RULES CHANGES

FEDERAL EXECUTIVE 29 FEBRUARY 2024

Current rule:

56 - SHOP COMMITTEE

56.1 Shop Committees may be elected wherever practicable in establishments where members of the Union are employed. Such Shop Committees shall consist of a President, Honorary Secretary and Departmental Delegates.

56.2 The Shop Committee shall deal with all disputes or grievances of members that cannot be settled by the Departmental Delegates. The Committee shall endeavour to resolve these disputes with the employer.

56.3 The Shop Committee of any given works shall have full power to negotiate with the employer with a view to improving conditions of such works by any means the Committee may think the situation warrants, but when they think the position may involve any other works, they must seek the advice of the Branch Secretary.

56.4 A copy of all resolutions carried affecting working agreements must be admitted to the Branch Committee of Management for endorsement or otherwise.

56.5 In the event of a dispute occurring at any works, the Secretary of the Shop Committee shall immediately notify the Branch Secretary.

56.6 The members employed in any part of the works shall not take action resulting in a stoppage of work before the matters in dispute have been dealt with by the Shop Committee.

56.7 The Shop Committee shall not take action involving the whole of the members employed before a mass meeting has decided what action is necessary.

56.8 No member or delegate shall interview the employer in reference to a dispute without the consent of the Shop Committee.

56.9 Nothing contained in these rules shall prevent members of a Shop Committee in any establishment from combining with representatives of other Unions employed in that establishment, to form combined Shop Committees.

INSERTION OF RULE 56A: APPOINTMENT OF NON-ELECTED DELEGATES

56A.1 In the event that a Branch Committee of Management considers it impractical to have a Shop Committee and or to elect delegates to individual workplaces, the relevant Branch Secretary (or their agent) may appoint individuals (as delegate/s) who nominate to be a workplace delegate of their individual workplace.

INSERTION OF RULE 56B: POWERS OF DELEGATES

56B.1 Nothing in this clause and or clause 56A prevents a delegate from representing the industrial interests of members to the fullest extent possible in accordance with the *Fair Work Act 2009* (Cth) and or these rules and or any other policy of the AMIEU or its individual branches.

56B.2 Any policy that governs the powers and authority of delegates must be approved by the relevant Committee of Management. If a policy exists, then the delegate must comply with the policy.

56B.3 Any breach of any policy by the delegate entitles the AMIEU to discipline the delegate in accordance with clause 35 (Disciplinary Powers) of the AMIEU rules.

Specific powers and duties

56B.4 No delegate shall interview the employer in reference to a dispute without the consent of the member.

56B.5 The delegate shall not take action involving the whole of the members employed before a mass meeting has decided what action is necessary.

56B.6 In the event of a dispute occurring at any works, the delegate shall immediately notify the Branch Secretary.

56B.7 Upon appointment as a workplace delegate, the delegate/s shall have full power to negotiate with the employer with a view to improving conditions of such works by any means the situation warrants, but when they think the position may involve any other works, they must seek the advice of the Branch Secretary or the Branch Secretary's agent.

56B.9 The delegate is empowered to deal with all disputes or grievances of members and the delegate/s shall endeavour to resolve these disputes with the employer.

INSERTION OF RULE 56C: TERMINATION OF DELEGATE

56C.1 The Branch Executive of the relevant State Committee of Management may, by majority, terminate the appointment of an unelected delegate (as in cl 56B) at any time, for any reason and at their sole discretion.

INSERTION OF RULE 35.1.9 IN DISCIPLINARY POWERS

35.1.9 If a delegate breaches any policy of the AMIEU (including subsidiary State branch policies properly passed by the Committee of Management) and the delegate has been made aware of the fact that the policy applies to them, then they may be disciplined in accordance with these rules, including the entirety of clause 35.

Notation: The AMIEU notes that sexual harassment is contrary to law and the AMIEU takes sexual harassment very seriously.