

No. 134/18

6<sup>th</sup> March 2018

Dear Colleague,

## GENERAL CONFERENCE 2017 – MOTION 29 AND MOTION 35

Branches received an update on Motion 29 carried at General Conference 2017 in LTBs 573/17 and 653/17.

Following on from those LTBs the Working Group set up under the terms of Motion 29 met at CWU Headquarters on Monday the 5<sup>th</sup> February 2018. The recommendations of the Working Group that arose out of that meeting were then placed before a meeting of the Retired Members Advisory Committee on Friday the 9<sup>th</sup> February 2018.

As previously indicated the matter was subsequently placed before the NEC at their meeting on Thursday the 22<sup>nd</sup> February 2018 and the purpose of this LTB is to inform Branches of the decisions taken by the NEC on Motion 29, and to respond to the terms of Motion 35 that was also carried at General Conference 2017. Accordingly the contents of this LTB reflect the contents of the document placed before the NEC.

In the first instant it is worth reiterating that the final paragraph of Motion 29 was clear in that it states ***“The NEC will agree a way forward that supports the principles listed in this Motion and will subsequently publish a report no later than the end of September 2017”***. The reason this point is made is because in line with the last paragraph of the motion, the final decision on the issues contained therein are to be determined by the NEC. That is what was agreed by General Conference 2017 and as such is policy of the CWU. The question the NEC had to address was how it fulfils its role as laid out in Motion 29.

The recommendations carried below address four key areas that the working group reached a consensus on, Plan 5 membership, succession planning, voting rights and enhancing the role of retired members.

Recommendation 1 deals with that part of the motion that sought clarity to the role being played by members who are not “retired members” but are no longer in employment. In short this is the legacy from the former portable grade of membership that now appears as Plan 5.

The Working Group felt that as Plan 5 membership issues reach way beyond any role that retired individuals may wish to take up, this matter needs to be addressed by the NEC.

In discussing this issue the Working Group was also clear that a previous suggestion that all the issues here could be resolved by all retired members becoming Plan 5 members was dismissed emphatically. The recommendation therefore is that the NEC addresses the issue of Plan 5 membership and that the best way to deal with this is for the Finance Organising and Structure (FOS) Committee to have an initial discussion on this at their next meeting in order to begin such a review.

Recommendation 2 deals with that part of the motion that stated that succession planning and progression are important to the development and longevity of the CWU.

The consensus of the Working Group was that they recognised the issue of “blocking” younger people coming forward had widespread implications for the entire union and as such they formed the view that this was not something they themselves would be able to resolve in the short term.

The consensus was that the NEC needs to develop a “Future Leaders Agenda” that deals with succession planning at all levels of the CWU. The recommendation is that the project group working on redesign be asked to produce a preliminary paper on this matter that scopes the size of the issue and identifies what options exist to ensure we develop and bring forward representatives at all levels of the CWU structure.

Recommendation 3 deals with the issue of voting rights. The consensus reached by the Working Group was that whilst the industrial/occupational arguments are clearly understood, there are some positions that could fall outside of this and that the NEC needs to take whatever action necessary to allow retired members to vote for and be able to stand for Branch Treasurer/Financial Secretary positions and Branch Political Officer Positions. The vehicle to do this would be for the NEC to amend the Branch Model Constitution and that this would be subject to the normal subsequent endorsement processes.

The Working Group also agreed that it should be made expressly clear that retired members can vote in any election that may take place for the positions of General Secretary, Senior Deputy General Secretary and the role of Legal Services Assistant Secretary.

Recommendation 4 addressed the issue of providing clarity on the role to be played by retired members. The way the existing rules are written were considered to be negative in their approach when it comes to dealing with retired members and their issues at branch level.

Firstly rule 6.4.8 needs to change, the word “problems” needs to be removed and replaced with a more positive; ***“Branches are responsible for promoting the interests of their retired members and for engaging with their retired members to actively involve them in dealing with these issues, accordingly Branches shall establish a Retired Members Section to ensure that the interests of their retired members are protected and promoted. The Retired Members Section shall be entitled to elect a Section Committee which shall be responsible for engaging positively with members of the section to actively involve them in pursuing their interests and issues.”***

Secondly, whereas the rule currently states that a Branch will appoint someone to look after the retired members this should also be rewritten to allow retired members themselves to determine who represents them, as follows. ***“One position on the Branch Committee will be reserved for a representative from the retired members section, elected by and from the members of that section. That individual shall be entitled to attend Branch Committee meetings to ensure that retired members’ issues are raised and discussed at this level. Such a representative shall not be entitled to vote on any industrial/occupational issues at these meetings.”***

This change should be seen as a very positive step forward in reaching out to retired members, they should no longer be seen as problematical, as the current rule infers and this approach shows that we are actively promoting retired members by allowing them their own voice at branch committee level. It is then up to retired members to grasp this opportunity and ensure they become more actively involved, this change clears the path for more involvement from retired members and that opportunity needs to be embraced.

As is stated above, the Retired Members Advisory Committee then met on Friday 9<sup>th</sup> February to discuss the outcome of the Working Group and to express their opinion.

On the first point, the issue of a review of Plan 5 membership the RMAC agrees with the recommendation of the Working Group and wished to add that they emphatically reject the option of all retired members migrating to Plan 5 membership as a solution to the issue of voting rights.

On the second point, a need for a “Future Leaders Agenda” to be developed by the NEC, the RMAC agrees with.

On the third issue, voting rights, the RMAC believes that the Working Group recommendation does not go far enough. Their view, following all the arguments that we are all familiar with, is that retired members should be able to vote but not stand in all elections for Branch Officer positions.

Finally, on the fourth issue, that of a change to the existing rule to enhance the role played by retired members and to give them a direct position on the Branch Committee, the RMAC agrees with.

In bringing this matter to a conclusion the NEC understands that, amongst some, the issue of voting rights continues to be an issue of controversy. This is pointed out because it is worth remembering that Motion 29 was abundantly clear in that **“upholding the principle that retired members should not be able to vote for occupational/industrial positions”** is policy of the CWU.

The motion is also clear, as pointed out above, that it is for the NEC to agree the way forward. This matter has been the subject of extensive debate at NEC level, at 2 Retired Members’ Conferences, on the Working Group and on the RMAC.

The NEC recognises that it is doubtful if any solution that the NEC comes up with would receive universal support. Failure to reinstate full voting rights for all retired members will not please some. Equally, reinstating all those rights would see those Branches wherein branch positions undertake industrial/occupational roles, object. In short there is no one solution that will satisfy everyone but the NEC is guided by the policy carried by General Conference.

So the position we have is that the Working Group have met and in line with the conference policy reached a number of conclusions. The NEC were then required to consider, debate and determine the way forward. As a result the NEC has agreed the following course of action with regard to Motion 29.

- 1) The NEC agreed that there is a need to review the purpose of the Plan 5 membership subscription rate with the principle that the rate is specifically for CWU members who are in or are actively seeking work and that the FOS are tasked with developing an initial position on this and to report back to the NEC.
- 2) The NEC agreed that the Redesign Project Group produce an initial paper on designing a “Future Leaders Agenda” within the CWU with the aim of ensuring effective succession planning at all representative levels throughout the union.
- 3) The NEC agreed that retired members can vote and stand for Branch Treasurer/Financial Secretary and Branch Political Officer positions within Branches and the NEC agrees to amend the Branch Model Constitution accordingly, subject to the correct processes.
- 4) The NEC agreed to take the necessary steps to alter the CWU National Rule Book to change rule 6.4.8 to read as laid out above to positively prescribe a role for retired members within branches.

## **MOTION 35**

Having dealt with Motion 29 the NEC then had to determine how to address Motion 35, this was also carried at CWU General Conference 2017 and reads as follows:

***This Conference instructs the NEC to request that the CWU's General Secretary and the President publish to the Union's Membership the full reasons and rationale behind LTB 664/16 REVISED BRANCH MODEL CONSTITUTION and the additional note to be inserted at the foot of paragraph 4.4 that states that "Retired Members are not entitled or eligible to stand for election or be able to vote in the above elections (a) to (i)."***

It is important to understand the wording used in this motion, this is because on a number of occasions, particularly at the Retired Members Conference, criticism was raised because the legal advice given to the NEC had not been published.

Motion 35 makes no mention of the legal advice and simply talks about "full reasons and rationale". The NEC makes this point because we are not publishing the legal advice and Motion 35 makes no mention of it. The NEC are obliged to comply with the terms of the motion as written and not what some people now suggest they believe they voted for. The NEC arrived at an agreed position on this motion, highlighted as follows.

***Motion 35 called for full reasons and a rationale to be given for the decision taken by the NEC. The reason that lay behind the decision stemmed from the way the rule book clearly distinguishes between retired members and those yet to retire. The rule book lays out distinct provisions by which retired members are able to voice issues of concern to them. As such the rights of retired members, by rule, are clearly distinct from those yet to retire. Where the rule book didn't differentiate was in the issue of voting rights and the decision taken by the NEC was to ensure that rules on voting rights followed the rest of the rule book in clearly distinguishing between the two groups i.e. those who are retired and those who are yet to retire.***

***The substantive point i.e. the difference between the interests of members in work (occupational issues) has now been dealt with and a policy agreed by CWU General Conference i.e. that the principle is that retired members should not be able to vote for occupational/industrial positions. This is now CWU policy and subsequent to Motion 35 being carried the Working Group set up under Motion 29 has now identified a way forward on this issue and this has now been endorsed by the NEC, details of which are contained within this LTB. The NEC therefore has now acted and carried out its responsibilities under both Motion 29 and Motion 35."***

In conclusion the NEC, in line with the policy carried at General Conference, has determined how to deal with the issues contained in Motion 29. The NEC will now move to make the necessary changes to the Branch Model Constitution and once this has taken place branches will be informed accordingly. The NEC will now also identify the earliest opportunity to submit the rule change required to alter rule 6.4.8 as laid out in this LTB to enhance the role of retired members at branch level.

Further information on Plan 5 membership and a "Future Leader's Agenda" will be reported to branches as developments occur.

We would like to take this opportunity to thank those members of the RMAC, Joan Moxon, Brian Lee and Rod Downing who took part in the working group for their input and also to the small number of branches who submitted comments for consideration.

Any enquiries regarding this Letter to Branches should be addressed to the Senior Deputy General Secretary's Department on telephone number 020 8971 7237, or email address [sdgs@cwu.org](mailto:sdgs@cwu.org).

Yours sincerely,



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**Senior Deputy General Secretary**