

# Statutes of the FAU

08/25/2008

These statutes are an expression of our organisation's long years of experience. They were put together from 2006 to 2008 by a national working group and accepted through a referendum in August 2008. The statutes are meant to advance and clarify our collaboration. As such, they can be modified.

## Principles

The Free Workers' Union (Freie Arbeiterinnen und Arbeiter Union; FAU) is a federation of unions rooted in class struggle. It assumes that there is a basic conflict of interest between capital and wage earners. The FAU is made up of associations of independent syndicates. Independent syndicates, which accept the goals and principles of the FAU and anarchosyndicalism, form the basis of the organisation. In the FAU the members decide. Officials and delegates are subject to directives and mere executors of the members' decisions.

### I. Legal status

The FAU is a federation of unions. The FAU is a member of the International Workers' Association (IWA). The FAU's headquarters are located wherever its business commission's headquarters are.

### II. Purpose and aim

The FAU's purpose is to protect and advance the economical, cultural and social interests of its members. It rejects any influence by and activities in political parties. The FAU aims for a libertarian, classless society where everyone can develop freely according to their own wants and abilities. This is to be reached especially by:

- bringing members together to act collectively within the scope of their economical, cultural and social interests;
- struggling together on a daily basis while reaching decisions collectively;
- encouraging solidarity and mutual assistance among members and among members of different professions and industries;
- affect a social evolution through public activities and the continuing education of its members;
- participating in the struggle to bring about self-determination in all areas of society and economic life.

### III. Structure of the organisation

- a) The local industrial syndicates and associations of all industries (general syndicates) form the basis of the organisation.
- b) All syndicates in one area form a local federations (LF). If only one syndicate exists in an area, the regulations for local federations also apply to this syndicate, as long as it is not otherwise expressly stated.
- c) All local federations are organised nationally with the FAU.
- d) The local federations are associated within regional federations (see VII).
- e) All syndicates in an industry are associated within an industrial federation (see VIII).

f) Further social organisation may be formed within the FAU – e.g. youth, student, woman, unemployed and seniors. The status of these organisations will be clarified upon their admission at the congress.

g) Every syndicate, local federation and region as well as industrial federation makes up an independent part of the total organisation. They create their own statutes, which regulated matters for which they are responsible. These statutes may not contradict those of the FAU.

h) The statutes of the local federations regulate, amongst other things, the right to put forward motions and vote on them at delegates' meetings and votes, the selection of delegates and the admission of further syndicates.

#### **IV. Membership and admission of syndicates**

##### **1. Membership**

a) All direct or indirect wage earners as well as freelancers can become members of an FAU syndicate. Employers and managers, who may hire and fire people, are barred from membership, as are members of government bodies responsible for repression.

b) Members are admitted by the syndicates at the syndicates' discretion. Details are regulated in the statutes of the syndicates.

c) The admission of members in areas where there are no syndicates is done through the nearest syndicate.

##### **2) Foundation and admission of syndicates**

a) Three members in one area can unite to form an association of all industries (general syndicate). Three members of an industry can unite to form an industrial syndicate.

b) The admission of syndicates in areas yet to have a syndicate is done through the responsible regional federation according to their statutes.

c) The admission of a syndicate in an area that already has a syndicate result in the amalgamation of both into a local federation.

d) Further syndicates are formed when they are admitted into the local federation.

#### **V. Fees, dormant membership and termination of membership**

##### **1. Fees**

a) Every syndicate collects a membership fee and transfers a set amount to the local federation which forwards it to the business commission. The amount and use of the fees paid to the business commission are determined by congress resolutions.

b) Members who are in prison do not have to pay fees.

c) The finance guidelines regulate further details.

## **2. Dormant membership**

- a) All rights and claims are void if the membership is dormant. This pertains to all voting rights, access to internal communication as well as financial claims towards the FAU.
- b) If fees have not been paid for six months the membership is considered dormant. The dormant membership is reactivated after the arrears have been completely paid back.
- c) A deferral of the payments is allowed in justifiable, exceptional cases and can be requested from the business commission.

## **3. Membership termination**

- a) Members, syndicates and local federations can terminate their memberships at any time. Fees must be paid until the membership is terminated.
- b) If a local federation has amassed dues of more than 12 months without reason, then their membership will be considered terminated.
- c) All rights and claims are void upon termination.

## **VI. Dissolution and expulsion**

### **1) Dissolution**

- a) The dissolution of a syndicate or another sub-group is done according to their respective statutes.
- b) The assets of the dissolved syndicate go to the respective local federation. If no local federation exists, the assets go to the regional federation. The same applies for other sub-groups.

### **2. Expulsion**

- a) A member or sub-group should be expelled if they are guilty of acting in a manner which runs contrary to the FAU's resolutions or is damaging to the FAU's interests or principles.
- b) The decision about the expulsion of a member of a syndicate is made by the respective syndicate.
- c) Syndicates can only be expelled by the respective local federation. If there is no local federation in the area, only the regional federation can expel the syndicate.
- d) A local federation can only be expelled by the responsible regional federation.
- e) Regions can only be expelled at the congress.

### **3. Arbitration board**

Expelled member can call for an arbitration board. This is:

- the local federation for expelled members of a syndicate;
- the regional federation for members of syndicates having no local federation and syndicates;

-an arbitration board convened by the business commission where all regional coordinations participate for expelled local federation and syndicates that don't have a local federation.

#### **4. Claims from former members**

Expelled members and organisations have no claims whatsoever on the assets (money and property) of the organisation.

### **VII. Regional federations**

#### **1. Formation and functions of a regional federation**

a) The functions of regional federations include:

- admission and expulsion of local federations and syndicates in areas where there is no local federation;
- coordination of activities in the region;
- keeping contacts in the region;
- reciprocal support, e.g. in labour struggles.

b) The FAU should strive to set up regional federations according to Bundesland.

c) At least five local federation are needed to request the formation of a regional federation at the congress.

#### **2. Regional meeting**

a) There are regular regional meetings between FAU congresses.

b) The responsible regional coordination sends the invitations.

#### **3. Regional coordination**

a) The regional coordination is made up of at least two members and is elected at the regional meetings.

b) The duties of the regional coordination are as follows:

- keeping the books for the region
- organising the regional meeting
- education and training
- supporting the business commission
- contact person for interested parties in the region

c) The regional coordination can be called upon to assist the arbitration board (VI. 3).

### **VIII. Industrial federation**

a) All syndicates in the same industry and industrial groups within the association of all industries (general syndicate) form regional and national industrial federations.

b) The federations are responsible for organising workers in their industry and coordinating labour conflicts across larger areas.

c) The federations are autonomous in all decisions related to their structure and union-related demands as long as they remain within the scope of the FAU statutes.

d) The national industrial federations hold congresses on a regular basis, where decisions are reached collectively.

## **IX. Business commission**

### **1. Duration of mandate, accountability and mandate extension**

a) The business commission is elected for two years at the congress. The mandate can be extended for one year once.

b) The business commission can be voted out of office by a delegates' meeting at any time.

c) The business commission must give an account of its activities at the FAU congress.

### **2. Election and discharge**

The election and discharge of the secretaries is done individually by those delegates present.

### **3. Structure and responsibility**

The business commission is collectively accountable to the organisation. It is made up of the following secretaries:

Organisation  
International  
Finances

### **4. Duties**

a) The business commission acts as an executor. It is bound by the decisions made at the congress and has a fixed mandate.

b) Its general duties are described in the business commission's directives.

## **X. FAU congress, delegates' meeting and written ballot**

### **1. FAU congress**

a) The congress is the highest body of the FAU. Decisions concerning the entire FAU are usually made at the congress.

b) The congress is a delegates' meeting. It takes place once a year and is considered a quorum when properly invited to.

c) All members can attend the congress.

d) The minutes of the congress are published in the first debate following the congress.

### **2. Emergency delegates' meeting**

a) A region, five local federation or the business commission can call an emergency delegates' meeting.

b) Only decisions relating to the topic of the delegates' meeting can be made at an emergency delegates' meeting. Changes to the statutes and principles cannot be made.

c) Those calling for the meeting must:

-name the topic of the delegates' meeting;

-give a reason in writing;

-suggest a date;

-justify the physical presence of the delegates.

d) A delegates' meeting is usually called by the business commission to prepare delegates for the IAA congress.

e) A delegates' meeting is binding if the above mentioned requirements are complied with, the motions have been published in a timely manner and everyone has been duly invited.

### **3. Invitations**

a) The invitation to the congress and delegates' meetings must be sent out three weeks in advance by the business commission within the Debate.

b) The invitation has to include all valid motions to be voted on.

### **4. Delegates and written ballots**

a) Every local federation has the right to lodging for one delegate per syndicate.

b) Every local federation, which does not have the means, will receive a subsidy in order to send one delegate.

c) Local federations, who cannot send a delegate for a good reason, can send their decisions on motions in writing. The decisions must have been received before the delegates' meeting begins.

### **5. Written ballots**

a) A delegates' meeting or congress can decide to carry out a written ballot. The motion is to be published in the next issue of the Debate. The ballot ends at the copy deadline of the issue of the Debate after the motion has been publishing.

b) A region or five federation can call for a written ballot. The motion must be handed in – in written form and clearly labelled – to the business commission who publishes it in the next issue of the Debate. The ballot ends at the copy deadline of the second issue of the debate after the motion has been published. Motions changing the statutes and principles are not allowed.

## **XI. Voting procedure**

a) At the congress, delegates' meetings and for written ballots the following voting procedure are in effect.

b) A motion is considered carried if at least 75% of the votes are yes – abstentions are not counted.

c) Votes are distributed according to size of local federations. Votes are carried out among the local federations, whose votes weigh as follows:

| Members | Votes |
|---------|-------|
| 5       | 1     |
| 10      | 2     |
| 15      | 3     |
| 20      | 4     |
| 26      | 5     |
| 33      | 6     |
| 40      | 7     |
| 49      | 8     |
| 58      | 9     |
| 69      | 10    |
| 80      | 11    |

The calculation of vote distribution, for groups larger than those mentioned, is governed by a formula described in the congress regulations.

## **XII. Motions at the congress**

### **1. Eligibility to put forward motions**

a) Only local federations can put forward motions.

b) The national mandate bearers of the FAU – the business commission, DA editorial department, DA association, FAU-MAT, web administrator – can collectively put forward motions relevant to their field.

### **2. Preliminary filing of motions**

a) All motions must be filed with the business commission nine weeks before the congress begins in written form and must be clearly labelled.

b) The business commission must collect and publish them within a week.

### **3) Modification phase and finalization**

a) The motions can be modified by those putting them forward.

b) A clearly labelled final version of a motion must handed in to the business commission (organisation secretary) within four weeks of congress begin. Otherwise the original motion is considered valid.

c) The business commission is to publish all of the finalized motions together at least three weeks before the congress begins.

### **4. Private motions**

Private motions can be put forward at the congress and – deviating from art. XI sec. c – can be voted on by those members present. Private motions can be related to such things as solidarity declarations and greetings. They may not involve fundamental or financial decisions.

## **5. Working groups**

- a) Working groups about topics related to the entire organisation can meet at the congress. Working group topics must be put forward to the business commission four weeks before the congress begins.
- b) The business commission is to announce all the working groups that will meet at the congress at least three weeks before it starts.
- c) By order of the congress plenary, the results of a working group can be voted on in a written ballot at the congress.

## **XIII. Labour struggles, strikes and lockouts**

### **1. Resolution**

The decision about collective action will be met by the respective syndicates. For labour struggles that go beyond regions or industries, labour struggle committees will be formed made up of those syndicates involved. Details are regulated in the labour struggle guidelines.

### **2. Mutual support**

- a) The financial support of members involved in labour struggles is above all the responsibility of the syndicate. Syndicates have to set up a strike fund for this purpose.
- b) All federations, syndicates and regions are obliged to provide practical and financial solidarity within the realm of their means. For this reason, every syndicate and sub-group is obliged to set up a solidarity fund.
- c) A syndicate only has a right to financial help if it has fulfilled the obligations found in the statutes and labour struggle guidelines.

## **XIV. Legal protection**

- a) The financial support of members in legal disputes, which result from their employment or union activities, is the responsibility of the individual syndicates.
- b) If the requirements related to capacity or finances are too much for the syndicate to meet, then it may turn to the local federation. The local federation may turn to the responsible regional coordination when facing financial difficulties.
- c) Details are regulated by the corresponding statutes.

## **XV. FAU publications**

### **1. Direkte Aktion**

- a) The "Direkte Aktion" is a part of the FAU. It is published by the Direkte Aktion e.V.
- b) Editors, distribution and bookkeepers are elected and discharged every two years at the congress. They are collectively accountable to the organisation and can be voted out of office at any time.

## **2. Website**

- a) The publicly available website, [www.fau.org](http://www.fau.org), is a part of the FAU. It is edited by elected administrators.
- b) The administrators are elected and discharged every two years at the congress. They are collectively accountable to the organisation and can be voted out of office at any time.

## **3. FAU-MAT**

- a) The FAU material distribution (FAU-MAT) is charged with providing further publications to the FAU. FAU-MAT is financially accountable and accountable for the content it publishes to the FAU congress.
- b) The responsible parties are elected and discharged every two years at the congress. They can be voted out of office at any time.

## **4. Debate and internal electronic communication**

- a) The Debate is a newsletter sent to the FAU. It is published monthly by the business commission.
- b) Further internal media, which are to be made accessible to every member, include the extranet, email lists and newsgroups.

## **XVI. Limitation of liability**

### **1. Delegates**

- a) The elected delegates and officials of the FAU are subject to directives and mere executors of the members' collective decisions.
- b) They are not personally, jointly or severally liable if they perform their mandates properly.

### **2. Organisations**

The liability of the FAU, or the independent organisations affiliated with it, is solely limited to the respective assets of the organisation concerned.

## **XVII. Final provisions**

- a) These statutes were put to vote at the 2008 congress. Through their adoption all older resolutions, which contravene the provisions in these statutes, are nullified.
- b) These statutes are supplemented by the regulations related to finances, the business commission, the congress and the labour disputes. These are not part of the statutes.
- c) All resolutions in violation of the statutes are void.

Only the German version of the statutes is valid. The translated English version is only provided for reference.