers are listed in [Annex 1](#) and the general qualifying conditions are set out in [Annex 2](#). Unions are free to appoint **either** a specified body **or** an individual or firm which satisfies the general conditions. The Department may by order from time to time revise the list of specified bodies and qualifying bodies.

What must the independent scrutineer do?

The independent scrutineer must be required by the union to:

- supervise the production of all the voting papers used in the ballot;
- supervise the distribution of the voting papers used in the ballot – unless the scrutineer is also the independent person (see section on [The independent person - p.18](#)) and is therefore responsible himself for their distribution;
- be the person to whom the voting papers are returned in a pre-paid envelope by the union members who take part in the ballot;
- inspect the union's membership register, whenever he considers it appropriate to do so and, in particular, when a union member or candidate requests that he do so.¹⁰ The scrutineer does not, however, have to act on a request that he considers to be ill-founded;

- take whatever steps he considers necessary to enable him to produce a report on the conduct of the ballot (see below);
- make that report to the union as soon as reasonably practicable after the closing date for the return of voting papers;
- retain custody of all returned voting papers, and the copy of the register with which the union has supplied him (see above), for a period of one year following the announcement of the result of the ballot or, if a complaint is made about the conduct of the ballot, for any longer period that the Certification Officer or a court may require; **and**
- carry out any additional functions that the union requires him to undertake.

The scrutineer must also have regard to the duty of confidentiality (see section on [Duty of confidentiality - p.20](#)) that the union must impose upon him (and which is also automatically incorporated into his appointment).

The union is free to specify the exact nature of any additional functions so long as these do not conflict with the functions described above. A union could, for example, require the scrutineer to carry out all parts of the balloting process.

What must be included in the independent scrutineer's report?

The independent scrutineer's report on the ballot must state:

- the number of voting papers distributed;
- the number of voting papers returned to the scrutineer;
- the number of valid votes cast for and against the resolution;
- the number of returned voting papers which were spoiled or otherwise invalid; **and**
- the name of the independent person appointed to undertake the storage, distribution and counting of ballot papers (see section on [The independent person - p.18](#)) or, if no independent person was appointed, state that fact.

The report must also state:

- whether the scrutineer inspected the register of names and addresses of the members of the trade union;

- if he did make an inspection, whether in each case he was acting on a request by a member of the trade union or candidate or at his own instance;
- whether he declined to act on a request to inspect the register; **and**
- whether any inspection of the register revealed any matter which he considers should be drawn to the attention of the trade union in order to assist it in securing that the register is accurate and up-to-date.

However, his report must not state the name of any member who requested that he make an inspection of the register.

The report is also required to state whether the independent scrutineer is satisfied that:

- there are no reasonable grounds for believing that the conduct of the ballot contravened any legislative requirements;
- security arrangements for the production, storage, distribution, return or other handling of the voting papers and for the counting of them were, so far as reasonably practicable, sufficient to minimise the risk of any unfairness or malpractice;
- he was able to carry out his functions without any interference which would cast reasonable doubt on his independence from the union; **and**
- the performance of the independent person or persons was satisfactory (where one or more persons other than the scrutineer are appointed to be an independent person).

If he is not satisfied on the above matters, the scrutineer's report is required to explain why that is the case.

Can members see the scrutineer's report?

Having received the report, the union must:

- within three months, **either** send a copy to every member of the union to whom it is reasonably practicable to do so, **or** notify the contents of the report to members in whatever way is normal when matters of general interest to all members need to be brought to their attention;
- ensure that any copy of the report sent out or notification of its contents is accompanied by a statement that the union will, on request, supply any union member with a copy of the report either free of charge or on payment of a reasonable fee which has been specified by the union; **and**

- supply a copy of the report to any member who requests one and pays any specified fee.

Who can complain?

Any union member who believes that the union has not complied, or is not complying, with the statutory requirements concerning independent scrutiny may complain to the Certification Officer for Northern Ireland or to the High Court.¹¹

SECTION 7: THE INDEPENDENT PERSON

The law:

- requires that some aspects of a union political fund ballot which is required to be held by statute must be carried out by an 'independent person' appointed by the union; **and**
- sets out the requirements that must be satisfied in appointing an independent person.

What must the union do?

The union must:

- appoint one or more independent persons to carry out the duties described below;
- require the independent person to carry out his functions in such a way as to minimise the risk of any illegality, unfairness, or malpractice occurring;
- impose a duty of confidentiality (see section on **Duty of confidentiality - p.20**) on the independent person;
- ensure that nothing in an independent person's terms of appointment could call into question his independence from the union;
- ensure that an independent person carries out his functions and that there is no interference with his doing so, that could call into question his independence from the union; **and**
- comply with all reasonable requests made by an independent person in connection with the carrying out of his functions.

Who can be an 'independent person'?

The law provides that a person is qualified to act as an independent person if:

- he is the scrutineer; or
- he is a person other than the scrutineer and the trade union has no grounds for believing either that:
 - (i) he will carry out his functions incompetently **or**
 - (ii) his independence in relation to the union could reasonably be called into question.

What must the independent person do?

The independent person (or persons) must be required by the union to:

- undertake the storage and distribution of the political fund ballot voting papers;
- count the votes cast in the ballot; **and**
- send the voting papers back to the scrutineer (where the independent person doing the counting is not himself the scrutineer) as soon as reasonably practicable after the counting has been completed.

The independent person must also have regard to the duty of confidentiality which the union must impose on him, and which is automatically incorporated into the terms of his appointment.

Who can complain?

Any union member who believes that the union has not complied, or is not complying, with the statutory requirements concerning the appointment of the independent person may complain to the Certification Officer for Northern Ireland or to the High Court.¹²

SECTION 8: DUTY OF CONFIDENTIALITY

The law:

- requires a union to impose a duty of confidentiality in respect of the union's register on the independent scrutineer and independent person appointed to carry out functions in respect of union political fund ballots; **and**
- automatically incorporates the duty of confidentiality into the appointment of the scrutineer.

What is the duty of confidentiality?

It is a duty not to disclose, and to take all reasonable steps to ensure that no-one else discloses, any name or address on the union's register of members' names and addresses, except in certain permitted circumstances.

The permitted circumstances are:

- where the member concerned consents;
- where disclosure is requested by the Certification Officer in the discharge of his functions or required by an inspector appointed by him;
- where disclosure is required to discharge the functions of the scrutineer or independent person; **and**
- where disclosure is required for the purposes of criminal investigation or proceedings.

Who can complain?

Any union member or candidate in an election who believes that the union has not complied, or is not complying, with the statutory requirement to impose the duty of confidentiality may complain to the Certification Officer for Northern Ireland or to the High Court.¹³

ANNEXES

ANNEX 1 List of bodies specified to be independent scrutineers

Bodies specified by the Department as being qualified to undertake independent scrutiny of trade union political fund ballots:

Electoral Reform Ballot Services Limited
Independence House
33 Clarendon Road
London N8 0NW

Popularis Ltd
55A New Walk
Leicester
LE1 7EA

Involvement and Participation Association
42 Colebrooke Row
London
N1 8AF

ANNEX 2 General qualifying conditions for independent scrutineers

General qualifications which must be satisfied to be eligible to act as an independent scrutineer of trade union political fund ballots.

The general qualifications which must be satisfied to be eligible to act as an independent scrutineer of trade union political fund ballots include those contained in SR 2003 No. 331 (Trade Union Elections and Ballots (Independent Scrutineer Qualifications) (Amendment) Order (Northern Ireland) 2003). They allow unions to appoint a particular individual to act as independent scrutineer or a particular partnership provided that the individual concerned or the partners satisfy the qualifying conditions set out below:

- solicitors with a current practising certificate from the Law Society of Northern Ireland, the Law Society of England and Wales or the Law Society of Scotland; **or**
- any individual who is qualified to be an auditor of a trade union by virtue of Article 28 of the Companies (Northern Ireland) Order 1990.

An individual or partnership will not be eligible to act as an independent scrutineer if he or a partner has been a member, officer¹⁴ or employee of the union in question in the 12 months preceding the date of the ballot.

An individual or partnership will not be eligible to act as an independent scrutineer if, in performing the functions required of a scrutineer as set out in the relevant legislation in respect of any ballot held after 1st February 1989, he or a partner knowingly used, or permitted to be used, the services of a member, officer or employee of the union whose ballot was being scrutinised.

ANNEX 3 Certification Officer

The address of the Northern Ireland Certification Officer for Trade Unions and Employers' Association is:

10-12 Gordon Street
Belfast
BT1 2LG

Tel: 028 9023 7773
Fax: 028 9023 2271
Textphone: 028 9023 8411

Email: cert_office@nicertoffice.fsnet.co.uk

The address of the Great Britain Certification Officer is:

Brandon House
180 Borough High Street
London
SE1 1LW

Tel: 020 7210 3734
Fax: 020 7210 3612

Further information about the powers and functions of the Certification Officer in each jurisdiction can be obtained direct from their respective office.

ANNEX 4 Political Fund Model Rules

NORTHERN IRELAND MEMBERS OF GB UNIONS

Northern Ireland Political Fund Rules

Section _____. – Under Article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 no Northern Ireland member of the Union shall be required to make any contribution to the political fund of the Union unless he has delivered, as provided in _____, to the Head Office or some branch office of the Union, a notice in writing, in the form set out in _____, of his willingness to contribute to that fund, and has not withdrawn the notice in the manner provided in _____. Every member of the Union who has not delivered such a notice or who, having delivered such a notice, has withdrawn it in the manner provided in _____, is to be deemed for the purpose of these Rules to be a member who is exempt from the obligation to contribute to the Political Fund of the Union.

Form of Political Fund Contribution for Northern Ireland Members

The form of notice of willingness to contribute to the political fund of the union is as follows:

POLITICAL FUND CONTRIBUTION NOTICE – NORTHERN IRELAND

I HEREBY give notice that I am willing, and agree, to contribute to the political fund of the _____, and I understand that I shall in consequence, be liable to contribute to that fund and shall continue to be so liable, unless I deliver to the head office or some branch office of the union, a written notice of withdrawal. I also understand that after delivering such a notice of withdrawal I shall still continue to be liable to contribute to the political fund until the next following first day of January.

Name: _____

Address: _____

Membership Number: _____
_____ date of _____ 20 _____

Section _____. - If at any time a member of the union, who has delivered such notice as is provided for in Sections _____ and _____, gives notice of withdrawal thereof, delivered as provided in Section _____, to the head office or at any branch office of the union, he shall be deemed to have withdrawn the notice as from the first day of January next after the delivery of the notice of withdrawal.

Section _____. – The notices referred to in sections _____ and _____ may be delivered personally by the member or by an authorised agent of the member, and any notice shall be deemed to have been delivered at the head or branch office of the union if it has been sent by post properly addressed to that office.

Section _____. – The executive committee shall give effect to the exemption of Northern Ireland members to contribute to the political fund of the union by relieving those members who are legally exempt from the payment of part of any periodical contributions required from the members of the union towards the expenses of the union as provided and such relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment.

For the purpose of enabling each Northern Ireland member, who has opted to pay to the political fund, to know as respects any such periodical contribution what portion, if any, of the sum payable by him is a contribution to the political fund of the union, it is hereby provided that _____p. of each (quarter/monthly/weekly) contribution is a contribution to the political fund, and that those Northern Ireland members who are statutorily exempt shall be relieved from the payment of the sum of _____p. and shall pay the remainder of such contribution only.

OR:

Alternative Clause

The executive committee shall give effect to the statutory exemption of Northern Ireland members to contribute to the political fund of the union by making a separate levy of contributions to that fund from those Northern Ireland members who have provided written consent of their willingness to contribute, namely, the sum of _____ p. payable (quarterly/monthly/weekly) on No moneys of the union other than the amount raised by such separate levy shall be carried to the political fund.

Section _____. – Northern Ireland members who are statutorily exempt from the obligation to contribute to the political fund of the union shall not be excluded from any benefits of the union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the union (except in relation to the control or management of the political fund) by reason of their being exempt.

Section _____. – Contribution to the political fund of the union shall not be made a condition for admission to the union.

Section _____. – If any Northern Ireland member alleges that he is aggrieved by a breach of any of the rules made pursuant to article 59 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 he may complain to the Northern Ireland Certification Officer, 10-12 Gordon Street, Belfast, BT1 2LG, under Article 57 (2) to (4) of that Order.

If, after giving the complainant and a representative of the union an opportunity to be heard, the Certification Officer considers that a breach has been committed, he may make an order for remedying it as he thinks just in the circumstances. Under Article 69 of the 1995 Order an appeal against any decision of the Certification Officer may be made to the Court of Appeal on a question of law.

Additionally, if any Northern Ireland member alleges that he is aggrieved by a breach of the political fund rules made pursuant to section 82 of the Trade Union and Labour Relations (Consolidation) Act 1992 he may complain to the GB Certification Officer, Brandon House, 180 Borough High Street, London, SE1 1LW. If, after giving the complainant and a representative of the union an opportunity of being heard, the GB Certification Officer considers that a breach had been committed, he may make an order for remedying it as he thinks just in the circumstances. Any such order of the GB Certification Officer is subject to the right of appeal provided for by section 82 (4) of the 1992 Act.

End Notes

1. The detailed requirements relating to the conduct of the ballot and independent scrutiny are described in the sections of this booklet covering **Independent scrutiny of political fund ballots – p.13**, **The independent person – p.18** and **Duty of confidentiality – p.20**.
2. In either case the complaint would be on the ground that there has been a breach of the union's rulebook.
3. However where a member who has contracted-in subsequently contracts-out, the union may continue to take the political levy until the January following the contracting-out.
4. Further information on the 'check-off', including the arrangements for extending existing consent can be found in the Employment Rights booklet **'Payment of union subscriptions through check-off (ER 23)'**. To withdraw consent to the check-off a worker must write to his employer notifying him that he no longer wishes to have check off deductions made. He must allow the employer reasonable time to stop the deductions.
5. With the exception that a Great Britain headquartered union may choose not to give overseas members (including Northern Ireland members) entitlement to vote in such a review ballot.
6. The 'date of the ballot' means the last day on which votes may be cast.
7. A union may make such a transfer without being in breach of trust or its rulebook. Alternatively, the union may retain its political fund but only for expenditure on matters other than political objects, and providing that this would not put the union in breach of trust or of the rulebook.
8. An outline of this form is given in on Page 25.
9. The position is the same when the political fund is in deficit. A union may not pay off a political fund debt from any of its funds other than its political fund.
10. Such a request must be made within the period beginning with the day on which the scrutineer is appointed and ending with the day before the day on which the scrutineer makes his report to the trade union.
11. Further information about the complaints procedure in respect of independent scrutiny can be found in the Employment Rights booklet **Trade union executive elections (ER 28)**.
12. Further information about the complaints procedure in respect of the duty of the independent person can be found in the Employment Rights booklet **Trade union executive elections (ER 28)**.

13. Further information about the complaints procedure in respect of the duty of confidentiality can be found in the employment Right booklet **Trade union executive elections (ER 28)**.

14. For the purposes of appointment as an independent scrutineer, an auditor is not regarded as an officer of a union.

Appendix 1: Booklets in this series

Booklets in this series are available online from www.delni.gov.uk/erbooklets or can be obtained by contacting the Department.

ER 1	<i>Individual rights and responsibilities of employees</i>
ER 2	<i>Written statement of employment particulars</i>
ER 3	<i>Redundancy entitlement statutory rights</i>
ER 4	<i>Redundancy consultation and notification</i>
ER 5	<i>Your rights if your employer is insolvent</i>
ER 6	<i>Unjustifiable discipline by a trade union</i>
ER 7	<i>Time off for public duties</i>
ER 8	<i>Continuous employment and a week's pay</i>
ER 10	<i>Suspension from work on medical or maternity grounds</i>
ER 12	<i>Pay statements: what they must itemise</i>
ER 13	<i>Unfairly dismissed?</i>
ER 14	<i>Guarantee payments</i>
ER 15	<i>Rights to notice and reasons for dismissal</i>
ER 16	<i>Maternity rights: a guide for employers and employees</i>
ER 17	<i>Help with meeting redundancy costs for employers in financial difficulty</i>
ER 18	<i>Dismissal: fair and unfair - a guide for employers</i>
ER 19	<i>Limits on payments and awards</i>
ER 21	<i>Contracts of employment: changes, breach of contract and deductions from wages</i>
ER 22	<i>Criminal records and employment</i>
ER 23	<i>Payment of union subscriptions through "check off"</i>
ER 24	<i>Time off for dependants</i>
ER 25	<i>Parental leave: a guide for employers and employees</i>
ER 26	<i>Time off for study or training</i>

- ER 27 *Industrial action and the law: a guide for employees*
- ER 28 *Trade union executive elections*
- ER 29 *Industrial action and the law: a guide for employers*
- ER 30 *Industrial action and the law: a guide for individuals whose supply of goods or services is affected by unlawful industrial action*
- ER 31 *Union membership: rights of members and non-members*
- ER 33 *Trade union political funds*
- ER 34 *Rights to paternity leave and pay*
- ER 35 *Adoptive parents: a guide for employers and employees*
- ER 36 *Flexible working: a guide for employers and employees*

Additional employment rights publications, covering a range of other issues, can be found online at www.delni.gov.uk/erpublications or can be obtained from the Department.

Appendix 2: Useful addresses

Certification Officer for Northern Ireland

10-12 Gordon Street
Belfast
BT1 2LG

Tel: 028 9023 7773

Fax: 028 9023 2271

Textphone: 028 9023 8411

Website: www.nicertoffice.com

Email: info@nicertoffice.com

Department for Employment and Learning

Employment Relations Policy and
Legislation Branch
Room 203
Adelaide House
39-49 Adelaide Street
Belfast
BT2 8FD

Tel: 028 9025 7580

Website: www.delni.gov.uk/er

E-mail: erbooklets@delni.gov.uk

Department for Employment and Learning

Redundancy Payments Service
Room 203
Adelaide House
39-49 Adelaide Street
Belfast
BT2 8FD

Tel: 028 9025 7956

Freephone: 080 0585 811

Fax: 028 9025 7555

Website: www.redundancyni.gov.uk

E-mail: rpsquery@delni.gov.uk

The Equality Commission for Northern Ireland

Equality House
7-9 Shaftesbury Square
Belfast
BT2 7DP

Tel: 028 9050 0600

Fax: 028 9033 1544

Textphone: 028 9050 0589

Website: www.equalityni.org

E-mail: information@equalityni.org

The Health & Safety Executive for Northern Ireland

83 Ladas Drive
Belfast
BT6 9FR

Tel: 028 9024 3249

Fax: 028 9023 5383

Textphone: 028 9054 6896

Freephone Helpline: 080 0032 0121

Website: www.hseni.gov.uk

Industrial Court

Room 203
Adelaide House
39-49 Adelaide Street
Belfast
BT2 8FD

Tel: 028 9025 7599

Fax: 028 9025 7555

Website: www.industrialcourt.gov.uk

E-mail: enquiries@industrialcourt.gov.uk

Labour Relations Agency

Head Office
2-8 Gordon Street
Belfast
BT1 2LG

Tel: 028 9032 1442

Fax: 028 9033 0827

Textphone: 028 9023 8411

Website: www.lra.org.uk

E-mail: info@lra.org.uk

Labour Relations Agency

Regional Office
1-3 Guildhall Street
Londonderry
BT48 6BJ

Tel: 028 7126 9639

Fax: 028 7126 7729

Textphone: 028 9023 8411

Website: www.lra.org.uk

E-mail: info@lra.org.uk

NI Business Info

(website giving information on a wide range of issues for employers)

Website: www.nibusinessinfo.co.uk

Office of the Industrial Tribunals and the Fair Employment Tribunal

Killymeal House
2 Cromac Quay
Ormeau Road
Belfast
BT7 2JD

Tel: 028 9032 7666

Fax: 028 9023 0184

Website: www.employmenttribunalsni.org

people:skills:jobs:



Department for
**Employment
and Learning**
www.delni.gov.uk



INVESTOR IN PEOPLE

THE DEPARTMENT:

Our aim is to promote learning and skills, to prepare people for work and to support the economy.

This document is available in other formats upon request.

Further information:

telephone: 028 9025 7580

e-mail: employment.rights@delni.gov.uk

website: www.delni.gov.uk