

DECISION OF THE CERTIFICATION OFFICER ON A COMPLAINT MADE UNDER SECTION 82(2) OF THE TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992 BY A MEMBER OF A TRADE UNION AGGRIEVED BY A BREACH OF A TRADE UNION'S POLITICAL FUND RULES

**IN THE MATTER OF A COMPLAINT AGAINST THE
TRANSPORT AND GENERAL WORKERS UNION**

Date of Decision:

4 June 1997

APPLICATION AND DECISION

1. Under section 82(2) of the Trade Union and Labour Relations (Consolidation) Act 1992, a member of a trade union may complain to me that he or she is aggrieved by a breach of the political fund rules of his or her union. Where after giving the member and the union an opportunity of being heard, I consider that a breach has been committed, I may make such order for remedying the breach as I think just in the circumstances.

2. On the 27 December 1996 I received a complaint from a member of the Transport and General Workers' Union ("the union") that it was in breach of its political fund rules because it had refused to pay her expenses for attending her local Constituency Labour Party meetings at which she was the delegate for her union branch.

3. For the reason set out below I dismiss the complaint. During my enquiries I offered the complainant the opportunity of being heard, which she did not take up. In the circumstances of the case I felt it was unnecessary to approach the union before reaching my decision.

4. A trade union may not apply its funds for political purposes unless there is in force a political fund resolution approved by the members of the union in accordance with the provisions of Chapter VI of Part I of the 1992 Act. The union must also have rules which require payments in furtherance of "political objects" to be made out of a separate fund (section 82 of the 1992 Act). These rules must be approved by me (section 71(1)(b) of the 1992 Act). "Political objects" means those specified in section 72 of the 1992 Act.

5. The Transport and General Workers Union has a political fund resolution in force and there are "political fund rules" which have been approved by me in accordance with the 1992

(Consolidation) Act 1992 (the Act), applies, that is to say, the expenditure of money on
.....

“(e) the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party.”

The rule goes on to specify:-

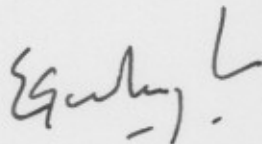
“Where a person attends a conference or meeting as a delegate or otherwise as a participator in the proceedings, any expenditure incurred in connection with their attendance as such shall, for the purposes of paragraph (e) above, be taken to be expenditure incurred on the holding of the conference or meeting” (my emphasis).

6. Local Constituency Labour Party meetings are meetings falling into this category. The effect of the rule is therefore to require any expenses for attending such meetings to be paid from the union’s political fund, not from its general funds. But does it, as the complainant asserts, **require** the union to pay her expenses for attending them?

7. I do not think it does. No reasonable interpretation of this rule can lead to the conclusion that the rule gives the member the **right** to be paid expenses for such activity. The rule’s wording and purpose are clear. It gives a power, within the statutory framework, for the union to apply funds for this purpose. It does not require the union to do so.

8. My jurisdiction under section 82 relates to “a breach of any rule made in pursuance of this section”. Neither the complainant nor I have been able to identify any other rule of this union relating to political expenditure, which requires expenses to be paid in the circumstances claimed by the applicant.

9. I therefore dismiss the complaint.



E G WHYBREW
Certification Officer