

EMPLOYMENT LAW BAR ASSOCIATION

CONSTITUTION

(Incorporating all amendments made up to and including the 8 July 2024 AGM)

1. The name of the Association shall be the Employment Law Bar Association.

2. The categories of membership of the Association shall be as follows:
 - 2.1. Full membership of the Association shall be open to any Member of the Bars of the United Kingdom interested in employment law (and references to **'Full Members'** shall be construed accordingly).

 - 2.2. Associate membership shall be open to any student member of an Inn of Court or the Faculty of Advocates (and references to **'Associate Members'** shall be construed accordingly).

 - 2.3. Honorary membership shall be open to any other persons on whom the Committee may from time to time confer the right to such membership (and references to **'Honorary Members'** shall be construed accordingly).

Unless otherwise specified, references to **'Members of the Association'** or **'Members'** include Full Members, Associate Members and Honorary Members. Associate and Honorary Members may not take part in votes held at General Meetings (though they may attend such meetings and participate in discussions) or ballots of the Association nor be Elected Committee Members.

3. The objects of the Association shall be:
 - 3.1. To provide a forum for discussion of common interests among its Members.
 - 3.2. To ascertain and represent the views of its Members on matters relating to and affecting their professional interests.
 - 3.3. To support by appropriate means the employment law work of the Free Representation Unit.
 - 3.4. To protect and promote the efficiency and standing of Courts and Tribunals hearing cases involving employment law.
 - 3.5. To further the study, understanding and development of employment law.
 - 3.6. To engage with and mobilise the membership of the Association in furtherance of these objects.
 - 3.7. To do any act or acts in furtherance of the foregoing objects or ancillary thereto.
4. The administration of the Association shall be conducted by a Committee, all of whom shall be Members of the Association. The Committee shall have power to do any act or acts in furtherance of the foregoing objects or ancillary thereto.
5. The membership of the Committee shall be as follows:
 - 5.1. Subject to sub-paragraphs 6.1, 6.2 and 6.8 below, 12 Full Members, who shall each be elected for a term of 2 years (**‘Elected Committee Members’**). For these purposes a term of 2 years means the period commencing upon

notification of the results of the relevant election and expiring upon notification of the results of the election in the second following year; and

5.2. Such other Members as may be co-opted by the Committee for such term(s) not exceeding 2 years as the Committee may determine (**‘Co-opted Committee Members’**). For the avoidance of doubt, Co-opted Committee Members may be co-opted for an unlimited number of terms.

6. Elections of Elected Committee Members shall take place prior to the Annual General Meeting each year and shall be subject to the following rules:

6.1. Six (6) Elected Committee Members shall be elected each year.

6.2. In the event that an Elected Committee Member resigns from, or otherwise ceases to be a member of, the Committee before the expiry of his/her term, the next election to that vacancy shall nevertheless take place in accordance with this paragraph in the year when that Elected Committee Member’s term would have expired. The Committee may decide whether or not to co-opt another Full Member to replace such an Elected Committee Member for the remainder of his/her term and any Full Member co-opted in those circumstances shall be treated as an Elected Committee Member for all purposes for the remainder of that term.

6.3. The Returning Officer shall be the Secretary unless the Secretary is or may be a candidate in the election, in which case the Committee shall appoint an Elected Committee Member who will not be a candidate as Returning Officer.

6.4. The Returning Officer shall determine the dates on which nominations for election shall open and close, which shall be such as to allow reasonable opportunity for nominations to be made. On the date when the Returning Officer has determined that nominations shall open, the Returning Officer shall take reasonable steps (or cause reasonable steps to be taken) to give notice to Full Members of the election and the nomination process, including:

6.4.1. any postal and/or email address and/or other form or method of transmission by which the Returning Officer determines nominations may be sent, and

6.4.2. the date and time by which nominations must be received by the Returning Officer, which shall be such as to allow reasonable time for the election to be completed by the Annual General Meeting.

Without prejudice to the generality of the foregoing, sending such notice by email to Full Members using the Association's best available data and posting such notice on the Association's website shall constitute reasonable steps.

6.5. Nominations for election are to be sent to the Returning Officer using a method specified in the notice given under sub-paragraph 6.4 and must be received by the date specified in that notice.

6.6. Nominations for election shall be in writing and shall:

6.6.1. be signed (which may be done electronically) by the candidate indicating his/her willingness to serve on the Committee if elected;

6.6.2. be signed (which may be done electronically) by a proposer and a seconder.

For the purposes of this sub-paragraph, the Returning Officer may, in the notice given under sub-paragraph 6.4, specify any suitable method other than or in addition to signing, by which the candidate, proposer and seconder may signify their assent to the nomination.

6.7. The candidate must be a Full Member, and the proposer and seconder must be Members of the Association. For the avoidance of doubt, Elected Committee Members may stand for re-election.

6.8. If the number of nominations does not exceed the number of vacancies the nominated candidates shall be deemed to be elected. If the number of candidates so deemed to be elected is fewer than the number of vacancies, the Committee shall be constituted following the election with a reduced number of Elected Committee Members accordingly. The Committee may then decide whether or not to co-opt any additional Full Member(s) to some or all of the unfilled vacancies. Any Full Member co-opted in those circumstances shall thereafter be treated as an Elected Committee Member for all purposes, with a term expiring upon the conclusion of the election in the second year following his/her co-option. Any vacancy not filled by either election or co-option in this way shall be open for election two years later as if it had been filled by election or co-option.

6.9. If the number of nominations exceeds the number of vacancies an election shall be held by ballot.

6.10. The Returning Officer shall determine the form of the ballot and means by which it shall be conducted and shall take reasonable steps (or cause reasonable steps to be taken) to make the ballot form available to Full Members, together with details of the method(s) by which the ballot form may be returned (including any relevant postal, email and/or other form of address). Without prejudice to the generality of the foregoing, sending the ballot form and details by email to Full Members using the Association's best available data and posting the ballot form and details on the Association's website shall constitute reasonable steps.

6.11. Every Full Member who wishes to vote must complete and return the ballot form to the Returning Officer by a method specified by the Returning Officer in the notice given pursuant to sub-paragraph 6.10, so that it is received by the Returning Officer no later than the day before the Annual General Meeting.

6.12. The votes shall be counted by two scrutineers who are Members but are not candidates, who may include the Returning Officer and shall be appointed by her/him.

6.13. The result of the election shall be notified to the candidates prior to and on the day of the Annual General Meeting and shall be announced at the Annual General Meeting. For the purposes of paragraph 5.1, the terms of Elected Committee Members shall commence upon notification of the election result to the candidates. There shall be a meeting of the Committee after notification of the election result and prior to the Annual General Meeting, at which

outgoing Committee members may attend (but not participate in any vote). The agenda for that meeting shall include (where relevant) the election of officers under paragraph 7 and the co-option of members under paragraph 5 and (if relevant) under this paragraph.

6.14. Any problem relating to the interpretation and/or application of this paragraph is to be settled by the Returning Officer, whose decision is to be final.

6.15. In addition, if the conditions specified below are satisfied, the Returning Officer may at her/his discretion disregard any error or defect in relation to the compliance by any person with any of the provisions of paragraph 6 and/or any notice given under it (e.g. a defect in the compliance by a nominee, proposer and/or seconder with the requirements for completing nominations specified under sub-paragraphs 6.4 and 6.6). The conditions are that the Returning Officer is satisfied (having conducted such enquiries as she/he sees fit) that:

6.15.1. the error or defect is of a technical nature, and

6.15.2. disregarding it would not in all the circumstances result in undue prejudice or unfairness to any other person.

6.16. In the event that any person who otherwise satisfies the relevant procedural requirements to be a nominee, proposer or seconder (or is treated as having done so by a decision under sub-paragraph 6.15 above) has, at the time of completing those requirements, ceased to be a Member as a result of falling into arrears under paragraph 12 below and if the conditions specified below are

specified below are satisfied, the Returning Officer may at her/his discretion nevertheless treat any such person as being eligible to stand in the election, or to propose or second any candidate, as the case may be. The conditions are that the Returning Officer is satisfied (having conducted such enquiries as she/he sees fit) that:

6.16.1. the person in question fell into arrears as a result of error or oversight,

6.16.2. the person immediately pays all outstanding arrears, and

6.16.3. treating the nomination in question as valid would not in all the circumstances result in undue prejudice or unfairness to any other person.

7. There shall be 4 officers of the Association, namely Chair, Vice-Chair, Treasurer and Secretary. The officers shall be Elected Committee Members. They shall each hold office for a term of 2 years and, upon expiry of the previous term, shall be elected by the Elected Committee Members by vote at the meeting held in accordance with paragraph 6.13. For these purposes a term of 2 years means a term commencing upon election at a Committee meeting held in accordance with paragraph 6.13 and ending at that meeting in the second following year. The officers (or any of them) may be removed by a two-thirds majority of the Full Members present at a General Meeting at the time of the vote or voting by proxy. In the event that an officer is so removed or ceases to be an Elected Committee Member for any other reason before the expiry of her/his term of office, at the next Committee meeting the Elected Committee Members shall elect another Elected Committee Member to that office for the remainder of the relevant term.

8. The Elected Committee Members may determine the business and procedure of the Committee at their discretion. A quorum for a Committee Meeting shall be the Chair or the chair of the meeting and three other Elected Committee Members. The Co-opted Committee Members may attend meetings of the Committee and participate in its discussions, but its decisions shall be taken by the Elected Committee Members.
9. An Annual General Meeting of the Association shall be held between 1 March and 31 July each year. The Committee may (and if requested by at least twelve Full Members of the Association shall) call a General Meeting at any time (other than during Vacation). Notice of fourteen days shall be given of any General Meeting. Such notice may be given by email to Full Members using the Association's best available data and posting the notice on the Association's website, or by such other reasonable means as may be determined by the Committee. Attendance at a General Meeting may be in person, or by electronic or other means, or by a combination thereof, as determined by the Committee and specified in the notice. A quorum for a General Meeting shall be 12 Full Members. Votes may be cast by those present or by signed written proxy at any General Meeting.
10. The rules of the Association may be altered by resolution passed by a two-thirds majority of the Full Members attending any General Meeting at the time of the vote or voting by proxy.
11. A Chair of any meeting shall have a casting vote.
12. Each Full Member of the Association shall as a condition of membership pay an annual subscription at a rate which shall be determined from time to time by the

Committee. The Committee may set different rates for King's Counsel, Junior Counsel of five years' call and for pupils and squatters, and/or such other categories as the Committee may from time to time determine. In 2024 only, the subscription rates specific in a notice sent to Members by email on 8 March 2024 shall apply (notwithstanding that at the time that notice was sent rates were specified in this Constitution and the Committee did not have power to vary them) and the deadline for payment of those rates in full shall be 1 October 2024. In subsequent years, any changes to the subscription rates shall be decided by the Committee and notified to Members and prospective members by such reasonable means as the Committee may determine on or before 1 April and subscriptions shall be paid on or before 1 May in each year. Any Full Member whose subscription is more than three months in arrears shall automatically cease to be a Member, but shall be reinstated forthwith on payment.

13. The Committee shall have power to remove any Member from membership of the Association if it considers it in the interests of the Association to do so.

14. The Association will be dissolved by any of the following:

14.1. the failure to hold a quorate Annual General Meeting in two successive years,

14.2. the vote of two-thirds of those present at the time of the vote at a quorate General Meeting.

15. In the event of dissolution of the Association any funds of the Association remaining after discharge of all liabilities will be donated to the Free Representation Unit.

16. The Association shall have a President, which office shall be filled in the first instance by The Right Honourable The Lord Slynn of Hadley. When he ceases to act as President and on each such occasion thereafter the Committee shall invite another person of suitable stature in the employment law field to become President. The Committee may also appoint one or more Vice-Presidents for such period(s), as it considers appropriate.

17. The Committee shall elect an Elected Committee Member to act as its representative on the Bar Council.