



Constitution of CESI

Chapter I

Description and headquarters

Article 1

The European Confederation of Independent Trade Unions (CESI) is an association of free and independent European trade unions. CESI is a trade union confederation that is independent of all political and ideological affiliations. We recognise the Charter of Fundamental Rights of the European Union and the Convention for the Protection of Human Rights and Fundamental Freedoms (European Human Rights Convention).

Article 2

CESI is an organization constituted under Belgian law. Its headquarters are located in Brussels.

Chapter II

Aim

Article 3

The policy aim of the CESI is to maintain and improve the living and working conditions of the workforce in both the public and private sectors. Its aim is also to improve the living conditions of all European citizens.

Chapter III

Means of pursuing that aim

Article 4

(1) The following means shall be adopted to pursue that aim:

- representation of the occupational, legal, social and material interests of the workforce in both the public and private sectors vis-à-vis European and international institutions and organizations;
- establishing sectoral associations and specialist committees;
- support for member organizations in conducting their activities and promoting their interests at the European and international levels;
- close contact with and promotion of co-operation between member organizations;

- promotion and co-ordination of co-operation with other organizations;
- close co-operation with the “Academy Europe” as CESI’s institute for research and further education.

(2) With a view to pursuing its aim CESI also declares its support for industrial action as an expedient, insofar as the special status of the groups of employees in member trade unions does not exclude this means.

Chapter IV

Affiliation

Article 5

(1) The following organizations shall be eligible for affiliation to the CESI:

- independent national umbrella trade union organizations;
- independent European umbrella trade union organizations;
- independent occupational trade union organizations which are associated at the European level;
- independent individual national trade union organizations, where their umbrella organization is not already a member of CESI or where no independent umbrella trade union exists.

(2) The conditions of acceptance for affiliation to CESI shall be that the applicant organizations have a democratic constitution, are based on and act in accordance with democratic principles and recognise the trade union mechanisms that are used for the realisation of CESI’s aims.

(3) Applications for affiliation to CESI must be made in writing. Affiliation shall be decided by a majority vote of the members of the Board and in accordance with paragraph 4.

(4) The member trade union which is organised in the same country or sector is asked to state its reasoned position prior to the acceptance of a trade union.

If a negative opinion is received from the member trade union which is consulted, the application will be examined at the next meeting of the Board. In that case

acceptance of the request will be subject to a two-thirds majority vote.

Chapter V Termination of affiliation

Article 6

(1) Affiliation shall be terminated by withdrawal or expulsion.

(2) All legal claims on CESI shall expire with termination of affiliation. Claims to any share in the property of CESI shall be barred.

(3) Termination of affiliation may take effect only from the end of the calendar year. A period of one year's notice shall be required. Notice must be given in writing.

(4) Affiliation fees and any arrears shall be paid up by the end of the period of notification of withdrawal of affiliation. Affiliation fees due shall be paid regardless of withdrawal.

Article 7

(1) The Board, voting with a two-thirds majority, may expel any member organization:

- which has flouted democratic principles;
- which has acted in violation of the constitution or decisions of CESI;
- which has acted against the interests of CESI;
- which no longer fulfils the requirements for CESI affiliation;
- which has, without the authorisation of the Board, failed to pay its affiliation fees for over 12 months.

(2) The member organization concerned must be notified in writing at least four months before its intended expulsion.

(3) The member organization threatened with expulsion may justify itself to the Board in writing within two months of receiving the notification.

(4) The member organization concerned shall have the right to appeal to Congress against an expulsion decision by the Board.

Its objection must be received in writing by the CESI at least two months before Congress and must, in addition to the items set out in Article 15.1, be included in the

agenda for Congress and dealt with by Congress.

(5) In the cases outlined under paragraph 1 the Executive Board may decide to immediately suspend membership with a two-thirds majority. Where the member organization concerned is also a member of the Executive Board, this organization shall not take part in the vote. The periods of notice stipulated under the paragraphs 2 and 3 shall not apply.

The right of appeal of the member organization in accordance with paragraph 4 shall not be affected by this provision.

Chapter VI Observer status

Article 8

Observer status can on request be granted by the Board to organizations and associations that acknowledge the democratic and social principles of CESI.

The rights and obligations associated with the observer status shall be set down in a protocol.

Chapter VII Tasks of the member organizations

Article 9

(1) CESI and its member organizations shall keep one another mutually informed of significant aspects of their activities, where these are important for their joint European and international work.

(2) Each year, the member organizations shall be required to inform the CESI by 31st March at the latest of their membership figures either as at 31st December of the previous year or 1st January of the current year.

(3) Member organizations shall pay an annual affiliation fee fixed by Congress and based on their membership figures as determined in accordance with paragraph 2.

(4) At the request of the Executive Board and where particularly legitimate grounds have been provided the Board may decide to increase the affiliation fee or impose a special contribution.

- (5) Every member trade union is bound:
- to make a payment of 50% of the membership dues for the current year to CESI by the end of February;
 - to pay a further 25% by the end of June and the final 25% of the membership dues by the end of August.

(6) In exceptional circumstances, a member organization may apply for deferment of payment of part or all of its affiliation fees. The application shall be accompanied by grounds for exemption and a summary of the organization's financial situation. The Board shall decide on the acceptance or refusal of the application. Should the Board refuse the application or should the member organization omit to introduce it, the latter shall be required to pay interest at the going market rate on all outstanding amounts as of 1 September of the following year. The Executive Board shall consult the Treasurer before determining the rate of interest.

Chapter VIII Structure

Article 10

The organs of CESI are:

- the Congress
- the Board
- the Executive Board

Congress

Article 11

(1) Congress is the supreme governing body of CESI.

(2) Ordinary Congress shall be convened by the Board and shall meet once every four years.

The date and location of the Congress shall be determined at least five months in advance.

The convocations shall be issued at least one month in advance and shall include the agenda established according to section 15.1, and the regulations for the Congress and elections as proposed by the Board.

Article 12

(1) A two-thirds majority of the Board

may decide to convene an extraordinary Congress when it considers that an issue is of such importance that it must be discussed by the Congress. The member organizations shall be informed of all such decisions immediately. The corresponding convocations shall be sent out at the latest one month in advance.

(2) An extraordinary Congress may deal only with those issues for which it has been convened.

Article 13

(1) ▪ Congress shall consist of representatives of member organizations plus the members of the Executive Board.

- Member organizations with up to 15,000 members shall appoint one delegate.
- Member organizations with more than 15,000 members shall appoint two delegates.
- Member organizations with more than 50,000 members shall have one basic seat and appoint an additional delegate per every set of 50,000 members or a portion thereof.
- The number of delegates is determined by the number of members for which the affiliation fees at 31 December of the year prior to congress have been paid.

(2) The member organizations must inform CESI at least six weeks before the Congress of the names and addresses of their appointed delegates. They also must indicate an appropriate number of substitutes.

(3) Motions tabled by member organizations must reach CESI in writing no later than four months before the statutory Congress.

During Congress proceedings, motions may be put forward by delegates only.

(4) Each delegate shall have one vote.

Article 14

(1) A quorum of the congress shall require the presence of more than half of the delegates.

(2) Congress decisions shall be binding on all CESI member organizations.

Article 15

(1) The agenda for the statutory Congress must include the following items:

- roll-call of delegates and approval of the list of delegates;
- verification of quorum;
- election of the President of Congress and his or her deputy;
- election of two minutes-takers, who shall also count the votes;
- adoption of the agenda;
- adoption of the election rules and the regulations for the Congress;
- progress report from the Executive Board;
- report from the Treasurer;
- auditors' reports on final audits;
- discharge of the Executive Board;
- motions put forward by the Board and the Executive Board;
- motions put forward by the member organizations, each accompanied by a statement from the Board or the Executive Board;
- budget guidelines for the coming four financial years;
- determination of affiliation fees;
- election of the President;
- election of the six Vice Presidents;
- election of the Secretary-General;
- election of the Treasurer;
- election of three main and three deputy auditors;
- election of a number of arbitrators corresponding to the number of member trade unions.

The President, Vice Presidents, Secretary-General and Treasurer are elected by secret ballot.

(2) The agenda for an extraordinary

Congress must include the first four points listed under paragraph 1 as well as the issues which it has been convened to discuss.

(3) Urgent motions are admissible provided they are supported by at least two-thirds of the delegates.

Such motions may neither seek to amend the present Constitution nor to dissolve CESI.

Article 16

The travel and accommodation expenses incurred by delegates attending Congress meetings shall be met by the delegating organizations

Article 17

The decisions of Congress shall be recorded in minutes to be forwarded to the member organizations.

Board**Article 18**

(1) The Board is the supreme governing body of CESI between the Congresses.

(2) The Board will be convened by the Executive Board and will meet at least twice a year and at least once during the congress year.

The convocations are sent out two months in advance and include the agenda determined according to Art. 22.

Article 19

The Board, taking into consideration the guidelines drawn up by Congress, shall rule on the budget for the coming financial year, the closing of accounts for the previous year and on the progress report of the Executive Board.

The Board is likewise responsible for all tasks which the Constitution does not expressly assign to Congress or the Executive Board.

The Board shall decide on the rules governing the Board and the Executive Board, on a proposal from the Executive Board.

Article 20

(1) The Board shall consist of one representative of the member organizations and the Executive Board.

Each member organization shall appoint as many deputy members as it has Board members. In the absence of regular members, deputies shall exercise all the rights enjoyed by regular members.

(2) Each member of the Board has one vote. Decisions are taken by a simple majority. Where there is an equal vote, the President shall have the casting vote. At the request of the President and the Secretary-General or at the request of at least three members of the Board, voting may take place on a weighted basis.

(3) The Board only has a quorum to pass resolutions if more than half the Board members are present or if those members who are present represent at least 60 per cent of the individual members as stipulated in Art. 9.2.

If the Board is not quorate despite the service of notice in accordance with the regulations.

(4) If despite the service of notice in accordance with the regulations, the quorum of the Board is not reached, the Board after noting this formally, may convene immediately and may validly transact its business regardless of the number of members present. This provision shall be expressly mentioned in the notice convening the meeting. No agenda item having consequences for the budget shall be discussed unless the members present represent at least 60% of the individual members within the meaning of Article 9.2.

Article 21

Board meetings shall not be public.

Article 22

The agenda for Board meetings must include the following items:

- roll-call of members and approval of the list of members;
- adoption of the agenda;
- progress report from the Executive Board at the first meeting of each year;
- report on the activities of the sectoral associations and specialist committees at the first meeting of each year;
- auditors' reports on final audits and

balance sheet for the previous financial year at the first meeting of a new financial year;

- budget for the coming year, at the last meeting of the year;
- motions put forward by the Executive Board;
- motions put forward by the member organizations, each accompanied by an Executive Board position;
- other agenda items.

Article 23

The Board may decide by a majority vote to add to or to alter the agenda.

Article 24

Board meetings shall be chaired by the President, and in absence of the President by a Vice President or the Secretary-General.

Article 25

The travel and accommodation expenses incurred by delegates attending Board meetings shall be met by the member organization they represent.

Article 26

The minutes of Board meetings shall be sent by post to member organizations no later than three months after the Board meeting has taken place.

Executive board

Article 27

(1) The Executive Board shall administer the affairs of CESI in accordance with the decisions taken by Congress and the Board.

(2) The following matters shall fall within the competence of the Executive Board:

- current affairs relating to union matters;
- the preparation of the agenda for meetings of the Congress and Board;
- the preparation of all documents which require submission to the Congress and Board for decision-making;
- the implementation of decisions taken;
- creation of the specialist committees provided by Article 37.1 and cooperation with those specialist committees;
- maintaining contact with the Academy

Europe of CESI;

- employment of staff.

(3) The Executive Board shall adopt all opinions and resolutions drafted by CESI as part of its ongoing union work.

The Executive Board shall invite the presidents and vice presidents of the sectoral associations and specialist committees to act as rapporteurs for the adoption of the annual work programme, opinions and resolutions. The details of these procedures are governed by the rules of procedure.

The Board shall be informed of the adoption of the annual work programme, opinions and resolutions in a suitable manner.

Article 28

The Executive Board shall consist of the President, the six Vice Presidents, the Secretary-General, the Treasurer and the Chair of the Academy Europe.

No one member organization shall have more than two elected representatives on the Executive Board.

Article 29

Should a position become vacant during the term of office of the Executive Board, that position shall be filled following a special election at the next Board meeting.

Article 30

(1) The Executive Board shall be considered to have a quorum when at least five members are present, on condition that either the President, the Secretary-General or the Treasurer is present.

(2) In urgent cases, the President, Secretary-General and Treasurer may jointly take decisions. The Executive Board must be informed of all such decisions immediately.

Article 31

(1) Travel and accommodation expenses incurred by participation in CESI committee meetings are borne by the member organizations. At the suggestion of the Treasurer, the Executive Board can decide on exceptions to this rule.

(2) The rules of procedure applicable to the Executive Board contain provisions governing the payment of travel expenses to

rapporteurs.

Chapter IX Officials

Article 32

The President and the Secretary-General represent CESI in its external political activities. The President chairs the meetings of the Board and the Executive Board.

Article 33

The Secretary-General is responsible for the running of CESI in accordance with the regulations and the constitution: the Secretary-General directs the policy and administrative business of the CESI by agreement with the President. The Secretary-General is in charge of the General Secretariat. The Secretary-General must accept this appointment as his main job.

Article 34

(1) The Treasurer shall administer CESI's finances in accordance with the procedures laid down by the Executive Board. He shall be responsible for ensuring that, before the last meeting of any year, a budget for the following financial year is submitted to the Board for approval.

(2) He shall also be responsible for ensuring that audited versions of the annual closing of accounts and the annual balance sheet for the previous year are submitted for statement to the Board and that these documents are circulated to the member organizations before 1st September of the following year.

Article 35

The congress elects three chief auditors and three deputy auditors to audit the budget report. The auditors and the treasurer must be members of different organizations. One of the auditors must be of a different nationality to the treasurer. The deputy auditors shall only take up their duties in the event of absence or a serious impediment preventing the normal auditors from carrying out their duties. The Board shall decide whether this is the case.

Chapter X

Sectoral associations, specialist committees and Academy Europe

Article 36

- (1) The USSP brings together the public sector of CESI.
- (2) The CESI Board is entitled to set up further sectoral associations.
- (3) These sectoral associations shall elect a Chair and up to two Vice-Chairs. The Chair and Vice-Chairs shall act as rapporteurs in the sense meant by Article 27.3 and shall establish the annual activity reports provided for in Article 22. in accordance with the Secretary-General.
- (4) The individual sectors shall be accountable to the CESI Congress for their work.
- (5) The Board shall adopt guidelines concerning the organization, work and external representation of the sectors.

Article 37

- (1) The CESI Executive Board shall be authorised to set up specialist committees.

These specialist committees shall assist the bodies of CESI in their work. They can recommend opinion papers and resolutions on which the Executive Board shall decide.

- (2) The responsibilities, procedures and terms of office of these specialist committees shall be determined in a set of rules of procedure to be issued by the Executive Board.
- (3) Each specialist committee shall elect one Chair and up to two Vice-Chairs. The Chair and Vice-Chairs shall act as rapporteurs in the sense meant by Article 27.3 and shall establish the annual activity reports provided for in Article 22 in accordance with the Secretary-General.

Article 38

- (1) CESI shall set up an Academy Europe that shall be responsible for the European training work of CESI.
- (2) The Academy Europe shall draft its own constitution to govern its work, which must be approved by the CESI Board.

Chapter XI Arbitration Committee

Article 39

Disputes among the member organizations or between a member organization and CESI relating to the Constitution or assets shall be settled by an Arbitration Committee. The Arbitration Committee shall comprise a chairman and assessors designated by the parties (one assessor per party). The chairman shall be chosen by the parties from a list of arbitrators elected by Congress. If no consensus is reached, he shall be chosen by the drawing of lots. The rules of procedure of the arbitration shall be decided by the Board.

Chapter XII Change of Constitution

Article 40

The constitution can only be changed by the Congress. The decision requires a two-thirds majority of the authorised voters present, and more than half of the number of congress members according to the Constitution.

Chapter XIII Dissolution

Article 41

- (1) CESI may be dissolved only by a Congress convened by the Board expressly for that purpose.
- (2) All Congress decisions shall require a two-thirds majority of all invited delegates entitled to vote.
- (3) Invitation to the Congress called to dissolve CESI must be circulated to member trade unions at least six months before the Congress meeting takes place.
- (4) The Congress of dissolution shall decide how the assets of CESI are to be disposed of.

Chapter XIV Final Clauses

Article 42

The Board shall decide on matters which are not stipulated in this Constitution.

Article 43

The French version is valid for the purposes

of interpreting the present Constitution.

Article 44

The present Constitution adopted by the Fourth Ordinary Congress of the CESI held in Brussels on 3 December 2004 shall come into force immediately. It amends and replaces the Articles of the Constitution of 4 December 2000.

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