

# **Constitution of the Forestry Commission Trade Unions National Organising Committee for Scotland**

## *Preamble*

*The main Forestry Commission Trade Union (FCTU) constitution provides for a regional representational structure expressed through six National Organising Committees (NOC); one each for, England, Scotland, Wales, Silvan House, Forest Research and Business Units.*

*Each NOC has its own constitution, in addition to that for the main FCTU. These constitutions replace previous constitutions for Regional Staff Council Trade Union Sides.*

*Each NOC constitution is a stand alone document, but should be read within the context of the broader FCTU.*

*This preamble does not form part of the constitution.*

## *Title*

- 1) The title shall be the “Forestry Commission Trade Unions’ National Organising Committee for Scotland” (NOC).

## *Membership*

- 2) The FCTU is a partnership of those members of the constituent unions employed within the Forestry Commission. The constituent unions are:
  - a) Public and Commercial Services Union;
  - b) Transport and General Workers Union;
  - c) Prospect;
  - d) GMB Union;
  - e) First Division Association.

## *Purpose & Principles*

- 3) The purpose of the NOC shall be on behalf of the FCTU; to protect and promote the interests of union members within the Forestry Commission in Scotland, through the co-ordination of the views and efforts of the constituent unions.
- 4) In pursuing this purpose the NOC will at all times give due regard to the principle of consensus decision making and to ensuring democracy and accountability to members.

## *Devolved Authority*

- 5) The NOC’s authority is devolved, as far as its own constitution allows, from the FCTU Council; and extends to issues and areas that only concern members within Scotland. Other issues are reserved to, and must be remitted to, the FCTU Council. The FCTU Council reserves the right to direct or guide the NOC as it may deem necessary from time to time.

## *Remit*

- 6) The NOCs remit is to:
  - a) To identify issues of concern to members in Scotland, and to determine the most effective manner for representing and resolving those issues.
  - b) To encourage all members to take an active role within their union.

- c) To encourage, coordinate, support and the work of the local staff councils, health and safety reps, and learning reps within Scotland.
- d) To assist local reps in representing the interests of union members in Scotland to managers, in the most effective manner possible.
- e) To engage in negotiations with senior managers on devolved Scotland matters.
- f) To draw to the attention of the Council, any Scotland issues of which the NOC believes they need to be aware, and to assist in the determination of Forestry Unions' policy.
- g) Where necessary, to coordinate actions with other NOCs, in order to deal with issues of common concern.
- h) To ensure that effective communication exists with members regarding matters of concern to Scotland.

#### *Composition*

- 7) The NOC will consist of twelve elected members, all of whom will be members of the FCTU. Members will be elected by their constituent unions according to their own processes. The composition of elected representatives will be as follows:
  - a) PCS                    4 seats
  - b) TGWU                4 seats
  - c) Prospect            2 seats
  - d) GMB                   2 seats
- 8) The NOC may from time to time co-opt additional members as it deems necessary or desirable. When desired, the Secretary may invite additional persons to attend all or part of a Committee meeting<sup>1</sup>.
- 9) When a representative is unable to attend a meeting of the NOC, a substitute may be appointed by their constituent union.

#### *Officers and Elections*

- 10) The NOC will elect a chairperson from amongst its elected members; and a secretary, FCTU Council representative, health and safety coordinator and a learning coordinator from amongst its elected or co-opted members.
- 11) The role of the Chairperson will be to provide effective strategic leadership to the NOC by:
  - a) Overseeing the effective conduct of NOC business;
  - b) Taking a lead in the determination of the NOC's priorities and strategic direction;
  - c) Providing guidance and support to NOC representatives.
- 12) The role of the Secretary will be to ensure the effective delivery of NOC business by providing administrative and organisational support to the NOC.
- 13) The role of the FCTU Council representative will be to provide a formal link between the NOC and the main FCTU Council.
- 14) The role of the health and safety coordinator will be to oversee matters relating to H&S within Scotland; to offer support, guidance and advice to FCTU H&S Reps in their area; and provide a link between the NOC and other NOCs and the council on H&S matters.

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<sup>1</sup> A standing invitation from the Secretary will be extended to the FCTU Chairperson and Secretary to attend any or all of the meetings of the NOC.

- 15) The role of the learning coordinator will be to oversee matters relating to learning within Scotland; to offer support, guidance and advice to FCTU learning Reps; and provide a link between the NOC and other NOCs and the council on learning matters.
- 16) Officers will be elected for a period of one year by the NOC.
- 17) The process for the election of officers will be determined by the Secretary in accordance with the following criteria:
  - a) Elections will take place at the first meeting of the NOC after 1<sup>st</sup> April each year;
  - b) Nominees must be proposed by their own union, which may nominate one candidate for each post being elected;
  - c) Nominations will be taken at the NOC meeting;
  - d) Votes will be cast by show of hands by elected members of the NOC. A simple majority is required. Where a member cannot attend the meeting they may appoint a proxy to vote on their behalf. Co-opted members may not vote.
- 18) Co-opted members may be appointed at any meeting of the NOC on the basis of a simple majority vote of elected members.
- 19) The appointment of all co-opted members will automatically lapse at the end of the first meeting of the NOC after 1<sup>st</sup> April each year, unless reaffirmed at the meeting.
- 20) Officers may be deselected by a vote taken at an extra-ordinary meeting of the NOC. De-selection votes cannot be taken at ordinary meetings. Votes will be cast by show of hands by elected members of the NOC. A two-thirds majority is required.
- 21) Co-opted members may be deselected at any ordinary or extra-ordinary meeting of the NOC by a vote by show of hands of elected members of the NOC. A two-thirds majority is required.
- 22) Where the post of Chairperson or Secretary is unfilled, either through de-selection, resignation or other circumstance, the other postholder will assume the duties of both posts pending the outcome of an election which will be taken at the next meeting of the NOC.

### *Meetings*

- 23) A quorum for the NOC shall consist of the Chairperson, plus one representative from each of the unions. However, where there is not a representative from one (and only one) of the unions, then a meeting will be deemed to be quorate, unless that union has formally requested that a meeting or a particular issue on the agenda of a meeting should not be regarded as quorate.
- 24) The NOC will meet at least three times per year. Additional meetings may be called at the discretion of the Chairperson or Secretary.
- 25) Extra-ordinary meetings of the NOC will be called when formally requested in writing to the Secretary by representatives, from two or more unions. Such requests must be made no less than twenty eight days prior to the suggested meeting date, and the Secretary shall give not less than twenty one days notice of the proposed meeting to NOC members. Extra-ordinary meetings will only consider matters included in the request.
- 26) The NOC will work at all times on the basis of consensus decision making. Wherever practical this will be achieved by each union formally confirming its approval of the decisions and resolutions of the NOC; such confirmation will not be unreasonably withheld. However, where in the view of the Chairperson, the NOC is not moving towards a consensus, a decision will be made by a simple majority of votes of elected members of the NOC. In the event of a tied vote the issue under consideration will be remitted to the FCTU Council for further consideration.
- 27) The NOC may form standing or ad-hoc sub-committees, as it deems necessary, to consider issues or represent the NOC as remitted.

*Regional Trade Union Sides (RTUS) and Regional Staff Councils (RSC)*

- 28) The NOC will appoint a chairperson and other elected or co-opted members as it deems necessary to form RTUSs to negotiate and liaise with senior managers within Scotland in accordance with the Regional Staff Council structures and constitutions.
- 29) RTUSs will operate as standing sub-committees of the NOC and will derive their authority from the NOC.
- 30) RTUSs are responsible through the appropriate RSC for encouraging an open, positive and inclusive relationship with senior managers, for conducting negotiations, and making other representations to senior managers either through specific direction or guidance as determined by the NOC from time to time.

*Amendments to the Constitution*

- 31) Amendments to this constitution and RSC constitutions may only be made by the FCTU Council.