



ENFORCING MEMBERSHIP OBLIGATIONS

Introduction

1. When the ETI is concerned about an apparent serious failure by a member to display the required level of commitment to the effective and transparent implementation of the ETI code or to its other obligations as a member, the following procedure shall apply:

Exploring the concern

2. Where the concern relates to a failure to adhere to the code violations procedure or to respect the recommendations made through that process, the Executive Director will write a formal improvement letter” (as described below) to the member concerned. This recognises that there will have been significant engagement with the member concerned through the code violations process.
3. In any other case the Director will seek a meeting with the relevant member to present the area of concern and establish whether there are grounds for taking further steps under the membership obligations process. At this point either an improvement letter will be issued, or it shall be communicated to the member that no further steps will be taken.

Improvement Letter

4. If after the exploratory meeting the Director considers that remedial measures are required, those measures and the proposed timetable for their implementation will be conveyed in an Improvement Letter sent to the member. This action will be communicated to the ETI Board.
5. A meeting/s will be held with the member to discuss, where necessary amend and then agree the implementation of the measures in the improvement letter.
6. The Director shall seek to arrange further meetings with the member to review progress towards implementing those measures and shall take such steps to verify that progress as the Director shall consider appropriate.
7. When the measures in the Improvement Letter have been undertaken effectively and reviewed by ETI Director he/she will request the ETI board to endorse the satisfactory outcome of the improvement letter and subsequently the decision of the board will be communicated to the member concerned.
8. If the member considers that the required remedial measures or any part of them are unnecessary, unreasonable, or otherwise impractical, it may appeal to a tripartite Members' Disciplinary Committee chaired by the ETI chair. Written notice of an appeal against an Improvement Letter setting out the grounds upon which the member relies must be given within 28 days of receipt of the Improvement Letter.
9. If in the opinion of the Executive Director the member has either failed to agree to a suitable Improvement Letter or is not implementing the provisions in the letter effectively and in a timely manner she/he may request the tripartite Members Disciplinary Committee to consider the situation.

10. An appeal will be heard as soon as reasonably practicable. Following the hearing, the Members' Disciplinary Committee may confirm, vary, or withdraw the Improvement Letter.

Further Action

11. In the case that the Improvement Letter is not withdrawn and if it appears that there has been a significant failure by a member to comply with an Improvement Letter, as judged by the disciplinary committee, they may:

- Suspend the member temporarily and set out what progress is required towards implementing the measures specified in the improvement letter;
- Recommend immediate termination of the member to the full ETI board. The member will be allowed to apply to the board to appeal this decision.

Suspension

12. If following the hearing of the Members' Disciplinary Committee they consider that since the Improvement Letter was issued the member has failed to display the required level of commitment to fulfilling its obligations as a member, it shall give the member written notice that its membership of the ETI is suspended. That notice shall specify the ways in which the Committee considers the member's performance to be inadequate and identifying the measures required to rectify the position and a timetable for implementing those measures.
13. While suspended a member shall remain liable to pay its membership fees to the ETI but it shall not be entitled to make any public reference to its membership of the ETI without qualifying that reference by stating that it is currently suspended. The member will also not be entitled to take part in any activities of the ETI during the period of suspension unless those activities are specifically to address the aforementioned failures to meet membership obligations.

14. The ETI shall inform its members of the fact that a member has been suspended and during the period of any such suspension it shall omit that member from any list of current members that it publishes. The ETI also reserves the right to make any public statement with regard to the suspension of a member that it deems appropriate without prior reference to the member.
15. During the period of suspension, the Director (and where appropriate the Chair) shall liaise with the member and, where appropriate, meet with it to discuss progress towards implementing the measures specified in the Notice of Suspension and shall take such measures to verify that progress as the Director and Chair shall consider appropriate.
16. The member may apply at any time to the Board to review its suspension from membership by giving written notice of a request for a review setting out the grounds upon which the member relies in support of its request.
17. A request for a review should be considered as soon as reasonably practicable at a meeting of the Board, at which the member will be entitled to attend and make representations. Having conducted a review, the Board may lift the suspension and take such lesser measures as it shall think fit. They may confirm the suspension, but vary the ways in which the Board considers the member's performance to be inadequate, and/or vary the remedial measures required and the timetable for implementing those measures, or reaffirm the existing Notice of Suspension.
18. A member that has been suspended from membership for twelve months shall be liable to exclusion from membership by the full Board at the next meeting of the Board. A member who has been excluded from membership may subsequently apply to re-join the ETI.

Termination

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19. If the review committee recommends termination to the board this will be considered at the subsequent board meeting. The member may apply to the board to present its case or the board may request the member to attend the board hearing. The resulting decision of the ETI board is final.

Other Matters

20. If the Director is unable for any reason to take any action specified in this procedure, he/she (or in his/her absence the Chair) may nominate another member of the secretariat to deal with the matter.
21. The Members' Disciplinary Committee shall consist of three members of the Board nominated by the Board with one member drawn from each of the three main caucuses of members, namely companies, trade union organisations and NGOs. The board Chair shall act as Chair of the Members' Disciplinary Committee.
22. Neither the Chair nor any other member of the Board shall be disqualified from taking part in the meetings, deliberations or decisions referred to in this procedure merely because the Chair or other members of the Board are representatives or employees of a member who is in commercial competition with the member which is the subject of this procedure.
23. If the Chair or any other member of the Board is an employee or representative of the member which is the subject of this procedure he/she shall be entitled to represent that member at any meeting or hearing convened under this procedure but he/she shall not be entitled to take any part on behalf of the ETI in any meeting, hearing, deliberation or decision referred to in this procedure.
24. Pending the hearing of an appeal or completion of a review the letter or notice which is the subject of the appeal or review shall remain in effect.

ENDS