

The Irish Nurses and Midwives Organisation
Cumann Altraí agus Ban Cabhrach na hÉireann



Rules of the Organisation

Head Office

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Amended at Annual Delegate Conference 6th May 2021

THE IRISH NURSES AND MIDWIVES ORGANISATION

1. TITLE

The Union shall be called “The Irish Nurses and Midwives Organisation” or in Irish “Cumann Altraí agus Ban Cabhrach na hÉireann” and is hereinafter referred to as “the Organisation”.

2. REGISTERED OFFICE

The Registered Office and place of business of the Organisation shall be at The Whitworth Building, North Brunswick Street, Dublin 7 or at such other place as may from time to time be appointed by the Executive Council and the Registrar of Friendly Societies shall be notified of any change in the Registered Office.

3. OBJECTS

The objects of the Organisation shall be:

- 3.1 To recruit and organise the registered nurses, registered midwives, student nurses and student midwives of Ireland, and such other persons or groups of persons as the Executive Council, following an Annual Delegate Conference decision, may from time to time determine for the protection and promotion of their interests as employees.
- 3.2 To regulate relations between members as employees and their employers and between members within the Organisation and with other unions.
- 3.3 To promote and protect the welfare of the members in all matters related to employment, pay and working conditions.
- 3.4 To promote the professional and educational development of members and the nursing and midwifery professions generally.
- 3.5 To promote objects of justice, equity and equality, and to make representations and to promote the views of the Organisation on national and local issues.
- 3.6 To publish or promulgate information by means of a periodical journal or journals or through the media or any other suitable means.
- 3.7 To make application to the relevant body for any statutory or other privilege, exception limitation or licence of any nature which shall be of benefit to the Organisation or its members.
- 3.8 To raise such funds as shall be required for the efficient administration of the Organisation by levying subscription on the members or any other such means as shall be determined.
- 3.9 To make such rules as shall be necessary for the internal administration of the Organisation and to govern and regulate its relationships with other bodies and individuals.

- 3.10 To establish and subscribe to and arrange such insurances, assurances, pension schemes or other funds as the Organisation shall deem necessary to provide for the retirement, disability or death benefit or benefit of any officers, members or employees (and their respective dependents) of the Organisation provided however that the Organisation shall not engage in the business of carrying on insurance.
- 3.11 To assist members in need and their dependents by such means as shall be deemed appropriate having regard to the nature of each case.
- 3.12 To purchase, take or lease, exchange, hire or otherwise acquire real and personal property and any investments, policies, bonds or other asset of any kind and any rights or privileges necessary or convenient for the purpose of the Organisation.
- 3.13 To borrow any monies required for the purpose of the Organisation (which shall include the administration of the Organisation in the promotion of these objects) upon such terms and upon such securities as may be deemed suitable or without such securities; and to make, accept and endorse cheques, promissory notes, bills of exchange and other negotiable instruments.
- 3.14 To transpose investments and to invest monies of the Organisation in such stocks and securities or investments as are authorised under the Trustee (Authorised Investments) Act 1958 and subsequent amending or varying legislation.
- 3.15 To pursue all lawful objects, including the institution of legal or other formal proceedings, to promote the objects of the Organisation and to safeguard the interests of the members thereof whether or not the same are related to the practice and professions of nursing and midwifery.
- 3.16 To do all such other lawful things as may be incidental or conducive to the promotion or implementation of the foregoing objects or any of them.
- 3.17 To do all other such objects permissible to a trade union under the Trade Union Acts.

4. MEMBERSHIP

- 4.1 Full membership to be open to:
 - (a) All nurses/midwives whose names are on the Register or Registers of the Statutory Nursing/Midwifery Regulatory Board namely the Nursing and Midwifery Board of Ireland who have completed an application form and have been accepted into membership by the Executive Council for whom the Organisation has negotiation rights;
 - (b) All student nurses/midwives whose names are on the Candidate Register of the Statutory Nursing/Midwifery Regulatory Body, namely the Nursing and Midwifery Board of Ireland who have completed an

application form and have been accepted into membership by the Executive Council.

- (c) All categories of nurses/midwives engaged in the nursing/midwifery profession whose names are on the Register or Registers of the Statutory Nursing/Midwifery Regulatory Body the Nursing and Midwifery Board of Ireland who have completed an application form and have been accepted into membership by the Executive Council and for whom the Organisation does not have negotiating rights.
- (d) Nurses/midwives registered with State authorities in other countries who are eligible for registration with the Nursing and Midwifery Board of Ireland and who have completed an application form and, at the discretion of the Executive Council, may be accepted into membership pending such registration; and
- (e) Such other persons as Executive Council following a decision at Annual Delegate Conference may from time to time determine to be eligible for membership.

4.2 Retirement membership shall be open to nurses/midwives who are members of the Organisation for a minimum period of 12 months immediately preceding the date of retirement and who shall not be entitled to vote on any resolution or other matter affecting the Organisation or any Branch thereof but shall be entitled to vote on any resolution or other matter affecting the Section to which they are affiliated and the accredited delegates from the Section to which they are affiliated shall be entitled to take part and vote at Annual Delegate Conference or any Special Delegate Conference.

4.3 Affiliate membership shall be open to nurses/midwives who are employed in third level institutions who have completed an application form and have been accepted into membership by the Executive Council and for whom the Organisation does not have negotiation rights. Such members shall not be entitled to vote on any resolution or other matter affecting the Organisation or any Branch but shall be entitled to vote on any resolution or other matter affecting the professional or special interest group/section to which they are affiliated and the accredited delegates from the Section to which they are affiliated shall be entitled to take part and vote at Annual Delegate Conference or any Special Delegate Conference.

4.4 Associate membership shall be open to inactive or unemployed nurses/midwives who shall be entitled to attend and participate in Branch activities and seminars but shall not be entitled to vote on any resolution or other matter affecting the Organisation or any Branch or Section thereof.

4.5 Any application for membership for any category above is accepted at the undisputed discretion of the Executive Council.

4.6 Members shall belong to the Branch and Section appropriate to them as determined by the Executive Council.

- 4.7 A Register of members shall be maintained at the Registered Head Office of the Organisation and may be available for inspection, during normal office hours, together with books of accounts, by every person having an interest in the funds of the Organisation, and by any member, upon receipt by the General Secretary of not less than two days written notice.
- 4.8 The financial year of the Organisation shall be 1 January to 31 December or as determined, from time to time, by the Executive Council. Membership fees shall be payable as determined by the Executive Council and ratified by the Annual Delegate Conference.
- The onus shall be on the member to advise the Organisation, in writing, of any change in her/his postal address, or any other change in her/his membership status.
- 4.9 Membership fees shall be paid to the General Secretary at the Head Office of the Organisation or to any other officer of the Organisation authorised to receive same or to an Honorary Branch Secretary or by Bankers Order or by deduction at source by the employing authority in accordance with agreements between the employing authority and the Organisation.
- 4.10 If a member is more than three months in arrears, voting rights shall cease until decided otherwise by the Executive Council. The member in question shall be notified of the fact, by the General Secretary, and if she/he fails to bring the fee up-to-date within one month, or such other period as may be decided by the Executive Council, she/he shall cease to be a member of the Organisation.
- 4.11 The Executive Council may require a member, when rejoining, to pay fees in respect of the time elapsed.
- 4.12 Membership of the Organisation may be terminated in any of the following ways:
- (a) By resignation, subject to not less than 30 days prior notice in writing to the General Secretary and subject to such resignation being accepted by the Executive Council;
 - (b) on erasure from the Register or Registers of the Nursing and Midwifery Board of Ireland, being the Statutory Nursing/Midwifery Regulatory Body for the Republic of Ireland;
 - (c) By expulsion in accordance with Rule 14.
 - (d) By suspension or termination in accordance with Rule 4.10.
- 4.13 A member shall also cease to be a member on foot of a decision by the Executive Council to comply with a ruling of the Irish Congress of Trade Unions relating to a dispute between unions on the organisation of members.

- 4.14.1 If a member requires to obtain formal legal advices or intends to commence legal proceedings as a plaintiff or an appellant, or intends to seek legal advice on any matter, and wishes to apply for a grant from the Organisation in respect of the legal costs of such proceedings the member shall, before taking any step other than entering a notice of Appeal in the relevant case or such other steps as may be necessary to protect the applicants legal rights, submit a written request to the General Secretary for a grant. The General Secretary shall place the request before the next meeting of the Executive Council which shall in its absolute and unfettered discretion decide whether a grant shall be payable. The applicant shall take no further steps in the legal proceedings until a decision has been given by the Executive Council. Any such grant of assistance towards the legal costs of the applicant shall be at the sole discretion of the Executive Council.
- 4.14.2 The Executive Council may in the case of an application for a grant for legal assistance in its absolute and unfettered discretion either refuse such grant or may allow a grant of all or a portion of the applicants legal costs, and may state the maximum sum that shall be payable under such a grant and may make such assistance subject to such other conditions as the Executive Council sees fit in its absolute discretion.
- 4.14.3 If a member wishes to apply for a grant under this Rule to enable the member to defend any legal proceedings, or be represented before any statutory tribunal or inquiry either as a defendant in the first instance, or as a respondent in an Appeal, the member shall forthwith submit a written request to the General Secretary for a grant. The General Secretary shall deal with the request in the same manner as if the member had been an intending plaintiff or appellant and the provisions of Clause 4.14.1 and Clause 4.14.2 shall apply. The applicant may take such steps in the proceedings as are necessary to protect the applicant's legal rights pending a decision of the Executive Council.
- 4.14.4 The Executive Council shall not be obliged to furnish any reasons for its decisions in respect of any matter arising under the provisions of this Rule and such decisions shall be accepted by all members and be binding upon them.

5. ANNUAL DELEGATE CONFERENCE

- 5.1 A delegate meeting of elected delegates and open to the membership as observers at times prescribed by the Executive Council shall be held annually at a place and time determined by the Executive Council.
- 5.2 The supreme authority of the Organisation shall be vested in the Annual Delegate Conference or any Special Delegate Conference and the Executive Council shall conduct the affairs of the Organisation in conformity with any policy determined or any direction made thereby.

- 5.3 The following only shall be entitled to take part in the vote at Annual Delegate Conference or any Special Delegate Conference:
- (i) members of the Executive Council;
 - (ii) accredited Branch Delegates selected in accordance with Rule 5.4.1;
 - (iii) accredited Delegates from each Section.
- 5.4.1 Branch delegates to the Annual Delegate Conference or any Special Delegate Conference must be selected at a formally convened Branch Meeting.
- 5.4.2 Branches may nominate delegates to attend the Annual Delegate Conference or Special Delegate Conference on the following basis:
- Membership of less than 100 members: 2 delegates
 - Membership of from 101 - 200 members: 3 delegates
 - Membership of from 201 - 300 members: 4 delegates
 - Membership of from 301 - 400 members: 5 delegates
 - Membership of from 401 - 500 members: 6 delegates
 - Membership of from 501 - 700 members: 7 delegates
 - Membership of from 701 - 900 members: 8 delegates
 - Membership of from 901 - 1000 members: 9 delegates
 - Membership of over 1000 members: 10 delegates
- For every 500 members, or part thereof over 1,000, each Branch may have one further delegate.
- 5.5.1 Section delegates to the Annual Delegate Conference or Special Delegate Conference must be selected at a formally convened Section Meeting.
- 5.5.2 A Section may nominate two delegates to attend the Annual Delegate Conference or Special Delegate Conference.
- 5.6 Only members of not less than three months standing who are not more than three months in arrears with subscription on the date of nomination shall be eligible to attend as delegates and admission shall be on the production of a credential signed by the General Secretary.
- 5.7 Admission of observers shall be on production of current membership cards or as determined by the Standing Orders Committee.
- 5.8 Each delegate shall have one vote on any motion proposed before the Annual Delegate Conference or Special Delegate Conference and voting shall be by a show of cards. When determined by the Chair the tellers may undertake a count and the result of same shall be presented to the chair, for the attention of the Annual or Special Delegate Conference as soon as possible thereafter. In the event of a tie the Chair shall have a second or casting vote.
- 5.9 The date for receipt of motions and amendments to Rules for the Annual Delegate Conference shall be twelve weeks prior to Conference.

- 5.10 The Agenda together with the Annual Report and Statement of Accounts shall be circulated to Delegates and branches at least 19 days before the date of the Annual Delegate Conference.
- 5.11.1 Motions for discussion at the Annual Delegate Conference shall proceed from Branches, Sections and the Executive Council. Motions from Branches and Sections must have been previously passed at a duly convened meeting of the members of the Branch and/or Section.
- 5.11.2 Motions which are already Organisation policy may be so designated by the Standing Orders Committee and will not be further debated.
- 5.12 The Annual Delegate Conference quorum shall be not less than one third of the Executive Council and one third of Branch and Section Delegates.

6. SPECIAL DELEGATE CONFERENCE

- 6.1 Special Delegate Conferences of the Organisation shall be summoned at any time on the request of one quarter of the membership, or 10 Branches, or at the discretion of the Executive Council. On receipt of such request the Executive Council shall convene a Special Delegate Conference to be held within four weeks of receipt of the request and Council shall duly inform all members, through Branches/Sections, of the matters to be laid before such meeting by furnishing them with copies of the motion or motions.
- 6.2 Only business detailed on the formal notice convening a Special Delegate Conference shall be dealt with at that meeting.
- 6.3 The Rules relating to an Annual Delegate Conference shall, where appropriate, apply in the case of a Special Delegate Conference.

7. STANDING ORDERS

- 7.1 The Standing Orders Committee for the Annual Delegate Conference shall consist of three members elected by the Annual Delegate Conference.
- 7.2 In 2008 this Standing Orders Committee will be elected and shall hold office for a period of three years. Thereafter, the Standing Orders Committee shall be elected by Annual Delegate Conference in years other than the years when a President is elected or re-elected and shall then hold office for a period of two years.
- 7.3 Any member seeking election to the Standing Orders Committee must be, or previously have been, an officer of his/her branch/section.
- 7.4 Nominees for the committee must be proposed and seconded by two delegates, on the prescribed form, from the Branch of the nominees.

- 7.5 The term of office shall be for two years save for the first election under this rule which shall be for three years and the persons elected shall be the three candidates who secure the greatest number of votes following an election at the Annual Delegate Conference.
- 7.6.1 Should a vacancy, on the Standing Orders Committee, arise during the committee's term of office then that vacancy shall be filled by reference to the following:
- the candidate who secured the next highest vote at the previous election for the committee; or
 - if there were no surplus candidates the Executive Council shall nominate a member to fill the vacancy;
- and in both situations the new member shall serve until the completion of that committee's term of office.
- 7.6.2 Should a vacancy arise, on the committee, during an Annual or Special Conference then that vacancy shall be filled, on a temporary basis, from a nominee of the Executive Council who is accepted by that Annual or Special Delegate Conference.
- 7.7 No member shall serve more than three consecutive terms on this committee.
- 7.8 The Standing Orders Committee shall:
- (i) Order the business of the Annual Delegate Conference and arrange and composite motions submitted in accordance with Rule 5.10.
 - (ii) Make such recommendations as it deems fit to expedite the business of Conference.
 - (iii) Co-operate with the movers of motions or amendments to endeavour to obtain agreements on the wording of proposals of similar purport.
 - (iv) Make recommendations as to what emergency motions not on the final agenda shall be brought before Conference. Emergency Motions shall only be considered where they have been put forward with the support of the delegates of not less than eight Branches or the Executive Council. Such motions, together with the Standing Orders Committee's recommendations, must be circulated in writing to the delegates at least one hour before any proposal to change the order of the business is voted upon.
- 7.9 In order to be put before Conference an emergency motion must meet all of the following criteria:
- the subject matter must be one of major public interest;
 - the subject matter should address a national/international event/development that might impact upon the professions of nursing and midwifery and those professions' integrity and/or ability and/or potential to deliver a professional service;

- such an event/development should have occurred following the closing date for the submission of ordinary motions for debate at Annual Delegate Conference.

8. EXECUTIVE COUNCIL

- 8.1 Subject to 5.2, the general control and direction of the policy of the Organisation shall be vested in the Executive Council.
- 8.2.1 The Executive Council, which shall hold office for a two-year period, unless otherwise decided by a Special Delegate Conference or an Annual Delegate Conference, shall consist of not more than twenty-two full members, including the President, first Vice-President, and second Vice-President, to be elected as follows:

Clinical: 16 Seats

(Includes all grades of Registered Nurse and Midwife other than those eligible to go forward under the Education and Management Categories below), to be filled as follows:

- (i) Registered General Nurse - at least two seats;
Registered Midwife - at least one seat;
Registered Nurse Intellectual Disability - at least one seat;
Registered Sick Children's Nurse - at least one seat;
Registered Public Health Nurse - at least one seat;
Please note persons elected, to these reserved seats, must be on that register and engaged in clinical practice in that discipline.
- (ii) If these reserved seats are not filled, via the 16 candidates with the most votes, then they must be filled with reference to the next highest candidate, from that discipline, who is engaged in clinical practice in that discipline.
- (iii) If there are no candidates meeting any of the six reserved seats (clinical) then the seats shall be filled by the candidate with the highest vote in the clinical category.

Education: 2 Seats

- (i) One seat to be filled by members from all grades of Nurse/Midwifery Teachers, Clinical Teacher, and/or others with a Nurse/Midwifery Teaching qualification who are actively engaged in nurse/midwifery education.
- (iii) One seat to be filled from members who are working in the wider field of nurse/midwife education and its management including Clinical Placement Co-Ordinators / Clinical Placement Facilitators / Specialist Co-Ordinators and Nurse/Midwife Practice Development Co-Ordinators

Management: 3 Seats

(Includes all members at, or above, Clinical Nurse/Midwife Manager 3 who are actively engaged in management).

Undergraduate Student Nurses/Midwives / New Graduates up to 24 months qualified: 1 Reserved Seat

Provided always that only those grades for whom the Organisation has negotiation rights shall be a member of the Executive Council.

- 8.2.2 In the event of any of the seats allocated to the Education and Management categories not being contested, then those seats shall be filled by the candidates, in the Clinical category, who receive the next highest vote, or votes, after the initial filling of the 16 seats taking into account the six reserved clinical seats.
- 8.2.3 In the event of any dispute as to the category for which a member may be eligible for election, then the Executive Council shall determine the category under which a member is eligible to contest the election.
- 8.3 The outgoing President shall be an ex-officio member of the incoming Executive Council.
- 8.4 For the election of members of the Executive Council, there shall be a general ballot of all paid-up full members and undergraduate student nurse/midwife members, every two years, in the form of a postal vote.
- 8.5 In the case of full members, who are registered nurses/midwives, to be eligible for membership of the Executive Council a member must:
- (i) have been a paid-up member of the Organisation for not less than two years prior to the date of her/his nomination and be on the Live Register of the Nursing and Midwifery Board of Ireland;
 - (ii) be proposed and seconded by Officers of their Branch or Section following endorsement of the candidate by that Branch or Section.
- 8.6 To be eligible for election as an undergraduate student nurse/midwife member of the Executive Council an undergraduate student must:
- (i) have been a member of the Organisation for not less than six months prior to the date of her/his nomination;
 - (ii) be proposed and seconded by undergraduate student nurses/midwives who have themselves been members of the Organisation for not less than six months or be proposed and seconded by Officers from their Branch.
- 8.7 Nominations for the Executive Council shall be submitted, on the appropriate form, to the General Secretary, the closing date for which shall be determined by the Executive Council.
- 8.8.1 An officer or other member of the Executive Council may resign by writing to the General Secretary which resignation shall take effect at the beginning of the next meeting of the Executive Council. The General Secretary will in turn inform the appropriate Branch and Section. The vacancy shall be filled by co-optation in accordance with Rule 8.9.

- 8.8.2 In the event of a vacancy occurring in the office of President, for any reason whatsoever, the first Vice-President shall act as President for the remainder of the term of the office.
- 8.8.3 Should a vacancy occur in the office of first Vice-President, for any reason whatsoever, then in that event the second Vice-President shall act as first Vice-President for the remainder of the term of the office.
- 8.8.4 Should a vacancy occur in the office of second Vice-President, for any reason whatsoever, then the Executive Council shall elect a person from among their members, to fill the vacancy and the officer so appointed shall serve for the remainder of the term of the office.
- 8.8.5 Should any officer or member of the Executive Council absent her/himself from three consecutive meetings of that Council, without reason acceptable to the Council, the Executive Council may direct the General Secretary to notify such member in writing and, thereafter, the Executive Council may, should the Officer or member continue to absent her/himself without reason acceptable to the Executive Council, terminate her/his membership of the Executive Council on passing by the Executive Council by a two-thirds majority a resolution to that effect, and the Executive Council shall thereupon be entitled to co-opt another member of the Organisation to hold office until the next election in lieu of the Officer or member whose membership is so terminated in accordance with Rule 8.9.
- 8.8.6 In the event of a member of the Executive Council ceasing to be a member of the Organisation in accordance with Rule 4.12 or in the event of the Executive Council passing by a two-thirds majority of the Council, a resolution to the effect that a member of the Executive Council is incapable, through infirmity of mind or body, of discharging her/his duty as a member, or in the event of the Executive Council passing by a majority resolution to the effect that a member of the Executive Council has been guilty of misconduct in the discharge of her/his duties she/he shall forthwith cease to be a member of the Executive Council. The Executive Council shall thereupon be entitled to co-opt another member of the Organisation subject to the filling of all reserve seats, to hold office until the next election in lieu of the member who has ceased to be a member of the Organisation or who has become incapable of discharging her/his duties as a member of the Executive Council as aforesaid, provided however that any such member shall have the right of appeal to the Annual Delegate Conference. Any such appeal shall be by notice to the General Secretary within 21 days from the date such decision is so notified.
- 8.9 Co-options to fill vacancies on the Executive Council subject to the filling of all reserve seats shall be from among the candidates who received the next highest vote, in the relevant category, in the preceding Executive Council election and the person or persons so co-opted shall hold office for the remainder of the term of that Executive Council.
- 8.10 From the date of incorporation of this Rule, no member shall serve on the Executive Council for more than three consecutive terms, except in the following circumstances:

- (i) an outgoing President who is seeking re-election to the office of President for a second, and final, term;
 - (ii) an outgoing President who may serve as an ex-officio member for a further term.
- 8.11 The Executive Council quorum shall be not less than one-third of full Executive Council membership.
- 8.12 The Executive Council may delegate any of its functions or powers to a subcommittee consisting of such member or members of the Executive Council as it thinks fit; any sub-committee so formed shall, in the exercise of the functions or powers so delegated, conform to any directions that may be imposed on it by the Executive Council.
- 8.13 Notwithstanding Rule 8.12 the Executive Council shall, at their first meeting of a new term of office, appoint a Finance and General Purposes Committee. All functions and powers relating to Secretariat, Finance Management and Organisational matters, shall be vested in the Finance and General Purposes Committee who shall report, as appropriate, to the Executive Council at its monthly meetings on these matters.
- 8.14 The decision of the Executive Council on any question of interpretation arising out of the Rules of the Organisation shall be binding on the members unless and until modified or reversed by an Annual or Special Delegate Conference of the Organisation.
- 8.15 The travelling and hotel expenses of members of the Executive Council attending meetings thereof within the Republic of Ireland or attending international meetings or conferences abroad, as agreed by Council, may be defrayed out of the general funds of the Organisation where authorised by a simple majority of the Executive Council from time to time.
- 8.16 The Executive Council may appoint Standing Committees and define the functions and authority with regard to any matters submitted to them. The Executive Council may, in addition, appoint sub-committees or special committees for particular purposes and may adopt the minutes or reports of such committees. The Executive Council shall be at liberty to appoint to such committees members other than Council members and to dissolve such committees at any time.
- 8.17 The Executive Council may organise or authorise the organising of regional groupings, regional meetings or regional conferences for particular purposes.
- 8.18 The Executive Council shall meet not less than eleven times a year and at such other times as the President may decide. A special meeting of Council may be convened by the General Secretary, at the direction of the President, or upon a requisition in writing from eight members of the Council. A three day notice of all special meetings shall be given and the purpose for which the meeting is to be convened set out in the notice addressed to each member of Council.
- 8.19 The Executive Council may recommend and by agreement of the Annual Delegate Conference may impose a levy on the membership for a particular purpose, i.e. the establishment of a special fund or funds.

- 8.20 The disbursements of monies from special funds shall be at the discretion of the Executive Council.
- 8.21 The Executive Council shall decide its own standing orders which shall not be in conflict with the rules of the Organisation.

9. PRESIDENT AND VICE-PRESIDENTS

- 9.1.1 The President, first Vice-President (Honorary Treasurer) and second Vice-President, shall be elected at the Annual Delegate Conference at which elections are scheduled.
- 9.1.2 A separate election shall be held for President, first Vice-President and second Vice-President, and such elections shall be by secret ballot of all voting delegates at the Annual Delegate Conference.
- 9.1.3 The elected candidate must secure an overall majority by exceeding 50% of the eligible votes cast. If no candidate has achieved an overall majority, as aforesaid, then the candidate, or candidates, receiving the lowest vote or votes, if their combined vote is less than the total vote of the highest candidate shall be eliminated and a further ballot shall take place immediately.
- 9.1.4 If there shall be a tie, another vote shall be taken, and if the result is still a tie, the outcome shall be decided by lot (drawing the name of the successful candidate) by the chairperson of the Standing Orders Committee.
- 9.2 To be eligible for election to the office of President or Vice-Presidents she/he shall have been an elected member of the incoming Executive Council and shall have been a member of the outgoing Executive Council for the term immediately preceding her/his election.
- 9.3 Nominations for the office of President, first and second Vice Presidents, together with their written consent must be submitted in writing to the General Secretary not later than 21 clear days before the Annual Delegate Conference for notification to delegates to that meeting at which the election will take place.
- 9.4 The President shall preside at the Annual Delegate Conference and Special Delegate Conferences held during the year and at all Executive Council Meetings. In the absence of the President the first Vice-President shall take the Chair; in the absence of the first Vice-President the second Vice-President shall take the Chair.
- 9.5 The office of President shall not be held by the same person for more than two consecutive terms.

10. TRUSTEES

- 10.1 The Executive Council may appoint any person or persons to be Trustee or Trustees of the Organisation provided however there shall not be less than two Trustees nor more than five Trustees. Any such Trustee or Trustees may be removed by the Executive Council on a resolution passed by a two-thirds majority vote. The Irish Nurses Council Limited is appointed a Trustee of the Organisation and accordingly a Corporate Body may act as Trustee of the Organisation subject to such arrangements made or to be made by the Executive Council and notwithstanding the other provisions of this Rule.
- 10.2 The property and investments of the Organisation shall vest in the names of the Trustees for the time being of the Organisation
- 10.3 The Trustees shall deal with and dispose of the property and investments of the Organisation in accordance with the directions of the Executive Council, to be given by a resolution passed by a two-thirds majority vote of the Executive Council, and a resolution so passed shall be binding in favour of a purchaser of any of the property or investments of the Organisation.
- 10.4 A certificate purporting to be signed by the Trustees and setting out the terms of any such resolution as aforesaid shall be conclusive evidence in favour of a purchaser that such appropriate direction by the Executive Council has been given in accordance with the requirements of sub-rule 10.3 upon the sale pursuant to such direction of any property or investments of the Organisation. The receipt of the Trustees for the purchase money shall effectually discharge the purchaser therefrom and from being concerned to see to the application thereof or being answerable for the loss or misapplication thereof.
- 10.5 The Executive Council may obtain loans for the purpose of the Organisation to such extent, on such conditions, for such periods and at such rates of interest (if any) as they deem expedient and may secure the repayment of such loans and interest thereby by a mortgage, whether legal or equitable, charge or lien on any land, premises or assets of the Organisation or by deeds of covenant, promissory notes or other forms of security signed and given by the Trustees on a direction of the Executive Council effected by a resolution as mentioned in clause 10.3 hereof. A certificate of the Organisation's security setting out the terms of such resolutions as mentioned in clause 10.4 hereof shall be conclusive evidence in favour of a lender as to the authorisation for the said loan and the receipt of the Trustees for the monies so lent shall effectually discharge any such lender in like manner as is set forth in clause 10.4 hereof.
- 10.6 If any Trustee being removed from her/his office refuses or neglects to assign or transfer any property of the Organisation as the Executive Council may direct, such Trustee shall be expelled and cease to have any claim on the Organisation.

- 10.7 When a Trustee vacates the office (if any) by virtue of which she/he becomes a Trustee, she/he will automatically cease to be a Trustee and the vacancy so created shall be filled by her/his successor in office.
- 10.8 The Executive Council shall have power to institute or to direct the institution of legal proceedings or other formal proceedings including arbitrations to promote an object or objects of the Organisation and may accordingly direct the Trustees to institute legal proceedings against any member or employee of the Organisation who misappropriates any of the funds or property of the Organisation.

11. ORGANISATION STAFF

- 11.1 The Executive Council may arrange for the management and transaction of the business of the Organisation by the appointment of whole-time or part-time permanent or temporary staff at Headquarters or elsewhere.
- 11.2 The sole authority for conducting negotiations on behalf of the members shall be the Executive Council or those persons or person or sub-committee so authorised by them.
- 11.3 The remuneration and other conditions of service of all full-time or part-time staff shall be such as may be determined by the Executive Council.
- 11.4 All paid staff shall be subject, through the General Secretary, to the control and direction of the Finance and General Purposes Committee. In accordance with the Grievance and Disciplinary Procedure, any member of staff may exercise a right of appeal to the Executive Council or to a sub-committee formed under Rule 8.12 for that purpose. The General Secretary may initiate and pursue appropriate disciplinary action in instances where any member or members of staff fail to discharge their duties in a satisfactory manner or behave in such a manner as to bring the Organisation into disrepute.
- 11.5 Disciplinary action, in the form of increment deferment, increment refusal, extension of probation, suspension with/without pay and removal from employment of any member of the staff of the Organisation shall be decided by the Executive Council or by an appropriate sub-committee of the Executive Council.
- 11.6 The General Secretary shall be the Chief Executive Officer and shall have overall responsibility for the management of the business of the Organisation subject only to such policy decisions and directions given to the General Secretary by the Executive Council from time to time.
- 11.7 The General Secretary or, in the absence of the General Secretary, the Deputy General Secretary shall convene the Annual Delegate Conference and prepare, on behalf of the Executive Council, an Annual Report and Financial Report for the Annual Delegate Conference.
- 11.8 Paid staff shall not be empowered to vote, or be members of the Executive Council.

12. BRANCHES

- 12.1.1 A Branch of the Organisation shall be constituted in a geographical area or single employment location as defined by the Executive Council.
- 12.1.2 A geographical Branch shall be as determined by the Executive Council and shall have a minimum number of 50 members.
- 12.1.3 A Branch, in the form of a single employment location, may be established by the Executive Council subject to that single employment location having a minimum number of 500 members.
- 12.2 The Executive Council shall have power to dissolve a Branch, amalgamate Branches and make alternative arrangements for servicing the members.
- 12.3.1 Branch meetings shall be convened at least once every three months when all matters appertaining to the affairs of the Branch and all correspondence with Headquarters shall be dealt with.
- 12.3.2 One such Branch meeting shall be called to consider motions and select delegates for the Annual Delegate Conference. These must be submitted to the General Secretary not later than twelve weeks prior to the Annual Delegate Conference.
- 12.3.3 The Branch Secretary shall have the right to request the General Secretary to attend in the event of a matter of serious urgency. The General Secretary may authorise an Industrial Relations Officer, or other appropriate officer, to deputise for her/him.
- 12.4.1 Each Branch shall, with the approval of the Executive Council, decide its own standing orders which shall not be in conflict with the Rules of the Organisation.
- 12.4.2 The quorum for Branch meetings shall be arranged by each Branch, but in no case shall be less than five including one Branch Officer.
- 12.5.1 Each Branch shall on formation elect (a) a Chairperson, (b) an Honorary Secretary, (c) an Honorary Treasurer, (d) an Honorary Public Relations Officer.
- 12.5.2 Branches may also elect a Vice-Chairperson if they think fit. The offices of Honorary Secretary and Honorary Treasurer may be amalgamated.
- 12.6 A Branch may select in various areas Nurse Representatives to optimise the service to members.
- 12.7 Each Branch shall hold an Annual General Meeting between the 1 January and 31 March each year.
- 12.8 The Branch shall at the Annual General Meeting receive reports from the Officers of the Branch for the preceding year and elect its Officers, as appropriate, who shall hold office for a minimum of two years but not greater than six years.
- 12.9 No member shall be eligible to hold any office in a Branch, other than a new Branch, who has not been a member of the Organisation for at least one year prior to election.

- 12.10 The Honorary Secretary of each Branch shall keep the Minutes Book in which she/he shall enter an accurate record of the proceedings of each Branch meeting.
- 12.11 The Branch Treasurer shall open and maintain bank accounts in the name of the Branch in accordance with instructions issued, from time to time, by the General Secretary.
- 12.12 All Branch accounts shall, before payment, be submitted to a meeting of the Branch.
- 12.13 A report of every Branch meeting shall be forwarded to the General Secretary, together with the number of members at the meeting concerned.
- 12.14 A Special meeting of a Branch shall be called by the Branch Honorary Secretary (a) on receipt of instructions from the General Secretary or (b) by a written request signed by at least a majority of Officers of the Branch or (c) by a written request signed by at least 25 members of the branch.
- 12.15 On relinquishing office, Branch office holders shall hand over to their successors in office all books, papers and monies appertaining to or connected with the business of the Branch or in case of dissolution to the General Secretary.
- 12.16 Correspondence in the name of the Branch, on matters appropriate to the Branch, shall be written by the Honorary Secretary on official stationery.
- 12.17 The Branch Officers shall endeavour at all times to recruit additional members.
- 12.18 Eligible members (that is those aged 35 years or under) may, in addition to being a member of the branch covering their workplace, establish, with the agreement of the Executive Council, Regional Youth Forums. Each Regional Youth Forum, once established, may nominate two delegates to attend the Annual Delegate Conference or any Special Delegate Conference and shall have the right to present two motions to such Annual or Special delegate conferences.

13. SECTIONS

- 13.1 Sections having distinctive professional interests may be formed and dissolved in such circumstances as may be determined by the Executive Council.
- 13.2.1 Each Section shall on formation elect (a) a Chairperson, (b) an Honorary Secretary, (c) an Honorary Treasurer, (d) an Honorary Public Relations Officer.
- 13.2.2 Sections may also elect a Vice-Chairperson if they think fit. The offices of Honorary Secretary and Honorary Treasurer may be amalgamated.

- 13.3 A Section may select in various areas Representatives to optimise the service to members.
- 13.4 Each Section shall hold an Annual General Meeting between the 1 January and 31 March each year.
- 13.5 Each Section shall at the Annual General Meeting receive reports from the Officers of the Section for the preceding year and elect its Officers, as appropriate, who shall hold office for a minimum of two years and not greater than six years.
- 13.6 No member shall be eligible to hold any office in a Section, other than a new Section, who has not been a member of the Organisation for at least one year prior to election.
- 13.7 The Honorary Secretary of each Section shall keep the Minutes Book in which she/he shall enter an accurate record of the proceedings of each Section meeting.
- 13.8 The Section Treasurer shall open and maintain bank accounts in the name of the Section in accordance with instructions issued, from time to time, by the General Secretary and in a manner consistent with the policies, on funding Sections, passed by Annual Delegate Conference.
- 13.9 All Section accounts shall, before payment, be submitted to a meeting of the Section.
- 13.10 A report of every Section meeting shall be forwarded to the General Secretary, together with the number of members at the meeting concerned.
- 13.11 A Special meeting of a Section shall be called by the Section Honorary Secretary (a) on receipt of instructions from the General Secretary or (b) by a written request signed by at least a majority of Officers of the Section or (c) by a written request signed by at least 10% of the members of the Section.
- 13.12 On relinquishing office Section office holders shall hand over to their successors in office all books, papers and monies appertaining to or connected with the business of the Section or in case of dissolution to the General Secretary.
- 13.13 Correspondence in the name of the Section, on matters appropriate to the Section, shall be written by the Honorary Secretary on official stationery.
- 13.14 The Section Officers shall endeavour at all times to recruit additional members.
- 13.15 Nothing in this rule shall prevent the payment to the Organisation of registration fees, for educational functions or seminars organised by a Section, or any other monies raised or secured by a Section.

14. DISCIPLINE

- 14.1.1 The Executive Council at a meeting to be held following the Delegate Conference at which it is elected shall appoint five members of the Organisation to be members of the Disciplinary Committee in accordance with the provisions of Rule 8.12. Membership of the Disciplinary Committee shall be determined as follows:
 - 14.1.2 One of the members of the Disciplinary Committee shall be a former Officer of the Executive Council.
 - 14.1.3 One of the members of the Disciplinary Committee shall be a member of the Executive Council who is not a former Officer of that Council at the time of her/his appointment.
 - 14.1.4 Three members of the Disciplinary Committee shall be ordinary members of the Organisation.
 - 14.1.5 In the case of a vacancy on that Committee the Executive Council shall appoint an alternative member under the category where the vacancy occurs.
- 14.2 A quorum for the purposes of a meeting of the Disciplinary Committee shall comprise four members of that Committee who shall appoint a Chairperson at each meeting held by that Committee and the Chairperson shall in the event of a tie have a second or casting vote.
- 14.3 A complaint may be made in respect of a Branch Section or Member by a member or members of the Organisation in respect of a failure to comply with the Rules of the Organisation and/or acting in a manner inimical or prejudicial to the interests of the Organisation.
 - 14.4.1 The complaint together with any response received by or on behalf of the Branch Section or Member shall be considered by the General Secretary (or in default the Deputy General Secretary). The General Secretary shall consider:
 - 14.4.1.1 Whether the complaint is trivial, vexatious or without substance.
 - 14.4.1.2 Whether the matter can be resolved with the agreement of both parties.
 - 14.4.1.3 If the complaint is not trivial, vexatious or without substance and cannot be resolved with the agreement of both parties then in such event the General Secretary will consider whether there is sufficient cause to warrant further action and if so the General Secretary shall refer the matter to the Disciplinary Committee.
 - 14.4.2 The Disciplinary Committee shall be assigned a senior member of the management team as an administrative assistant to assist with its administrative functions and shall inform in writing such Branch Section

or Member of the nature of the complaint or complaints made and shall provide him/her/it with a reasonable opportunity to make his/her/its defence including the right to be represented at a hearing of the complaint or complaints. The Disciplinary Committee shall have power to censure, to fine, to suspend from membership for such period, or until stated conditions are met, as is deemed appropriate, or to expel from membership, or in the case of any branch or section to direct other specified limitations on activity within the Organisation and the Disciplinary Committee in the event of a complaint or complaints being upheld shall be entitled to impose such sanction or sanctions on the Branch Section or Member as the case may be.

- 14.5.1 The decision of the Disciplinary Committee in respect of a matter dealt with under this Rule 14 shall be notified in writing to the Executive Council and in writing and by registered post to the Branch Section or Member affected thereby and such Branch Section or Member shall be entitled to appeal in writing to the Executive Council by notice addressed to the General Secretary within 21 days from the date of such decision so notified.
- 14.5.2 In the absence of an appeal as provided by 14.5.1 the decision of the Disciplinary Committee shall stand and be formally recorded by the Executive Council at its next following meeting.
- 14.6 In the event of an appeal to the Executive Council as envisaged by Rule 14.5 only those members of the Executive Council who have not sat on the Disciplinary Committee to hear the complaint or complaints initially shall be eligible to hear the appeal and otherwise the Executive Council shall proceed to rehear the complaint or complaints made and any defence thereto. The Executive Council shall provide the Branch Section or Member against whom the complaint has been made with a reasonable opportunity to make his/her/its defence including the right to be represented at a hearing of the complaint or complaints and the Executive Council shall have the same powers as the Disciplinary Committee as to sanctions (if any) to be imposed if the complaint is upheld.
- 14.7 A member whose membership is suspended by either the Disciplinary Committee or the Executive Council shall not be relieved of any duties imposed by these Rules (including liability to pay subscriptions) but shall not be entitled to take part in the affairs of the Organisation or to hold any office therein for the period of such suspension.

15. ELECTORAL STRATEGY FOR ELECTION TO OUTSIDE BODIES

- 15.1 The Executive Council shall be the sole body which shall examine, consider and select all candidates/nominees to external bodies.
- 15.2 A member, to be put forward by the Organisation for nomination/election, to an outside body, must be in good standing with the Organisation with all fees paid.

- 15.3 The Executive Council when deciding candidates/nominees shall place emphasis upon a record of activity as a Branch/Section Officer or Nurse Representative or take into account that member's expertise in an area relevant to the work of the outside body in question.
- 15.4 A member, when accepting the nomination of the Executive Council, shall be required to sign a formal pledge agreeing to contest an election, or represent the Organisation as a nominee, requiring she/he to seek the implementation of the Organisation's policies and remaining accountable to the Organisation, during her/his term of office, in the manner decided by the Executive Council.
- 15.5 If, during their term of office, it is felt by a Branch(es) or Section(s), or the Executive Council that a member, sitting on an external body following nomination by the Organisation, acts in a manner contrary to the policies of the Organisation, or the best interests of the Organisation, she/he may be subject to an investigation under Rule 14.
- 15.6 If a member, who has not been selected/nominated by the Executive Council, for election to an external body seeks to contest that seat against the Organisation's nominee/candidate then she/he may be subject to an investigation under Rule 14.

16. FINANCE

- 16.1 The financial year of the Organisation shall be January to December.
- 16.2 The rates of subscription to the Organisation shall be determined by the Executive Council and subject to approval by the Annual Delegate Conference.
- 16.3 Members on pay at pension rate or on any type of leave without pay, of duration not less than twelve months, shall not be required to pay subscriptions during the period of such leave.
- 16.4.1 The Trustees, for the time being, of the Organisation shall have the power to invest and deal in any monies, securities or assets of the Organisation and oversee the management of the following Funds:
 - (a) General Fund;
 - (b) Strike Fund;
 - (c) Benevolent Fund;
 - (d) Third World Fund;

and any such other Funds as may from time to time be determined by the Executive Council.

16.4.2 The duties of the Trustees shall be:

- (a) as directed by the Executive Council to invest, safeguard and keep all funds and property of the Organisation received by them in such manner as may from time to time be authorised by statutory provision for the investment of trust funds;
- (b) as and when required by the Executive Council to direct a bank, at which cash, not immediately required by the Organisation, is placed in an account, to honour not less than any two of the joint signatures of the persons (not being any of the Trustees) named in the direction whereupon the Trustees shall be relieved from all liability in respect of payments made in the nature authorised by the direction while it is in force;
- (c) to defray from the funds of the Organisation the expenditure occurred by the Executive Council and General Secretary and in respect of such expenditure as may from time to time be authorised by the General Secretary or Executive Council;
- (d) to make payments out of the funds of the Organisation of all and any premiums on any insurance policy or fidelity guarantee taken out by the Executive Council upon members of the Organisation and/or staff handling the funds.

16.4.3 The Trustees shall be authorised to take such professional advice as they shall deem necessary, from time to time, to ensure the proper investment and management of the funds of the Organisation and to defray any expense of taking such advice out of the funds of the Organisation.

16.5 All funds in the possession of committees and sub-committees or collected, on behalf of the Organisation, shall be the property of the Organisation.

16.6 All Branches/Sections shall be required to furnish, to the General Secretary, a financial statement, of all accounts pertaining or maintained by that Branch/Section, in January of each year for the previous financial year.

16.7 The accounts of the Organisation shall be audited at least once a year by an Auditor who shall be appointed by the Trustees.

16.8 Approved personal expenses incurred by members on the transaction of business at the direction of the Executive Council shall be paid out of the funds of the Organisation.

16.9 The Organisation shall submit an Annual Return in the prescribed form together with a copy of the Audited Accounts to the Registrar of Friendly Societies before 1st June each year.

16.10 Any person having an interest in the funds of the Organisation may at all reasonable times inspect the books and the names of members at the Registered Office of the Organisation.

17. CODE OF INDUSTRIAL PROTECTION MEASURES AND PROCEDURES

- 17.1 Industrial action of any nature, including the withdrawal of labour, may not be undertaken by any member or members except after a secret ballot of the Branch or Branch sub-section.
- 17.2 The secret ballot referred to at 17.1 above must show two-thirds of those voting in favour of the action before application to have it sanctioned can be sent to the Executive Council.
- 17.3 The General Secretary shall be informed of all meetings called to consider any form of industrial action and such meetings shall be attended by a full-time official designated by the General Secretary.
- 17.4 The provisions of this Rule shall apply notwithstanding any other provision contained in these Rules.
- 17.5 In this Rule the terms “Strike” and “Industrial Action” shall have the same meaning as in the Industrial Relations Act 1990.
- 17.6 In this Rule the term “Member” shall have the same meaning as in Rule 4.
- 17.7 The Organisation shall not organise, participate in, sanction or support a strike or other industrial action without a secret ballot, entitlement to vote in which shall be accorded equally to all members whom it is reasonable at the time of the ballot to believe will be called upon to engage in the strike or other industrial action.
- 17.8 The Organisation shall take reasonable steps to ensure that every member entitled to vote in the ballot votes without interference from, or constraint imposed by, the Organisation or any of its members, officials or employees and, so far as is reasonably possible, that such members shall be given a fair opportunity of voting.

Subject to the provisions of Rule 17 where applicable the type of ballot to be held in relation to any matter shall be determined by the Executive Council at its sole discretion.

- 17.9 The Executive Council shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in sub-rule 10 of this Rule, favours such strike or other industrial action.
- 17.10 The Executive Council shall not organise, participate in, sanction or support a strike or other industrial action against the wishes of a majority of the Organisation’s members voting in a secret ballot, except where, in the case of a ballot by more than one trade union, an aggregate majority of all the votes cast favours such strike or other industrial action.

- 17.11 Where the outcome of a secret ballot conducted by the Organisation, or in the case of ballots conducted by the Organisation and any number of other trade unions, which are affiliated to the Irish Congress of Trade Unions an aggregate majority of all the votes cast is in favour of supporting a strike organised by another trade union, a decision to take such supportive action shall not be implemented by the Organisation without the sanction of the Irish Congress of Trade Unions.
- 17.12 As soon as is practicable after the conduct of a secret ballot the Organisation shall take reasonable steps to make known to the members of the Organisation entitled to vote in the ballot (a) the number of ballot papers issued; (b) the number of votes cast; (c) the number of votes in favour of the proposal; (d) the number of votes against the proposal; and (e) the number of spoiled votes.
- 17.13 Nothing in this Rule shall constitute an obstacle to negotiations for the settlement of a trade dispute nor the return to work by members of the Organisation party to the trade dispute, and any decision taken in accordance with this Rule to organise, participate in, sanction or support a strike or industrial action may be rescinded or amended without the necessity of a further ballot by the members concerned.
- 17.14 Industrial action must be sanctioned by the Executive Council.

18. AMENDMENT OF THE RULES

- 18.1 The Rules of the Organisation shall not be altered or amended, except by the consent of two-thirds of the accredited delegates voting at an Annual Delegate Conference or Special Delegate Conference summoned in accordance with Rule 6.
- 18.2 Unless otherwise stated in the relevant resolutions, amendments to Rules will take effect following conclusion of an Annual or Special Delegate Conference unless otherwise directed by the meeting.
- 18.3 Amendments or changes to these Rules shall not be made more frequently than every three years, save that the Executive Council, or 300 members, by signature, may submit motions to Annual Delegate Conference. Any such changes or amendments shall be circulated to Branches immediately following the Annual or Special Conference.
- 18.4 All alterations of Rules shall be registered with the Registrar of Friendly Societies in the manner prescribed by the Trade Union Regulations, 1876 and the Registrar.

19. VOLUNTARY DISSOLUTION

- 19.1 The Organisation may be dissolved by a special resolution passed at a Special Delegate Conference duly summoned for that purpose and to be confirmed following a secret ballot of general membership in which two-thirds of the valid votes are in favour of such dissolution.
- 19.2 The meeting at which the Organisation is resolved to be dissolved shall determine the manner in which the funds of the Organisation are to be disposed of and such determination shall be confirmed following secret ballot of the membership in which two-thirds of the valid votes are in favour of such dissolution.
- 19.3 The meeting referred to in Clause 19.1 may, by a similar majority, resolve that the net assets of the Organisation remaining after payment of its lawful debts (or any portion of such net assets specified in such resolution) shall be transferred to a Union, Society or Association having objects similar to any one or more of the principal objects of the Organisation.

In default of any such resolution the net assets aforesaid shall, when realised, be distributed among the persons who were, at the time of such dissolution, members of the Organisation in such manner as may appear just and equitable, regard being had to preserving a proportion as nearly as may be between the claims of the respective members in such distribution and the total amount of subscriptions paid to the Organisation by each member since her/his admission, for which purpose the Trustees shall be empowered to prepare a suitable scheme.

- 19.4 Notice of such dissolution as aforesaid shall be given within fourteen days of the dissolution to the Registrar of Friendly Societies.

20. INDEMNITY TO OFFICERS AND OTHERS

The Council shall have power to indemnify any Officer, Servant, Agent or Council member of the Organisation against the amount of any loss suffered or liability incurred by such person by reason of her/his having lawfully done any act in the course of the business of the Organisation or for the promotion of objects, interests, or policy of the Organisation. The amount ordered to be paid by way of such indemnity may be paid out of the funds of the Organisation.

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