

# Statutes

## Trade Union of Workers in ITC

### **I. INTRODUCTORY PROVISIONS**

1. A trade union for workers in ICT (hereinafter referred to as “Organization”) is a trade union associating, voluntarily and in the common interest, members of different professions working for employers in the IT and telecommunications sectors and workers from other sectors who perform IT work.
2. The Organization, as a basic trade union organisation (hereinafter referred to as “ZOOS”), is a member of the Trade Federation of Workers in Banking and Insurance (hereinafter referred to as “OSPPP”), and as such, it is bound by the relevant OSPPP regulations, especially the OSPPP statutes. When referring to the statutes and other regulations of the OSPPP within the statutes and regulations of the Organization, it means those statutes and other regulations of the OSPPP that are effective on the date of entry into force of the given regulation. The statutes and other regulations of the Organization must not conflict with the mandatory provisions of the OSPPP statutes. The statutes and other regulations of the OSPPP are applied subsidiarily in matters unregulated by the Organization.
3. The residence of the Organization is Prague.
4. The Organization shall have legal personality and shall be entitled to act on its own behalf.

5. Upon fulfilment of the conditions stipulated in § 286 paragraph 3 of Act No. 262/2006 Coll., The Labor Code, as amended (hereinafter referred to as the “Labor Code”), the Organization operates for each employer against whom these conditions are met and has the right to negotiate, bargain collectively and conclude collective agreements with the employer based on fulfilling the notification obligation specified in Section 286, Paragraph 4 of the Labor Code.

## **II. MISSION AND PRINCIPLES OF THE ORGANIZATION**

1. The mission of the Organization is
  - a) to promote and defend the professional, labor, economic and social interests of its members through collective bargaining and further action on employers, state and local government bodies and other relevant entities,
  - b) to strive to achieve and ensure decent working conditions, fair remuneration and adequate social recognition of its members and
  - c) to exercise control over the state of safety and health protection at the employers.
2. The Organization is built and operates based on the principles of
  - a) democracy,
  - b) freedom of association,
  - c) economic and legal independence from employers and political parties,
  - d) reciprocity and solidarity.
3. The Organization strives to increase the number of workers who (self) organise themselves in the Workplace in the ICT sector. Thanks to the growth of the membership base, the Organization will be better able to achieve its own goals, i.e., improving wages and working conditions.

4. The Organization brings together workers who speak different languages and come from different countries, and the Organization creates an environment that considers these linguistic and other differences and does not isolate anyone based on them.

### **III. GENERAL RULES FOR PROCEEDINGS OF BODIES**

1. In the case of any one-person elections, a two-round majority voting system will be used.
2. In the case of any election of two or more people, the system of single transferable vote will be used.
3. If the number of candidates is the same as the number of elected seats, it is possible to vote for individual candidates by acclamation.
4. If the election or voting by acclamation does not fill all elected positions, the body must vote on the next course of action.
5. The proceedings of all bodies are accessible to the members of the Organization; the body has the right to close part or all of the proceedings only for its members. The basic term of office of the body as a whole is three years.
6. The basic term of office of the body as a whole is three years.
7. Only members of the Organization may be members of the Organization's bodies.

### **IV. ORGANIZATIONAL ARRANGEMENT**

1. The bodies of the Organization are
  - a) Members' Meeting, as defined in the Statutes of OSPPP (hereinafter referred to as "Organization Members' Meeting")
  - b) Board of ZOOS, as defined in the Statutes of OSPPP (hereinafter referred to as "Board")
  - c) Chairperson of ZOOS, as defined in the Statutes of OSPPP (hereinafter referred to as "Chairperson")
  - d) Vice-Chairperson,

- e) Audit Committee of ZOOS, as defined in the Statutes of OSPPP (hereinafter referred to as “Audit Committee”),
- f) Workplaces Council,
- g) Workplace Members’ Meeting, and
- h) Workplace Executive Committee.

## **V. ORGANIZATION MEMBERS’ MEETING**

1. The Organization Members’ Meeting is the highest body of the Organization and consists of all members of the Organization, i.e. members of the Workplace Members’ Meetings and members of the Organization who are not also members of the Workplace Members’ Meetings.
2. The Organization Members’ Meeting is convened by the Board as needed, at the request of at least  $\frac{1}{4}$  of the members of the Organization or at the request of the Audit Committee, but at least once a year. Proceedings of the Organization Members’ Meeting must be convened at least 21 days before its holding.
3. The Organization Members’ Meeting can reach a resolution with the participation of at least 5% of the members of the Organization.
4. The Organization Members’ Meeting decides on all matters listed in the Statutes of OSPPP, except for those listed in Article V, paragraph 5 and
  - a) cancels a Workplace.
5. Part of the Organization Members’ Meeting consisting of members of the Organization who are also not members of the Organization at any Workplace
  - a) decides on the number of Board members elected by the Organization Members’ Meeting,
  - b) elects the Chairperson, members of the Board and a member of the Audit Committee,
  - c) dismisses the Chairperson, members of the Board and a member of the Audit Committee.

6. Resolutions on changes to the Statutes require  $\frac{2}{3}$  votes of those present to be valid.
7. Resolutions other than those according to Article V, paragraph 5. require  $\frac{1}{2}$  of those present to be valid.

## **VI. BOARD, CHAIRPERSON AND VICE-CHAIRPERSON**

1. The Board consists of
  - a) Chairperson elected by the Organization Members' Meeting,
  - b) members elected by the Organization Members' Meeting,
  - c) Vice-Chairperson elected by the Workplaces Council,
  - d) members elected by the Workplaces Council.
2. The Board is the statutory body of the Organization. The Chairperson and Vice-Chairperson are each authorised to act, appear and sign on behalf of the Organization in all matters according to the powers entrusted to them by vote approved by the Board.
3. The number of members elected by the Workplaces Council is derived from the number of members elected by the Organization Members' Meeting. if
  - a) the Organization Members' Meeting elects 3 members, the Workplace Council does not elect any members;
  - b) the Organization Members' Meeting elects 4 members, the Workplace Council elects 1 member;
  - c) the Organization Members' Meeting elects 5 members, the Workplace Council elects 2 members;
  - d) the Organization Members' Meeting elects 6 members, the Workplace Council elects 3 members.
4. The Organization Members' Meeting decides the number of members of the Board elected in accordance with Article V, paragraph 4 letter b. The number of members of the Board is always odd. If the number of members of the Board is extraordinarily even and there is a tie during the voting, the Chairperson has two votes.

5. The Organization Members' Meeting may remove a member of the Board. In such a case, the Organization Members' Meeting shall elect a new member of the Board without delay and, at the latest, within 60 days.
6. The Board
  - a) ensures the tasks entrusted to it by the Organization Members' Meeting,
  - b) exercises the rights which, according to the Labor Code and other regulations, belong to trade unions,
  - c) manages the financial resources of the Organization,
  - d) establishes a Workplace,
  - e) regularly informs the Organization Members' Meeting about the economic result of the Organization,
  - f) in accordance with Act No. 2/1991 Coll. on collective bargaining, as amended, collectively negotiates and concludes a collective agreement.

#### **VII. AUDIT COMMITTEE**

1. The Audit Committee consists of
  - a) two members elected by the Workplaces Council,
  - b) one member voted by the Organization Members' Meeting.
2. The Audit Committee is an independent body that controls the management of funds and other assets of the Organization.
3. The Audit Committee meets at least once a year.
4. A member of the Audit Committee cannot be a member of the Board.

#### **VIII. WORKPLACES COUNCIL**

1. The Workplace Council consists of delegates from each Workplace. Each Workplace has the right to be represented in the Workplaces Council by one member.
2. The Workplaces Council meets at least once a quarter.
3. The Workplaces Council

- a) elects members of the Board and Audit Committee,
- b) dismisses members of the Board and Audit Committee,
- c) submits proposals to the Board,
- d) discusses collective bargaining strategies and membership recruitment methods at individual Workplaces.

## **IX. WORKPLACE MEMBERS' MEETING**

1. The highest body of the Organization at a particular Workplace is the Workplace Members' Meeting. The Workplace is defined by the resolution of the Board.
2. A member of the Workplace Members' Meeting shall be a member of the Organization performing dependent work at a particular Workplace or a worker performing work exclusively for the particular employer abroad if their work would be considered dependent if performed at the territory of the Czech Republic.
3. The Workplace Members' Meeting is able to reach a resolution with the participation of at least 5% of the members of the Organization at the particular Workplace.
4. The Workplace Members' Meeting is convened by the Workplace Executive Committee as needed or at the request of at least  $\frac{1}{4}$  of the members of the Organization, but at least once a year.
5. The Workplace Members' Meeting shall decide on all matters relating to the activities of the Organization at a particular Workplace, in particular,
  - a) decide on the term of office and the number of members of the Workplace Executive Committee,
  - b) receive and review the reports of the Workplace Executive Committee and monitor its activities,
  - c) discuss the draft collective agreement negotiated by the Workplace Executive Committee with the employer,
  - d) decides on ways of cooperating with other trade union organisations operating within the same employer,

- e) elects the members of the Workplace Executive Committee, and
- f) elects the delegate to the Workplaces Council.

#### **X. WORKPLACE EXECUTIVE COMMITTEE**

1. Only a member of the particular Organization Members' Meeting may be a member of the Workplace Executive Committee.
2. Proceedings of the Workplace Executive Committee are open to the members of the Workplace Members' Meeting, and members have the right to propose points for discussion. The Workplace Executive Committee has the right to close part or all of the proceedings for its members only.
3. All members of the Workplace Executive Committee are members of the employer's trade union body within the meaning of Section 61(2) of the Labor Code.
4. The term of office of the members of the Workplace Executive Committee shall be between two and four years. The minimum number of members of the Workplace Executive Committee is three, and the maximum number of members is 9. The number of members of the Workplace Executive Committee shall always be odd.
5. The Workplace Members' Meeting may remove a member of the Workplace Executive Committee. In such a case, the Workplace Members' Meeting shall, without delay and at the latest within 60 days, elect a new member of the Workplace Executive Committee.
6. The Workplace Executive Committee
  - a) carries out the tasks entrusted to it by the Workplace Members' Meeting,
  - b) exercises the powers conferred on trade union organizations by the Labor Code and other legislation,
  - c) manages a determined share of the Organization's financial resources,



- d) in accordance with Act No. 2/1991 Coll. on collective bargaining, as amended, bargains collectively and concludes a collective agreement whereby the bargaining team may include other members performing dependent work at the Workplace.

## **XI. MEMBERSHIP IN THE ORGANIZATION**

1. Only a natural person referred to in point I.1 of these Statutes may become a member of the Organization.
2. Membership in the Organization is voluntary.
3. A natural person becomes a member of the Organization based on a written or electronic application, and when
  - a) the Board decides on the admission of that person as a member, or
  - b) the Workplace Executive Committee decides on the admission of that person as a member, but only in the case when the person in question is a member with accordance to Article XI, paragraph 5 letter a or b.
4. Membership arises on the day of the decision on the admission of a natural person as a member or on another day specified in the decision. The Board shall inform the newly admitted member of this decision without delay.
5. Member of the Organization becomes a member of the Organization at the given Workplace,
  - a) if they perform dependent work at the Workplace where the Organization operates, or
  - b) if they perform work that, under the conditions of the place of performance in the Czech Republic, would be considered dependent work abroad exclusively for the employer where the Organization operates.

6. If a member of the Organization ceases to carry out activities according to Article XI, paragraph 5 letter a or b, they remain a member of the Organization but cease to be a member of the Workplace Members' Meeting of the given Workplace.
7. Membership in the Organization shall terminate
  - a) based on a written or electronic request of a member for termination of membership,
  - b) based on a decision of the Board on the expulsion of a member due to a gross breach of duty or these Statutes,
  - c) death of a member.
8. A gross breach of duty shall be deemed to be, in particular, a case where a member has not duly and timely paid the membership fee, even though he has been called in writing by the Board or Workplace Executive Committee to pay the fee due.

## **XII. RIGHTS AND OBLIGATIONS OF MEMBERS**

1. Each member of the Organization shall, in particular, have the right
  - a) for the defence and protection of their occupational and professional interests through the bodies of the Organization,
  - b) free legal consultation in the territory of the Czech Republic to the extent provided by the possibilities of the Organization,
  - c) for protection against discrimination through the bodies of the Organization,
  - d) to participate in the creation of the program of the Organization,
  - e) to elect and be elected to the bodies of the Organization,
  - f) to take part in Meetings of the bodies which act or decide on his person,
  - g) for material assistance in case of long-term illness, according to the financial capabilities of the Organization,
  - h) to support in the event of financial hardship, according to the financial capabilities of the Organization.
2. Each member shall

- a) pay membership fees properly and on time,
  - b) comply with these Statutes, other regulations and resolutions of the Organization's bodies,
  - c) pay attention to their professional level,
  - d) not damage the good name of the Organization.
3. The obligation to pay membership dues shall not apply when the member has ceased gainful employment for a serious reason, such as
- a) studying,
  - b) care for a close person,
  - c) taking maternity or parental leave,
  - d) long-term temporary incapacity for work,
  - e) insolvency (personal bankruptcy).

### **XIII. MEMBERSHIP FEES**

1. Every member must pay a membership fee of 1% of their net monthly earnings or other income, but not more than the amount set by the Organization Members' Meeting.
2. A self-employed person must pay a membership fee regularly, monthly, properly and on time, which is 1% of his income tax base, but at least CZK 200 and at most in the amount set by the Organization Members' Meeting.
3. The Organization allows members to pay a solidarity membership fee, up to twice the maximum amount of the regular membership fee set by the Organization Members' Meeting. This contribution does not allow members to draw any benefits compared to members paying a regular membership fee.

### **XIV. FINAL PROVISION**

These Statutes were approved by the Members' Meeting on November 25th, 2023, with effect from their approval.