

# **BUILDING A RECOVERY FOR ALL**



industriAll Europe  
Congress 2021

**A STRONG VOICE FOR INDUSTRIAL WORKERS IN EUROPE**

# **STATUTES**

# IndustriAll European Trade Union **Statutes**

## 2021-2025

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## NAME

### Article 1 – Creation of industriAll European Trade Union

IndustriAll European Trade Union was created on 16/05/2012.

### Article 2 – Name

The full name of the European federation is **industriAll European Trade Union**.

## AIMS AND MEANS

### Article 3 – Aims and means

IndustriAll European Trade Union is an organisation of independent and democratic trade unions representing manual and non-manual workers in the metal, chemical, energy, mining, textile, clothing and footwear sectors and related industries and activities.

IndustriAll European Trade Union aims to defend the economic, social, and cultural interests of the workers in these industries on a basis of solidarity, mutual respect, joint principles as well as a common approach based on positive consensus. The strength of industriAll European Trade Union is built on its affiliates organising the industrial workers of Europe into strong trade unions. Union building and organising is a key principle that is integrated into all of industriAll European Trade Union's actions and activities.

IndustriAll European Trade Union respects the equality of trade unions before the Statutes, as well as their national identity and their political and constitutional structures.

IndustriAll European Trade Union affiliates mutually respect and provide each other with aid and assistance.

IndustriAll European Trade Union promotes among its members and applies within its organisation respect for democracy and fundamental values such as pluralism, humanism and solidarity.

IndustriAll European Trade Union promotes peace and social dialogue and, on a broader level, dialogue between workers of all countries.

IndustriAll European Trade Union advocates thorough social reforms, the reinforcement of democracy and the promotion of economic and social progress in Europe. It supports an integrated Europe without borders, with common social standards, a high level of social protection and the involvement of workers and trade union representatives.

IndustriAll European Trade Union is established to organise and enhance the collective power of working people in Europe, to defend their rights and advance their common goals with respect to companies, European states and European institutions. To this end, industriAll European Trade Union works on pushing forward the coordination and development of collective bargaining, industrial relations and social policies. IndustriAll European Trade Union promotes an active and coherent industrial policy, the ongoing development of industry in Europe as a real source of wealth and a necessary basis for growth, innovation, research and development, and employment. IndustriAll European Trade Union thus also promotes social dialogue at all levels and in particular at sectoral level.

IndustriAll European Trade Union advocates democratic, equitable and sustainable economic development that provides higher living standards, decent work and employment in healthy and safe workplaces, as well as social and retirement security for all workers, while protecting our natural environment.

IndustriAll European Trade Union coordinates and promotes policies aimed at strengthening trade unions and at defending and improving individual and collective fundamental rights as defined among others in the Charter of Fundamental Rights of the EU and the ILO Core Conventions.

IndustriAll European Trade Union will strive to improve the right to democratic political participation, democratic control of the economy and human rights, including the rights to freedom, peace, democracy, self-determination for all people and social justice.

IndustriAll European Trade Union promotes equal treatment and combats all forms of discrimination on the basis of ethnic origin, nationality, gender, religion or belief, age, disability, sexual orientation or trade union membership.

IndustriAll European Trade Union will apply the principle of gender mainstreaming to all its policy documents and positions.

#### **Article 4 – Areas of Work**

IndustriAll European Trade Union works at European level to support and promote cooperation and collective actions to protect and advance the rights and interests of men and women, regardless of their type of employment contract (e.g. temporary agency workers, apprentices, students, bogus-self-employed, unemployed and others), in the industrial areas and related services as outlined in Appendix I to these Statutes. The list of areas is not exhaustive and others can be added by decision of the Executive Committee.

#### **Article 5 – Jurisdiction**

The jurisdiction of industriAll European Trade Union includes the former, the current and the future Member States of the European Union (EU), the European Free Trade Association countries (EFTA), EU candidate countries and South East Europe (SEE).

#### **Article 6 - Relations with European and International Trade Union Organisations**

IndustriAll European Trade Union is a member of the ETUC and takes part in ETUC activities and decision-making bodies. It will work in close cooperation with other European and Global Trade Union Federations.

IndustriAll European Trade Union engages in joint working, collaboration and co-ordination with IndustriALL Global Union, including through a joint work plan.

### **MEMBERSHIP AND AFFILIATION**

#### **Article 7 – Membership**

All democratic and independent trade unions in the industrial sectors and related services, as mentioned in Article 4, can be a member of industriAll European Trade Union in accordance with the following criteria:

- they should be affiliated to a national trade union confederation which is a member of ETUC, and
- they should not be affiliated to another European trade union confederation that is not a member of the ETUC.

The Executive Committee can decide to make an exception to these criteria by a two-thirds majority.

Organisations applying for membership should also seek membership of IndustriALL Global Union.

## **Article 8 – Affiliation**

Applications for affiliation must be submitted in writing to the industriAll European Trade Union Secretariat and include the necessary supporting documents (Statutes, membership of a confederation, etc.). Decisions on requests for affiliation shall be made by the Executive Committee and shall be subject to ratification by the Congress. Once a request for affiliation is adopted by the Executive Committee, the new affiliated organisation will obtain voting rights and be subject to payment of fees.

## **Article 9 – Termination of Membership**

An affiliate can be excluded by decision of the Executive Committee and the Congress when:

- a) it is in clear violation of the Statutes.
- b) it acts in a manner deemed to be detrimental to the interests of industriAll European Trade Union. In this case, the General Secretary should report the facts to the Executive Committee, along with recommendations and in consultation with the affiliate that is being considered for exclusion. The Executive Committee is empowered to take appropriate action in the light of the General Secretary's report.
- c) it is two years in arrears regarding payment of affiliation fees, has not been granted exoneration and has been sent at least two reminders that the fee obligations have not been met.

The affiliate may appeal to Congress against the exclusion decision taken by the Executive Committee. The rights and obligations of the affiliate concerned shall be suspended pending the outcome of the appeal. No further appeal shall be permitted against the decisions subsequently taken by Congress.

An affiliate may withdraw from membership by submitting written notice to the General Secretary six months before the end of any calendar year.

## **DECISION-MAKING AND EXECUTIVE BODIES**

### **Article 10 – Structure**

The decision-making and executive bodies are:

- The Congress
- The Executive Committee
- The Secretariat

### **Article 11 – General**

Decisions should be based on the broadest possible consensus in every field.

Only member organisations that have paid their annual affiliation fees in accordance with Article 31 of the Statutes shall be entitled to vote in the decision-making bodies.

Representation in the different decision-making and executive bodies of industriAll European Trade Union shall correspond to the composition of the affiliated unions, taking into account membership, gender, regions and sectors. Special attention shall be paid to gender equality at all levels within industriAll Europe.

## CONGRESS

### Article 12 – General

The Congress is the highest body of industriAll European Trade Union. The congress must be organised in the course of the fourth calendar year following the calendar year in which the last congress was organised.

### Article 13 – Composition

The Congress is composed of delegates from all member organisations.

Each member organisation is entitled to 1 delegate for the first 25,000 affiliated members. The organisations are entitled to an additional delegate for each additional 25,000 members or fraction thereof.

### Article 14 – Duties of the Congress

The duties of the ordinary Congress shall be among others:

- a) To determine the strategy and general policy of the industriAll European Trade Union.
- b) To examine and adopt the report on activities and financial reports presented by the Secretariat, as well as the report of the auditors. The reports have to be made available to the affiliates at least one month prior to the Congress.
- c) To ratify the decisions of the Executive Committee in respect of affiliation, exclusion, suspension or disaffiliation.
- d) To decide on all resolutions and motions.
- e) To amend the Statutes.
- f) To elect the Executive Committee members, on the basis of proposals from the affiliates, in line with Articles 11 and 18 of these Statutes.
- g) To elect the President, the General Secretary and Deputy General Secretary(ies) on the basis of proposals from the affiliates and on the recommendation of the Executive Committee, reflecting the importance of gender balance. Candidates for the position of President must hold an elected position within their organisations. Should one of the elected posts fall vacant during the period between two Congresses, the Executive Committee is empowered to appoint a replacement for the post in question until the next Congress.
- h) To elect the Auditing Committee members, on the basis of a recommendation from the Executive Committee.
- i) To decide on the amount of the affiliation fee.

With reference to f), g) and h) above, terms of office for all elections taken place during an ordinary congress conclude at the moment of elections at the next ordinary congress.

### Article 15 – Organisation of the Congress

Congress must be convened by the General Secretary, in accordance with the decision of the Executive Committee, at least three months before the meeting is due to take place. The convening and preparations are undertaken by the Secretariat on the instructions of the Executive Committee.

Each member organisation is entitled to submit motions to the Congress at the latest eight weeks before the Congress. The motions must be submitted to the Secretariat in one of the three official languages (EN, FR, DE). The motions must be communicated to affiliates at least four weeks before the Congress.

### Article 16 – Congress voting rights

Congress voting rights are allocated and organised in accordance with Appendix V.

## **Article 17 – Extraordinary Congress**

An Extraordinary Congress can be convened by a two-third majority of the Executive Committee, upon a written request from at least one-third of the members of the Executive Committee or upon a written request from organisations who represent one-third of the total industriAll European Trade Union membership. Only organisations that have fully paid their membership fees can support such a request. An Extraordinary Congress can only take decisions on the issues for which it is convened.

## **EXECUTIVE COMMITTEE**

### **Article 18 – Executive Committee Members**

The Executive Committee shall be the highest body of industriAll European Trade Union between Congresses.

- a) Each affiliated organisation is entitled to one delegate in the Executive Committee.
- b) Additional delegates are allocated according to the following key:
  - between 100,001 and 200,000 members: +1
  - between 200,001 and 500,000 members: +2
  - between 500,001 and 1,000,000 members: +3
  - between 1,000,001 and 1,500,000 members: +4
  - above 1,500,001: +5

The President is a member of the Executive Committee, in addition to the representation per affiliated organisation.

The Chairs of the Equal Opportunities Working Group and the Youth Working Group are also members of the Executive Committee without voting rights.

The General Secretary and Deputy General Secretary(ies) are *ex officio* members of the Executive Committee without voting rights.

- c) All members of the Executive Committee appointed by the affiliates will have a substitute member.
- d) The Chairs of the Policy Committees can attend the Executive Committee meetings when invited (in relation to certain agenda points) or when they submit certain agenda points related to their policy field.
- e) A share of 30% female representation within the Executive Committee is strongly recommended.

Affiliated organisations with more than one member in the Executive Committee shall appoint at least one female representative as full member of the Executive Committee.

The first Executive Committee after each Congress shall take adequate measures to increase the female representation in the Executive Committee.

### **Article 19 – Voting**

Each member of the Executive Committee has one vote, unless 20% of the present members of the Executive Committee request a vote based on fully paid-up membership per affiliated organisation or when organisations that represent more than 20% of the membership request a vote based on fully paid-up membership per affiliated organisation.

## **Article 20 – Meetings**

The Executive Committee shall meet at least twice a year.

The Executive Committee is chaired by the President of IndustriAll European Trade Union.

The President represents the collective interest of the affiliates and monitors the implementation by the Secretariat of the decisions taken by the Executive Committee.

An extraordinary meeting of the Executive Committee may be convened on its own decision, or if at least 20% of the affiliates of the IndustriAll European Trade Union so request. The Secretariat will organise the extraordinary meeting at the earliest possible time, enabling also online participation.

Meetings of the Executive Committee are prepared by the General Secretary on the basis of an agenda drawn up in agreement with the President, who chairs the meeting.

The invitation shall be sent to the affiliates no later than two months prior to the meeting.

In the event of the need for an urgent decision, the Executive Committee can take a decision via a written procedure in accordance with the procedure foreseen in appendix VI.

## **Article 21 - Duties of the Executive Committee**

The duties of the Executive Committee shall be:

- a) To decide on the policy required to implement the general strategies adopted by Congress.
- b) To supervise the work of the Secretariat.
- c) To approve the annual accounts reviewed by the auditors and to discharge the Secretariat of any further responsibility.
- d) To decide on applications for affiliation.
- e) To deal with Congress preparations and in exceptional circumstances have the right, by two-thirds majority, to extend the congress mandate period.
- f) To confirm members of the Policy Committees and confirm the designation of the Chairs of the Policy Committees proposed by the Committees.
- g) To appoint a President, General Secretary and/or Deputy General Secretary(ies) should one or the other of these elected posts fall vacant during the period between two Congresses. This appointment shall remain valid until the next Congress.
- h) To appoint, where necessary, and after nominations from the affiliates, replacements for members of the Executive Committee, committees established by the Statutes, as well as the Auditors, in the event that these posts become vacant between Congresses.
- i) To endorse the nominations by each region of one vice-president and his/her substitute.
- j) To ensure convergence at European level of both policies regarding trade union demands and collective agreements concluded by affiliates.
- k) To set up working parties or committees whose tasks and powers it lays down.
- l) To delegate certain powers to one or several of its members, the President the General Secretary or Deputy General Secretary(ies).
- m) To give mandates and make decisions according to the mandate procedure (cf. rules laid down in Appendix II).
- n) To determine the salary system and the working conditions of the General Secretary and the Deputy General Secretary(ies).
- o) To confirm the annual budget.
- p) To supervise the regular payment of affiliation fees.
- q) To consider and decide on requests for exoneration.



## **Article 22 – Regions**

IndustriAll European Trade Union shall consist of 8 Regions:

South Region: IT, GR, MT, CY, TR

Benelux Region: BE, NL, LU

Central Region: AT, CH, DE

South East Region: RO, BG, ME, MK, RS, XE, AL, HR, BA

Eastern Region: CZ, SK, PL, HU, SI

British – Irish Region: UK, IE

Nordic-Baltic Region: DK, NO, SE, FI, IS, EE, LV, LT

South West Region: ES, FR, PT, MC

For each Region, one Vice-President and a substitute will be nominated by the Region and endorsed by the Executive Committee.

Role of the President and Vice-Presidents:

- a) The President chairs all meetings of the Congress and the Executive Committee.
- b) The President ensures that all meetings have been convened according to the Statutes and the standing orders.
- c) If the President in exceptional cases cannot attend a meeting, he/she will be represented by a Vice-President. The Vice-Presidents agree among themselves on a system of rotation.
- d) It is the task of the Vice-Presidents to organise the regional coordination and to further inter-regional cooperation. They will report regularly to the Executive Committee on this.
- e) The President and the Vice-Presidents work closely together. They can serve as contacts for the general secretary, in the regions, with the aim of ensuring effective implementation of the decisions taken by the EC. The President and the Vice-Presidents can meet and discuss results of regional consultation.
- f) The Executive Committee has the mandate to give specific further tasks to the Vice-Presidents.
- g) Should the President resign from the position before the official end of the tenure, the Vice-Presidents will consult with each other on who, between them, will assume the presidency temporarily until the next meeting of the Executive Committee. The Executive Committee elects one of the Vice-Presidents to serve as acting President until the next Congress.

A system of rotation may be envisaged by organisations in any Region.

## **THE SECRETARIAT**

### **Article 23 – Management of the Secretariat**

The Secretariat consists of the General Secretary, a maximum of two Deputy General Secretaries and the necessary personnel to carry out its work

The Secretariat works under the leadership of and reports to the General Secretary. The General Secretary is the legal representative of industriAll European Trade Union and is responsible for the internal organisation of the Secretariat. If the General Secretary is incapacitated, a (or the) Deputy General Secretary shall take over his/her duties after consultation with the President.

The Secretariat is run by the General Secretary, he/she coordinates the actions of the Secretariat, prepares the Executive Committees, ensures the proper implementation of Congress and the Executive Committee decisions.

## **Article 24 – Duties of the Secretariat**

The Secretariat is responsible for the implementation of mandates given by the Congress and decisions taken by the Executive Committee.

## **POLICY COMMITTEES, SECTOR ACTIVITIES, HORIZONTAL WORKING GROUPS**

### **Article 25 – Policy Committees**

IndustriAll European Trade Union sets up Policy Committees:

- Collective Bargaining and Social Policy Committee (CBSPC)
- Company Policy Committee (CPC)
- Industrial Policy Committee (IPC)

Each member organisation has the right to nominate a full member and a substitute member to each Policy Committee.

A share of 30% is strongly recommended for the representation of women within the Policy Committees.

### **Article 26 - Building Trade Union Power Taskforce**

A permanent Building Trade Union Power Taskforce is tasked with discussing all issues related to the implementation, throughout IndustriAll European Trade Union's actions and activities, of the key principles of union building and organising.

This Taskforce shall have the right to draft and present motions to the Executive Committee.

Each member organisation may nominate a representative to this Taskforce.

### **Article 27 – Equal Opportunities Working Group**

A permanent Equal Opportunities Working Group is tasked with discussing equal opportunities (regarding gender, gender/sex identity, sexual orientation, sexual characteristics, ethnicity, age, religion, disabilities, etc.).

This Working Group shall have the right to draft and present motions to the Executive Committee.

Each member organisation may nominate a representative to this Working Group.

### **Article 28 – Youth Working Group**

A permanent Youth Working Group is tasked with discussing all subjects related to the specific situation of young workers in our industries and sectors.

This Working Group shall have the right to draft and present motions to the Executive Committee.

Each member organisation may nominate a representative to this Working Group.

### **Article 29 – Sectors**

The aim of Sector Activities is to give follow-up to the specific economic, financial and social issues and reality of a sector, to discuss sector-related issues, to respond to EU initiatives which have a bearing on the specific sector and to provide necessary input for the Sectoral Social Dialogue.

Sectoral activities should also take into consideration the supply chains.

The activities of the Sectors should result in input for the work of the Policy Committees.

The Executive Committee has the power to define and adjust the list of Sector Activities and to establish ad-hoc Sector Working Groups or Activities (see also Appendix III).

### **Article 30 – Other Working Groups**

If warranted by developments, the Executive Committee can also set up other permanent or ad-hoc working groups.

## **FINANCE AND MEMBERSHIP FEES**

### **Article 31 – Affiliation fees**

IndustriAll European Trade Union activities are financed by affiliation fees paid by the member organisations. Contributions are payable in the first half of each year unless partial or total exoneration is granted by the Executive Committee, and after submission of a written request for exoneration detailing the circumstances behind that request.

The level of the statutory annual affiliation fees shall be determined by Congress and, if needed, amended by the Executive Committee according to Appendix IV.

Fees shall be paid on the basis of actual affiliates' membership levels, as declared by each affiliate at the end of September of the previous year.

An organisation which has not paid membership fees in line with the Statutes has no right to vote in the decision-making bodies and cannot nominate candidates to the decision-making bodies nor members to the Executive Committee or to the Policy Committees established by the Statutes.

An organisation which has not paid membership fees for more than two years will be excluded from industriAll European Trade Union. The organisation in question will be asked to present its case before the Executive Committee.

### **Article 32 – Exoneration in extraordinary circumstances**

Exoneration from the payment of annual affiliation fees shall only be granted by the Executive Committee in extraordinary circumstances. Exoneration shall only be granted for one year at a time.

A request for exoneration must be submitted in writing to the General Secretary by 30 April of the year for which the exoneration is requested. All supporting documentation concerning the request must also be submitted at that time. The Executive Committee shall decide whether or not to approve an exoneration request.

If exoneration from the full or partial payment of affiliation fees is granted to an affiliate, its voting rights shall be reduced accordingly.

## **AUDITING COMMITTEE MEMBERS**

### **Article 33 – Internal Auditors**

The Congress shall elect at least 3 internal Auditors, none of whom may be a member of any of the decision-making and executive bodies.

The Auditors shall inspect the books at least twice a year. They shall verify that the books are kept in accordance with the law, good accounting practices and the Statutes. The Auditors shall submit a written report to the Executive Committee with their findings regarding the finances.

### **Article 34 – External Auditors**

The accounts shall also be subject to an external audit once a year.

## HEADQUARTERS

### Article 35 – Headquarters

The headquarters of industriAll European Trade Union shall be in Brussels. A decision to transfer the headquarters elsewhere in Europe can be taken by the Executive Committee.

## OFFICIAL LANGUAGES

### Article 36 – Official languages

IndustriAll European Trade Union will have 3 official languages: English, German and French.

## EXPENSES

### Article 37 – Expenses

The expenses of participants arising from their attendance of meetings organised by industriAll European Trade Union shall be met by the participating organisation.

## CHANGES TO STATUTES AND DISSOLUTION

### Article 38 – Changes to the Statutes

Each member organisation, as well as the Executive Committee, is entitled to present proposals for statutory changes. Decisions on changes should be taken by a two-thirds majority at the Congress.

### Article 39 – Dissolution

The voluntary dissolution of **industriAll European Trade Union** can only be decided upon by a Congress. The decision to this effect must obtain a majority of two-thirds of the total number of votes in favour of this dissolution.

## APPENDICES

### APPENDIX I: INDUSTRIAL EUROPEAN TRADE UNION AREAS OF WORK

(ref.: Statutes Art. 4)

Following the NACE\* Rev 2 classification industrial European Trade Union's areas of work are:

#### **Section B – Mining and quarrying**

#### **Section C – Manufacturing**

- 13 - Manufacture of textiles
- 14 - Manufacture of wearing apparel
- 15 - Manufacture of leather and related products
- 17 - Manufacture of paper and paper products
- 19 - Manufacture of coke and refined petroleum products
- 20 - Manufacture of chemicals and chemical products
- 21 - Manufacture of basic pharmaceutical products and pharmaceutical preparations
- 22 - Manufacture of rubber and plastic products
- 23 - Manufacture of other non-metallic mineral products
- 24 - Manufacture of basic metals
- 25 - Manufacture of fabricated metal products, except machinery and equipment
- 26 - Manufacture of computer, electronic and optical products
- 27 - Manufacture of electrical equipment
- 28 - Manufacture of machinery and equipment n.e.c.
- 29 - Manufacture of motor vehicles, trailers, and semi-trailers
- 30 - Manufacture of other transport equipment
- 32 - Other manufacturing
- 33 - Repair and installation of machinery and equipment

#### **Section D – Electricity, Gas, Steam and air conditioning supply**

#### **Section E – Water supply, waste management and remediation activities**

- 38 – Waste collection, treatment and disposal activities; material recovery

#### **Section F – Construction**

- 43.2 – Construction of utility projects

#### **Section G – Wholesale and retail trade and repair of motor vehicles and motorcycles**

- 45 – Wholesale and retail trade and repair of motor vehicles and motorcycles

#### **Section N – Administrative and support service activities**

- 77.29 – Renting and leasing activities (in all a.m. activities)
- 78 – Employment activities (in all a.m. areas)

#### **Section S - Other service activities**

- 95 – Repair of computers and personal household goods (in all a.m. activities)
- 96.01 – Washing and (dry-) cleaning of textile and fur products

\* Statistical Classification of Economic Activities in the European Community

## *APPENDIX II: MANDATE PROCEDURE*

(ref.: Statutes Art. 21 m)

### **NOMINATIONS OF SECTORAL SOCIAL DIALOGUE COMMITTEES (SSD)**

#### **Nomination of members**

The Secretariat will inform the affiliates about the available mandates and ask them to nominate delegates. All affiliates concerned can nominate members depending on the numbers of mandates in the working groups and plenary of the SSD. The delegation shall be composed taking into account sectoral and regional representativeness. The final delegation shall be submitted by the Secretariat to the Executive Committee for approval. The Secretariat shall act as a coordinator. When this is not possible, the members of the SSD shall put forward one of their members as coordinator, which will be confirmed by the Executive Committee.

#### **No nomination of members**

If the affiliates do not nominate members before the given deadline, they must accept the composition proposed by the Secretariat.

#### **Nomination of experts**

Experts with specific competences can be nominated in cooperation and in coordination with the Secretariat. The need for experts and the skills of these experts shall depend on the issues discussed in the working group or plenary.

### **PROCEDURE FOR PLATFORMS AND STATEMENTS IN THE SSD**

#### **Proposal on platforms and statements**

IndustriAll European Trade Union members of the SSD must propose and prepare possible platforms and statements in close cooperation with the Secretariat.

The members of the SSD shall act in line with the policies and procedures as agreed by the Executive Committee and Congress.

#### **Discussion on texts and information & consultation obligations towards affiliates**

The Secretariat shall inform the affiliates and the Executive Committee with regard to the platform and ongoing discussions. If this involves other sister organisations, cooperation will be sought.

The Secretariat shall consult the affiliates on the proposed texts and give deadlines for comments. The comments received in time shall be communicated back to the affiliates and the SSD members involved, and shall be taken into consideration in further drafts.

#### **Adoption of texts**

The industriAll European Trade Union preparatory meeting shall discuss the comments before the SSD plenary meeting.

IndustriAll European Trade Union SSD members shall agree on the final text in line with industriAll European Trade Union policies.

The industriAll European Trade Union Secretariat shall inform the affiliates and the Executive Committee.

### **If no agreement reached**

The social partners of the SSD shall decide whether to restart the procedure and the Secretariat shall inform the affiliates and the Executive Committee.

## **INTERNAL MANDATE PROCEDURE FOR NEGOTIATIONS**

### **I. SECTOR LEVEL NEGOTIATIONS (including participation in CROSS-SECTOR LEVEL NEGOTIATIONS)**

#### **Decision on platform and delegation**

The Secretariat shall inform the Executive Committee about the possibility of opening negotiations. If this involves other sister organisations, cooperation will be sought.

The Executive Committee shall decide whether negotiations should take place (possibly via a written procedure and by a two-thirds majority).

The Secretariat shall propose the platform for the negotiations and, where relevant, the composition of the negotiating team, in close cooperation with the SSD members.

The decision on the platform and the delegation shall be taken by the Executive Committee in consultation with all the affiliates possibly via a written procedure and by a two-thirds majority.

#### **Negotiation on text and information & consultation duty towards affiliates**

The Secretariat shall keep the Executive Committee and the members nominated for the SSD and the affiliates informed of the state of play of the negotiations.

The Executive Committee (in consultation with the members nominated for the SSD and the affiliates) shall be entitled to comment on the proposed text within a given deadline of four weeks.

#### **Adoption of texts**

The Executive Committee shall adopt the text by a qualified majority of at least two-thirds – possibly via a written procedure. Abstentions or failure to reply within the given deadline shall be counted as votes in favour.

### **If no agreement achieved**

The Executive Committee shall decide if the negotiations (and the procedure) should be restarted.

#### **Implementation**

The implementation and follow-up of agreements at national level shall be the responsibility of the member organisations in the SSD concerned.

The affiliates must be informed about the implementation and follow-up.

### **II. COMPANY LEVEL AGREEMENTS**

#### **Preliminary information and consultation procedure**

##### **Mandates**

EWCs have no mandate to negotiate collectively. This remains solely the responsibility of trade unions. The affiliates involved in the company can give industrial European Trade Union a mandate to undertake negotiations on behalf of and with participation from the organisations involved in the company in question.

Negotiation of a company agreement started or concluded by an EWC/SNB outside the scope of this mandate procedure or outside the information-consultation scope of the EWC shall not be supported or recognised by industriAll European Trade Union and shall not carry any obligations for the affiliates.

The affiliates represented in the EWC and the EWC Coordinators have the duty to inform the Secretariat that a proposal to start negotiations has been made. A complete information and consultation round shall be organised involving all the trade unions involved in the company, the EWC Coordinator, the EWC Select Committee and the EWC. If this also involves other sister organisations, cooperation will be sought.

The affiliates involved should agree to start the negotiations. This should be a unanimous agreement, where possible. If unanimity cannot be reached, then the decision should be taken by at least a two-thirds majority in each country involved; following their national practices and traditions. Nevertheless, a country that represents 5% or less of the total European workforce of the company cannot block a decision to start negotiations.

## **Mandates**

### **Decision on platform and delegation**

The mandate, including the platform and negotiating team, for these negotiations shall be decided on a case-by-case basis. The mandate shall be given by the trade unions involved and should preferably be unanimous. If unanimity cannot be reached, then the decision (following their own national practices and traditions) should be made by at least a two-thirds majority in each country involved. Nevertheless, a country that represents 5% or less of the total European workforce cannot block a decision on a platform. The mandate could include:

- a) concrete topics, viewpoints, policies i.e. the mandate position paper.
- b) details of how the negotiation process will take place and the composition of the complete negotiating/ monitoring group.

There must be a concrete proposal as to the negotiating team, which is to meet with management. This negotiating team must include at least one representative from industriAll European Trade Union and/or the EWC Coordinator, and/or a representative of the trade unions involved, one of whom will lead the negotiations. The negotiators can also include trade union members of the EWC and/or EWC Select Committee.

In addition to the specific mandate, the negotiation team is bound by general industriAll European Trade Union policies.

### **Nomination of experts**

Experts - to provide help and support - can be nominated in cooperation and coordination with the Secretariat and the affiliates concerned.

### **Non regression clause**

A “non-regression clause” must be included in all agreements.

### **Negotiation on text and information duty towards affiliates**

The Secretariat shall keep the Executive Committee, all affiliates and the relevant policy committees informed of the state of play of the negotiations.



### **Adoption of texts**

The Secretariat, in close cooperation with the negotiating team shall present the draft agreement to all affiliates involved for evaluation. All the countries involved have to approve the agreement for it to be binding on affiliates. At national level, to obtain approval, a two-thirds majority is required, and must be reached according to national traditions.

The Secretariat shall inform the affiliates concerned and give a deadline for a decision.

### **Signing of the agreement**

IndustriAll European Trade Union, represented by the General Secretary or Deputy General Secretary(ies), or another person to whom they give a mandate, shall sign the agreement on behalf of the trade unions that are involved in the company at the time of signing.

### **If no agreement reached**

If no agreement is reached the Secretariat shall inform the employer.

### **Implementation**

All trade unions involved shall agree to implement the signed agreement. The agreement shall be implemented in accordance with the national practices of the countries involved. Implementation must respect the legal framework and the collective agreement system of these countries.

The Executive Committee and all relevant Policy Committees must be informed about the signing and implementation of the agreement.

## *APPENDIX III: SECTORS*

(ref.: Statutes Art. 28)

Sector Activities will be organised for the following sectors:

- Textiles, Clothing, Leather and Footwear
- Chemicals and **Pharmaceuticals**
- **Basic Materials (Rubber, Glass, Paper, Cement, Non-Coal Mining, etc.)**
- Basic Metals
- ICT
- Mechanical Engineering
- Automotive
- Aerospace
- Shipbuilding and Ship repair
- **Energy**

## *APPENDIX IV: AFFILIATION FEES*

(ref.: Statutes Art. 31)

According to a proposal from the Executive Committee of the Congress Period 2012-2016, a new system of membership fees will be implemented. The new system is based on the following criteria:

- The system is fair
- The same fee is applied to all unions from the same country
- The aim is to guarantee the Secretariat a sustainable budget as before
- The consequences of decreasing future membership, however, should be borne by the Secretariat

Additional considerations:

- The base fee for the affiliation fee is € 0.625 (value of the year 2017) + indexation (Belgian cost of living)
- Affiliates must declare all members where a member pays 50% or more of its basic affiliation fee
- The aim is to minimise the number of requests for exoneration, as the new fee system takes into account the differing economic situation in each country
- Reliability and solidarity: As the fee system makes allowances for difficult situations in some countries, affiliates are urgently requested to declare accurately and fairly the precise number of their members

Based on these factors the following system will be established:

- Keep the current fee per member as key indicator
- Fees calculated as linked to the nominal EU-27 GDP per capita. The Reference Year is the year of the previous Congress (example: Congress period 2021-2025, reference is 2016)
- Affiliated organisations in countries with current GDP per capita higher than that of the Reference Year pay 10% more than the base fee
- Affiliated organisations in countries with a current GDP per capita lower than that of the Reference Year pay a reduced fee, calculated in increments of 10%.

The following categories will be introduced:

Cat. 110 – countries > 100% of reference GDP (nominal GDP per capita EU-28 in 2012)

Cat. 100 – countries > 90%

Cat. 90 – countries > 80%

.....

Cat. 10 – countries <= 10%

The fee system will be applied for the first time for the budget year 2017.

The Executive Committee shall decide on guidelines for exoneration.

Interim arrangement: In cases where the increase for certain unions within a country would be problematic, affiliated organisations can make a written application to the General Secretary for an interim arrangement. In these cases, there will be a transition period from 2017-2020. Adjustments will be made according to the following 4 levels:

- if current fee is < 24.99% = 25% of the category
- if current fee is 25 ⇔ 49.99% = 50% of the category
- if current fee is 50 ⇔ 74.99% = 75% of the category
- if current fee is 75 ⇔ 100% = 100% = full fee of the category

## **APPENDIX V: CONGRESS VOTING RIGHTS**

(ref.: Statutes Art. 16)

At the Congress, all voting, with the exception of the election of President, General Secretary and Deputy General Secretary(ies), takes place by a show of hands, using a delegate's card, unless an organisation asks for a vote per organisation. A vote per organisation will be done by showing an organisation card with the total number of votes corresponding to the total number of delegates they are entitled to which is based on paid affiliation fees according to Articles 30 and 31. The election of

President, General Secretary and Deputy General Secretary(ies) is done by secret ballot and per organisation. The delegation leader of each organisation will receive ballot papers corresponding to the total amount of votes to which his/her organisation is entitled.

*APPENDIX VI: WRITTEN PROCEDURE IN THE EVENT OF THE NEED FOR AN URGENT DECISION*

(ref.: Statutes Art. 20)

In the event of the need for an urgent decision, not allowing for the opinion of the Executive Committee in its plenary meeting or in an extraordinary meeting, the Executive Committee can take a decision via a written procedure. This type of procedure can only be of an exceptional nature. The Executive Committee's decision in writing must be taken according to the following adoption rules: The Secretariat will inform the members of the Executive Committee of a decision to be taken within a timeframe sufficient to allow comments and alternative proposals to be submitted regarding the decision proposed by the Secretariat. The final decision shall be adopted with a qualified majority of at least two-thirds of the votes cast.

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