

# The Rules of Aotearoa Legal Workers' Union Incorporated

## 1. Name:

- 1.1. The name of the Incorporated Society shall be Aotearoa Legal Workers' Union Incorporated (**ALWU**) and for the purposes of these Rules will be referred to as "the Union".

## 2. Purposes

- 2.1. The primary purpose of the Union is to positively transform legal workplaces in Aotearoa by promoting its members' collective and employment interests.
- 2.2. The Union's additional purposes are:
  - (a) to promote inclusivity, kindness, and a sense of pride in the legal profession;
  - (b) to stop the exploitation of junior lawyers;
  - (c) to demand safe and healthy workplaces for legal workers in New Zealand;
  - (d) to reduce the power imbalance and pay gap between employers and workers in the profession;
  - (e) to connect legal workers to qualified support, advocacy and representation on workplace issues;
  - (f) to protect and further the interests of members by carrying out any policy decided in accordance with these Rules;
  - (g) to provide a cohesive and progressive public voice for legal workers;
  - (h) to eliminate disadvantage experienced by marginalised groups of legal workers, including junior lawyers, women, people in the LGBTQI+ community, tangata whenua, people of colour and disabled people;
  - (i) to prudently invest any surplus funds of the Union to increase the resources available for use as specified in these Rules;
  - (j) to uphold the principles of the Māori version of Te Tiriti o Waitangi/the Treaty of Waitangi including that of tino rangatiratanga in all its work; and
  - (k) to do anything necessary or helpful to (or not inconsistent with) the above purposes.

## 3. Ordinary Membership:

- 3.1. Ordinary membership of the Union is open to any person in Aotearoa New Zealand working (as a contractor, employee, or otherwise):
  - (a) as a lawyer, legal counsel, law clerk, or legal intern in any organisation;
  - (b) in a policy or advocacy role that interfaces with the law; or
  - (c) in a support role for lawyers or other legal workers.
- 3.2. Ordinary members shall pay the appropriate fees as determined by the Union and shall be referred to for the purposes of these rules as "the member" or "members".
- 3.3. Any person described in 3.1 may become a member on making application on the appropriate form to the Secretary or their representative. The person must declare any actual or perceived conflict of interest at the time of application. Membership, when approved, shall be deemed to have begun from the date of application.
- 3.4. All applicants will receive electronic or written notice when their application has been accepted or declined by the Secretary.
- 3.5. Any applicant for whom the Secretary has declined membership may appeal the decision to the Executive who may approve or decline the application by majority vote. The Executive's decision is final.
- 3.6. Any applicant who has previously been declined membership or had their membership terminated shall not become a member unless the Executive approves it by majority vote. The Executive's decision is final.
- 3.7. Members may belong to another union concurrently with their membership of the Union.

#### **4. Other Membership:**

- 4.1. There are two other categories of membership:
  - (a) Associate members; and
  - (b) Student members.
- 4.2. An Associate Member is any person not otherwise entitled to membership if they support the objects of the Union, or any person otherwise eligible for full membership who does not wish to be represented in collective bargaining.
- 4.3. A Student Member is any person aged 16 or older who is engaged in at least their second year of study, or has completed within the previous two years, full time study in a nationally accredited education institution or program where the person has an interest in or, as a consequence of their study, will be qualified to be employed in the legal industry. Part-time students and interns may join as Student Members at the discretion of the Committee.

#### **5. Obligations of Members**

- 5.1. All members shall promote the purposes of the Union and shall do nothing to bring the Union into disrepute.

#### **6. Resignation and expulsion:**

- 6.1. Any member desiring to withdraw from the Union may do so by giving the Secretary two weeks' notice of their intention and by paying all dues owing up to the expiry date of the notice.
- 6.2. Such withdrawal shall not be effective, except with the leave of the Executive, until all dues are paid. Withdrawal shall not exempt any member from liability in respect of any act or omission while that person was a member.
- 6.3. A Union member may have their membership terminated if, for any reason whatsoever, the Executive is of the view that a member is breaching the Rules or acting in a manner inconsistent with the purposes of the Union.
- 6.4. The Executive must give written notice of this to the member. The Executive's notice must:
  - (a) Explain how the member is breaching the Rules or acting in a manner inconsistent with the purposes of the Union;
  - (b) State what the member must do in order to remedy the situation; or state that the member must write to the Executive giving reasons why the Committee should not terminate the member's membership;
  - (c) State that if, within 14 days of the member receiving the Executive's notice, the Executive is not satisfied, the Executive may in its absolute discretion immediately terminate the member's membership; and
  - (d) State that if the Executive terminates the member's membership, the Member may appeal to the next Annual General Meeting (**AGM**).
- 6.5. The member shall be given the opportunity to address the Executive verbally or in writing before any vote on the matter.
- 6.6. Any member whose membership is terminated shall have right of appeal, in writing or in person to the next AGM and if their appeal is upheld the meeting shall have the power to reinstate the membership. The AGM's decision will be final.
- 6.7. Any costs incurred by a member who has received written notice or has had their membership terminated shall be met by the member themselves.

#### **7. Membership roll:**

- 7.1. The registered office of the Union shall contain an up to date roll of the membership including, as applicable and submitted by the membership, the address, employment or beneficiary status, occupation, workplace, joining date and collective or individual contract

covering each member. The Secretary shall carry out the duty of ensuring that the membership roll is kept current.

- 7.2. Any member in arrears of 3 months or more in payment of any fee, subscription or levy payable under these Rules may be deemed to be an Associate member only; provided however that such change of status shall not free such person from any liability for the arrears due.

#### **8. Registered Office:**

- 8.1. The Registered Office shall be at such place as the Executive may from time to time decide.

#### **9. Governance:**

- 9.1. Subject always to the decision of the members of the Union, made at the AGM or of a Special General Meeting (**SGM**), in accordance with these Rules, the Union shall be governed and its funds controlled by an Executive.

#### **10. Powers:**

- 10.1. The Union shall have the following powers in addition to any other powers in these rules:
- (a) To invest, lend or advance the funds of the Union in such manner as may from time to time be authorised in accordance with these rules;
  - (b) To borrow money for the purpose of furthering the interest of the Union and its members in such manner as may from time to time be authorised in accordance with these rules;
  - (c) To acquire or sell any real or personal property as may be necessary for the purpose of furthering the interests of the Union and its members;
  - (d) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of any real or personal property of the Union;
  - (e) To operate such bank account(s) as necessary for the exercise of its powers;
  - (f) To fix and levy subscriptions from time to time, and to charge for the provision of services;
  - (g) To appoint such staff as are necessary for the efficient carrying out of the Union's objects;
  - (h) To amalgamate or merge with any union subject to the compatibility of membership and objects;
  - (i) To establish any trust which is conducive to the Union's aims;
  - (j) To offer benefits and services to members;
  - (k) To affiliate to or join organisations that support the achievement of the purpose and objects of the Union;
  - (l) To exercise all other powers as are reasonably necessary to enable the Union to fulfil its purpose and carry out its objects.
- 10.2. In pursuit of its objects, the Union shall:
- (a) not affiliate with or make any financial contributions to a political party or organization currently in government or aiming at becoming the government of New Zealand. It shall, however, be free in the pursuit of its objectives to express opinions or take other action in respect of any act or omission of governments, organisations or persons, and to express its opinion on any issue or topic.

#### **11. Annual General Meeting:**

- 11.1. The AGM shall be the chief governing body of the Union.
- 11.2. The AGM of the Union shall be held at such times and place(s) as the Executive shall decide, but shall not be within 6 months of the previous AGM.

- 11.3. At least six weeks' notice of the date(s) and venue(s) of the AGM shall be given to members.
- 11.4. There shall be provision for at least 50 voting representatives at the AGM.
- 11.5. Where the Executive has decided that there will be more than one AGM meeting all remits for consideration by the AGM shall be in the hands of the Secretary two weeks prior to the AGM.
- 11.6. Notice of the AGM and notice of the business to be conducted shall be given to financial members in writing either:
  - (a) by letter, email or other direct electronic communication;
  - (b) through publication of the Union; or
  - (c) by advertising details of the meeting in the major newspaper servicing the area.
- 11.7. A SGM of the Union shall be called by the Executive in accordance with the procedure for the AGM. In addition, not less than fifty members of the Union may, at their own expense, require the Executive to convene a SGM of the Union. A SGM of the Union may only deal with the matters for which it has been called.
- 11.8. The quorum of the AGM or SGM shall be a total of 20 members present at the meeting(s).
- 11.9. Any member of the Union is entitled to attend and speak at the AGM.

## **12. Voting at the Annual General Meeting:**

- 12.1. All questions at the AGM and SGM shall be decided on the basis of one vote for each representative present on a show of hands.
- 12.2. No member may exercise more than one vote.
- 12.3. Only Ordinary Members may vote at Union meetings.
- 12.4. The President, Vice-President, Secretary, and Treasurer of the Union will each have one vote.
- 12.5. A majority of those Ordinary Members present may demand a secret ballot.

## **13. Executive:**

- 13.1. The Executive shall comprise:
  - (a) President, who shall be chairperson of the Executive;
  - (b) Vice President;
  - (c) Secretary;
  - (d) Treasurer;
  - (e) Up to seven members at large; and
  - (f) Up to three additional members that the Officers may, after the at large elections, recommend to the AGM to be co-opted to ensure good representation of union members.
- 13.2. All members of the Executive shall hold office until they resign, their successors are elected, or they are removed in accordance with these Rules. They shall be eligible for reelection.
- 13.3. The Treasurer shall be responsible for receiving all monies, operating the Union's bank accounts and making all payments for expenses incurred by the Union in conjunction with the Trustees and President.

## **14. Election of the Executive:**

- 14.1. The Executive shall be elected at the AGM except where the Executive appoints or elects members according to rule 14.8.
- 14.2. A Returning Officer shall be appointed by the Executive.
- 14.3. All positions shall be elected for a term of one year.
- 14.4. Nominations shall be called in the same way as the calling of the AGM, at least six weeks before the AGM.

- 14.5. Nominations for President, Vice-President, Secretary, and Treasurer shall close at least two weeks before the AGM. At least two weeks must be given from the calling for nominations to the closing of nominations.
- 14.6. Where the Executive decides there will be more than one AGM meeting, nominations for other Executive positions to be elected at the AGM shall be called and close at the same time as the nominations for officers as per rule 14.7.
- 14.7. Where the Executive decides there is to be a single AGM meeting, nominations for other Executive positions to be elected at the AGM shall open at least two weeks before the AGM and close during the AGM.
- 14.8. Should any office or position not be filled or become vacant for any reason, a member may be coopted by majority vote of the Executive to fill that position. Any person so appointed shall hold office until either an election is called by the Executive in accordance with the rules or the next AGM. The Executive may decide to fill any vacancy through election by postal ballot of the relevant members. Any postal ballots described in these Rules may include electronic forms of voting as long as the Executive is satisfied:
  - (a) with the integrity of the voting process and technology used; and
  - (b) that all members have a reasonable opportunity to participate in the ballot.
- 14.9. Any electronic voting system must be approved before use by majority vote of the Executive.

## **15. Meetings of the Executive**

- 15.1. The Executive shall meet as required but no less than each three months. The Secretary shall call each meeting and advise all Executive members in writing of its time and place at least one week before the set date, unless at least three Executive members request in writing to the Secretary that an urgent special meeting is required to consider that urgent matter only.
- 15.2. Executive meetings may be held in person or by audio or video conference.

## **16. Removal of Officers and Position Holders:**

- 16.1. Any Officer or member of the Executive not performing their duties in a satisfactory manner or who misappropriates Union funds may, at a meeting of the Executive convened for the purpose, be removed from office or position by a two third majority vote of the Executive. The Officer or member concerned must have received an account in writing of the reasons for the contemplated dismissal and given the opportunity to address the meeting on the question. Any Officer or member so removed shall have right of appeal to the AGM and if their appeal is upheld the meeting shall have the power to reinstate the Officer or member to their position.

## **17. Worksite Representatives:**

- 17.1. Worksite representatives shall be elected by members on the site or, in the interim, may be approved by the Secretary or their representative.
- 17.2. A worksite representative shall not execute contracts on behalf of the Union unless expressly authorised by the Executive.

## **18. Finance:**

- 18.1. The financial year of the Union shall be 1 April to 31 March.
- 18.2. All moneys, lands, securities or property of the Union shall be deemed to be the property of the Union as a whole. The funds of the Union may be invested in the name of the Union in a manner approved by the Executive. For the purposes of administration one of the Union Trustees shall reside in the area where the registered office is located. Special funds shall only be used for the purpose for which such a fund was established.

## **19. Fees and Levies:**

19.1. Subject to the approval of the AGM or a majority of members casting votes in a postal ballot the Executive shall set fees for all members at a sufficient rate to ensure the financial viability of the Union, and to enable the Union to meet all commitments as required by the decisions of the AGM.

**20. Trustees:**

20.1. Two Trustees shall be appointed by the Executive and they, together with the President, Secretary, and Treasurer, shall control all funds belonging to the Union.

**21. Auditor:**

21.1. An auditor, who is a qualified accountant, shall be appointed by the Executive. The auditor shall audit the accounts of the Union once each year and all the books and vouchers shall be submitted to her/him by the Treasurer.

**22. Inspection of Books:**

22.1. Any member or previous member having an interest in the funds or the register of members of the Union may inspect the books of the Union at a reasonable time, having first given the Treasurer two weeks' notice.

**23. Representation:**

23.1. The Union may appoint any person to be an Authorised Agent of the Union to carry out any such functions as the Executive shall determine.

23.2. The Union shall be represented in any proceedings before a Conciliation Council, Arbitration Commission, Employment Court, any other Court, Disputes Committee or any other Committee to which it is a party or where it represents a member by such persons as the Executive may appoint.

**24. Agreements and Instruments:**

24.1. The Union may enter into collective agreements/contracts with any employer or employers relating to any matter affecting members of the Union. No such agreement (other than a collective contract made with all parties present, in conciliation) shall be made until a meeting of the members covered by the agreement have carried a resolution in favour of its proposed terms. The Executive shall have the authority to enter into any other legal agreements.

**25. Secret Ballots**

25.1. Where required by law to conduct a secret ballot before strike action related to bargaining for a collective agreement may proceed, the following provisions shall apply:

- (a) The question to be voted on in the secret ballot is whether the member of the union is in favour of the strike.
- (b) The result of the ballot is determined by a simple majority of the members who are entitled to vote and who do vote.
- (c) The method of voting in a secret ballot may be by email or other electronic means as determined by the Executive from time to time.
- (d) As soon as is reasonably practicable after the conclusion of the secret ballot the members who were entitled to vote must be notified of the result of the ballot.

**26. Publications:**

26.1. The Union shall distribute to members, publications advising of casual vacancies, annual meetings, special meetings, the calling of nominations for all positions, reports, accounts, alterations to rules, details of all elections and any other official notice or report required to be given to each member under these Rules.

- 26.2. In addition to the above and subject to finance, the Executive shall endeavour to initiate a publication to members to further their education in trade union matters and to expand solidarity between groups of workers.
- 26.3. Publications may be distributed or made available to members through printed or electronic means.

**27. Dissolution:**

- 27.1. Should a majority of the members of the Union attending special meetings called under these Rules expressly for the purpose, vote to cancel the registration of the Union, the Secretary shall forthwith make application to the Registrar of Incorporated Societies in the prescribed form. Before such cancellation the Executive shall ensure that an audit of the Union's accounts is conducted and shall realise all the valuable assets and meet all the liabilities of the Union. The surplus funds, if any, shall thereupon be disposed of in such a manner, in pursuance of the objects specified in these Rules, as the Executive may think fit. Prior to this procedure being carried out, all members shall be advised that this matter is to be considered at special meetings convened for the purpose.
- 27.2. The Union shall be deemed to be dissolved when its registration has been cancelled by the Registrar of Incorporated Societies.

**28. Alteration to the Rules:**

- 28.1. These Rules may be amended, struck out or added to by a majority vote of the representatives present at the AGM or, if approved by the Executive, by a majority of members voting in a postal ballot.
- 28.2. Any proposed changes to the rules must be notified to the Secretary at least six weeks before the AGM or closing of the postal ballot.
- 28.3. The Secretary must notify members of the proposed changes in writing or through a union publication at least four weeks before the AGM or the postal ballot closes.
- 28.4. All alterations to the Rules shall be submitted by the Secretary to the Registrar of Incorporated Societies for approval prior to coming into operation.

**29. Matters not provided for:**

- 29.1. Any matter not provided for in these Rules or by decision of the Executive shall be referred to the next AGM.

**30. Bylaws:**

- 30.1. The Executive, subject to endorsement by the AGM may make bylaws not in conflict with these Rules and in conformity with the policies of the Union.

**31. Union Rules:**

- 31.1. The Union shall supply a copy of its Rules as for the time being amended on request to any financial member or any person joining the Union. The Union shall supply a copy of any amendment made by the Union to its Rules as soon as it is practicable after their registration.

**32. Annual Report and Annual Accounts:**

- 32.1. The annual report, income and expenditure accounts and the balance sheet, together with the auditor's report on the accounts shall be presented to the AGM. In addition, all such reports shall be made available to any financial member of the Union on request.

**33. Resolutions:**

- 33.1. The Union shall supply a copy of any resolution passed at any general or special meeting of the Union or its Executive to any financial member of the Union on request.

**34. Common Seal:**

- 34.1. The Executive shall provide a common seal for the Society and may from time to time replace it with a new one.
- 34.2. The Secretary shall have custody of the common seal, which shall only be used by the authority of the Executive. Every document to which the common seal is affixed shall be signed by the President and countersigned by the Secretary or a member of the Executive.