

## SNES review of the new draft of By-laws for the ETUCE – EI Regional Structure

### A. Some positive changes:

Comparing with the draft that was submitted to the Warsaw Conf/GA, we see that some positive changes are made that meet partially some of our demands:

#### 1) Autonomy

- a) There is no preamble. Sentences that were in that preamble or new wordings constitute new articles of the By-laws. The autonomy of the ETUCE is stated in article 3 “Autonomy” to recognize the specificity of Europe which concludes: “ the exercise of such autonomy shall be conducted in a manner consistent with the EI Constitution and By-laws”.
- b) Article 2 “membership” says: “It is recognised that the existence within the European Region of the European Union creates special circumstances affecting the operations of the European Regional Structure.”
- c) Article 4 reaffirms that “the member organisations of ETUCE in the countries of the European Union and EFTA shall have autonomy in relation to dealing matters pertaining wholly to the European Union and its agencies.”
- d) Article 7.4: “the ruling of the chair” to determine the questions which “pertain solely to the EU may be challenged (...) in accordance with the provisions of the standing orders”; this is repeated in article 8.5 b.

#### 2) Secretariat

- a) Instead of saying in one article that the ETUCE General Director shall manage the ETUCE Secretariat “under the supervision of the EIGS” there are now 2 items; (the General Director shall)
  - 13.1 (l) manage the ETUCE Secretariat
  - (m) cooperate with the EIGS to make the best use of the human and financial resources available to the region.
- b) Article 6.3 states that the EI Regional Coordinator for Europe “shall be known as the Regional Director of ETUCE and that “professional and technical staff... are appointed specifically to assist” him.  
This article would be improved by a sentence précising that these professional staff are appointed by the Regional Director/General Secretary. We still believe the denomination “General secretary” is much more accurate and meaningful than the one of “Regional Director” which doesn’t exist in EI Constitution and by-laws and in any Constitution and by-laws of the other important European Federations of ETUC.

### B. New dispositions are created to count votes:

- a) Article 7.5 “simple majority of those present and **voting for and against** the proposition procedure”
- b) Article 7.5 c) “in a roll call vote at least 50 % of the total voting entitlements (...) must be used for the outcome to be valid.”
- c) Article 7.7 c) ..”to amend these By-laws by a 2 /3 majority vote of the votes cast **in favour or against** the proposed amendments.”

Among these dispositions, we think that there is no problem to keep item b), but we disagree with the fact that abstentions are meaningless and have no place in our voting

procedures. Nothing of the sort exists in EI Constitution and in any of the numerous union Constitutions we have consulted. The idea of discarding abstention should be abandoned.

### **C. Another disposition we definitely consider negative:**

**It is the emergence of a sort of “ruling” or “steering” group of organisations in certain matters.**

#### **1. decisions of the Committee 8.5 item c)**

“Ten or more members of the Committee may request a recorded vote to decide on any issue.” ( + the vote of the 50 % ) . It means that **no secret ballot is possible** if these 10 organisations decide that the vote of each member of the Committee will be recorded and published in a record of a meeting.

#### **2. Frequency of Conference 7.6**

The Warsaw draft had already changed the condition to convene an extraordinary Conference. In the present statutes/By-laws **2** conditions must be completed: **on the one hand** a 2/3 majority vote in the Committee **and on the other hand** the support of at least 10 organisations representing at least 25 % of the mandates.

The Warsaw draft stipulated that there were **2** ways to convene an extraordinary Conference. **Either** a 2 /3 majority vote in the Committee **or** a “formal and properly substantiated request of at least ten member organisations representing at least one quarter of the paid membership”. These new dispositions are kept in article 7.6 of the present “Revised By-laws”

These 2 articles put together give extra power to a group of members. This seems difficult to accept in a big organisation like ETUCE, which is composed of big organisations from rich countries, rich enough to pay dues consistent with their membership, and small organisations, or poor organisations in poor countries, unable to pay dues consistent with their membership. Although the amount of votes granted is perfectly right from a mathematical point of view, and from the strict implementation of the current Statutes, it nevertheless creates ongoing feelings of unfairness and uneasiness. We do think we should now take the opportunity of an open discussion on different means of building a majority. The EU treaties have tried to do so in a way where small countries’ voices can be heard. Can’t we try to get some inspiration from them? Or from other statutes?

### **D. No real change in the nomination of the General Director**

The procedure is more explicit in article 13.2 “Appointment of Regional Director” but the principle is the same.

- The Committee selects a candidate and recommends him / her to the EIGS for appointment.
- The appointment is made “in accordance with the provisions of the EI Constitution.”

Why this permanent reference to the EI Constitution whereas we perfectly know that neither the EI constitution nor the EI By-laws say anything about the appointment of Regional Coordinators or Regional directors?

We will never cease repeating what the EI Constitution says. The EI GS is elected by Congress (art 9 b ii), the Deputy-General Secretaries are appointed by the Executive Board

(art 12 b), and all other EI staff are appointed by the G S (article 12 d). They can be dismissed by him and they have a right to appeal to the Executive Board. So, indirectly, it means that any staff, General Director, Chief coordinator or whatever, can only be employees appointed by the EI GS.

**Conclusion:** We remain in the situation where the General Director is ultimately accountable to his employer, the EIGS, and not to the ETUCE Committee. The Committee has no right to dismiss the General Director as the ETUCE Executive Board has now the right to dismiss the General Secretary of ETUCE. The risk is that at the end of the process of nomination, the autonomy of ETUCE will not exist.

So this is for us the main point which should be changed in these “Revised By-laws”. We think we should sit round a table and find a new formulation of this article in which both the general leadership of EI and the accountability to the Committee of the ETUCE General Director/General Secretary would be secured.

**We do hope that amendments to the draft Revised By-laws will be submitted to debate.**

In this matter, SNES has no particular or personal interest. What we are looking for is a strong efficient union body, acting in Europe along the principles of EI, with enough autonomy to meet the all the issues in this very particular region, at the service of its member organisations and education.