



Matt Wrack General Secretary
Bradley House, 68 Coombe Road,
Kingston-upon-Thames, Surrey KT2 7AE
fbu.org.uk | @fbunational
020 8541 1765 | office@fbu.org.uk

Circular: **2019HOC0135AD**

TO: **ALL MEMBERS**

Dear Brother / Sister

CLARIFICATION: CANVASSING IN FBU ELECTIONS

In 2015 FBU Conference agreed a policy entitled *Canvassing and Conduct during Elections* which was reported to members on 19 May 2015 via head office circular 2015HOC0320MW which reads:

FBU CONFERENCE: CANVASSING AND CONDUCT DURING ELECTIONS – NEW ARRANGEMENTS

The Executive Council was mindful that at the time of its production, it was envisaged that it was likely that the policy would need to evolve in the light of experience. This was identified and made clear in the all members' circular which stated that the "*Executive Council will keep the position under review.*"

The content of 2015HOC0320MW is provided as an appendix to this circular. **That policy remains extant and is supplemented by the clarifications provided in this circular.**

At the Executive Council's Business meeting held on 5 – 7 February 2019 consideration was given to providing a definition of the reference to "*during an election*".

The Executive Council also considered providing clarification on what was meant by "*use of union resources*".

Defining when an election starts and consequently "*during an election*"

The central questions considered were:

- A. Whether the policy on canvassing is sufficiently clear and defined.
- B. If it is not clear and defined, does it need to be amended.
- C. And if so, how should it be amended.

On the basis of practicality and fairness the Executive Council concluded that:

The Executive Council agree that an FBU election starts at the moment the circular giving formal notice of the intention to run an election has been provided for the attention of anyone who could be a prospective candidate in the election.

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2.

Defining when an election starts and consequently “during an election”/Cont....

For the avoidance of doubt, this includes when the notice is sent out electronically. In the age of email and given the practice of emailing Head Office circulars to relevant officials this means that the start of an election takes place once the notice of intention is emailed to officials on the email system.

Clarification: The principles, requirements, limitations and definitions in respect of “use of union resources”

In considering this matter, the Executive Council recognised that the spirit and intent of the policy, as agreed by Conference, was not to amend alter or replace the pre-existing, long-standing practice and policy of the union which did not allow the printing facilities, paper, envelopes and postage facilities of the union to be abused for the purposes of announcing, or procuring support for, a candidate in any election by any person at any time.

The Executive Council felt it necessary to provide guidance and clarity to all officials and members, including candidates, of what reasonable and foreseeable activities can and cannot be carried out in relation to elections.

The Executive Council was mindful that our procedures must be measured and fair, but should not unnecessarily inhibit or restrict the running of the union. A key issue is finding the balance between ensuring that members can ensure that their candidature is known and ensuring that one candidate is not unduly favoured over any other.

The union endeavours to ensure that elections are free and fair. The union’s position on this is that elections must be conducted as part of the healthy and transparent democratic process to ensure that members are able to evaluate, consider and choose from the available candidates to ensure that the best candidate in the view of the majority is elected. The intention of the procedures is to assist that process, not to inhibit it.

The underlying principle of limiting the “use of union resources” is to ensure that a candidate who, as a result of the office he/she holds, doesn’t have a huge advantage arising from their access to the use of resources over any other candidate who has less or no such access. The clearest examples of this would be access to the union’s photocopiers, stationery and postage for the production and distribution of electioneering flyers, briefings and brochures. This would create an imbalance in the ability for fair and balanced consideration of the candidates by branches and members

It is practically impossible, and not in the interests of the union to define “use of resources” in absolute terms. Taken to the extreme this would mean that an incumbent official would be prevented from issuing ordinary, standard circulars, meeting members to discuss ordinary union business, as example, because it could be argued that such actions might promote the awareness of the individual and/or create a positive impression of the person.

In order for officials to inform those within the electoral territory of those eligible members who they have been made aware of, who are seeking nominations in an election, it is important that a fair, transparent and practical method of doing so is established.

The use of FBU resources is necessary for those responsible for administering FBU elections.

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3.

The Executive Council identified that for the purposes of the union's canvassing policy, an FBU resource can be described as a resource provided by or in the name of the FBU. These include, funds, office and office equipment, IT equipment, mobile phone and can also include a 'non-physical' resource such as email account/system website, social media account, membership data obtained via the FBU or made accessible via an FBU resource and also reference to position held within the union, for example using their named position within the FBU to promote a candidate.

All prospective candidates in elections should observe the canvassing policy and clarifications provided in this circular.

Best wishes.

Yours fraternally

A handwritten signature in black ink, appearing to read 'Andy Dark', with a stylized, cursive script.

ANDY DARK
Assistant General Secretary

Attach.

AD/jh

APPENDIX

CONTENT OF CIRCULAR 2015HOC0320MW 19 MAY 2015 –

FBU CONFERENCE: CANVASSING AND CONDUCT DURING ELECTIONS – NEW ARRANGEMENTS

FBU Conference in Blackpool last week discussed a policy statement proposed by the Executive Council on Canvassing and Conduct during Elections. After amendment, this statement was agreed by Conference. The immediate effect of this is that the union's current rule on canvassing during elections (previously Rule 19A now Rule E4) is suspended. The impact of this will then be reviewed by the Executive Council with a view to presenting Rule changes to the next Conference.

A new code of conduct was agreed as part of this process. This is set out below. Members are reminded that a failure to comply with the policies of the union may constitute a breach of Rules.

Code of conduct on canvassing and conduct during FBU elections

- *Members may canvas verbally or in writing in all elections of the FBU.*
- *Committees of the union may make recommendations in relation to elections and these may be communicated to members.*
- *No individual member or official or committee of the union should make use of FBU funds or resources in order to canvas in any election.*
- *However, this should not prevent communication of decisions of committees using normal methods to members.*
- *Where canvassing activity contradicts the rules or policies of the union or highlights a potential breach of rule or policy, the Executive Council will take such steps as are necessary to address the issue.*

Election addresses

- *Elections are an essential part of the democracy of the union. It is important to allow elections to run without interference.*
- *Candidates in elections are reminded that all members have an obligation to comply with the policies and rules of the union.*
- *Where an election address contradicts the rules or policies of the union or highlights a potential breach of rule or policy, the Executive Council will take such steps as are necessary to address the issue.*
- *Members engaged in election activity or canvassing are reminded of their obligations under the union's rules to treat other members with dignity and respect and are required to act accordingly.*
- *In extreme circumstances the Executive Council may take action under its powers under rule to intervene and, if necessary, suspend election processes.*
- *Nothing in this code prohibits candidates in elections from campaigning for changes to union rules or policies.*

Any queries regarding this code of conduct should be raised in the first instance with local officials. The Executive Council will keep the position under review.