



# App Drivers & Couriers Union

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## **ADCU Rule Book as of June 16, 2020**

### **Rule 1 - identity**

- A. The name of the union is App Drivers and Couriers Union.
- B. Our main office address is Broxhead House, 60 Barbados Road, Bordon GU35 0FX

### **Rule 2 - objectives**

- A. To recruit, organise and represent all app based transport workers whose work is predominately digitally mediated.
- B. To regulate relations between employees, workers and employers and between employees or workers themselves.
- C. To advocate for better and fairer regulation and legislation to protect the interests of members and all workers.
- D. To improve pay and conditions for members and all workers.
- E. To improve occupational safety for members and all workers.
- F. To assist all members to gain control of their personal data at work. The union will facilitate and encourage the aggregation of worker data in the interests of building collective bargaining power and in the interests of workplace transparency.
- G. To end discrimination on grounds of gender, race, nationality, religious beliefs, disability, age or sexuality. We seek equality of opportunity for all in the workplace, within our union and within society.
- H. To promote greater international cooperation and solidarity with fellow app transport workers and other workers recognising the global reach of common platforms of app employers.
- I. To provide legal assistance, support and education to our members subject to our rules.

- J. To promote training and development so that members can play as full a role as possible in the running of our union.

### **Rule 3 - changing and amending rules**

- A. Rules can only be amended by a majority vote at our annual conference or by a ballot.

### **Rule 4 - dissolving the union**

- A. The union can only be dissolved by a five sixths majority vote of all members.
  
- B. Upon dissolution, the assets of the union are distributed evenly amongst members based on their length of membership with each full year of membership representing one share.

### **Rule 5 - membership**

- A. Membership is open to any transportation sector worker where work in that sector is mediated by digital means.
  
- B. Membership dues are set by the National Executive Committee.

### **Rule 6 - obligations of members**

- A. Members, officials and employees of the union are obliged to comply with union rules.
  
- B. When acting as a representative of the union members, officials and employees at all times will speak and act in accordance with union policy.
  
- C. It is the obligation of all members to actively help recruit and organise workers in their workplace and to promote the objects of the union to fellow workers so that we together build greater collective strength and bargaining power.

### **Rule 7 - integrity**

- A. The National Executive Committee have the authority to:
  - i. suspend or terminate the membership of any member
  - ii. suspend or terminate any member from holding union office
  - iii. suspend a member from benefit
  - iv. suspend or ban a member from attending meetings or participating in union activities
  
- B. The National Executive Committee can exercise these disciplinary powers if based on evidence they are satisfied a member:
  - i. is acting contrary to union rules

- ii. is seeking to harm the interests of the union
  - iii. is promoting ideals that are racist, homophobic or Islamophobic
- C. Members who have had disciplinary action taken against them by the union may appeal any such decision to the National Executive Committee by making the appeal in writing to the General Secretary within 30 days.
- D. National Executive Committee members and all elected officials must serve to the highest level of integrity and accountability to member interests. Union officials and the National Executive Committee must not overstep their powers and use disciplinary measures to victimise any union member. Such victimisation or vexatious action is grounds for appeal and all members will be advised of their further right to take any such complaint forward to the Certification Officer.

**Rule 8 – governance, accountability and elections**

- A. The union’s supreme governing body shall be the National Executive Committee
- B. The role of the National Executive Committee is to take responsibility for the day to day running of the union, to set policy and decide what actions the union should take.
- C. The National Executive Committee shall be comprised of the following roles:
  - a. President
  - b. General Secretary
  - c. Treasurer
  - d. Woman’s Officer
  - e. BAME Officer
  - f. Area representatives comprised of Chair and Vice Chair for the following cities:
    - i. London
    - ii. Birmingham
    - iii. Northampton
    - iv. Nottingham
    - v. Glasgow
- D. Any member in good standing shall be eligible to run for election to the National Executive Committee. Elections will be held annually. Members can either self-nominate or accept the nomination from another member in good standing. Nominations will open 90 days before election date and remain open for 30 days. Nominations will close 60 days before the election date. The National Executive Committee will announce the opening of nominations and announce the candidates for election at the closing of nominations.

- E. The union will arrange for distribution of at least one address to members from any election candidate. A fixed date and time by which such content must be submitted for distribution will be set by the National Executive Committee. The content may be submitted and distributed in written and/or audio and/or video format. The written format must not exceed 800 words and video or audio must not exceed 10 minutes in duration.
- F. Ballots will be mailed to members qualified to vote no later than 30 days before election date and must be returned before election date to be counted. The ballots will be paper ballots and voting will be recorded by a marking of the ballot card. The ballot will be mailed back to the scrutineer who will ensure that the ballot remains secret.
- G. All members are entitled to vote for the positions of President, General Secretary & Treasurer. Only those who identify as a woman can vote for the woman's officer. Only those who identify as BAME may vote for the BAME officer. Area representatives to the National Executive Committee can only be elected by members from their respective area.
- H. All contested elections to the National Executive Committee will be supervised by an independent scrutineer according to Rule 9H.

#### **Rule 9 – role of the National Executive Committee**

- A. The union is run and managed on a day to day basis by the National Executive Committee.
- B. The National Executive Committee is responsible for stewardship of funds and approval of expenditure in line with aims and rules of the union.
- I. The National Executive Committee will meet at least 6 times per annum but preferably monthly. Minutes will be prepared for each meeting and will be made available to any member upon request.
- J. National Executive Committee motions will be presented in the form of a written motion proposed by a National Executive Committee Member. Members may propose an amendment to the motion or simply vote for or against the motion. Decisions can be made based on a simple majority as follows:
  - i. vote in favour of the motion as presented
  - ii. vote in favour of amended motion
  - iii. Vote against motion
  - iv. Abstain

- v. vote to defer decision pending additional information or debate needed.

All motions must be either voted upon or withdrawn within 90 days of proposal.

- C. Three members of the National Executive Committee will serve as Administrative Officers to oversee functions such as banking, payments, recruitment, insurance and annual returns. These officers shall be the serving union President, General Secretary and Treasurer.
- D. All decisions made by the National Executive Committee will bind all members.
- E. The National Executive Committee may decide its own standing orders and procedures for all matters not expressly provided for in the rules and to ensure full legal compliance.
- F. The National Executive Committee will regularly review and shall have final say on the granting of legal assistance for any member.
- G. National Executive Committee members are expected to work together in a collegiate manner and are encouraged to exchange ideas and debate motions thoroughly and in good will. Voting on motions should be the conclusion of the decision making process not the sum total of the process itself.
- H. The National Executive Committee shall appoint an independent scrutineer to supervise the production, storage and distribution of voting papers for elections to the National Executive Committee, to receive and count the voting papers, to report on the election, to retain the voting papers for an appropriate period and to perform such other duties as the National Executive Committee may specify.

### **Rule 10 - Annual Conference**

- A. The union will convene an annual conference in November each year.
- B. The purpose of the conference is as follows:
  - a. To debate and vote upon any changes to the rule book
  - b. To debate and vote upon any policy changes or developments
  - c. To announce results of elections to the National Executive Committee
  - d. To review and approve union financial accounts as presented
- C. All members will be eligible to attend and to vote at the annual conference.

- D. Any member can propose a:
  - a. Change or addition to the rule book
  - b. Change or addition to union policy
  - c. Propose amendments to financial reports provided that such amendments do not interfere with statutory reporting requirements

G. All votes will be recorded in favour with a simple majority.

### **Rule 11 - Financial Control**

- A. All expenditure will be carried out in strict accordance with union rules and towards furthering union objectives.
- B. All expenditure will be approved by the National Executive Committee.
- C. Union accounts will be prepared on a bi-monthly basis by the Treasurer and presented to the National Executive Committee who must vote to adopt the accounts after inspection. The accounts will detail the following:
  - a. Membership numbers
  - b. Income (cash and accrual)
  - c. Expenditure (cash and accrual)
  - d. Bank reconciliation statement
- D. Any member upon request is entitled to inspect the accounts as presented to the National Executive Committee.
- E. The Treasurer will ensure that professionally prepared and audited accounts are presented at the annual conference and all statutory reporting requirements such as to the Certification Officer are met.

### **Rule 12 – role of the auditor**

- A. The union must always have an appointed financial auditor in place who is appropriately qualified. The financial auditor can only be appointed by a majority vote of union members. Likewise, the financial auditor can only be removed and replaced by a majority vote of union members. The financial auditor is automatically re-appointed each year unless a resolution has been passed to remove the auditor and replace with a suitable alternative appointment or the financial auditor has given notice they no longer wish to serve or the financial auditor is no longer eligible or the financial auditor has ceased to act in the role due to incapacity. Where notice has been given of an intended resolution to appoint somebody in place of a retiring auditor but the resolution cannot be proceeded with at the meeting because of the death or incapacity of that person, or because he is ineligible for the appointment, the retiring auditor need not automatically be re-appointed.

- B. The union has appointed Gary Jacobs, Director of Eazi Tax Ltd., trading as Driver Tax as its financial auditor from June 16, 2020.

**Rule 13 - Employment**

- A. Any decision to employ staff will be taken by the National Executive Committee.
- B. The union will demonstrate the highest level of employer integrity by:
  - i. Ensuring full compliance with employment law
  - ii. Respecting the collective rights of employees and volunteer representatives

**Rule 14 - respect for members, volunteers and officials: putting members first**

- A. Our union is driven by the collective power and good will of union volunteers acting in good faith. The union bureaucracy must never usurp the rights and interests of members. Volunteers are workers and will be respected as such at all times.

**Rule 15 - industrial action**

- A. If a workplace dispute arises involving more than one worker at a given employer or workplace the matter should be reported to the local city representative to the National Executive Committee in the first instance.
- B. The National Executive Committee has the power to declare an industrial dispute and/or arrange for strike action.

**Rule 16 - legal assistance**

- A. The provision of legal assistance to individual members will be at the discretion of the National Executive Committee. The National Executive Committee will take into account the merits of each appeal for assistance taking into account the needs for social justice, costs, alternative means.
- B. The National Executive Committee will ensure that provision of legal assistance services is carried out in a consistent and fair manner.
- C. Members may seek legal assistance for the following matters:
  - i. a dispute with their employer
  - ii. a public licensing appeal including matters of application denial, revocation or threat of revocation.
- D. All members are eligible to seek legal assistance in accordance with the rules.

- E. Where membership is less than 60 days in duration or where the matter on which a member seeks legal assistance predates their membership the member will be required to pay £100 for assistance on a licensing matter or £100 for assistance on a matter concerning the employer. In all such cases, the union will not commit to funding outside legal costs such as court fees or solicitor/barrister fees.

**Rule 17 - bullying and harassment**

- A. In line with our aims and objectives as a trade union, bullying and harassment of any kind will not be tolerated.
- B. Elected officials and employees in particular will be held to the highest standard of accountability. We will not tolerate officials or employees using the authority vested in them to victimise rank and file members and to usurp the democratic will of worker members.
- C. Any member who is either a victim or witnesses any form of bullying or harassment is encouraged to report the matter immediately to their local elected representative to the National Executive Committee or to the President or General Secretary.
- D. In the event that an official complaint regarding allegations of bullying or harassment, the complaint will be investigated without delay by the National Executive Committee without exception. Where such complaints are made about any elected representative that representative will be recused from the process.

**Rule 18 - anti discrimination**

- A. In line with our aims and objectives as a trade union, we will not tolerate intolerance or discrimination in any form including but not limited to discrimination on grounds of gender, sexual orientation, age, marital status, reproductive status, gender reassignment status, religion or belief, disability, race, colour, nationality, ethnic or national origin, political affiliation and all other protected characteristics.
- B. Elected officials and employees in particular will be held to the highest standard of accountability. We will not tolerate officials or employees using the authority vested in them to victimise rank and file members and to usurp the democratic will of worker members.
- C. Any member who is either a victim or witnesses any form of discrimination is encouraged to report the matter immediately to their local elected representative to the National Executive Committee or to the President or General Secretary.



D. In the event that an official complaint regarding allegations of discrimination, the complaint will be investigated without delay by the National Executive Committee without exception. Where such complaints are made about any elected representative that representative will be recused from the process.