



# **BROADCASTING, ENTERTAINMENT, COMMUNICATIONS AND THEATRE UNION SECTOR**

## **RULE BOOK**

1 January 2017, as amended at the biennial sector conferences held on  
19 May 2019 and 16/17 May 2021





# **Broadcasting, Entertainment, Communications and Theatre Union Sector Rules Document**

## **Foreword**

These Rules shall be read in conjunction with the Rules of Prospect. Where there is conflict between the Rules of Prospect and these Rules then the Rules of Prospect shall prevail and these Rules shall be construed accordingly.

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## **1. Eligibility for membership of the Sector**

- (a) Membership of the Sector is open to any Prospect member, in the UK or overseas, who works or is seeking work in the broadcasting, satellite, cable, film and video production, film manufacturing and processing, audio-visual manufacturing and duplication, educational technology, multi-media, theatre, cinema, leisure, corporate and other sectors of the cultural, entertainment and media industries, and in a professional, technical or managerial capacity in the computing, telecoms or information industries, or any other industry or capacity shall be eligible for membership of the sector with the Prospect National Executive Committee's (NEC) agreement.
- (b) Any person who has graduated from a course of education or who received training leading towards employment in any of the industries covered by clause (a) above shall be eligible for full membership of the union as a new entrant, at such rate of subscription as the NEC may determine from time-to-time.
  - (i) Any person engaged as an apprentice or as a trainee with the status of employee, being paid the recognised rate, shall be eligible for full membership of the union as a trainee, at the ordinary rate of subscription.
- (c) A person engaged in any occupation covered by clause (a) above shall be eligible for membership in his/her grade notwithstanding that he/she is also an employer, company director, or managing director of a company, and references to "employees" and "workers" or "working" in these rules shall be construed accordingly.
- (d) Where a member of the former Bectu divisions of the sector makes a request for individual representation by an accredited official of the union in a matter that arose prior to the date on which the member is accepted as having joined or re-joined the union, or where the date of the act or event giving rise to a claim made by or on behalf of the member is prior to that joining or re-joining date, that member shall be required to pay a non-refundable contribution of £200 before such representation is provided. Payment of that amount shall not grant any entitlement to legal advice or representation as referred to in rule 12 of the Prospect Rule Book. Should the same member leave the union and only join for another pre-existing issue the non-refundable contribution should rise to £400. This rule will not apply to members in the BT and Digital Divisions of the sector.

## 2. Subscriptions

**Rules 2, 3, 4 and 5 are applicable to members of the Divisions of the former Bectu union.**

**Subscriptions for the existing and future members of the BT and Digital Divisions of the Bectu Sector will continue to be covered by the Prospect banded structure.**

- (a) (i) A member, unless otherwise specifically provided elsewhere in these rules or in sub-clause (ii) (iii) or (iv) below, shall pay subscriptions of one per cent of his/her personal pay or salary, or such amount as may be determined by an annual or special conference as provided for in clause (e) below. Personal pay or salary shall be defined for this purpose as overall gross earnings inclusive of recurring incremental length of service payments, bonuses, cost of living payments, London or other city weighting elements, contract percentage payments and other regular supplements that have been negotiated or recognised by the union, but exclusive of variable payments such as irregular overtime, temporary acting payments or variable bonuses.
- (ii) Notwithstanding the provisions of rule 3, no member paying subscriptions under sub-clause (i) above shall pay less than £60 per annum. This being the minimum amount payable as a subscription to the union.
- (iii) No member paying subscriptions under sub-clause (i) above shall be required to pay more than £400 per annum.
- (iv) In their first year of membership, members shall be eligible to pay a reduced introductory subscription of £10 per month or £120 per annum (or such sum as may be determined by the NEC in accordance with rule 3). This provision shall not apply to members re-joining the union who have previously paid the introductory subscription rate.
- (b) (i) Members paying subscriptions by direct debit, standing order, or directly to the union shall pay subscriptions according to the following scale:

| Gross annual earnings | Subscription payable |          |
|-----------------------|----------------------|----------|
|                       | monthly              | annually |
| Introductory offer*   | £10.00               | £120.00  |
| £12,501-£15,000**     | £11.25               | £135.00  |
| £15,001-£17,500       | £12.50               | £150.00  |
| £17,501-£20,000       | £14.58               | £175.00  |

|                  |        |         |
|------------------|--------|---------|
| £20,001-£22,500  | £16.66 | £200.00 |
| £22,501-£25,000  | £18.75 | £225.00 |
| £25,001-£27,500  | £20.83 | £250.00 |
| £27,501-£30,000  | £22.92 | £275.00 |
| £30,001-£32,500  | £25.00 | £300.00 |
| £32,501-£35,000  | £27.08 | £325.00 |
| £35,001-£37,500  | £29.17 | £350.00 |
| £37,501-£40,000  | £31.25 | £375.00 |
| £40,001 and over | £33.33 | £400.00 |

\* for first year of membership only

\*\* or, in this band only, one per cent of earnings where a member provides evidence that this is a lower amount

- (ii) Gross annual earnings shall be defined for this purpose as a member's pre-tax earnings in the industries described in rule 1(a) in the preceding tax year.
- (iii) With effect from 2017, and every third year thereafter, a member paying subscriptions according to the scale set out in sub-clause (i) above, other than at the maximum rate in that scale, whose subscription scale has not been updated or reconfirmed in the two year period prior to the effective date, shall be deemed to have moved to the next higher band of the scale. The member shall be given advance notice in writing of the increased subscription thus payable by him/her, and if appropriate may submit evidence of his/her earnings to show why the increase should not apply.
- (c) Where subscriptions are deducted from a member's pay or salary by arrangement between the union and the employer, the member's written authority shall be sent to the employer by the union. Such authority shall include revision without further authorisation being necessary of the rate of subscription in relation to changes in the member's earnings or these rules.
- (d) Where no arrangements exist to deduct union subscriptions from pay or salary, a member shall pay union subscriptions regularly by cash, cheque or credit transfer, on the basis of his/her current earnings as defined in clause (a) above, in accordance with arrangements drawn up by the NEC.
- (e) Notwithstanding the foregoing provisions of rule 2, former members of the Film Artistes' Association and members allocated to the Film Artistes' Sub-division or branch under rule 8(n) shall pay subscriptions amounting to half the subscription that would be applicable under clause (b) above.
- (f) In order to continue offering public liability insurance to freelance members of the union, the NEC shall be empowered to levy on those members a charge in respect of each policy year in such amount as it shall determine in relation to the group premium payable. Only those freelance members

who have paid this levy will be eligible for Bectu's public liability insurance cover.

### **3. Reduced subscriptions**

The NEC may at its discretion authorise reduced subscriptions in the following circumstances:

- (a) where members (or potential members) are employed by an employer who does not recognise the union for collective bargaining purposes;
- (b) where potential members are employed by a specified employer (whether or not that employer recognises the union) where the union is campaigning to recruit in order to improve its density of membership. Where the NEC exercises discretion under this sub-clause, it shall specify the period (not exceeding one year) during which new members may be recruited on reduced subscriptions, and shall report accordingly to biennial conference;
- (c) where a member can demonstrate that his/her earnings are substantially reduced or suspended by reason of long-term unemployment or sickness, when services designed to assist the member's return to employment may continue to be provided notwithstanding rule 5(b);
- (d) where a member is on maternity leave (no period of which, whether paid or unpaid, shall adversely affect a member's status or entitlement under these rules);
- (e) where members are locked out by an employer or engaging in official industrial action;
- (f) where freelance members can demonstrate that the minimum subscription amounts to more than one per cent of their earnings in the preceding tax year in the industries as defined in rule 1(a);
- (g) where a freelance member is unable to provide or fails to provide, when asked, evidence of their overall gross earnings as defined in rule 2, the NEC may at its discretion authorise a subscription equivalent to the currently prevailing average freelance subscription.

### **4. Definition of paid-up member**

- (a) A paid-up member is one who is not more than six months in arrears with the subscriptions due from him/her and who does not owe the union any other sum including fines or levies or any sum for which he/she is accountable to the union, unless specifically exempted from such payment by these rules or for any other reason acceptable to the NEC.

- (b) Only paid-up members shall be eligible to hold any office, act as delegate or representative, or to vote on any question affecting the union, its rules, funds or officers, or, except as may be provided for elsewhere in these rules, to receive any benefit or service.

## **5. Arrears**

- (a) A member who is six months or less in arrears shall be entitled to financial benefits subject to deduction of the amount of arrears owing.
- (b) A member more than six months in arrears shall have his/her membership terminated through lapsing.
- (c) The NEC shall have the power to reinstate a member with more than six months' arrears provided he/she has cleared those arrears and paid such a fine as the NEC may at its discretion impose.
- (d) No person whose membership has been terminated through lapsing, expulsion or for any other cause shall be permitted to rejoin the union without the express sanction of the NEC and then only in compliance with such terms and conditions (including fines) as the NEC may at its discretion impose after consultation with the appropriate divisional, sub-divisional or branch committees.

## **6. Branches**

- (a) Every member of the sector, in addition to being a member of a division, shall be a member of a branch.

### **For all Bectu Divisions other than the BT and Digital Divisions**

- (b) Branches shall be formed on a geographical, place of work, craft/occupation, or contract of employment basis, or on the basis of a combination of these, or as may otherwise be approved by the NEC.
- (c) Freelance members working in a place where there is an established branch may attend meetings of that branch and may speak but not vote.
- (d) Each branch may hold a fund provided by and at the discretion of the NEC, to enable it to conduct its affairs, under the terms of Prospect rule 4.

**For the BT and Digital Divisions** branches will operate in line with their existing constitution (Appendix A).

## **7. Branch committees**

- (a) Each branch must provide a democratic forum that enables its members to take a full and active part in the affairs and governance of the union.

- (b) The by-laws of each branch shall lay down arrangements and procedures for the election annually (or, with NEC agreement, biennially) of the branch committee, the specific number of branch committee members, the frequency of branch general meetings of which there shall be at least three per annum including an Annual or Biennial General Meeting, the frequency of branch committee meetings if not monthly, and the conduct generally of branch business. In the event of a branch, after due notice to convene a meeting has been issued, being unable for any reason to obtain a quorum, it shall be competent for the branch committee to take action required under rule 4.7.5 in the Prospect Rule Book. It shall also be competent for the branch committee, where the branch by-laws expressly permit, to use other means of consultation and communication, such as email or post, to expedite rule 7(c) or to obtain consent by branch members to the re-election of the existing committee. Due regard must be given in such event to existing branch by-laws, to including at least as many members as would otherwise have been advised of the Annual or Biennial General Meeting, to avoiding the exclusion of any member from nomination and election to office, and to ensuring that the medium used is at least as secure as that which would prevail at an Annual or Biennial General Meeting.
- (c) At the Annual or Biennial General Meeting of each branch there shall be elected members of the branch committee. The procedure and timetables of such elections shall be specified in the branch by-laws.
- (d) Where the by-laws of a branch so provide, at the Annual or Biennial General Meeting there may also be elected a branch steward. The branch steward shall conduct the industrial business of the branch.
- (e) The members of the branch, or the branch committee, shall elect a branch secretary, branch chair and such other officers, such as equality, health and safety, recruitment and publicity representatives, as will further the interests of the members of the branch and the objects of the union.
- (f) The branch secretary or another branch officer specifically authorised by the branch for the purpose shall conduct the correspondence of the branch and be responsible to the branch committee for the proper administration of the business of the branch. The branch chair shall chair branch and branch committee meetings.
- (g) Notwithstanding the above provisions the NEC shall have authority to confer a dispensation in respect of the holding of Annual, Biennial or other General meetings of branches whose membership is geographically so distributed as to make such meetings impracticable, and to make appropriate alternative arrangements for the government of such branches. That dispensation, however, will not extend to permitting branches which have not convened a quorate branch committee meeting in the preceding two years, (or four years for those branches with dispensation to hold their Annual General Meetings biennially) to make a

nomination for election to the SEC or to any office to be elected at sectoral or national conference, or to appoint or elect delegates to sector or national conference or to a divisional or sub-divisional committee.

## **8. Divisions**

- (a) Every member of the sector, in addition to being a member of a branch, as provided by rule 6, shall be a member of a division.
- (b) Subject to clauses (c) and (n) below, the divisions of the sector shall be as follows: Arts and Entertainment (including theatres, cinemas and leisure), BBC, BT, Digital, Independent Broadcasting, London Production and Regional Production. The SEC shall have the authority to allocate members to the appropriate division.
- (c) The SEC may retitle, merge or set up additional divisions or sub-divisions on a basis and with powers that it shall determine after consultation with appropriate divisions or sub-divisions, subject to ratification by sector conference. No such change shall, however, affect any election or appointment to office governed by statute or these rules until the respective term of office expires.
- (d) Subject to the authority of the SEC, divisions shall set up machinery for dealing with:
  - (i) pay, conditions of service and grading of members in the division and the method of securing the acceptance thereof by members affected;
  - (ii) matters affecting the organisation, working conditions and staffing of members in the division;
  - (iii) policy on professional standards, current industrial practice and future developments that directly affect the members of the division;
  - (iv) proposals on these matters put forward by employers;
  - (v) the co-ordination of industrial strategy and the creation of industrial policies affecting members of the division;
  - (vi) business arising out of these matters referred to it by the branches in the division or sub-division committees;
  - (vii) matters referred to the division by the SEC and by conference;
  - (viii) matters arising out of the divisional conference.
- (e) Subject to the approval of the SEC, a division may be broken down into sub-divisions. A sub-divisional committee shall deal only with matters affecting members of the sub-division. Matters affecting members of more than one sub-division shall be dealt with by the divisional committee. There shall be a Film Artistes' Sub-division in accordance with clause (n) below.
- (f) Divisions and sub-divisions will operate in accordance with by-laws determined by the SEC and ratified by sector conference. These by-laws

are set out in Appendix B and are deemed to form part of the rules of the union. Divisional committees will make regular reports and submit recommendations to the SEC.

- (g) Where negotiations with employers and employers' associations dealing with terms and conditions of employment directly affect members in more than one division, the SEC in consultation with the divisional committees concerned may create inter-divisional negotiating committees elected on the basis of proportional representation for each division.

### *Eligibility*

- (h) The membership of the Arts and Entertainment Division will comprise all members in the live theatre and arts, cinema distribution and exhibition (including managerial), leisure, bingo or other entertainment fields who are not allocated to another division.
- (i) The membership of the BBC Division will comprise all members employed by the BBC or by organisations controlled by the BBC either permanently or, on a rolling basis or otherwise, on contracts lasting for more than twelve months and all members working on BBC premises or on the premises of organisations controlled by the BBC who are employed by companies which provide a continuing service to the BBC or such organisations.
- (j) The membership of the Digital Division will comprise any Prospect member, in the UK or overseas, who works or is seeking work in a professional, technical or managerial capacity in the computing, telecoms (except BT) or information industries, or any other industry or capacity with the Prospect NEC's agreement.
- (k) The membership of the Independent Broadcasting Division will comprise all members employed by Channel 3, Channel 4 and Channel 5 companies, S4C, the regulatory and transmission bodies, national and local independent radio companies, satellite and cable companies either permanently or, on a rolling basis or otherwise, on contracts lasting for more than twelve months and all members working on the premises of such organisations who are employed by companies which provide a continuing service to those organisations.
- (l) The membership of the London Production Division will comprise all members in craft branches, freelance branches, facility houses, grant-aided workshops, independent production companies, educational technology, animation and film studios, or working as background artistes in film and television (including those members who were previously members of the Film Artistes' Association) in the London and South East area.

- (m) The membership of the Regional Production Division will comprise all members in craft branches, freelance branches, facility houses, grant-aided workshops, independent production companies, educational technology, animation and film studios, or working as background artistes in film and television based outside the London and South East area.
- (n) There shall be a Film Artistes Sub-division and branch, and a Laboratories Sub-division and branches, within the London Production Division. Former members of the Film Artistes' Association and background artistes who join the union, and members organised in laboratories, audio-visual manufacturing and non-broadcast video/audio duplication, shall be members of the respective sub-division and branch. The SEC shall, in consultation with the relevant divisions and sub-divisions, make appropriate arrangements for the organisation and representation of background artistes and laboratory workers based outside the London and South East area.

## **9. Sector Executive Committee (SEC)**

- (a)
  - (i) The SEC shall meet no less than four times a year on dates determined by the SEC. Notice of such dates shall be circulated to all branches.
  - (ii) Additional meetings of the SEC shall be convened by the SEC itself or within 14 days of receipt by the Sector Secretary of a written request from at least ten members of the SEC or by the Sector Secretary.
- (b) The SEC shall determine the standing orders for its meetings. These shall provide that a quorum of the SEC shall be not less than half its membership.
- (c) If three or more members of the SEC call for a named vote immediately before the vote is taken, the names of those voting, and the way in which they voted, shall be recorded and entered in the minutes of the SEC for circulation in the usual manner.
- (d) The SEC shall determine any question on which the sector rules are silent or otherwise require interpretation and shall report such decisions to sector biennial conference.
- (e) The SEC shall instruct the Sector Secretary to draw up minutes of its proceedings which shall be issued to all branch secretaries within fourteen days of the date of the meeting. The minutes should indicate a clear SEC decision on each item of business, and should offer a short summary of the information used by the SEC when reaching decisions. All motions put and seconded should be recorded. The SEC minutes shall be written in such a way as to be clearly understood by those who have not attended either the

meetings so minuted or any previous meetings in which decisions referred to were also taken.

- (f) The SEC, to help it in the conduct of its business, may appoint sub-committees from amongst its own membership and shall determine their calendar of meetings. These sub-committees will report and make recommendations to the SEC and will be responsible to it. Sector conference or the SEC may establish ad-hoc or specialist committees, representation on which may be drawn from branches, divisions, or the SEC or any combination of these. These committees will report and make recommendations to the SEC and will be responsible to it.
- (g) The SEC shall when practicable institute a Black Members Sub-committee comprising black representatives from each division of the sector. This sub-committee shall report to sector conference and provide a black representative ("black" as defined by the statutory equality commission) as an ex-officio member to each divisional committee if there is not already a black member elected to that divisional committee. All Bectu sector-wide committees will have at least one black representative nominated by the Black Members Sub-committee where this is not contrary to law or other rules of the union.
- (h) The Deputy General Secretary and the National Secretaries for the Bectu Sector have the right to attend the SEC and speak but not to vote.
- (i) Any member of the Prospect NEC who is a member of the Sector may attend SEC meetings in a non-voting capacity.

## **10. Sector Executive Committee election procedure**

**Prior to 2019** for the divisions of the former Bectu union **and 2017** for the BT and Digital Divisions the elections of SEC members shall be conducted as per Appendices C and D\* of these rules.

***\* Appendices C and D which outlined election procedures prior to Conference 2019 were removed by a rule change at the 2019 Sector Conference as they are no longer applicable.***

**Commencing in 2019 (2017 for the BT and Digital Divisions)** the following procedures shall apply for the election of the SEC.

- (a) The Bectu SEC shall consist of representatives elected in accordance with the clauses below, from each of the following divisions:
  - (i) Arts and Entertainment
  - (ii) BBC
  - (iii) BT
  - (iv) Digital

- (v) Independent Broadcasting
- (vi) London Production
- (vii) Regional Production

as defined in rule 8 and/or such other divisions as may be established under rule 8(c) on the basis of one representative for each 2,000 members or part thereof in each respective division. The successful candidates shall be those elected in accordance with the clauses below.

- (b) The SEC shall elect the Vice-President and Treasurer from amongst its members.
- (c) For the purposes of calculating divisional memberships within each of the divisions in clause (a) above, each branch will be assessed on its fully paid-up members as at 31<sup>st</sup> December immediately preceding the year of the election, such membership to be certified by the Sector Secretary. Branches shall have the right to challenge such assessment, by application to the SEC.
- (d) No paid official or employee of the union shall be eligible for election to the SEC.
- (e) Each candidate for election to the SEC must be a paid-up member of the union and shall give his/her consent in writing. Nothing in these rules shall prevent two paid-up members of the same division being nominated as 'job-sharing' candidates to a position on the SEC. Save for conference where both shall attend, only one job-sharing member may attend each meeting and in the event of one resigning the other must also do so, creating a vacancy to which rule 10(l) will apply. Candidates may stand for election for a division of which they are a member. Should a member, for any cause whatsoever, transfer to another division, that member must resign from the SEC and the vacancy be filled in accordance with rule 10(l).
- (f) Subject to clause (e), each member of the SEC shall be elected and hold office from the close of the Sector conference to the close of the following biennial Sector conference and shall be eligible for re-election.
- (g) The Sector Secretary, in the January before the SEC elections to be held under this rule, shall circularise all branches inviting nominations.
- (h) Candidates for election to represent a division under clause (a) must be nominated by a branch with members in the relevant division, duly convening under rule 4.7.5 in the Prospect Rule Book. After due notice has been issued, in the event of any branch convening to consider the nomination of candidates for election being unable for any reason to obtain a quorum, it shall be competent for the branch committee to undertake the duties and functions in connection therewith, and to submit a nomination

or nominations. A report of such a meeting must be submitted to the Sector Secretary for information. Candidates to represent a division shall be voted for only by paid-up members within that division. Nominations shall be returned by the Branch Secretary so that they are received by the Sector Secretary not later than the first Monday of March following. Candidates nominated may submit a written election address of not more than 600 words for the information and consideration of members. This address shall also be received by the Sector Secretary not later than the first Monday of March.

- (i) The ballot papers for the elections shall be prepared and issued by 15<sup>th</sup> March, by the Sector Secretary, to each Branch Secretary, together with the election addresses. The ballot papers shall be issued and returned electronically; where this is not possible appropriate alternative arrangements shall be made. Each branch shall be entitled to register votes equal to the number of fully paid-up members of the branch as at 31<sup>st</sup> December immediately preceding the election, such membership to be certified by the Sector Secretary. Each ballot paper shall include details of the branch name and the number of members it represents.
- (j) Votes for the SEC must be agreed at branch meetings duly convening under rule 4.7.5 in the Prospect Rule Book. After due notice has been issued, in the event of any branch convening to consider its vote(s) for the SEC being unable for any reason to obtain a quorum, it shall be competent for the branch committee to undertake the duties and functions in connection therewith, and to submit its vote(s). A report of such a meeting must be submitted to the General Secretary for information. The final date for the branch to submit its vote(s) shall be not later than the last day of April following.
- (k) Subject to rule 14(b) the Sector Secretary shall publish the election results.
- (l) Should, for any cause whatsoever, a vacancy occur among the divisional members of the SEC the candidate with the next highest number of votes at the last election shall be deemed to be the representative for the remainder of the term, provided that he/she has remained a paid-up member of the union, is still eligible and is otherwise able to fill the vacancy. In the event of there being no such candidate, a new member shall be elected for the remainder of the term in a manner consistent with the rules for the election of the SEC.

## **11. General officers**

- (a) The general officers of the sector shall comprise the President, the Vice-President and the Treasurer. The President shall be elected in accordance with the provisions of rule 12. The Vice-President and the Treasurer shall be elected from the SEC members at the first meeting following the SEC elections.

- (b) The general officers may attend meetings of any component body of the sector as observers but without the right to vote.
- (c) The President, if present, shall take the chair at meetings of the SEC. In his/her absence, the Vice-President shall take the chair. In the absence of both the President and Vice-President, the Treasurer shall take the chair. In the absence of all the aforementioned, the chair shall be taken by a member of the SEC elected for that purpose.
- (d) The Sector President shall also chair the Sector Conference, although the Vice-President may also chair sessions of the conference at the discretion of the President or where the President is not present.

**Prior to the end of conference in 2019** there shall be two joint Presidents (one for the Bectu Divisions, and one from the BT and Digital Divisions) who shall chair alternate meetings of the SEC and Sector Conferences.

## **12. Sector President election procedure**

**Prior to 2019** Bectu and the BT and Digital Divisions shall conduct the elections of Joint Sector Presidents as per Appendices C and D\* of these rules.

**\* *Appendices C and D which outlined election procedures prior to Conference 2019 were removed by a rule change at the 2019 Sector Conference as they are no longer applicable.***

**Commencing in 2019**, the following procedures shall apply for the election of the Bectu Sector President.

- (a) The Bectu Sector President must be nominated by at least one branch in any of the following divisions of the Sector:
  - (i) Arts and Entertainment
  - (ii) BBC
  - (iii) BT
  - (iv) Digital
  - (v) Independent Broadcasting
  - (vi) London Production
  - (vii) Regional Production

as defined in rule 8 and/or such other divisions as may be established under rule 8(c).

- (b) For the purposes of calculating divisional memberships within each of the divisions in clause (a) above, each branch will be assessed on its fully paid-up members as at 31<sup>st</sup> December immediately preceding the year of the election, such membership to be certified by the Sector Secretary.

Branches shall have the right to challenge such assessment, by application to the SEC.

- (c) No paid official or employee of the union shall be eligible for election to Sector President.
- (d) Each candidate for election to Sector President must be a paid-up member of the union and shall give his/her consent in writing.
- (e) The Sector President shall be elected and hold office from the close of the Sector Conference to the close of the following biennial Sector Conference and shall be eligible for re-election.
- (f) The Sector Secretary, in the January before the Sector President election to be held under this rule, shall circularise all branches inviting nominations.
- (g) Candidates for election to Sector President must be nominated by a branch duly convening under rule 4.7.5 in the Prospect Rule Book. After due notice has been issued, in the event of any branch convening to consider the nomination of candidates for election being unable for any reason to obtain a quorum, it shall be competent for the branch committee to undertake the duties and functions in connection therewith, and to submit a nomination. A report of such a meeting must be submitted to the General Secretary for information. Candidates for Sector President shall be voted for by all branches irrespective of their division. Nomination papers shall be returned by the Branch Secretary so that they are received by the Sector Secretary not later than the first Monday of March following. Candidates nominated may submit a written election address of not more than 600 words for the information and consideration of members. This address shall also be received by the Sector Secretary not later than the first Monday of March.
- (h) The ballot papers for the elections shall be prepared and issued by 15<sup>th</sup> March, by the Sector Secretary, to each Branch Secretary, together with the election addresses. The ballot papers shall be issued and returned electronically; where this is not possible appropriate alternative arrangements shall be made. Each branch shall be entitled to register votes equal to the number of fully paid-up members of the branch as at 31<sup>st</sup> December immediately preceding the election, such membership to be certified by the Sector Secretary. Each ballot paper shall include details of the branch name and the number of members it represents.
- (i) Votes for Sector President must be agreed at branch meetings duly convening under rule 4.7.5 in the Prospect Rule Book. After due notice has been issued, in the event of any branch convening to consider its vote for Sector President being unable for any reason to obtain a quorum, it shall be competent for the branch committee to undertake the duties and functions in connection therewith, and to submit its vote. A report of such

a meeting must be submitted to the General Secretary for information. The final date for the branch to submit its vote shall be not later than the last day of April following.

- (j) Where there are more than two candidates, the election for Sector President shall be conducted using the Alternative Vote System: voters are asked to rank the candidates in order of preference. If one candidate has more than 50% then they are the winner. If no candidate has more than 50% then the candidate with the least first preference votes is eliminated and their second preferences are redistributed. This process continues until one candidate has 50% of the votes and is elected.
- (k) Subject to rule 14(b) the Sector Secretary shall publish the election results.
- (l) Should for any cause whatsoever a vacancy occur for the position of Sector President, the candidate with the next highest number of votes at the last election shall be deemed to be the representative for the remainder of the term, provided that he/she has remained a paid-up member of the union, is still eligible and is otherwise able to fill the vacancy. In the event of there being no such candidate, a new member shall be elected for the remainder of the term in a manner consistent with the rules for the election of the Sector President.

### **13. Divisional conferences**

- (a) The SEC where specifically requested by divisional committees to do so shall arrange for divisional conferences to be held in accordance with the respective divisional by-laws as approved by the SEC but where practicable in conjunction with sector conference. The divisional conference shall comprise
  - (i) The chair of the divisional committee who shall have a casting vote,
  - (ii) The paid officials working in the division who shall have the right to speak but not to vote,
  - (iii) Members of the divisional committee,
  - (iv) Members of the divisional standing orders committee,
  - (v) The delegates appointed in accordance with the respective approved divisional by-laws.

Matters to be discussed at divisional conferences shall be confined to those arising out of clause 8(d) above.

- (b) Special divisional conferences shall be held only with the approval of the SEC after consideration of a request for such a conference from the relevant divisional committee, or of a written request signed by not less than 10 per cent of the total membership of the relevant division, stating the matter(s) to be discussed (which must be confined to those arising out

of clause 8(d) above). The special divisional conference shall take place within six weeks of such a request being submitted.

- (c) The divisional conference shall elect a divisional standing orders committee comprising three members who shall hold office until the completion of business at the next divisional conference. No member of the divisional committee may serve on the divisional standing orders committee.

#### **14. Sector Biennial Conference**

- (a) The Sector's governing body is the Sector's Biennial Conference.
- (b) The SEC shall, unless otherwise instructed by biennial conference, determine the place and date of all meetings of conference, taking the cost of the meeting into account, and shall inform all branches of its reasons for the choice of conference venue. Biennial conference shall be convened during April, May or June, provided that where conference takes place in a year which elections of the SEC also take place, the result of those elections shall not be declared earlier than the close of conference.
- (c) The Sector Biennial Conference:
  - (i) Decides the policy of the union specific to the Bectu Sector
  - (ii) Considers the SEC's biennial report
  - (iii) Decides on any motions to amend the rules of the Sector
  - (iv) Elects a Standing Orders Committee (SOC).
- (d) The quorum for sector conference shall be a majority of the total of delegates registered for attendance, or the presence of delegates entitled to attend representing three-fifths of the membership of the sector, whichever is the less.
- (e) Voting at a sector conference shall be in accordance with rule 17(e).
- (f) The proceedings of sector conferences shall be regulated by standing orders drawn up by the Standing Orders Committee and to be adopted by the sector conference at the beginning of its meeting.
- (g) Minutes of a sector conference shall be kept by the Sector Secretary and copies circulated to all branches.

#### **15. Alteration of rules**

- (a) Save as provided by rule 2, these rules shall be open to general alteration only at a general sector rules conference, of which there shall be one at intervals of two years commencing with 2019.

- (b) Notwithstanding the foregoing, these rules may be altered at a special rules session convened in accordance with the provisions of rule 16 clause (a), (c), (d) and (e) in association with sector conference but only to consider such alterations to these rules as may be necessitated by changes in legislation or such matters that would be detrimental of the well-being of the union if postponed to the next scheduled sector rules conference. The final arbiter on acceptance of a special rules session shall be sector conference.
- (c) Every proposed alteration of these rules shall be submitted by the SEC, or be proposed and seconded by two paid-up members belonging to the same branch, and only after that branch has either approved such proposed alteration of these rules or specifically delegated to the branch committee the function of submitting proposed alterations of these rules, at a general meeting of members convened in accordance with these rules.
- (d) In the event of any branch, after due notice has been issued convening a meeting to deal with alterations and revision of these rules, being unable, for any reason, to obtain a quorum, it shall be competent for the branch committee to undertake the duties and functions in connection therewith and to elect its delegates to the conference. A report of such a meeting must be submitted to the SEC for information.
- (e) No alteration of these rules shall be valid unless two-thirds of the delegates present and voting at the conference, or in the case of a card vote two-thirds of the total votes cast, shall be in favour of such alteration. Nothing in this rule shall allow an emergency proposition for rule alteration to be made at any conference.
- (f) Every alteration to these rules shall take effect on the date set by the conference and shall not be set earlier than the last date of the conference taking the decision.
- (g) Within twelve weeks of the end of a rules revision conference or session (at which any changes in rules are made) members shall be issued with either a new rule book or pages to replace out-of-date pages in their existing rule book (this can be by means of publication on the union's website).

## **16. Sector Special Conferences**

- (a) Special conferences will be convened whenever the SEC shall appoint on receipt by the General Secretary of an instruction from sector conference or the SEC, or in any case within six weeks of receipt by the General Secretary of the written request of at least sixteen branches representing not less than 2,000 members across at least two divisions, and stating the motion or motions which it is desired to move.

- (b) The SEC shall, unless otherwise instructed by sector conference, determine the venue for a conference so called, taking the cost of the meeting into account, and shall inform all branches of its reasons for the choice of venue.
- (c) Special conferences shall comprise as detailed in rule 14.
- (d) Written notice convening a special conference shall state the precise business to be considered as specified by sector conference, the SEC or in the written demand from branches. No other matters shall be discussed at such a conference. Such notice shall be given to all branches not later than twenty-one days before the special conference meeting.
- (e) The quorum for special conference shall be a majority of the total of delegates registered for attendance, or the presence of delegates entitled to attend representing three-fifths of the membership of the sector, whichever is the less.
- (f) Voting at a special conference shall be in accordance with rule 17(e).
- (g) The proceedings of special conferences shall be regulated by standing orders drawn up by the Standing Orders Committee and to be adopted by the special conference at the beginning of its meeting.
- (h) Minutes of a special conference shall be kept by the Sector Secretary and copies circulated to all branches.

## **17. Sector Biennial Conference and Special Conferences – representation and voting**

### **For all Bectu Divisions other than the BT and Digital Divisions**

- (a) (i) Conference shall consist of delegates from branches to be appointed by the branch or branch committee before conference meeting, according to their membership as certified under clause 17(d)(iii) on the basis of one delegate per 100 members or part thereof.

### **For the BT and Digital Divisions**

- (b) (i) Every Branch of the Divisions are represented at Conferences by the following maximum number of delegates from branches to be appointed by the branch or branch committee before conference meeting, according to their membership as certified under clause 17(d)(iii) on the basis of one delegate per 100 members or part thereof.

- (c) The following equality networks represented at Sector conferences have a maximum of two delegates, who shall not vote, nor be entitled to submit business and shall speak only by invitation of the Chair of the Conference:
  - (i) Young Professionals Network
  - (ii) Women's Network
  - (iii) Lesbian, Gay, Bi-sexual and Transgendered Network
  - (iv) Black & Ethnic Minorities Network
  - (v) Disability Network

It is anticipated that the Bectu Equality Committees and the BT and Digital Division Equality Networks will merge by 31<sup>st</sup> December 2017.

- (d) Subject to clause 14(b) the SEC shall convene a biennial conference of the union which shall comprise:
  - (i) The Chair of conference who shall have a casting vote.
  - (ii) The Secretary for the Sector and members of the SEC who shall have the right to speak but not to vote; other employees can be called to speak but shall not be entitled to vote.
  - (iii) Such delegates from branches as determined by these rules on the basis of the number of fully paid-up members of the branch represented at 31<sup>st</sup> December immediately preceding the conference, such membership to be certified by the General Secretary, provided that no paid official or employee of the union shall be a delegate.
  - (iv) Paid officials of the union, unless otherwise engaged on union business at the direction of the NEC and/or the General Secretary, provided that such paid officials shall only be able to speak at the discretion of the chair and shall not be entitled to vote;
  - (v) The Standing Orders Committee appointed and acting in accordance with rule 18, who shall have the right to speak but not to vote.
- (e) Voting at meetings of conference shall be by poll of delegates, normally by show of hands. All questions before conference shall be decided by the majority vote of the delegates present and voting, but at the request of ten delegates rising in their places immediately following the chair's announcement of the result of such a poll, a card vote shall be taken. In a card vote each branch represented at the conference shall be entitled to register votes equal to the number of fully paid-up members of the branch as at 31<sup>st</sup> December immediately preceding the conference, such membership to be certified by the Sector Secretary. The results of such ballots will be published to Sector members.

- (f) Branches and the networks listed in paragraph 17(c) eligible to be represented at conference must advise the Secretary of the Sector of the names and addresses of delegates prior to the Conference by a date determined by the Sector Standing Orders Committee.
- (g) Where, exceptionally, a new branch has been formed after 31<sup>st</sup> December or where there has been a substantial change in any branch's membership after 31<sup>st</sup> December, the SEC may at its discretion determine that such branches will be represented on the basis of its membership at a later date, which however will be a date not later than four weeks prior to the opening of the conference.

## **18. Standing Orders Committee for Sector Biennial and Special Conferences**

- (a) The delegates at sector conference shall elect a Standing Orders Committee of five members, provided that no member of the SEC shall be eligible to serve on the committee. In the event of vacancies occurring within the committee, the SEC shall fill such vacancies in the first place from candidates from the Standing Orders Committee not elected at the conference at which elections to the committee were held, the first vacancy being filled by the unsuccessful candidate who obtained the highest number of votes, et seq. If there is no "unsuccessful candidate" available, the Standing Orders Committee shall call for nominations from branches, with an election by branches being held if necessary.
- (b) The members of the Standing Orders Committee shall continue to hold office until the conclusion of the next biennial sector conference. In the event that a vacancy occurs in the Standing Orders Committee shortly before conference, or if a member of the Standing Orders Committee is unable to attend conference, the Standing Orders Committee may, subject to the approval of conference, co-opt an eligible member to sit on the committee in order to assist the Committee in their administration of Conference.
- (c) The Standing Orders Committee shall be responsible to conference.
- (d) Nominations for appointment to the Standing Orders Committee will be requested from branches at the same time as they are requested to submit propositions. If insufficient nominations to the Standing Orders Committee are received by the final date for receipt of nominations, the Standing Orders Committee shall call for further nominations to the remaining vacancies from branches. The final date for receipt of nominations shall be extended until the time the president takes the chair at the beginning of proceedings of sector conference at which the vacancies arise. If the Standing Orders Committee is still in receipt of insufficient nominations to vacancies on the Standing Orders Committee, the Standing Orders Committee shall report such fact to conference in the standing orders

committee's report to conference and the President shall immediately call for nominations to any remaining vacancies on the Standing Orders Committee from those delegates present.

- (e) The Standing Orders Committee shall be responsible for preparing and submitting to sector conference the agenda for the meeting and standing orders for regulation of the proceedings at the meeting. In discharge of this responsibility the committee shall prepare a schedule setting forth the final date for receiving propositions, amendments to propositions, and nominations for office. This schedule shall be communicated to branches on behalf of the committee not later than four calendar months in the case of sector conference (and not later than four weeks in the case of any other meeting of conference), before the conference opens. For sector conference the final date for receiving propositions shall be not later than fourteen weeks before the opening day of the conference.
- (f)
  - (i) The Standing Orders Committee shall be responsible for including in the agenda of sector conference the report of the SEC.
  - (ii) The Standing Orders Committee shall also be responsible for including in the agenda of conference such other reports as the SEC or any other conference appointed committee shall deliver and such propositions as may be required to ensure compliance with statutes or these rules, and subject to (j) below propositions submitted by the SEC and branches.
  - (iii) The Standing Orders Committee may combine propositions and amendments of similar intention and shall set up machinery for this purpose, including a meeting before conference at which the movers of the propositions and amendments concerned shall be invited to withdraw their original propositions and amendments in favour of composite propositions and amendments.
  - (iv) In ordering the agenda, the Standing Orders Committee shall take account of the relative importance in its view attaching to the various reports and resolutions submitted to the conference, and shall set priorities for discussion of these accordingly.
- (g) In preparing the agenda, the Committee shall admit all items of business submitted provided the business:
  - (i) Is submitted on time on a form signed by a Branch Officer represented at Conference or their substitutes (or by the Secretary of the Sector if the business is submitted by the SEC);
  - (ii) Does not conflict with either the union's or the Sector's Rules;
  - (iii) Makes sense and is legible;
  - (iv) Is not, in the Committee's judgement, a negating or wrecking amendment, if the item seeks to amend a motion;

- (v) Is consistent with any other guidance issued by the Committee and approved by Conference.
- (h) The Standing Orders Committee shall have authority to reject propositions if:
  - (i) the intention of the proposition is obscure;
  - (ii) the proposition is concerned with matters outside the objects of the union;
  - (iii) the proposition is already existing union policy;
  - (iv) the proposition is not addressed to conference;
  - (v) the proposition is concerned with matters pertinent to National conference.
- (i) All propositions rejected by the Standing Orders Committee shall be published to branches with detailed reasons for rejection.
- (j) The Standing Orders Committee, subject to the approval of conference, shall remit direct to the appropriate body of the union, without discussion by conference, such propositions of a domestic character which in their view will be more advantageously dealt with by consideration and report from that body to the SEC.
- (k)
  - (i) The Standing Orders Committee shall reject all propositions and amendments received after the final dates for receipt of propositions and amendments communicated on behalf of the committee to branches.
  - (ii) Notwithstanding the provisions of the foregoing section of this rule, the committee shall, at its discretion, admit to the agenda at any time up to the conclusion of the proceedings of sector conference propositions to be known as emergency propositions, the matter of which arises in circumstances which could not be foreseen at the final date for receipt of propositions, and which are of sufficient relevance to be included in the business of conference.
  - (iii) The reference back of a report or part thereof of the SEC to sector conference shall be held to justify the inclusion by the Standing Orders Committee at its discretion of an emergency proposition on the same subject.
- (l)
  - (i) The Standing Orders Committee shall be responsible for ensuring that the nominations for elections to be conducted at sector conference accord with these rules.
  - (ii) The Standing Orders Committee shall reject nominations received after the final date for receipt of nominations.

- (m) The chair of the Standing Orders Committee shall act as returning officer in all ballots conducted at conference with the exception of those results of SEC elections declared under rule 14(b) by the Sector Secretary.
- (n) The Standing Orders Committee shall appoint tellers and scrutineers, subject to the approval of the conference.
- (o) The SEC may issue supplements to its reports. Where it does so, the Standing Orders Committee will determine the closing date for the submission of written references back to these supplementary reports. These will be treated in accordance with rule 18(k)(i) and (iii).

## **19. Standing orders**

- (a) Meetings of divisional conferences, divisional and sub-divisional committees, and branches shall be conducted in accordance with standing orders endorsed by the SEC.
- (b) Standing orders shall include provisions for the calling of meetings, for defining their venues, for specifying their time of opening and time of closure and shall declare a quorum. They shall set out the order in which business shall be discussed and rules for the conduct of such business.
- (c) Standing orders may make provision for their own suspension on resolution of a defined majority, except that no standing order governing the numbers of a quorum shall be suspended.

## **20. Sector Secretary and Secretariat**

- (a) The Secretary for the Sector is responsible, under the direction of the Prospect General Secretary and the NEC, for:
  - (i) Managing the Sector's affairs, including its finances;
  - (ii) Convening all meetings of the SEC;
  - (iii) Directing the officers and staff allocated to the Sector by the General Secretary, and subject to the instructions of the Prospect NEC and/or the General Secretary;
  - (iv) Representing the Sector and its members as its principal spokesperson;
  - (v) Editing the Sector's communications.
- (b) The Prospect General Secretary will, in consultation with the SEC, appoint a permanent official of Prospect to act as Secretary for the Sector.
- (c) The Deputy General Secretary for the Bectu Sector shall be appointed in accordance with Prospect's policies and procedures.

## **APPENDIX A**

### **(referred to in rule 6)**

#### **Branch constitution for the BT and Digital Divisions of the Bectu Sector of Prospect**

This model constitution has been approved by the Prospect NEC as consistent with the model rules for Prospect branches

1.
  - (a) Each Branch must provide a democratic forum that enables its members to take a full and active part in the affairs and governance of the union. Specifically:
  - (b) Each branch should endeavour to set a reasonable quorum for its meetings, to ensure that its meetings (whether held face-to-face or virtually by, for example, conference call) are genuinely representative of the views of members.
  - (c) Branches must hold an Annual (or with agreement from the NEC, Biennial) General Meeting at which it must elect two Officers a Branch Chair a Branch Secretary and a Branch Committee.
  - (d) It may also elect additional officers such as, but not limited to:
    - (i) Vice Chair
    - (ii) Assistant Secretary or Secretaries
    - (iii) Union Safety Reps
    - (iv) Union Learning Reps
    - (v) Equalities Officer
    - (vi) Membership Secretary
    - (vii) Treasurer
2. The Officers will be responsible for conducting the day-to-day affairs of the Branch, and will be accountable to the Branch Committee in the discharge of these duties.
3. The Branch is responsible for:
  - (a) recruitment and organisation within the catchment area of the branch
  - (b) ensuring members are kept informed about union activities and have the opportunity to be involved in these activities
  - (c) protecting and promoting the interests of its members
  - (d) promoting the policies of the branch
  - (e) furthering the objects of the union

- (f) taking part in the democratic processes of the wider union and making nominations for bodies of the union beyond the branch, which can include but is not limited to:
    - (i) Nominations for President, Vice-President and Deputy Vice-President of the union
    - (ii) Nominations for the NEC
    - (iii) Nominations for Sector President and SEC
    - (iv) Nominations for Divisional and Sub-Divisional bodies and their officerships
    - (v) The submission of business to, and nominations relevant to, National, Sector and Divisional Conferences
  - (g) Where Branches take a formal part in this activity, they should do so based on the decisions of properly constituted meetings held in accordance with rule 1(b) of this constitution. Where this is not possible, the branch Committee may make such decisions on behalf of the branch, but should then seek subsequent ratification of those decisions at the next available quorate meeting of the Branch.
4. The following duties might be pertinent to a union body such as a divisional committee (eg the BT Divisional Committee):
    - (a) to maintain and/or improve the conditions of employment of Branch members and the relations between them and their employers
    - (b) to consult with the appropriate members' body who may be affected by any proposals concerning pensions in payment
  5. The branch has the right to call on the BT and Digital Divisional Committees to assist it in the discharge of its responsibilities. The BT and Digital Divisional Committees may also offer its assistance to the branch in regard to any matter.
  6. Branch expenditure is funded centrally from the union's general Fund. A Branch may apply for its own budget and keep accounts to fund its activities, submitting audited annual accounts to the NEC.

## **APPENDIX B (referred to in rule 8)**

### **Divisional by-laws**

#### *Terms of reference*

1. Divisional committees shall provide machinery to deal, subject to the authority of the SEC, with the matters set out in rule 8(d).
2. Subject to the approval of the SEC, a division may be broken down into sub-divisions. A sub-divisional committee shall deal only with matters affecting members of the sub-division. Matters affecting members of more than one sub-division shall be dealt with by the divisional committee.
3. For the purposes of paragraphs 1 and 2 above each committee, where appropriate, shall establish, subject to the approval of the SEC, machinery for negotiation and consultation with the employer(s).
4. Divisional committees, sub-divisional committees and branch committees, in accordance with the appropriate procedural arrangements between the employer(s) and the union, may put into dispute matters arising out of paragraph 1 above. Only the National Executive Committee has the power to authorise industrial action.
5. Divisional committees and where appropriate sub-divisional committees shall deal with matters delegated to them, and consider matters referred to them for advice, by the SEC or any of its subcommittees or head office.
6. Divisional and sub-divisional committees shall seek actively to recruit members in the categories organised by them and to publicise their activities.
7. The Bectu sector's organisation, general publicity, general relations with the employers' or other organisations, and matters affecting members in more than one division are dealt with by the SEC. Any collective views that a divisional or sub-divisional committee has on these matters shall be referred to the SEC. Sub-divisions and individual branches retain the right to make their views on such matters known to the National Executive Committee.

#### *Frequency and composition*

8. (a) Divisional and sub-divisional committees shall be composed of representatives drawn from the division or sub-division which they organise. The composition of the committees and the arrangements for their appointment shall be determined by the divisions themselves subject to the agreement of the SEC and to

endorsement by Sector conference. Those arrangements shall provide that no representative shall have the right to vote who has not been elected or re-elected by the respective branch within the preceding two years. Branches shall elect their representatives at a meeting duly convened under rule 4.7.5 in the Prospect Rule Book but in the event of a branch, after notice of such a meeting has been issued, being unable for any reason to obtain a quorum, it shall be competent for the branch committee to make the election.

- (b) Members of the SEC shall be entitled to attend meetings of their respective divisional committees, if they are not elected members of those committees, and shall have the right to speak but not to vote.
- 9. Divisional and sub-divisional committees shall meet according to a calendar agreed by the SEC and endorsed by Sector conference. The calendar shall provide for at least four meetings of each committee a year. Emergency meetings may be convened in accordance with the committee standing orders, subject to the agreement of the SEC.
- 10. Subject to the approval of the SEC, the Sector Secretary shall make arrangements for the servicing of divisional committees and, where practicable, sub-divisional committees by a paid official.
- 11. Each committee shall have a chair, a vice-chair and a secretary. Such officers shall be elected by the committee at its first meeting after the provisions of by-law 8 have been completed. Following the election the chair for the year shall be replaced on the committee by an additional representative from the constituency of membership from which he/she was drawn. If the committee so chooses, the election of the chair may be conducted by post once the provisions of by-law 8 shall have been satisfied. Where a paid official has been allocated to a committee he/she may be elected to act as the secretary of the committee.
- 12. Subject to the approval of the SEC, a divisional committee may appoint sub-committees to deal with or make recommendations to it on particular matters.

#### *Conduct of business*

- 13. Business shall be conducted in accordance with standing orders drawn up by the committee, subject to approval by the SEC.
- 14. No unauthorised recording of the proceedings of the committee may be made.
- 15. The business and the proceedings of the committee shall conform with the union's rules at all times.