

EQUITY

DUTIES AND RESPONSIBILITIES OF EQUITY COUNCILLORS

The duties and responsibilities of an Equity Council member are governed in three ways:

- the Equity Rulebook;
- policies agreed by the Equity Council;
- legislation governing the operation of trades unions.

The Equity Rulebook

The Equity Rulebook is the contract between members and their union.

Rule J governs the constitution, election and powers of the Equity Council.

The Rulebook in its entirety sets out both what the union can do and what it cannot do. For example, Rules B and C list the aims and powers of the union. These Rules empower the Equity Council to act on behalf of the members and also put limits on policies and actions the Council can take.

The Equity Council must at all times act in accordance with the Equity Rulebook. If any member considers that the Equity Council has acted in breach of the Equity Rulebook there are procedures within the Rulebook to challenge the Council. Members may also make a complaint to the Trade Union Certification Officer – see below.

Policies agreed by the Equity Council

The Equity Council has made a number of policy decisions about how it will operate.

Many of these are set out in the Council Standing Orders. This document deals with the rules of debate, confidentiality, Councillor's reports to committees and branches, conflicts of interest, frequency and duration of meetings and more. See here for the full document: [Standing orders | Equity](#)

All members of Council must also abide by agreed standards of behaviour in Council meetings and in their roles more broadly. Some of these are set out in Rule D14. They must also act in line with the union's Safe Spaces policy:

“Every single one of us attending this [meeting/event] is entitled to work in a safe space: a space free of fear, a space free of bullying and harassment of any kind. We will work together honouring our differences and celebrating the gifts we each bring to the table.

“We will treat one another with politeness and respect at all times and, if we are subjected to or witness bullying and harassment, we will speak out knowing that our voices will be heard and we will be taken seriously. Together we can create a safe space.”

Some Councillors in specialist seats have committees which correspond to their seat (e.g. the Councillor for Dancers and the Dance Committee). These Councillors will be invited to attend the relevant committee meetings as observers, and are encouraged to act as a point of contact between the committee and Council. The relevant Council seats are the three national seats, the five equalities seats, and the 10 industrial seats. (Note: these Councillors may not also be a member of the corresponding committee. If elected to the corresponding Council seat, they will be considered to have resigned from the committee).

For the two industrial committees with no corresponding Council seat (Screen and New Media Actors; Stage Actors), the Council will appoint an observer to attend meetings as a link between the committee and Council.

National/regional Councillors are encouraged to take on a similar role with respect to branches. Equity nations/regions have between two and six branches, and so the ability to be actively engaged in all of them will vary from area to area. It is certainly not expected that these Councillors will attend every branch meeting in their nation/region. Engaging with branches is by no means a requirement, but when it works well, it is a constructive way of keeping all nations/regions engaged in the union’s work. These Councillors will also be invited to chair their annual national/regional meeting, if available.

General list, industrial and equalities Councillors are encouraged to engage with their local branches as well, and may choose to support the work of the union by acting as a link between the branch and Council where appropriate. It is worth noting that there is no regional Councillor for London, though generally there are a number of Councillors living in London who are actively engaged with the London branches.

Councillors are also encouraged to engage with other committees, working parties, negotiating teams, networks and other roles across and related to the union, in support of the Council’s priorities and the union’s work in general.

Legislation

Many laws impact on the operation of trades unions in the United Kingdom but there are three pieces of legislation which have specific relevance:

- The Trade Union and Labour Relations (Consolidation) Act 1992
- The Equality Act 2010
- The UK GDPR as tailored by the Data Protection Act 2018

The principal piece of legislation governing the operation of trades unions is the **Trade Union and Labour Relations (Consolidation) Act 1992**. This law covers, among others things:

- the legal status of trades unions;
- administrative duties such as keeping a register of members;
- election procedures for certain positions which includes principal executive bodies such as the Equity Council;
- legal rights of trade union members;
- use of union funds for political objects;
- the legal status of collective agreements;
- industrial action.

All elections for the Equity Council and for the Equity President must be conducted in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992. Chapter IV of the Act governs candidates, election addresses, appointment of an independent scrutineer, entitlement to vote, voting, scrutineer's report and uncontested elections.

Section 137 of the Trade Union and Labour Relations (Consolidation) Act 1992 prohibits the closed shop by making it unlawful to refuse a person employment because they are or are not a member of a trade union. Subsequent to this legislation the Human Rights Act 1998 enshrined a right to freedom of association which includes the right to form and to join trade unions and the right to refuse to join a trade union.

Trades unions also have specific duties under the UK GDPR as tailored by the **Data Protection Act 2018**. The duty under the Trade Union and Labour Relations (Consolidation) Act 1992 (see above) to keep a register of members makes trades unions data controllers under UK GDPR and the Data Protection Act 2018.

Article 5(1) of the UK GDPR requires that personal data shall be:

- (a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

The Act identifies eight categories of information that are known as Special Category data (previously known as sensitive personal data). One of these is whether or not an individual is a member of a trade union as defined in the Trade Union and Labour Relations (Consolidation) Act 1992. The Data Protection Act 2018 makes the presumption that because special category data could be used in a discriminatory way, and is likely to be of a private nature, it needs to be treated with greater care than other personal data.

In particular, if a data controller is processing special category data they must satisfy one or more of the conditions for processing which apply. Article 9 lists the conditions under which special category data can be processed:

- (a) With explicit consent of the data subject;
- (b) Employment, social security and social protection (if authorised by law);
- (c) Vital interests (of the data subject);
- (d) By Not-for-profit bodies in the course of their legitimate activities (including Trade Unions);
- (e) Made public by the data subject;

- (f) Legal claims or judicial acts;
- (g) Reasons of substantial public interest (with a basis in law);
- (h) Health or social care (with a basis in law);
- (i) Public health (with a basis in law);
- (j) Archiving, research and statistics (with a basis in law).

Councillors are expected at all times to adhere to the Data Protection principles and comply with the legal obligations regarding data protection, so as to avoid any liability for the Equity Council and/or Equity and/or an individual Councillor.

The **Equality Act 2010** brought together a number of previous pieces of equality legislation and broadened the number of protected characteristics covered by law to include:

- age,
- disability,
- gender reassignment,
- marriage and civil partnership,
- pregnancy and maternity,
- race,
- religion and belief,
- sex,
- sexual orientation.

Individuals within these categories have legal protection under the Equality Act 2010 on equal pay, employment services and public functions and associations.

The Equality and Human Rights Commission, which has a statutory remit to protect, enforce and promote equality across the nine protected characteristics, has published codes of practice under the Equality Act 2010:

<http://www.equalityhumanrights.com/advice-and-guidance/informationfor-advisers/equality-act-codes-of-practice/>

Trades unions have both powers and duties under the Equality Act 2010. Trade unions can use the law to tackle discrimination and fight for equality in the workplace. Trades unions must also operate both as employers and as membership organisations in a way which does not breach the Equality Act 2010.

The Trades Union Congress has published a guide to equality law for trades unions:
<http://www.tuc.org.uk/sites/default/files/tucfiles/guideequalitylaw2011.pdf>

Councillors are expected at all time to comply with the legal obligations arising from the Equality Act 2010, so as to avoid any liability for the Equity Council and/or Equity and/or an individual Councillor.

A **Trades Union Certification Officer** was established in the United Kingdom by Act of Parliament in 1975. They head the Certification Office for Trade Unions and Employers' Associations and have six duties in respect of trades unions:

1. maintaining a list of trade unions and employers' associations,
2. receiving, ensuring compliance with statutory requirements and keeping available for public inspection annual returns from trade unions and employers' associations,
3. determining complaints concerning trade union elections, certain other ballots and certain breaches of trade union rules,
4. ensuring observance of statutory requirements governing mergers between trade unions and between employers' associations,
5. overseeing the political funds and the finances of trade unions and employers' associations,
6. certifying the independence of trade unions.

Trade union members who believe their union is operating in breach of either their rules or legislation can make a complaint to the Trade Union Certification Officer. Union members are normally expected to have used internal union procedures for making complaints before approaching the Trade Union Certification Officer.