

BOTSWANA DIAMOND SORTERS AND VALUATORS UNION

CONSTITUTION

REGISTRAR OF TRADE UNIONS
& EMPLOYER'S ORGANISATIONS

2011 -02- 01

PRIVATE BAG 0072
GABORONE
BOTSWANA

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Rule 1: NAME

The name of the Union shall be "BOTSWANA DIAMOND SORTERS AND VALUATORS UNION"

COLOURS – Red, Yellow & Black

RULE 2: HEAD OFFICE

The Registered Office of the Union shall be plot number 28575 Marulamantsi Court, Unit 53 Gaborone

RULE 3: POSTAL ADDRESS

3.1 The postal address of the Union shall be P.O. Box 1186, Gaborone.

RULE 4: AIMS AND OBJECTIVES

- 4.1 To organise into union all workers in the Diamond, precious and Semi- Precious Stone Industries.
- 4.2 To ensure the well being of all members of Botswana Diamond Sorters And Valuators Union
- 4.3 To promote interests of the members of the Union
- 4.4 To maintain harmonious relationship between employer and employee, member and members and other workers.
- 4.5 To further financially or otherwise the work and purpose of any lawful association of the federal body having for its objectives the promotion of interests of labour, Trade Union and Trade Unionists.
- 4.6 To promote the material, social and educational welfare of members in any lawful manner which the National Executive Committee may deem expedient.



- 4.7 To provide, if decided upon by the National Executive Committee, legal assistance to members of the Union.
- 4.8 To encourage settlement of disputes by conciliatory methods and/or proceed with other lawful methods as may appear to be in the interests of all of its members.
- 4.9 To undertake any form of investment or fund raising activity aimed at ensuring financial sustainability of the Union.

RULE 5: MEMBERSHIP

- 5.1 Membership of the Union shall be open to all workers, in line with section 20, 21 and 48 of the Trade Union and Employer's Organisations Act as amended from time to time, employed in the diamond polishing, cutting, valuing, marketing industry, and the Precious or Semi Precious stones industry.
- 5.2 On termination of employment a member shall be entitled to membership benefits for a period up to six months.
- 5.3 After reading and understanding the constitution, a new member shall pledge membership by signing an application form, if the National Executive Committee deems it expedient.
- 5.4 The National Executive Committee shall consider all applications for membership subject to recommendation from the Branch Committee, and may reject an application giving reasons in accordance with section 20 and 21 of the Trade Unions and Employers Organisations Act.
- 5.5 Joining fees shall be P5.00 and monthly subscriptions of 1% of a member's basic salary payable every last day of the month. Any increase on the above rates shall be decided by a ballot in accordance with rule 26 of this constitution.



- 5.6 In the event a member failing to pay monthly subscriptions for three consecutive months, he or she shall be suspended and forfeit benefits and opportunities provided by the Union.
- 5.7 The National Executive Committee shall be vested with the powers to fix the reduced rates of subscriptions for members who are in genuine hardships, e.g. sickness

RULE 6: TERMINATION OF MEMBERSHIP

- 6.1 Members wishing to resign from the Union shall give a month's notice to the General Secretary in writing and shall pay all arrears due to the Union.
- 6.2 The Executive Council shall have the power to fine, suspend or expel any member whose activities are deemed contrary to the aims and objectives of the Union, and for disciplinary matters under rule 22.
- 6.3 A member suspended or expelled under Rule 6.2 and Rule 16 may appeal to the next General Meeting. The decisions of the General Meeting shall be final, but without prejudice to the relevant provisions of the Trade Unions and Employers Organisations Act.

RULE 7: DUTIES AND RIGHTS OF MEMBERSHIP

- 7.1 All rights and duties of members shall be in accordance with Sections 17, 18 and 19 of the Trade Union and Employers Organisations Act.
- 7.2 It shall be the duty of member to see to it that his/her subscriptions are paid regularly to the treasurer. The Treasurer shall issue a receipt where subscriptions are paid by hand.
- 7.3 Members shall see to it that they behave well in meetings; otherwise they will be asked by the Chairman to leave.
- 7.4 Every member shall have the right to look at all records and correspondence of the Union.
- 7.5 Every member shall have the right to take part in policy formation, attendance of meetings and voting.



- 7.6 Members of the Union shall be entitled to have access to any general meeting of the Union, and upon submitting a written application to the General Secretary or Branch Secretary shall be entitled to receive a copy of any such minutes within 14 days of such application.
- 7.7 Every member shall have the right to criticise himself, any member, and any officer or any decision of the Union in a properly constituted meeting.
- 7.8 Except where otherwise provided for in the rules, all members shall have equal rights in the Union.

RULE 8: QUORUM

The quorum for all organs of the Union shall be more than 50% of the relevant organ.

RULE 9: DELEGATES CONGRESS

- 9.1 The Supreme authority of the union shall be vested in the Delegates Congress, which shall be composed of members of the National Executive Committee, Councillors (Chairpersons and Secretaries or their representatives of respective branches) and five (5) Delegates from each Branch.
- 9.2 The Delegates Congress shall be held in every two years and shall not be held later than the end of May. The date, time and place of it shall be decided by the General Council. Not more than twenty four (24) months shall elapse between one Congress and the next.
- 9.3 At least 8 weeks before the date fixed for the congress, the General Secretary shall advice all branches and notify them of all the relevant information pertaining thereto. A preliminary notice of the congress stating the date, time place and calling for motions nominations for election of officers, names of delegates and amendments to the constitution shall be sent to all Branches Secretaries. The General Secretary shall also advise the Branches of the number of delegates.

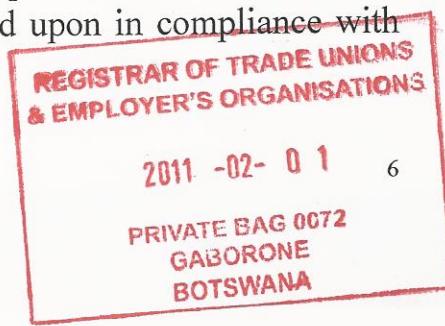


- 9.4 Every branch shall upon receipt of the notice, convene a Branch Conference within fourteen (14) calendar days. Branch Secretaries shall not later than four (4) weeks prior to the date of the delegates Congress send the names of the delegates, motions and nominations for officers to the General Secretary.
- 9.5 The General Secretary shall send to all Branch Secretaries at least 2 weeks before the date of the Congress an agenda, copies of the previous minutes, resolutions, reports, financial statements and any other relevant documents.
- 9.6 The delegates Congress shall decide on the final agenda. Any other item outside the agenda may be discussed in any other business (but no decision shall be taken) and /or shall be deferred to the next delegates Congress as an agenda item.
- 9.7 Notwithstanding provisions of Rule 9 above, any other item outside the agenda can only be entertained with the consent of the majority of the delegates present.
- 9.8 The quorum shall be considered having been formed by a simple majority of the delegates eligible to attend. If the quorum is not formed the Congress shall be postponed to another date not exceeding one (1) month after the original date.
- 9.9 If the quorum is not formed after the date of the date of the postponed Congress, the delegates present shall have the power to proceed but shall not have the power to take any decision on issues/items that need secret ballot in accordance with Rule 9.

9.10 FUNCTIONS AND POWERS

9.10.1 The Delegates Congress shall consider and decide upon:

- a) Credentials
- b) Reports
- c) Proposals and motions
- d) Amendments of the constitution. Proposals from the floor to amend the constitution shall be debated upon in compliance with Rule 9(6).



- e) Interpretation of the constitution and a waiver of any Rule or clause of the constitution.
- f) Election of seven Executive Committee members in accordance with Rule 19. Provided that no delegates shall be elected to the National Executive Committee, and no member of the General Council shall have the right to vote, except in case of tied vote
- g) Selection of trustees and external/internal auditors and Scrutinisers.
- h) Make resolutions for implementation by the General council and National Executive Committee.

RULE 10: SPECIAL DELEGATES CONGRESS

- 10.1 A Special Delegates Congress shall be convened only when
- a) Requested by a Majority of the branches
 - b) The General council deems it necessary.

Provided that majority of the General Council members or branches are in favour of the request stating the purpose(s).

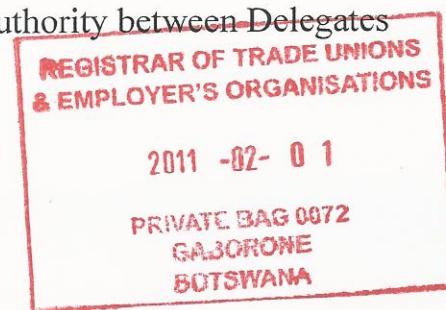
- 10.2 The business of the Special Delegates Congress will be conducted strictly in accordance with the agenda item/s.
- 10.3 Representation and voting shall be the same as that of the Delegates Congress.
- 10.4 Special Delegates Congress may not be held more than twice a year.
- 10.5 The Special Delegates congress shall have the same power and authority as in accordance with Rule 9.

10.6 FUNCTIONS AND POWERS

- a) The Special Delegates Congress shall have the same power and authority in accordance with Rule 9.10.

RULE 11: GENERAL COUNCIL

- 11.1 The General council is the highest authority between Delegates Congresses.



11.2 The General council shall meet twice a year during the month of march and September, and /or at any time deemed necessary, or at the request(in writing) to the General Secretary submitted jointly by at least one third(1/3) of its members or be summoned as frequently as the National Executive Committee may decide.

11.3 It shall be composed of seven (7) National Executive Committee members and all Branch Chairpersons and Secretaries or their representatives.

11.4 Members of the National Executive Committee are not entitled to vote in the General Council when dealing with reports and accounts safe for other agenda items.

11.5 FUNCTIONS AND POWERS

11.5.1 The General council may:

- a) Discuss and provisionally approve reports, accounts and auditors reports for the year,
- b) Discuss and adopt general guidelines for the Union's Wage System and other conditions of employment of all permanent staff.
- c) Call the Special Delegates Congress to decide on any issue as it deems necessary.
- d) Approve the employment of all permanent Union staff.
- e) Levy supplementary dues

11.5.2 Notwithstanding any rule of this constitution, the General Council shall exercise all and any other such powers and perform such acts, duties and obligations as may be necessary to attain or are incidental to or conducive to the attainment of the aims and objectives and general interest of the Union, whether such powers, duties and obligations are enshrined in this constitution or not.

11.5.3 It shall protect the funds and property of the union against extravagance and misappropriation or withholding any monies or property of the Union



11.5.4 It shall supervise the business of all branches in accordance with the provisions of this constitution.

11.5.5 It shall consider appeals and resolutions addressed to it from branches and subcommittees.

11.5.6 It shall summon a representative/s of the Branch to attend the meeting at which any matter affecting such a branch is to be debated.

11.5.7 The General Council shall establish the necessary departments or units of the Union.

11.5.8 The General Council shall decide on how to expend and/or invest the surplus funds of the Union in any of the public stocks or bonds or securities of the government of the Republic of Botswana or in any company registered under the companies Act or in any freehold or leasehold property in the Republic of Botswana or any approved co-operative undertaking or insurance business. All dividends and interests accrued thereof shall be deposited and form part of the Union's funds.

11.5.9 Should need arise, the General Council shall maintain a separate fund for all the monies received or paid by the Union in respect of any contributory provident, welfare or pension fund scheme that may be established for that purpose to accomplish the objectives of the Union.

11.5.10 The General council shall have the power to raise or borrow money on any of the properties, or securities of the Union by way of mortgage, movable and immovable property, securities, or otherwise in such a manner as it shall deem fit.

11.5.11 The General Council shall in addition to any expressed powers stipulated herein have the power to carry out the business of the union and may delegate some of its powers to the National Executive committee as it may deem necessary and expedient. It shall have the power to negotiate on any matter concerning the interest of the Union or workers in general and to conclude agreements with persons associations, employers, government bodies, local authorities, or statutory corporations regarding such matters. It shall have the powers to prepare programmes of action and policies of the union in general.



11.5.12 The General council shall have the power to sanction payments provided for in this constitution and in compliance with the Trade Disputes Act.

11.5.13 The General council shall have the power to recommend action to be taken against Union debtors if matters are brought before the National Executive Committee.

11.5.14 The decisions of the general Council are binding on all members of the Union.

RULE 12: SPECIAL GENERAL COUNCIL

12.1 A special General Council shall be convened when the National Executive Committee deems it necessary, or requested by the majority of the Branches.

12.2 The purpose of such a special council shall be limited to the consideration of that particular business and shall be conducted strictly in accordance with the agenda for which it had been called.

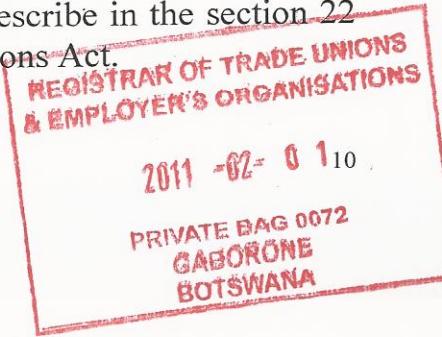
12.3 Representation and voting shall be the same as to that of the general Council.

RULE 13: NATIONAL EXECUTIVE COMMITTEE

13.1 The National Executive Committee shall comprise seven (7) principal officers namely, national Chairperson, Deputy Chairperson, General Secretary, Deputy General Secretary, National Treasurer, National Organising Secretary, and National Education Secretary.

13.2 The Chairperson and Secretary of the Women's Council or their representatives shall be ex-officio members who are not entitled to vote on any agenda item.

13.2.1 No member or employee of the Union shall be eligible to be elected into the National Executive Committee as prescribe in the section 22 of the trade Unions and Employers Organisations Act.



13.3 When an urgent matter requires the approval of the National executive Committee and it is not possible to convene a meeting, the General Secretary may obtain such approval by means of a circular letter. The following conditions must be fulfilled before a decision of the National Executive Committee is deemed to have been obtained:

- a) The issue shall be clearly set out in the circular letter and forwarded to all members of the National Executive Committee.
 - b) At least half of the members off the National Executive Committee must reply in writing, indicating, for or against the proposal.
 - c) The decision must be majority vote. Any decision obtained by the circular letter shall be reported by the General Secretary at the next National executive Committee following the decision and recording in the minutes.
- 13.4 Any member of the National Executive Committee or any other committee established under this constitution who fails (without a good reason) to attend three (3) consecutive meetings of the committee may be disqualified from the relevant Committee.

13.5 Functions and Powers

13.5.1 The National Executive Committee shall carry out and administer the business of the Union on behalf of the general Council and/ or Delegates Congress.

13.5.2 The National Executive Committee shall be responsible for the acquisition and disposal of the union's property, provided that the disposal of property shall be approved by the Trustees in terms of rule 19.3

RULE 14: DUTIES OF PRINCIPAL OFFICERS

14.1 National Chairperson

14.1.1 The national chairperson shall during his/her term of office, preside at all meetings of the Delegates Congresses, General Councils, and National



Executive Committee and any other meeting of the Union, and shall be responsible for the proper conduct of such meetings.

14.1.2 He shall sign minutes of the meetings at the time they are approved.

14.1.3 He shall sign cheques of the Union, together with the General Secretary or National Treasurer, and strive to secure the observance of the rules by all concerned.

14.2 Deputy National Chairperson

14.2.1 The Deputy National Chairperson in the absence of the National Chairperson shall act on his behalf and exercise powers vested in the national Chairperson.

14.3 General Secretary

14.3.1 The General Secretary shall conduct the business of the Union in accordance with the rules of this constitution and shall carry out instructions of the Delegates Congress, the General council and National Executive Committee.

14.3.2 He shall supervise the work of any staff engaged by the Union.

14.3.3 He shall be responsible for conducting all correspondence and keeping books, publications, documents and papers belong to his office in such a manner or form as the General Council may through the National Executive direct.

14.3.4 He shall attend all Delegates Congresses, General Councils, and any other Union meetings and record the minutes of proceedings.

14.3.5 He shall be responsible for preparation of annual returns and all other documents required by the Register of Trade Unions and ensure that they are forwarded to the Registrar by the prescribed date.

14.3.6 He shall keep a membership register containing names, sex and addresses of all Union members, and dates on which they joined the Union.



- 14.3.7 He shall be one of the signatories of Union cheques.
- 14.3.8 The Deputy General Secretary shall assist the General Secretary in all administrative work of the Union and shall act for him/her in his/her absence.
- #### 14.4 The National Treasurer
- 14.4.1 The National Treasurer shall be responsible for the financial books and for all monies belonging to the Union.
- 14.4.2 He shall prepare a financial statement for each business meeting of the General Council and for every Delegates Congress.
- 14.4.3 In accordance with the provisions of the Trade Unions and Employers Organisations Act, he shall prepare annual financial statement of the Union.
- 14.4.4 The National treasurer shall, in conjunction with the National Chairperson or General Secretary, sign cheques on behalf of the Union.
- 14.4.5 The National Treasurer shall issue a copy of the financial statement to the General Secretary at least four (4) weeks prior to the date of the Delegates Congress.
- 14.4.6 Upon leaving office, for whatever reasons, the National Treasurer shall prepare a detailed statement of accounts for the period which such office was held within fourteen days of vacating such office.
- 14.4.7 The statement of account shall be audited as if they were the annual financial documents. Securities, books of accounts and any other property of the Union held by the National Treasurer shall be handed to the Trustees of the Union within one month of vacating office.

14.5 National Education Secretary

- 14.5.1 The National Education Secretary shall be responsible for overseeing all education and research activities of the Union.



14.5.2 S/he shall from time to time carry out surveys to determine educational and research needs of the union and develop programmes to meet such needs.

14.5.3 He shall be the chairperson of the Education Committee and shall work hand in hand with such committee to assist him/her to execute his/her duties

14.6 National Organising Secretary

14.6.1 The National Organising Secretary shall be responsible for recruiting and organising members into the Union.

14.6.2 S/He shall ensure that union structures are established and function effectively in all branches.

14.6.3 S/He shall develop means to encourage and ensure that all members participate actively in Union activities.

14.6.4 S/He shall be the chairperson of the National Organising Committee.

14.6.5 S/he shall from time to time report to the executive Committee on matters pertaining to his/her duties.

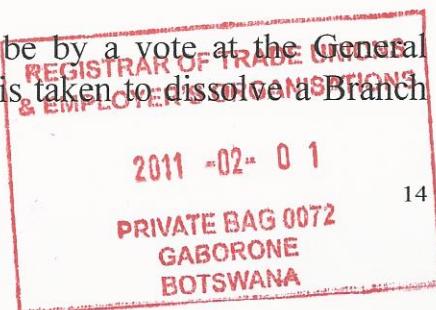
RULE 15: ESTABLISHMENT AND DISSOLUTION OF BRANCHES

15.1 The National Executive Committee may establish a branch in any area or place of employment wherein there are at least thirty (30) members.

15.2 The General Council may dissolve any branch if:

- a) Over a period of six months the number of members has fallen below thirty (30).
- b) The branch refuses to abide by the rules of the Union or the decision of the General Council or Delegates Congress, or in the opinion of the General Council, the Branch is guilty of conduct detrimental to the interests and the good name of the Union.

15.3 A decision to dissolve a Branch shall be by a vote at the General Council meeting provided that a decision is taken to dissolve a Branch



on the grounds stated in paragraph 17.2 above, the Branch concerned shall be given thirty days(30) notice and opportunity to answer the allegations.

15.4 The order of the dissolution shall be signed by the General Secretary and sent by registered post to the Secretary of the branch concerned. On receipt of such an order the Branch shall cease, within thirty (30) days from date of receipt of such an order, to function except for the purposes of winding up.

15.5 Any branch aggrieved on receiving an order of such dissolution may appeal to the Delegates Congress provided it submits its appeal in writing to the General Secretary by registered post within 30 days of receiving the notice of dissolution.

15.6 Notwithstanding such an appeal, the order of such dissolution shall continue to be operative until and unless in such circumstances that the branch so dissolved is empowered by the General Council to decide which members shall remain in membership of the Union and shall appoint a caretaker committee to deal with the affairs of the branch pending the hearing of the appeal.

15.7 In the event a branch dissolved in accordance with rule 17.2(a) above, the remaining members shall be transferred to the nearest branch.

15.8 With reference to the membership of a branch dissolved for a reason stated on paragraph 17.2 of this rule, the General Council shall be empowered to decide which members shall remain in membership of the Union and to which branch they shall belong.

15.8.1 It shall be the responsibility the Chairperson, Secretary, and the Treasurer of a dissolved branch to deliver to the General Secretary of the Union all books, records, money and other properties of the Union in the possession of the dissolved branch, together with a statement of account of the dissolved branch from the date of the last submission of account to the date of the order of the dissolution.

15.8.2 If the branch is considering seceding from the Union before doing so it shall carry out a secret ballot of all members of the Branch at a specially convened Branch General Meeting.



15.8.3 If the secret ballot vote gives approval for the branch to secede, the National Executive Committee shall be informed and the officers of the branch shall forthwith prepare and deliver to the General Secretary all books, money, documents and properties belonging to the Union as provided for in paragraph 17.9 above.

RULE 16: BRANCH COMMITTEES

16.1 A Branch Committee shall consist of the Branch Chairman, the Branch Vice Chairman, the Branch Secretary, the Assistant Branch Secretary, the Branch Treasurer, Branch Organising Secretary, and Branch Education officer.

16.2 All members of the Branch Committee shall be elected by a secret ballot to lead the branch for a period of two years, and if any vacancy takes place in any branch, the branch shall have powers to co-opt any member who is willing to fill the vacant post.

16.3 The duties of the Branch Committee shall be to manage the affairs of the Branch in accordance with the rules of the Union, and to carry out the instructions of the National Executive Committee, and the decisions of the General Council and Delegates Congress. The Branch Committee shall meet at least once in every a month and more than 50% of its members shall form a quorum.

16.4 The Branch Secretary shall send to the General not later than one month after such branch meetings, a copy of the meeting and shall, each month, provide the General Secretary with any changes, deletions or additions to the Branch membership register together with a brief report of the activities of the branch.

16.5 Branch General Meetings

16.5.1 Each branch shall hold a General Meeting each year or any other time for the purpose of discussing issues pertaining to the Branch.

16.5.2 The business of the Branch Annual General Meeting shall be to review the work of the branch during the year, to approve resolutions to be submitted to the Executive Committee for inclusion on the



agenda of the Delegates Congress, and to elect office bearers for the coming year.

16.5.3 A Special General Meeting of the Branch shall be convened on the instruction of the National Executive Committee, or when ever the Branch Committee considers it necessary, or at a joint written request of at least 1/3 of full paid up members of the Branch.

16.5.4 Such a Special General Meeting shall be convened by the Branch Secretary not later than seven (7) days after receipt of the written request.

16.5.5 The quorum of such Special General Meeting shall be more than 50% of the paid up members of the Branch.

RULE 17: BRANCH SUB-COMMITTEES

17.1 Branch Industrial Relations Committee (Negotiating body)

17.1.1 The chairperson, the Secretary and three additional members who The Branch Industrial relations Committee shall comprise of shall be elected by the Branch.

17.1.2 The Committee shall deal with all industrial relations issues concerning the branch.

17.1.3 The Committee shall be responsible to the Branch Executive Committee, to which it shall report all matters pertaining to its duties.

17.2 Branch Finance and General Purpose Committee

17.2.1 The Finance and general Purpose Committee shall comprise of the Branch Treasurer, and four (4) other members elected by the Branch members.

17.2.2 The Committee shall be responsible to the Branch Executive Committee.

17.2.3 It shall find ways and means of raising funds for the Union.

17.2.4 It shall also be responsible for catering all Union branch activities.



17.2.5 The Committee shall choose its own secretary.

17.3 Branch Education Committee

17.3.1 Each Branch shall have an Education Committee which shall comprise of Education Secretary and four (4) additional members.

17.3.2 Functions and Powers

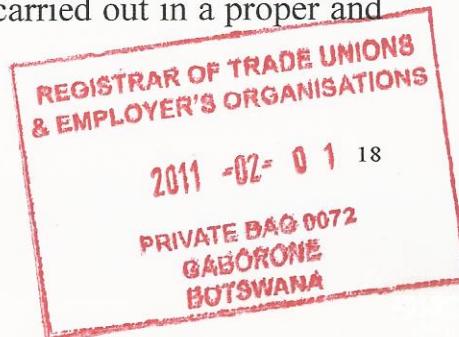
It shall be responsible for the education of the members through seminars and recruitment of new members and explaining to them the activities and advantages of joining the union.

RULE 18: SHOP STEWARDS

- 18.1 Members shall in every branch elect at least one shop steward per section or department of a workplace.
- 18.2 Shop stewards shall be responsible for representing members in grievances and disciplinary proceedings and educate members on their rights and obligations.
- 18.3 Where there are at least three or more Shop stewards in a workplace such Shop stewards shall form a Shop stewards Committee.
- 18.4 The Shop stewards Committee shall elect its Chairperson (Chief Shop stewards) and Secretary.
- 18.5 The Shop stewards Committee shall discuss and resolve all matters pertaining to the duties of Shop stewards.
- 18.6 The Shop stewards shall be accountable to the Branch Committee to which they shall give a report of its duties every month.

RULE 19: TRUSTEES

- 19.1 Three Trustees who shall be members of the Union, but not officers of the Union shall be appointed by the Executive Council subject to the confirmation of the Delegates Congress and shall remain in the office for at least three years.
- 19.2 Trustees shall carry out their duties in accordance with Section 26 of the trade Union and Employer's Organisations Act
- 19.3 Trustees shall ensure that the decision of the National Executive Committee to dispose the Union's property is carried out in a proper and



transparent manner, and take appropriate corrective measures where necessary.

19.4 The Executive Committee shall have the power to disqualify a member of the Trustees in case of ill health or incompetence and replace such Trustee, subject to confirmation of the next General Council and approval by the Registrar of Trade Unions and employer's Organisation

RULE 20: INTERNAL AUDITOR

20.1 The Delegates Congress shall elect one (1) Internal Auditor who will be a member of the Union and will be not less than 21 years of age and not a member of the National Executive Committee.

20.2 The Auditor shall have access to all books of the Union at all times, and shall endorse the financial statement before the Delegates Congress.

RULE 21: FINANCE

21.1 The financial year of the Union shall be the calendar year.

21.2 There shall be no claim on Union funds by any member either resigned or being expelled from membership of the Union.

21.3 The funds of the Union may, subject to the provisions of the Trade Union and Employers Organisations Act be expended only for the following subjects:

- a) the payment of allowances and expenses to officers of the Union ;
- b) the payment for the administration of the Union, including the auditing of the funds of the Union;
- c) the prosecution or defence of any legal proceedings to which the Union or any member thereof is a party, when such prosecution or defence is undertaken for the purposes of securing or protecting any rights arising out of the relations of



any member with his employer or with a person whom the member employs;

- d) the conduct of any Trade dispute not being an illegal strike on behalf of the Union or a member thereof;
- e) The payment of subscriptions and fees to any Federation or Congress of Trade Unions to which the Trade Union is affiliated.
- f) Any other objects which the Minister has declared, by statutory instrument, to be an object for which the Trade Union is affiliated.

21.4 All the money which belongs to the Union and which is not required for the approval, current expenses shall , within seven(7) days of receipt be deposited by the Treasurer into a Bank approved by the Executive Council e.g. donations.

21.5 All cheques or withdrawal notices on the Union account shall be signed jointly by the Treasurer and the Chairman or the General Secretary. In the absence of the Treasurer the Executive Council shall appoint one of its members to sign in his place.

21.6 The funds of the Union which are not for current expenses shall on the direction of the Executive Committee be invested in the names, and subject to the approval of the Trustees in such government stocks, securities, or other investments which the Executive Committee may decide.

21.7 Any person having an interest in the funds of the Union shall, after having submitted due notice to the General Secretary and Treasurer, be allowed to inspect all books of accounts of the Union, and the membership register, at any reasonable time at the place where such records are kept.

21.8 a) The National Executive Committee may, after approval of membership, impose a levy upon all the members of the Union, with the



exception of those who have been exempted by the National Executive Committee as provided for in Rule 5, paragraph (f).

- b) If any member fails to pay such levy within 4 weeks of its imposition, the amount due shall be treated as arrears of the Union's monthly subscriptions and the member concerned shall be liable to disqualification under Rule 5.
- 21.9 a) The Union, upon a majority decision voting in favour, may establish a Welfare Fund for members. Such funds may be used for granting loans (which shall be refunded without interest) to members of the Union in case of hardship, death of a Union member, financial assistance in the case of illness or death of a member of his /her family, educational assistance and any other purposes for the welfare benefit of members or their families as the National Executive Committee may determine and under such terms and conditions as the National Executive Committee may, at its sole discretion, decide.
- b) Monies for the fund shall be raised by means of a levy upon members which shall not exceed, in any one year, the equivalent of a member's annual subscription and such other means as the National Executive Committee may decide.
- c) Monies raised for the purpose of the Welfare Fund shall be paid into a separate Bank Account named the Botswana Diamond Workers Union Welfare Fund and shall be ministered by the National Treasurer of the Union as authorised by the National Executive Committee and shall not be used for any purpose other than those provided for in Clause 15.11 (i) as above. An audited statement of income and expenditure from the Welfare Fund shall be prepared and presented to the Annual General Meeting of the Union.
- 21.10 a) The Union shall strive to promote and establish cooperatives, particularly savings and credit societies.



- b) These societies will operate in accordance with the country cooperative laws, rules and regulations and their own registered by-laws.

21.11 Upon a majority vote by fully paid up members, the National Executive Committee shall solicit funds, either in the form of grants or loans from any Commercial Bank or any institution for the purchase and/or investment in movable and immovable property, so long as the purchase or investment does not violate section 39 of the Trade Unions and Employers Organisations Act as Amended from time to time.

RULE 22: DISCIPLINE

A member may be reprimanded, fined suspended or expelled from the Union for:

- a) Negligence of duties
- b) Misappropriation of the Union property
- c) Failure to attend meeting.
- d) Causing a disturbance in a meeting.
- e) Disclosing Union secrets
- f) Failing to pay fines.
- g) Signing an individual contract of employment which he or she knows will be detrimental to the existence of the Union.
- h) Violating the Constitution

RULE 23: AMENDMENT TO THE CONSTITUTION

23.1 Motions for the amendment of the constitution must be submitted to the National Executive Committee not later than 30 days prior to a General meeting of the Union.



23.2 Amendments to the constitution of the Union must be approved by the two-thirds majority of the paid up members of the Union and shall come into force immediately upon registration in terms of section 34 of the Trade Unions and employers Organisations Act.

RULE 24: SECRET BALLOT

24.1 Decisions in the following matters shall be taken by secret ballot:

- i) Election of officers and Committee members of the Union
- ii) Amendments to the Constitution including any amendments which may result in increasing the liability of members to contribute or decrease the benefits to which members may be entitled.
- iii) Election of delegates to any meeting of a Federation or Congress of Trade Unions.
- iv) Taking of strike action.

24.2 Dissolution of the Union

24.3 Any secret ballot on the above issues shall be conducted by scrutineers appointed by the Executive Council. Such scrutineers shall be three in number, shall hold office for 12 months and shall not be officers of the Union or members of any committees. At least two scrutineers as shall be present at any secret ballot.

24.4 Any secret ballot shall be held upon a motion to amalgamate or withdraw from any amalgamation with any registered Trade Unions, to federate with, or join a Federation, or withdraw from such Federation or Registered Trade Unions in Botswana. Such ballot be conducted in accordance with the provisions of Section 47 and Regulation 13 of the Trade Unions and Employers Organisations Act provided that not less than half the paid up members of the Union shall have voted in the secret ballot and two thirds of those voting shall have voted in favour of such amalgamation or federation.



RULE 25: PROCEDURE FOR PROCESSING CONDITIONS OF EMPLOYMENT AND DISPUTES

- 25.1 Should any section of the branch membership request that action be taken with reference to their condition of employment, they should submit their request, preferably in writing, to the General Secretary. The General Secretary shall submit the request to the next meeting of the National Executive Committee. If, in the opinion of the Chairman, the matter is considered urgent, a special meeting of the Executive Council; shall be convened.
- 25.2 Should any trade dispute arise, the members concerned must bring the matter to the notice of the General Secretary who shall immediately inform the Executive Council. The National Executive Committee shall decide upon the action to be taken and inform the members concerned.
- 25.3 No cessation of work or other form of industrial action unless at the least two thirds of the members affected have been voted by secret ballot in favour of the proposed action. The National Executive Committee shall not support any industrial action or strike financially, or otherwise, unless a secret ballot has been taken and the required majority has voted in favour of such action.
- a. The National Executive Committee shall not approve, support, or encourage any form of any form of industrial action which is, or may subsequently be declared, unlawful in terms of the Trade Disputes Act.
 - b. The National Executive Committee shall not approve, support, or encourage any form of industrial action unless, and until, the procedures provided for entered in between the Union and the employer for the settlement of disputes have been exhausted and provisions of the Trade Disputes Act have been followed.

RULE 26: AMALGAMATION

- 26.1 Union may amalgamate with one or more Registered Unions as one Trade Union, take part in forming a Federation of Registered Trade Unions, or join an existing Federation of Trade Unions in accordance



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with section 47 of the Trade Unions and Employers Organisation Act and clause 19.4 of this constitution.

RULE 27: DISSOLUTION

- 27.1** The dissolution of the Union shall be approved by a majority of the members of the Union by a secret ballot in accordance with section 38 of the Trade Unions and Employers' Organisations Act.
- 27.2** The Trustees shall be vested with the powers to wind up the affairs of the Union and shall determine the date from which the Union shall be deemed to have been dissolved following a decision taken in terms of Clause 22.1 above

RULE 28: EXTERNAL AUDITOR

- 28.1** The National Executive Committee shall appoint an independent auditor who shall be approved by the minister in terms of Section 43(6) of the Trade Unions and Employers Organisations Act. The Auditor so appointed shall have free access to all books and other documents relating to the accounts of the Union as provided for by section 43 of the Trade Unions and Employers Organisations Act.

Signed by: National Chairperson : Qdl

General Secretary: SMPS

