

FAQs #2

*some frequently
asked questions*

This is the second in a series of FAQ's responding to questions asked about the independent Report into the GRA, the need for change and the new Rule Book to underpin the changes required.

NEC

How do some NEC responsibilities described in the new Rules get addressed if required in advance of the first NEC being in place?

Where necessary – such as in the case of agreeing role profiles to inform the first set of elections under the new Rules – the CEC in its extended year preparing for the new structures will take those decisions.

Q. Could you clarify the eligibility for National President again, as Rule 41(b) (6 years as a member) seems contradictory to Rule 40 (6 years membership & 3 years NEC)?

A. Rule 40 addresses requirements for various elected roles to be a member of the Association for a minimum specified period and to have representative experience. In relation to the National President, this Rule is read together with Rule 41 (b). [For the purposes of the Rules, membership of a CEC is to be taken as the same as membership of an NEC for eligibility reckoning].

Q. Schedule D indicates that there are 15 members of the NEC – the 12 members drawn from the Regions plus the three National Officers – but Rule 43 (c) states that these Officers will be the NEC member for their Region – which is correct?

A. Schedule D is correct. Rule 43 (c) – the second sentence of 43 (c) contains an error. The corrected text is set out on the Errata page, which is appended to this FAQs#2 sheet.

Q. If someone is elected to the NEC but in the same election period runs for a national office and is elected, are they replaced as the Regional person to the NEC?

A. Yes – if a member of the NEC is elected to a national office (President, Vice President and Treasurer) they are replaced as NEC member for the particular Region for the duration of their tenure as a national office holder. Replacement for the duration of the holding of a national office will be filled by Bye Election in the Region concerned in like manner to the filling of vacancies as set out in Rule 43(f). The successful Bye Election candidate when elected to fill such a vacancy shall hold office for the two years in the case of the National President and Vice

President, and four years in the case of National Treasurer. If a sitting NEC member becomes National President or vice President for the two years in the second half of a NEC term, the same applies.

Q. If someone becomes a National Officer, and is replaced in their Region as the representative to the NEC, then at the end of the term of office of that NEC they could have to compete with their replacement for the Region's NEC seat – is that right?

A. Yes, if eligible – but of course there could also be more than two candidates (in any election), or either or both could decide not to seek election. Bear in mind also that – at current membership levels – there are three Regions with more than one NEC seat.

Q. Should voting power at the NEC not be exactly proportionate to the members in each Region?

A. In any representative democracy, representation is based on some form of constituency, and constituency sizes are defined in bands or in units and we have followed this principle.

The current arrangements at CEC level generally follows this principle of unit representative democracy, through one vote where the Division size is 350 members or fewer, and two votes where there are more than 350 members. In real terms, based on membership data available to us, each vote currently reflects a membership strength ranging from about 130 members to about 340 members. There is no system of absolute identical unit representative democracy.

Q. But the structure of the NEC means that three Regions with 8 votes (the two Dublin Regions and the Southern Region) could dominate by voting together – is that fair/right?

A. It would not be right if NEC members were voting together in order to dominate, or to frustrate the NEC as a body acting on behalf of the whole Association. Such behaviour is contrary to the Rules. The example in the question is simple mathematically, but it would be equally wrong if, any combination of NEC members and/or National Officers acted similarly, for reasons of voting dominance. *(N.B. If the Divisions in the three Regions mentioned in the question above voted together at the CEC today, with 22 votes they have a majority.)*

There is an emphasis in the proposed new Rules on the NEC as a national body operating in the best interests of the Association as a whole, and the National President has a specified role in seeking, as far as possible, to achieve a consensus at national level, on national issues. Critical to the functioning of the NEC is the effective engagement of members in the democratic decision-making structures of Delegate Conferences which lead to clear policy, and where required, member-wide mandates through national ballots.

Good practice requires that the National President (or the Chairperson of any Committee) intervene where there is evidence of behaviour which manipulates or frustrates good governance. In the case of the Association in the future, the proposed NRB could also be called on if necessary, were such behaviours to emerge.

REC

Q. Why not a Region for the specialist units?

A. We have been advised that An Garda Síochána operates a seven Region system. Representative organisations and trade unions generally mirror the host organisation in which they function. As we have said, structural change in the AGS, particularly as reforms kick in, may require further review by the Association to support effective problem solving in whatever new structures may be implemented in An Garda Síochána. For the moment, and until the consequences of the current proposals to divide the functions of the Department of Justice are clearer, we advise that it is better to see what emerges before initiating a response.

Q. Should we call Regional Presidents something else, to avoid confusion with the National President?

A. We have recommended this title to indicate the importance of the Regional structure not simply in terms of a Committee but as a functioning, problem-solving and important local negotiating body. The draft role profile for the RP makes clear what is involved and good procedures and practice – as well as training – will ensure that there is no confusion. Our experience in other organisations indicates that this is not a problem.

Q. Can we afford 7 Regional Secretaries?

A. Yes, we believe that you can, but it involves a different way of thinking about where you invest member subscriptions, and of redirecting, planning and managing finance which is currently expended at a very high level on volunteer expenses. This is entirely linked to the priority to professionalise that was identified for us by the participants in the Review, and to the development of systems of effective service delivery, outcomes and accountability. This will have to be done within budget, and based on the overall running costs of the Association that we have reviewed and is achievable.

Q. Will a Regional Secretary be available 24/7?

A. The Regional Secretary will propose to the REC how members representative needs are to be met, as we have said before. They will propose how a 24/7 service will be available and easily accessed by members. It will be a requirement of their job that they are available out of 'normal' hours, as the Senior officer in the Region, where that is required/appropriate.

DIVISIONS

Q. Who decides how many representatives there will be from a District to a Divisional Committee?

A. The new Rules propose that representation would be on a pro rata basis approved by the REC, with at least one member from each District. See Rule 47 (b).

Q. Should voluntary reps not be compensated for being available 24/7 to members?

A. Two issues here immediately – firstly, the Association should be structured so that every member has access to support and representation when they need it; and secondly, not every voluntary rep should be expected to be available 24/7.

Generally, volunteers in representative organisations are not compensated, but the costs they incur are covered through authorised and approved expenses. Additionally, the time and commitment asked of volunteers should not be exploited to the degree that they might feel that they should be compensated.

HQ

Q. If we have more staff, does that mean we'll need a HR person?

A. No, it would be very unusual in our experience for such a small organisation to require HR expertise on the staff. This is a part of the role of the General Secretary to determine how best to manage the staff of the Association.

SUBSCRIPTIONS

A. If we agree to the sub increase to cover the investment in communications systems, will our subs be more expensive than subs in other similar representative bodies/trade unions?

A. No – the subscription charged/to be charged by the GRA is not out of line.

Questions and ERRATA

In addition to the questions which we have received, a number of errors and typos have been identified during the discussions and debate about the Report and the 'new' Constitution and Rules. The following 'Errata' page lists the corrections which will be inserted into the final documentation if adopted by the Special Conference, later this month.

Errata

Proposed Constitution and Rules

Page 26, Rule 43(c), second sentence **should read**

For the purposes of this rule, the President, Vice President and Treasurer shall, when elected to these offices, be replaced as NEC member for their respective Regions for the duration of their holding office as President, Vice President or Treasurer, in like manner to the filling of vacancies as set out in Rule 43(f), hereunder.

Rule 43(c) in its entirety should now read:

“Composition - *The NEC shall comprise Officers, i.e. the President, Vice President, Treasurer, and members elected to represent the Association at national level. For the purposes of this rule, the President, Vice President and Treasurer shall, when elected to these offices, be replaced as NEC member for their respective Regions for the duration of their holding office as President, Vice President or Treasurer, in like manner to the filling of vacancies as set out in Rule 43(f), hereunder.*”

Page 26, Rule 43(d), second line, **should read**

“Election of NEC - The NEC shall be elected by the members of the Association deployed in each Region, in accordance with Rule 43 (d) (v), hereunder.”

Page 28, Rule 45(c), end of second line, **should read**

“The REC shall be elected by the members of the Divisional Committees. Following adoption of these Rules, the first REC elections shall take place in **Q1 2019**”.

Page 36, Schedule A(i), Procedures for Disciplinary Actions initiated under Rule 27 by a Regional Executive Committee, Section 4(b), **should read**

“The notice under paragraph 4(a) shall be sent to the member at his/her Proper Address by registered post or recorded delivery”.

Page 38, Schedule A(ii), Procedures for Disciplinary Actions initiated under Rule 27 by a National Executive Committee, Section 4(b), **should read**

“The notice under paragraph 4(a) shall be sent to the member at his/her Proper Address by registered post or recorded delivery”.