
English version of the Statutes

Stand: 2022-02

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§ 1 Fundamentals

1. The union bears the name Allgemeines Syndikat Berlin (ASy Berlin; General Syndicate of Berlin).
2. The General Syndicate of Berlin is associated with different, independent unions (syndicates) within the Free Workers' Union (Freie ArbeiterInnen-Union, FAU).
3. The cooperation between syndicates in the FAU is based upon the foundations formulated by the statutes of the FAU, in the spirit of solidarity and mutual aid.
4. **Organizational Scope**
The organizational scope of the General Syndicate of Berlin comprises the businesses, companies, company divisions, platform companies, institutions and administrations specified in the "Union Company Directory" as per § 8a. As a collective bargaining agent, the General Syndicate of Berlin may act according to the collective bargaining principles laid out in the annex "Collective Bargaining Policy of the General Syndicate of Berlin".
5. The seat of the General Syndicate of Berlin is Berlin.
6. The financial year is the calendar year.
7. German and English are internal official languages.

§ 2 Goals and Objectives

1. The goal of the General Syndicate of Berlin is to safeguard and improve working and economic conditions in accordance with Article 9, Paragraph 3 of the Basic Law for the Federal Republic of Germany as well as to protect and promote the social and cultural interests of its members; in particular, this involves making the most favorable collective bargaining agreements based on the German law for collective bargaining agreements (Tarifvertragsgesetz).
2. A further goal of the General Syndicate of Berlin is to deepen and broaden the education and skills of its members.
3. Beyond its own membership, the General Syndicate of Berlin aspires to promote among all workers who are dependent on their employers for their wages an awareness of their common situation and interests; in this sense, the syndicate aims to foster working-class cooperation and a spirit of solidarity that transcends organizational, industrial, and national boundaries.

4. The General Syndicate of Berlin is independent of all political, religious and other ideological organizations or groups. It rejects any instrumentalization of the union in the interests of all such organizations.
5. Similarly, the General Syndicate of Berlin is independent of all employers, their organizations and all state institutions.
6. The General Syndicate of Berlin strives for a libertarian, classless society, in which all human beings may live according to their needs and may freely develop their own skills; the objective of the syndicate is therefore, to lay the foundations for this future society in the economic region of Berlin.

§ 3 Membership

1. Prerequisites

- a. Membership of the General Syndicate of Berlin is open to anyone
 - aa) who is a blue- or white-collar worker, public official or self-employed and works within the organizational scope or the scope of an organizing project of the General Syndicate Berlin, or
 - bb) who is directly or indirectly dependent on wage earnings (blue- or white-collar worker, public official, apprentice, student, pensioner, and unemployed) or is self-employed and primarily works or lives in the Berlin urban area.
- b. Employers and executive employees are excluded from membership, as are persons whose professional activities contradict the union's goals and objectives as stated in § 2.
- c. Persons whose aspirations and activities contradict the union's goals and objectives as stated in § 2, are equally excluded from membership.
- d. Persons who have been expelled from another FAU syndicate can only become a member of the General Syndicate of Berlin if the reason for their expulsion no longer exists and the FAU syndicate that expelled them does not raise any objections to this person joining.
- e. Persons who are already members of an FAU syndicate can only join the General Syndicate of Berlin by transferring from the former to the latter. Simultaneous membership in a second FAU syndicate is not possible.

2. Admission Procedure

- a. A person can apply to join:
 - in writing via an application form addressed to the responsible Section, which can grant preliminary membership;
 - orally or in writing via an application form addressed to the Secretariat or at a quorate General Assembly;
 - through a delegate at a Secretariat meeting or General Assembly in the case of a Betriebsgruppe or other collective joining the union.

- b. Members of other FAU syndicates who wish to transfer to the General Syndicate of Berlin due to moving or changing companies become members by handing in their application and paying their membership dues.
- c. Full membership begins following admittance by the Secretariat or General Assembly with the first payment of dues.
- d. The new member will receive a membership card, which they can submit to the treasurer for a receipt for payment of dues in order to prove their membership. The membership card itself remains the property of the General Syndicate of Berlin.

3. Union Activity and Practical Solidarity

- a. Every member is entitled and encouraged to participate in general assemblies and other meetings of the General Syndicate of Berlin to strengthen the union and play an active part in the organization's decisions.
- b. Equally, every member is required to refrain from counteracting these decisions, and to take on tasks and functions within the organization.
- c. Every member is obliged to avert damage from the organization.
- d. In case of need, and in accordance with general assembly decisions, each member can count on:
 - strike benefits and support (§ 7.4)
 - support against disciplinary measures (§ 7.3)
 - legal protection (§ 7.2)
 - active solidarity (§ 7.1)
- e. Each member is granted access to statutes and guidelines of the General Syndicate of Berlin.
- f. Each active member is entitled to access the FAU's internal electronic network. The internal electronic communication structures of the General Syndicate of Berlin are primarily for the purposes of information and the coordination of union activities.

4. End of Membership

- a. Membership ends after dues have not been paid for six months; by transferring to another FAU syndicate; by notice of resignation; by expulsion; or by death of the member.
- b. Resignation is possible at any time and ends membership with immediate effect.
- c. If a member is in arrears with their dues, their membership expires in stages. After the third month of outstanding payments, all the member's entitlements expire (suspended membership). After six months of outstanding payments, membership is considered to have ended. A written deferral can be agreed to at any time.
- d. A member will be expelled if they commit acts that fundamentally harm the interests of the General Syndicate of Berlin or repeatedly run contrary to its principles and decisions, or if the preconditions for membership stated in § 3.1 are no longer met. Changes to the organizational scope and organizing projects will not result in exclusion.

- e. Any member of the General Syndicate of Berlin or any structure of the FAU can submit a motion to expel a member. The decision to expel is made by the general assembly or, in urgent cases, by the Secretariat (a decision that has to be presented to a general assembly for approval).
- f. The expelled member is entitled to call for arbitration according to § 5.6. Membership is suspended until a final decision is made.
- g. With the end of membership, all claims of the member to the organization's assets (money and goods) expire.

§ 4 Organizational Structure

1. General Assembly (GA, Vollversammlung, VV)
 - a. The general assembly of members is the decision-making organ of the General Syndicate of Berlin.
 - b. The general assembly decides on all matters of the General Syndicate of Berlin, in particular on activities and measures by which the General Syndicate of Berlin goes public and/or in which money of the General Syndicate of Berlin is utilized. It issues guidelines to structure the activities of the General Syndicate of Berlin.
 - c. Individual members are entitled to put motions to the general assembly and present issues insofar as these are of interest to the General Syndicate of Berlin or require union action for which no other structure of the General Syndicate of Berlin is responsible. See § 5.
 - d. Officials and structures of the General Syndicate of Berlin must report on their activities to the general assembly and, if mandated, are accountable to the latter.
 - e. The general assembly has the right to convoke extraordinary general assemblies.
2. Mandated Officials (Funktionsträger/innen)
 - a. Mandated officials are the executive organs of the General Syndicate of Berlin. The mandated officials are elected by the general assembly for one year, but the mandate can be revoked at any time. Resigning officials have to exercise their mandate until the general assembly has had appropriate time to determine a replacement.
 - b. The general assembly may delegate members to specific tasks at any time. They too, are mandated as executive organs.
 - c. Mandated officials are subject to an imperative mandate and are each individually accountable to the general assembly.
 - d. Mandated officials are discharged following their final report at a general assembly.
 - e. Mandated officials work in an honorary capacity. While duly executing their mandate, they are neither personally, nor jointly and severally liable. The liability of the General Syndicate of Berlin is limited exclusively to the assets of the General Syndicate of Berlin.

3. Secretariat (Sekretariat)

- a. Between the General Assemblies, the Secretariat is responsible for managing the ongoing business of the General Syndicate Berlin.
- b. The secretariat is composed of, at least, one general secretary (Allgemeine/r Sekretär/in), one treasurer (Kassierer/in), and one additional secretary.
- c. The general assembly can name additional secretary positions.
- d. Up to two persons can exercise the same secretary position simultaneously.
- e. Secretarial positions must be defined with a specific scope of duties. Details are laid down in the Rules of Procedure of the Secretariat.
- f. The General Syndicate Berlin is represented by the General Secretary in and out of court.
- g. The General Assembly can add members to the secretariat.
- h. Secretaries are mandated officials of the General Syndicate of Berlin (§ 4 (2)).
- i. The General Assembly issues rules of procedure for the Secretariat.
- j. Re-election as secretary is possible.
- k. Members of the syndicate can be part of the secretariat for a maximum of four years within a period of eight years.

4. Subdivisions (Untergliederungen)

- a. The general assembly decides on the establishment, adaptation, and dissolution of subdivisions.
- b. Subdivisions are either sections (§ 5), betriebsgruppen (§ 6), or working groups (§ 7). The general assembly issues guidelines for the work of each type of subdivision.
- c. Subdivisions have to report regularly to the General Syndicate of Berlin on their activities and name a contact person (Ansprechperson, AP) for the syndicate.

5. Sections (Sektionen)

- a. Sections are subdivisions of the General Syndicate of Berlin that can be established by decision of the General Assembly on the basis of a specific industrial, working or social condition. The General Assembly awards them responsibility for associated entries in the Union Company Directory and for organizing projects, at least one member of which primarily lives in Berlin or the surrounding area.
- b. Sections must consist of at least ten members and be endorsed by all affected members.
- c. Sections are entitled to act autonomously in their field and may there establish their own sub-working groups and name mandated officials.

6. Betriebsgruppen

- a. Betriebsgruppen are subdivisions of the General Syndicate of Berlin at a company level. As a rule, the General Assembly awards them responsibility for one entry in the Union Company Directory or for one organizing project.

- b. They can be established by decision of the General Assembly as soon as there are three members of the General Syndicate of Berlin working in the same company, at least one member of which primarily lives in Berlin or the surrounding area.
 - c. Betriebsgruppen are entitled to act autonomously in their company. They must act in close coordination with a Section or the General Assembly.
 - d. The Betriebsgruppen shall receive advice and support from the mandated officials and in particular from the Secretaries responsible for the Betriebsgruppe in question.
7. Working Groups (Arbeitsgruppen, AG)
- a. Working groups are subdivisions of the General Syndicate of Berlin that can be formed on the basis of thematic issues. They may be formed for the purposes of exchange, formulating statements and positions or the completion of particular tasks.
 - b. Working groups act in close relation to the syndicate and only can become active within the framework of their mandate.
8. FAU Federations
- a. If possible, the General Syndicate of Berlin shall participate in the statutory meetings of the federations in which it is organized.
 - b. The members of the General Syndicate of Berlin are required to support these federations' activities in the FAU at their own discretion.
 - c. The assumption of a mandate within the FAU at a local, regional, federal or international level by a member of the General Syndicate of Berlin requires the approval of the general assembly.

§ 5 General Assembly (Vollversammlung, VV) and Decision-Making

1. The general assembly (Vollversammlung, VV, GA) has a quorum with a valid invitation (at least three days in advance).
2. The GA should take place at regular intervals. These intervals are determined by the assembly itself by a simple majority vote. Further details regarding invitations, procedures and the structure are stipulated in the rules of procedure of the general assembly.
3. Submitting Motions
 - a. Every member can put forward a motion.
 - b. Motions should be submitted to the secretariat at least one week before the GA, and be formulated precisely and contain all relevant information. They are included in the preliminary agenda by the secretariat.

- c. Motions that have not been submitted in time are only dealt with by the GA in urgent, exceptional cases. To do so, a 75% majority with yes-votes equivalent to the standard quorum (§ 5 (7)) must deem the motion is urgent.
- d. Motions to change the statutes or their appendices and motions to dissolve the General Syndicate of Berlin must be submitted at least two weeks before the GA that is supposed to decide them.
- e. Motions to dissolve the General Syndicate of Berlin additionally are to be discussed in at least two general assemblies and cannot be voted on electronically.

4. Decision-Making

- a. Decisions of the GA are made by a simple majority vote.
- b. Decisions relating to these statutes are to be made with a 75% majority.
- c. The decision to initiate a labor dispute is the responsibility of the affected section or Betriebsgruppe, but must be approved by a GA.

5. Electronic Voting

- a. The GA can define guidelines which enable electronic voting.
- b. By electronic voting a motion can only be accepted if it receives yes-votes equivalent to the standard quorum (§ 5 (7)).
- c. Usually, only elections and motions that do not relate to the guidelines or permanent mandate descriptions nor these statutes (§ 5.3.d) may be voted on electronically.
- d. Only if it is actually not possible to meet in a GA, motions precluded by (c) may also be voted on electronically.
- e. The General Assembly can decide that individual far-reaching decisions are made by electronic ballot. Hurdles that would need to be taken in the corresponding decision if it was taken by normal procedure, in particular those arising from §§ 3.d, 3.e, 4.b, may not be overridden by this.

6. Arbitration body (Schlichtungsstelle)

- a. If decisions are contested and reasonable efforts have already been made to reach an agreement, an arbitration body can, if deemed proportionate, be called upon.
- b. In the first instance, the GA of the General Syndicate of Berlin functions as the arbitration board.
- c. If the VV does not remedy the complaint, the Regional Commission of the Eastern Regional Federation can be called upon as an arbitration body.
- d. Arbitration must be effected as quickly as possible, while hearing all parties involved.
- e. Contested decisions are temporarily valid until a final decision is made.

7. Standard quorum

For certain votes, quorums apply. The standard quorum shall be determined at

the beginning of each calendar year by the Secretariat on the basis of 5% of the members entitled to vote on the 31st of December, rounded to multiples of 5.

8. Transfer of Votes

The rules of procedure of the General Assembly may allow members to delegate their vote to other members for a limited time.

§ 6 Finances

1. The General Syndicate of Berlin is financed by the dues paid by its members. The finances are managed by an elected and mandated treasurer.

2. Level of Membership Dues

- a. The monthly membership fee is 1 % of the gross salary. The minimum membership fee is 2.50 Euro.
- b. Each member is free to pay higher dues.
- c. In the event of economic hardship, a moratorium for membership dues can be applied for via the secretariat responsible for membership administration.
- d. Imprisoned members are exempt from paying dues.

3. Utilization

- a. Part of the membership dues are to be forwarded on to the Regional Federation East and the federal Federation (FAU) by the treasurer; the amount is determined by the respective delegates' meetings (Regional Meeting or Congress, as the case may be).
 - b. The remaining dues remain part of the assets of the General Syndicate of Berlin. The general assembly determines how and to what extent the assets are to be used for:
 - infrastructure (office, lawyer, furniture ...)
 - current activities (press/PR, education ...)
 - strike fund (§ 7.4)
 - solidarity fund (§ 7.4)
4. Audit: the treasurer's bookkeeping is audited once a year by an ad-hoc committee of members (at least two persons). An extraordinary audit can be carried out at any time by decision of the general assembly.

§ 7 Practical Solidarity

1. Active Solidarity (Tatkräftige Solidarität)

The force and effectiveness of the General Syndicate of Berlin in its struggle for better living and working conditions is essentially based on the commitment of its members. Each individual member must show commitment to the common cause and exhibit a sense of responsibility, at the very latest when the General Syndicate of Berlin explicitly enters a labor dispute (§ 5.4).

2. Legal Protection (Rechtsschutz)
In cases of litigation resulting from work/employment or union activity, the General Syndicate of Berlin grants legal protection to individual members; this support is determined by the Secretariat or the general assembly, respectively.
3. Support Against Disciplinary Measures (Gemaßregeltenunterstützung)
Legal protection also takes effect if a member faces sanctions from their employer.
4. Strike Benefits (Streikunterstützung)
 - a. Financial support of the members involved in a labor dispute is provided primarily by the strike fund of the General Syndicate of Berlin. The strike fund must be initially provided with enough money to maintain a strike for at least 14 days.
 - b. Before a labor dispute by the General Syndicate of Berlin has to be dropped due to a lack in financial resources, the Secretariat shall first call for solidarity to the Regional Federation East.
 - c. In turn, the General Syndicate of Berlin itself is obliged to provide, within its capacities, practical and financial support, subsequent to calls for solidarity by other FAU syndicates. The solidarity fund of the General Syndicate of Berlin exists for this purpose so that funds for mutual aid are immediately available.

§ 8 Founding New Syndicates

1. The General Syndicate of Berlin promotes the creation of further syndicates in Berlin and in neighboring municipalities.
2. If a general syndicate is formed in a neighboring municipality, the procedure stipulated in the FAU statutes shall take effect.
3. The founding of a specific industrial syndicate requires the approval of the General Syndicate of Berlin.
4. The criteria for founding a specific industrial syndicate are the following:
 - a minimum of 15 members;
 - a membership spanning several companies;
 - sufficient knowledge with regard to the industry, organization and labor rights;
 - the assurance that all responsible functions in the syndicate and beyond will be fulfilled;
 - the assurance that all obligations of a syndicate (regular meetings, minutes...) will be met;
 - the presentation of a concept explaining the intended practical work of the syndicate and how relevance to the industry will be ensured;
 - the continued viability of the General Syndicate of Berlin must be guaranteed.
5. As soon as one or several industrial syndicates are founded in Berlin, they and the General Syndicate of Berlin together constitute the FAU Local Federation of Berlin.

6. If an industrial syndicate that has evolved out of the General Syndicate of Berlin should permanently cease to meet the criteria listed in § 8.4, it is to be re-incorporated into the General Syndicate of Berlin.

§ 8a Union Company Directory

1. The Union Company Directory defines which businesses, companies, company divisions, platform companies, institutions and administrations (all of which are termed “companies” for the purposes of the Statutes) shall constitute the organizational scope of the General Syndicate of Berlin. The Directory is an annex to these Statutes and may be amended by simple resolution of the General Assembly.
2. The requirements for the inclusion of a company in the Union Company Directory are:
 - a. Some of the work is carried out in the Berlin urban area or coordinated from Berlin.
 - b. A significant proportion of those working in or for the company are organized in the General Syndicate of Berlin. As a rule, the Syndicate considers 20% to be a significant proportion in companies with less than 50 persons, 10% (and at least 10 members in absolute terms) in companies with up to 1000 persons, and 100 members in absolute terms in large companies.
 - c. There is a responsible rank-and-file group in place in the General Syndicate Berlin.
3. Companies where the requirements specified under (2)(b) have not yet been met can be declared temporary organizing projects of the Berlin General Syndicate by resolution of the General Assembly. Once an organizing project reaches the threshold defined as significant by the General Assembly, a Secretariat decision is sufficient for inclusion of the company in the Union Company Directory.
4. Companies where Syndicate membership has fallen below 50% of what is considered to be a significant proportion or where the requirements specified under (2) are otherwise not met will be removed from the Union Company Directory by Secretariat decision.
5. In the event of a foreseeable overlap with the organizational scope of another FAU or ICL member, the Secretariat will get in touch with the structure in question. They must be given at least one calendar month to respond before the General Assembly can decide on any amendments to the Union Company Directory or organizing projects.

§ 9 Publications

1. The General Syndicate of Berlin supports the publication of the FAU newspaper Direkte Aktion (“Direct Action”) and the continuous updating of the FAU website www.fau.org to the best of its ability.

2. Decisions on independent publications of the General Syndicate of Berlin are to be made by the general assembly.

§ 10 Final Provisions

1. The current version of these statutes shall enter into force at the time of their dispatch to the members.
2. The Secretariat ensures that there is a consistent English version of the Statutes valid at the time. The wording must be submitted to the general assembly for confirmation (50 % majority). In the event of inconsistencies, the German version shall prevail.
3. Dissolution
 - a. The General Syndicate of Berlin shall be dissolved if it does not meet the criteria for a syndicate as determined in the FAU Statutes.
 - b. Moreover, the General Syndicate of Berlin can decide its own dissolution by following the procedure laid down in § 5.
 - c. In the case of dissolution, the assets of the General Syndicate of Berlin shall pass on to the higher-level FAU federation.
4. Appendices
 - Annex: Collective Bargaining Policy of the General Syndicate of Berlin
 - Annex: Company Directory of the General Syndicate of Berlin

Containing changes up to 2020-07-A Elektronische Abstimmungen bestätigen und verstetigen.

Further Revisions:

- Modification by 2020-10-C Elektronische Abstimmungen finetunen. In effect from 2020-10-19.
- Modification by 2020-07-B Neuregelung der Beitragshöhen und Beitragsbefreiungen. In effect from 2021-05-27.
- Modification by 2021-05-D Decentralization of the new members' process. In effect from 2021-05-27.
- Modification by 2021-10-A Defining our organizational scope on a company basis. In effect from 2022-02-01.

Collective Bargaining Policy of the General Syndicate of Berlin

(Annex to the Statutes)

§ 1 Collective bargaining principles

1. The General Syndicate Berlin aims to close only company-level wage agreements. The industry-level syndicates of the FAU are responsible for any collective bargaining policy beyond the company-level.
2. The collective bargaining policy of the General Syndicate Berlin is based on the principles of self-organization and grassroots democracy. The initiative for collective agreements must come from the respective branch group.
3. A bargaining commission must be formed for collective agreements. It consists of two members of the branch group elected by the branch group, one member of the Secretariat or one member of the General Syndicate Berlin elected by the secretariat and one delegate of the General Syndicate Berlin elected by the General Assembly (GA). In justified cases, the GA may expand the bargaining committee, with the branch group's permission. The share of women in the bargaining committee should be equal to or higher than the share of women in the branch group. All commission members must be affirmed by the branch group. The commission members are held accountable and may be dismissed at any time by the organizational level whose mandates they hold.
4. The bargaining commission works in close collaboration with the entire branch group to develop demands and courses of action. The bargaining commission and the branch group are expected to involve the staff affected by the collective agreement in the process.
5. Demands and courses of action developed by the bargaining commission must be voted upon by the affected branch group. A minimum turnout of 30% and an approval of at least 50% are required to pass the vote.
6. The Secretariat of the General Syndicate Berlin must check, if any of the demands subvert the principles of the General Syndicate Berlin. The Secretariat may propose a veto to the GA of the General Syndicate Berlin. The GA can then confirm the veto.
7. Developed and approved demands must be proposed to the staff covered by the collective agreement at an assembly and put up for discussion.

§ 2 Active collective bargaining policy

1. The General Syndicate Berlin only becomes an active party to the collective agreement, if the collective bargaining principles under Section A of this Annex are fulfilled, and if a) the branch group includes at least 10% of the staff; and/or b) the demands of the branch group are supported by at least 50% of the affected staff.
2. Negotiations with the employer are prepared by the bargaining commission in coordination with the branch group. The negotiating group must include at least

one elected delegate of the branch group and one member of the Secretariat. Other members of the negotiating group may be appointed by the branch group. The negotiating group is subject to an imperative mandate of the branch group. (I.e., they may only negotiate those issues, which the branch group authorizes them to.)

3. A negotiation result may be approved, if a) in case of Section B, para. I, option a), the branch group has a turnout of at least 30% of which more than 50% approve the result; or b) in case of Section B, para. I, option b), more than 50% of the staff approve the result in a general vote.
4. The collective agreement must be signed by the members of the negotiating group. They may only sign the agreement, if it does not undercut similar collective agreements. This must be verified by the Secretariat. If the negotiating group signs the agreement, although it is less favorable than other comparable agreements, their mandate expires upon signature and the collective agreement is to be considered invalid.

Union Company Directory of the General Syndicate of Berlin

The following workplaces form the organizational scope of the General Syndicate of Berlin:

- Freie Schule Kreuzberg
- Dr. Pogo Veganladenkollektiv / Gemein & Nützlich Vertrieb (Vegane Pampe e.V)

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- Created by 2021-10-A Organisationsbereich betrieblich definieren. Effective from 2022-02-01.