

CONSTITUTION OF THE SOUTH AFRICAN WORKERS TRADE UNION

PREAMBLE

We, union members of SAWTU, firmly commit ourselves to the formation of a strong, non-politically aligned union led and controlled by the workers. We believe and commit ourselves to a united, non-racial, non-sexist democratic South Africa free from oppression, economic exploitation and all forms of unfair discrimination.

AIMS AND OBJECTIVES

- To promote labour peace and harmony at the work place;
- To ensure a sound employer-employee relationship which benefits both the employer and employee.;
- To protect the interest of the working class by ensuring proper and professional representation and inclusion of workers in policy formulation and decision;
- To organize and unite all workers in South Africa;
- To secure equitable observance of all agreements reached between SAWTU members and the employer and between the bargaining councils and the employer;
- To promote and safeguard the economic and social welfare of its members, preserving their rights within a just, free and democratic society;
- To promote a safe and a healthy working environment;
- To inspire the solidarity of the working class at large and fight against all forms of injustices;
- To oppose any laws or administrative measures that affect the rights and/or interests of our members;
- To provide legal assistance to members in matters relating to their employment and to institute legal proceedings for and on behalf of the Union its members;
- To affiliate with any other trade union, trade union federation, or labour organization, with the objective of securing solidarity on any matter;
- To be part of bargaining councils for negotiation purposes and collective agreements between the employer and the employees;
- To acquire funds by means of subscriptions, levies, donations, loans, which are to be used for Union purposes as per the NEC resolution;
- To buy, take on lease, hire or otherwise acquire or sell, pledge or mortgage any movable or immovable property;
- To promote awareness, and health wellness in general, gender equality;

VISION

To restore dignity of the working class, to empower and protect the workers.

To campaign for better jobs, more equality, and do away with casualization and precarious employment.

To improve the lives of the workers through capacity and skills development.

To bring balance between employer and the employees.

MISSION

- Ensuring implementation of policies seeking to better employment and improve lives of the workers and the society.
- Ensuring a sound relationship between the employer and the employee, thus promoting labour peace.
- Inspire, equip and mobilize workers from different sectors to take action which positively influences their lives and the society.
- To unite and organise in all sectors who share our beliefs, values and aspirations

UNION MEMBERSHIP

The union membership shall compose of workers from different sectors.

Any worker with formal employment as per the prescripts of labour relation Act. Union membership shall not be used as a tool to discriminate unfairly. No worker shall be denied membership on basis of sexual orientation, disability, race, ethnicity and any other forms of unfair discrimination.

HONORARY MEMBERSHIP

- Honorary membership shall be given to all the founding member of the organisation at the end of their term of office as office bearers as an exit strategy not limited to any member the national executive committee deems deserving
- These members shall remain part of the national executive with full capacity

TERMINATION

Termination of membership shall take place under the following condition;

1. RESIGNATION

- A member may terminate her/his membership if she/he resign as an office bearer.
- Termination of membership shall be done in willing and submitted to the branch secretary if a member is a BOB.
- In the case of a LOB or POB, the termination shall be submitted to the respective secretaries
- No member shall be denied termination of membership if he/she want to
- A notice of at least 3 months (3) shall be given for members employed in the public sector
- All other sectors a notice of 1 (one) month.

2. MEMBER CEASING TO BE AN EMPLOYEE

- In the case of a member having her/his appointment being terminated by the employee by means of an expired contract of employment, dismissal, permanent incapacity and any other forms of lawful termination of employment.

3. TERMINATION OF UNION MEMBERSHIP AS THE RESUKT OF MISCONDUCT

- Any member found guilty of misconduct as prescribed by this constitution after fair hearing a member may have his/her membership terminated.
- Only the provincial executive committee may take decision to terminate membership in this regards, however the national executive committee reserves the right to review the decision.

APPLICATION AND ACCEPTANCE OF MEMBER

- Any worker from the age of 18 who is formally employed according to LRA prescripts is eligible to apply for union membership.
- An application for membership shall be done in writing through the union membership form.
- The branch executive committee shall look at the application for validity before accepting it.
- The member applying for membership shall be 18 years old and above.
- No member may be denied membership as a result of unfair discrimination
- Must not be an expelled member of the organisation
- Application for re-admission in the case of expelled members may only be considered after a period of 12 months (Twelve months)
- Any applicant for membership declares to abide by this constitution and rules governing the organisation.

SUBSCRIPTION FEE

- Monthly subscription shall be determined by the NEC from time to time
- Subscription fee shall be 2% of the gross salary of the member
- All members are expected to pay their monthly subscriptions in full under the category covered by minimum wage.
- All workers where stop under facilities are founded to the union
- All workers from the mining sector shall be able to pay their subscriptions via stop orders
- All the public sector employees shall pay their subscription via persal system
- Private sector employees shall be offered an opportunity to pay either by stop order or any payment method convenient for them

EXPULSION AND SUSPENSION FROM THE ORGANIZATION

- An expulsion shall be considered for any member who has deliberately transgressed and committed what is described as a misconduct by this constitution and by the organisation
- A fair hearing shall be given to such a member to establish, if the person/member has transgressed.
- After the fair hearing the PEC shall take the decision and expel the member and make those recommendations to the NEC.
- The NEC shall reserve the capacity to review the decision taken by the PEC.
- Any deliberate violation of this constitution shall equal suspension or even expulsion from the organisation.
- A suspension or expulsion shall not be effective until the NEC has made a decision to this effect, after the decision has been made to affect the suspension/expulsion the said members must be informed in writing
- The NEC before effecting the suspension/expulsion shall initiate investigation and come with its own findings.

MISCONDUCT

- Misconduct shall mean any acts contrary to this constitution
- Any acts which brings the union into disrepute
- Violates any provision of this constitution, the union policies, rules and regulations of the organisation either directly or indirectly.
- Any acts which are detrimental to the organisation interest and its members.
- Fails to attend planned meetings without any apology and acceptable reason.
- Defies the constitution in terms of paying his/her monthly subscription
- Found wearing the regalia of the organisation in public places such as night clubs, tarvens and shebeens
- Theft if a member steals from the organisation
- Fighting, if members or even union officials are seen fighting either at work or not at work, the union promotes unity amongst its members everywhere they go.
- Sexual harassment of any value, as this union promotes respect for anyone

DISCIPLINARY COMMITTEE

- Disciplinary committee from time to time may be appointed by the BEC at the branch level and the appeals committee shall be the BEC
- The same shall apply at the regional level, provincial and national
- Regional executive committee remains as the appeals committee at the regional level
- Provincial executive committee shall reunion as the appeals committee at the provincial level.
- National Executive committee shall reserve the power and the capacity to review all decisions made and taken by the provincial executive committee and shall reunion as the appeals
- Committee to which has a deciding voice in all appeals made

APPEALS COMMITTEE

- Shall be a committee appointed in terms of this constitution from time to time to finalize and decide on any appeals made.
- Inter-alia the appeals committee shall look at al the appeals such as suspension, expulsion, loss of benefits, misconducts and sanctions imposed to any member

AUTHORITIY OF THE CONSTITUTION

- This constitution is the source of all rights and responsibilities within the organisation and has the final authority conceiving and dispute within union.
- This constitution is the supreme law of this union and all policies and rules shall be in line with this constitution.

LOSS OF BENEFITS

- Any member who has been found guilty of any acts of misconduct as prescribed by this constitution and as results is expelled from the organisation shall lose all the benefits of being a member and of an office bearer
- Any member who resigns from the organisation or legally or lawfully termination from work by the employer shall loss the benefits of being a member as she/he ceases to be a member
- Members who relieved from employment shall lose the benefits from the organisation
- The NEC shall reserve the power to decide on extension of benefits in cases where a member had huge contribution to the organisation i.e founding members of organisation

APPEAL ON LOSS OF BENEFITS

- Members shall be given an opportunity to appeal any loss of benefits should they feel the process or the decision was not fair
- The NEC to review the appeal and make a decision after through investigation has been conducted.
- Any member who loses membership procedually lawfully shall not be offered an opportunity to appeal any loss of benefits

DEFINITIONS

In this Constitution, the following words and expressions shall bear the meanings assigned to them hereunder:

“The Act” shall mean the Labour Relations Act, 1995 as amended from time to time.

“Legal assistance” shall mean, the provision of assistance to Union members in matters relating to their employment. The NEC shall at all times take a decision on matters which warrant legal assistance.

“Legal Proceedings” shall mean a matter taken to court, e.g. labour court for dispute resolution purposes. It shall not mean meetings between the Union representatives and the employer and any form of disciplinary hearing in the workplace.

“Professional Liability” shall mean the liability insurance to cover the workers from bearing full costs of defending against any claim made against them at the work place.

“Retired Member” shall mean any member who has officially and legally retired from employment.

“Membership Benefits” shall mean, all the benefits the Union members are entitled to as to the NEC resolutions.

“Resolution” means any decision taken by the National Executive Committee in accordance to this Constitution.

“BOB” shall mean, Branch Office Bearers.

“BEC” shall mean, Branch Executive Committee.

“BC” shall mean, Branch Congress.

“BGM” shall mean, Branch General Meeting.

“ROB” shall mean, Regional Office Bearers.

“REC” shall mean, Regional Executive Committee.

“RC” shall mean, Regional Congress.

“POB” shall mean, Provincial office bearers.

“PEC” shall mean, Provincial Executive Committee.

“PC” shall mean, Provincial Congress.

“NOB” shall mean, National Office Bearers.

“NWC” shall mean, National Working Committee.

“NEC” shall mean, National Executive Committee.

“NC” shall mean ,National Congress.

CHAPTER 1: FOUNDATION OF THE TRADE UNION

FOUNDATION

- The name of the organization shall be SOUTH AFRICAN WORKERS TRADE UNION (SAWTU).
- The organization is a non-profit and an independent organization not for gain and a corporate body having perpetual succession with its own legal existence and all the legal powers as a juristic person.
- For convenient purposes the South African Workers Trade Union is referred to through this constitution as a union.
- The union shall have its national offices anywhere in South Africa as decided on or determined by its National Executive Committee.
- The union shall be referred to through any correspondences as SAWTU and shall be entitled to organize and operate anywhere in South Africa with provincial offices in all the provinces.

SCOPE

The Union shall be allowed to operate anywhere in South Africa, open to any worker employed both public and private sector, inclusive of the following sectors; Health, allied and staff, Education, Social Development, Local Municipalities, State Administration, Banking sector, parastatals, Public entities, SAPS, Correctional services, Mining and Construction, Retail, Security, Transport, Communication, Industrial chemicals, Renewable energy sector, motor industry, petroleum industry

COLOURS OF THE UNION

The colors of the union shall be, the colors which compose the logo of the union, inclusive of the colors of the South African flag, as the symbol for the pride of the nation.

AUTHORITY OF THE CONSTITUTION

This Constitution is the source of all rights and responsibilities within the organization and has the final authority concerning any dispute within the union. This constitution is the supreme law of this union and all policies, rules and regulations of the union shall be in line with this constitution.

CHAPTER 2: ESTABLISHMENT OF STRUCTURES

The Union shall be established in a form of the following structures and these structures shall have their independent functions, powers and responsibilities:

DIVISION 1:

1. THE BRANCH

1.1.1 The branch shall be the most important structure of the union as it forms the base on which all the structures are formed.

1.1.2 The branch shall be formed by at least a number of 10(TEN) members at the workplace. The branch with a minimum of 10(TEN) members shall be entitled to 1(ONE) representative as the labour relations act.

1.1.3 A branch committee is formed by all the shop stewards elected by members at the work place. The members shall elect the shop stewards according to their positions e.g. they shall elect the chairperson or the secretary.

1.1.4 All the elected shop stewards shall hold the office for a period of 5 (FIVE) years.

1.1.5 The responsibilities of the branch committee shall among other things running the affairs of the members, servicing the members and attending meetings with management on behalf of the members and the organization.

1.1.6 The Branch Executive Committee (BEC) shall be composed of all the shop stewards elected at the branch level.

1.1.7 Each branch shall hold a branch congress after every 5 (FIVE) years where shop stewards shall be elected.

1.1.8 During the branch congress the branch committee shall prepare and give reports to the members inclusive of final report.

1.1.8 The branch congress shall have the status and a capacity to make recommendations to the constitution for amendments.

1.2 BRANCH APPEALS COMMITTEE

1.2.1 Each branch shall have an appeals committee except a branch where there are only 10 members with one shop steward.

1.2.2 The branch executive committee shall remain as the appeals committee at the branch level

1.3 BRANCH CONGRESS

1.3.1 This is the highest / supreme body of the organisation at the branch level with powers vested in it.

1.3.2 Branch congress shall convene every after 5 (five years)

1.3.3 The branch committee has the capacity to call a special congress at any given moment they deem necessary.

1.3.4 Branch congress shall nominate and elect new office bearers at the end of a five (5) year term

1.3.4 Branch congress has the power to dissolve the branch committee and elect the new committee

1.3.5 The power to review all policies of the organisation and the power to awarded the constitution, make inputs on constitution amendments for the national congress

DIVISION 2:

2.1 THE REGION

2.1.1 The region is the second division on the establishment of the union structures.

2.2.2 It is composed of the chairpersons and secretaries from all the branches within a particular region or within a reasonable geographical boundary as determined by the Provincial Executive Committee.

2.2.3 The regional leaders shall be elected by all the branches present during a regional congress which shall convene after a period of 5(FIVE) years soon after the completion of all the branch congresses.

2.2.4 During the regional congress the regional leadership shall be elected in accordance to the structures of the organization as prescribed by this constitution.

2.2.5 Region shall convene meetings at least 4(FOUR) times a year following the branch meetings to discuss matters affecting all the branches within the region and also to take mandates to the PEC.

2.2.6 Inter alia the region shall look and access the performance of all the branches within the region in terms of growth, performance and compliance with policies and the constitution of the union.

2.2.7 The region has a duty to intervene and assist any branches which may be facing challenges.

2.2.8 The regional congress remains the supreme body of the union within the region with powers to elect and dissolve the regional structure.

2.2.9 The regional congress has the powers to review policies and make recommendations for constitutional amendments during the national congress.

2.2.10 The delegates to the regional congress shall be all the shop stewards in all the branches within a particular region and an additional delegate for each 50(FIFTY) members in a branch.

2.2.11 The regional congress shall assign its powers to the Regional Executive Committee.

The Regional Executive Committee shall then serve as the supreme body of the region in between congresses.

2.2.12 The REC has a responsibility to implement decisions and resolutions of the NC, NEC, NWC, PC, PEC and RC.

2.2.13 The REC shall be composed of the branch chairpersons and branch secretaries in all the branches within the region.

2.2.14 Shall from time to time lease with the POBs and the PEC for guidance and assistance.

2.2 THE REGIONAL CONGRESS

- 2.2.1 This is the supreme body of the region
- 2.2.2 It conveys after a period of five (5) years
- 2.2.3 Has power to dissolve and elect the new regional structure
- 2.2.4 Has the power to review the performance of the ROB for the past term and decided on their future
- 2.2.5 The regional congress is composed of all the branch chairpersons and branch secretary and additional delegate (one delegate) for each fifty (50) members i.e a branch with one hundred (100) members the delegation to the regional congress shall be the branch chairperson, the secretary plus two delegates
- 2.2.6 Regional congress takes congress resolutions on matters affecting the region and even the province
- 2.2.7 Shall assist its powers to the REC in between congress
- 2.2.8 Independent decision of the NC, NWC, NEC, PC and PEC

2.3 THE REGIONAL EXECUTIVE COMMITTEE

- 2.3.1 This shall serve as the highest decision making structure of the region in between congress
- 2.3.2 Has powers assigned to it by the regional congress
- 2.3.3 Shall liaise with the POB and PEC from time to time
- 2.3.4 Shall convene at least four (4) times a year after the branches have convened
- 2.3.5 Responsible for implementation of the congress resolutions, NEC, NWC, PC, and the PEC, not limited to decision made by the region itself

2.4 THE REGIONAL APPEALS COMMITTEE

The REC shall reunite as the appeals committee when it comes to appeals made by the region

DIVISION 3:

3.1 THE PROVINCIAL CONGRESS (PC)

- 3.1.1. This is the supreme body of the union within the province.
- 3.1.2. Provincial Congress shall convene after a period of 5(FIVE) years after all the regional congresses within the province.
- 3.3.3. Assigns its powers to the PEC in between congresses.
- 3.3.4. Provincial congress has the powers and the capacity to elect and dissolve the PEC.
- 3.3.5. The provincial congress shall elect the provincial office bears such as the provincial chairperson two provincial vice chairpersons the provincial secretary and the provincial treasurer.
- 3.3.6. Delegates to the provincial congress shall be the REC and an additional 1(ONE) for each 200(TWO HUNDRED) members.
- 3.3.7. A 60 (SIXTY) day notice for the congress shall be given to all the regions before the congress.

3.2 THE PROVINCIAL EXECUTIVE COMMITTEE (PEC)

- 3.2.1. Shall serve as the body of the union within the province in between congresses.
- 3.2.2. The PEC shall be responsible for implementation of the NC, NEC, NWC, and PEC resolutions.
- 3.2.3. PEC shall consider reports from the regions and reports from the POBs and other portfolios.
- 3.2.4. Shall be responsible for carrying out the aims and objectives of the union within the province.
- 3.2.5. Shall be responsible in ensuring growth of the province and compliance to policies and to this constitution.
- 3.2.6. Shall convene at least 4(FOUR) times a year.
- 3.2.7. A 14 (FOURTEEN) day notice shall always be given prior any PEC meeting.
- 3.2.8. Shall play a role in formulation of the union policies in line with the constitution of this union approved by the NEC.
- 3.2.9. The PEC shall be composed of the regional chairpersons and their secretaries and the POBs.
- 3.2.10. Shall have a capacity to decide on sub committees in consultation with the NEC.
- 3.2.11. Shall be responsible for all affairs of the union within the province.
- 3.2.12. Shall defend the image and the integrity of the union within the province at all costs.

3.3 PROVINCIAL OFFICE BEARERS

3.3.1. Shall hold the office for a period of 5(FIVE) years.

3.3.2. Shall be elected during the provincial congress.

3.3.3. Provincial office bearers shall be the following, provincial chairperson, two vice chairpersons, the provincial treasurer, the provincial secretary and the deputy provincial secretary.

3.3.4. All the provincial office bearers shall serve in the provincial executive committee.

3.3.5. Shall be responsible for running of the affairs of the union within the province.

3.3.6. Shall convene before each PEC .

FUNCTIONS AND POWERS OF THE POBs

- **PROVINCIAL CHAIRPERSON**

- Presides over the meetings of the POBs, PEC, and the PC in accordance to this constitution.
- Shall serve as the chief executive officer of the organization within the province.
- Shall be responsible for ensuring that the entire province is functional.
- Shall have the power of a deciding vote in a case of a tie during the process of elections.
- Shall have the power to delegate responsibilities to any office bearer within the province.
- Shall have the power to decline and approve budget and proposals which are not in the best interests of the union.
- Shall serve as the signatory of the unions' provincial bank account.
- Shall report to the NEC, PEC and the PC.
- Shall have the power and a responsibility to ensure that reasonable steps are always taken to ensure observance of the constitution by all members.
- Has the duty to ensure that there is order productivity and effectiveness at the provincial office.
- Shall have the power and a responsibility to convene meetings as and when he deems necessary.
- Shall have the power to approve all correspondences from the office of the provincial secretary.
- Shall together with the provincial secretary approve all minutes of the meetings held.
- Shall from time to time liaise with the president regarding incidents, events and everything that is happening within the province.
- Shall serve as the political head of the union within the province.

2. THE TWO VICE CHAIRPERSON

- Shall resume the duties of the provincial chairperson in his absence, the provincial chairperson shall appoint one vice chairperson to act on his behalf.
- Shall be responsibilities for formulation of union policies and disciplinary codes of the union.
- Shall be allocated specific portfolios by the PEC.
- Shall work hand in glove with the provincial chairperson and serve as the main advisers to the provincial chairperson.
- Shall assist the provincial chairperson with order and ensuring that there is growth within the province.

• PROVINCIAL TREASURER

- Shall have the power to decline the and approve budgets working with the provincial chairperson.
- Shall report to the national finance committee ,PEC and the PC.
- Shall be responsible for monitoring of finances, assets, logistics and any finance related issues working together with the provincial chairperson.
- Shall prepare and present financial reports for the PEC, PC and the national finance committee.
- Shall have the power to implement cost cutting measures as and when necessary without compromising the effectiveness of the union.

• THE PROVINCIAL SECRETARY.

- Shall serve as the chief administrator of the union within the province.
- In consultation with the provincial chairperson manages the affairs of the union within the province.
- Prepares registers and minutes for all the provincial meetings.
- Together with the provincial chairperson drafts agenda of all the provincial meetings.
- Shall be responsible for capturing of minutes during all those meetings.
- Shall be responsible in ensuring that all meetings do form a quorum before each meeting.
- Keeps statistics and all the documents of the union within the province

- **DEPUTY PROVINCIAL SECRETARY.**

Resumes the powers and the responsibilities of the provincial secretary in the absence of the provincial secretary.

On day to day occasions works hand in glove with the provincial secretary.

Together with the provincial secretary has the power to establish sub committees as and when they deem necessary in consultation with the provincial chairperson.

DIVISION 6:

6.1 THE NATIONAL CONGRESS

- 6.1.1. This is the supreme body of the union with powers to elect and dissolve the NEC and NOBs.
- 6.1.2. National congress shall convene every after a period of 5(FIVE) years.
- 6.1.3. Shall be composed of all the provinces and their PECs and the NOBs.
- 6.1.4. Shall assign its powers and responsibilities to the NEC in between congresses.

6.2. POWERS AND FUNCTIONS OF THE NATIONAL CONGRESS.

- 6.2.1. Shall have the power to amend the constitution.
- 6.2.2. Shall have the power to review and rectify all the policies and resolutions taken by the NEC.
- 6.2.3. Shall have the power to review any resolutions taken in the past congresses/congress.
- 6.2.4. Shall have the power to dissolve and elect the NEC and NOBs.
- 6.2.5. Shall have the power to review financial statements and monitor union funds.
- 6.2.6. Shall have the power to decide where to invest the funds of the union and how the union funds should be utilized.
- 6.2.7. The national congress shall look at the progress of the union its failures and successes as to determine any need for a change in the strategy of the union.

DIVISION 7

7.1 NATIONAL EXECUTIVE COMMITTEE (NEC)

- 7.1.1. Shall serve as the supreme body of the union in between congresses.
- 7.1.2. Shall be responsible for running of the entire organization in between congresses.
- 7.1.3. Shall serve as the executive board of the organization with powers to make any necessary changes within the organization inn between congresses.
- 7.1.4. Shall be responsible for all the affairs of the union.
- 7.1.5. Shall monitor the finances of the union, the expenses and how the funds should be utilized.
- 7.1.6. Shall decide on the appointment of union officials, the criteria for appointment and requirements.
- 7.1.7. Shall decide on salaries and expenses of the union.
- 7.1.8. Shall monitor the investments as decided by the national congress.
- 7.1.9. Shall approve financial statement after being audited.
- 7.1.10. Shall give guidance on funds should be utilized in all the provinces.
- 7.1.11. The NEC shall be composed of all the provincial chairpersons, the provincial secretaries and the NOBs.

7.2. COMPOSITION OF THE NEC

- 7.2.1. NEC shall be composed of;
- 7.2.2. The provincial chairpersons
- 7.2.3. The provincial Secretaries
- 7.2.4. The National office bearers

DIVISION 8

8.1. NATIONAL WORKING COMMITTEE (NWC)

- 8.1.1. Shall be composed of the NOBs, NEC, regional chairpersons and regional secretaries.
- 8.1.2. Shall serve as the special committee which exists to ensure implementation of both congress and NEC resolutions.

8.2. FUNCTIONS AND POWERS OF THE NWC

- Shall convene at least twice a year.
- Shall be responsible for monitoring and evaluation and implementation of the national congress and NEC resolutions.
- Shall ensure compliance in all the structures of the organization.
- Shall have a power to formulate policies for approval by the NEC.
- Shall be able to come up with campaigns in implementing some of the resolutions.
- Shall be a committee which determines requirements for implementation of any resolutions.

8.3. COMPOSITION OF THE NATIONAL WORKING COMMITTEE

- 8.3.1. Shall be composed of,
- 8.3.2. National office bearers
- 8.3.3. NEC members
- 8.3.4. Regional Chairpersons
- 8.3.5. Regional Secretaries

DIVISION 9

NATIONAL OFFICE BEARERS (NOB)

Shall be composed of:

1. President
2. Two deputy presidents
3. The national treasurer
4. The general secretary
5. The deputy general secretary

• PRESIDENT

- Shall attend and preside in all the national meetings, national congress, NEC, NWC, NOBs and other meetings.
- Shall always have a deciding vote.
- Shall act as the chief executive officer of the entire organization.
- Shall play the supervisory role over the entire the organization
- Shall receive reports from the general secretary
- Shall have the power to delegate as and when necessary.
- Shall have the power to sign all the minutes of the national meetings.
- Shall report to the NEC
- Shall have to power to decline and approve all proposals and budgets which are not in the interests of the organization.
- Shall ensure that the constitution of the organization is observed at all times.
- Shall have the power to perform any other duties which are in the best interests of the organization.
- The president may serve the maximum of 2(TWO) terms unless otherwise decided by the national congress.

- **THE TWO VICE PRESIDENTS**

THEIR POWERS AND FUNCTIONS

- Shall assist the president in performing his/her duties when called to do so.
- Shall remain the as the main advisors to the president.
- Shall the power to exercise the functions of the president in his /her absence.
- In the absence of the president one of the vice presidents shall resume the functions and the duties of the president or the national treasurer in the absence of the two vice presidents.
- Shall be allocated specific portfolios by the NEC.
- Shall have the powers to review all the policies of the organization.

- **THE GENERAL SECRETARY**

POWERS AND THE FUNCTIONS

- Shall act as the chief administrative officer of the entire organization.
- Shall report directly to the president, NEC, NC.
- Shall be responsible for capturing of all the minutes of all the national meetings.
- Shall receive the reports from all the provincial secretaries and consolidate them to form a national report.
- Shall work hand in hand with the president.
- Attends all the meetings together with the president.
- Responsible for all the communiqués of the organization with approval from the president.
- Attends all the national meetings, NC, NEC, NWC and NOB meetings.
- Shall together with the president visit all the provinces regularly to monitor efficiency of all the officials and fulltime office bearers of the union.
- Shall together with the president and NOBs appoint officials of the union and give report to the NEC.
- Shall attend all the events together with the president.
- Shall serve as a signatory to the national bank account of the union.
- Shall be elected at the national congress.
- Shall be responsible for record keeping of all the documents of the organization.
- Ensure administrative functionality of the entire union.
- Shall perform other duties as per the instruction and the request of the president.

- **DEPUTY GENERAL SECRETARY**

POWERS AND FUNCTIONS

- Resumes the duties and the functions of the general secretary in his/her absence.
- Works hand in hand with the general secretary.
- Shall together with the 2(TWO) vice presidents have the power to review all the policies of the organization.
- Shall act as the advisor to the general secretary

FUNCTIONS AND POWERS OF NOBs

- Shall be elected during a national congress.
- Shall hold the office for a period of 5(FIVE) years.
- Shall be responsible for ensuring that all the provinces are functional.
- Shall be responsible for day to day operations operations.
- Shall convene at least every month
- Shall report to the NEC

DIVISION 10

National Finance Committee

- 10.1. This committee is specifically dealing with the assets and finances of the organization
- 10.2. This committee shall convene at least 4(FOUR) times a year before the NEC.
- 10.3. Shall have the capacity to make recommendations on management of funds and assets of the organization for rectification and approval by the NEC.
- 10.4. Shall be responsible for maintenance of equipment and make request for purchase of equipment to the NEC.
- 10.5. This committee shall be composed of all the provincial treasurers including the president and the general secretary as ex officio members.
- 10.6. The national treasurer shall be the chairperson of this committee.
- 10.7. This committee shall have the power to scrutinize all the expenses of the organization

CHAPTER 4
GUIDE ON CONVENING MEETINGS, FORMULATION OF QUORUM, DECISION MAKING AND
HOW MINUTES SHOULD BE KEPT

4.1 BRANCH MEETINGS

- 4.1.1. All branches are expected to hold general meetings for the sake of mandate taking from
- 4.1.2. The members and report back to the members.
- 4.1.3. All the branches shall have monthly meetings including the branch committee meetings.
- 4.1.4. The REC shall decide the fate of any branch which is not compliant in terms of holding meeting as per this constitution.
- 4.1.5. The branch committee shall convene at least 2(TWO) weeks before the general meeting and draft the agenda for the general meeting.
- 4.1.6. The committee shall afford the general members to have additional points on the agenda and those additions shall be part of the agenda.
- 4.1.7. The branch secretary shall be responsible for capturing of minutes and those minutes to be kept in the branch file.
- 4.1.8. The quorum of the general meeting shall be the members present at the general meeting to avoid keeping information from members because of members which did not attend.
- 4.1.9. The quorum of the executive committee shall be 50% plus 1(FIFTY PERCENT PLUS, ONE) of the total number of shop stewards within the branch.
- 4.1.10. In a case of a branch with only one representative meetings are still expected to be held accordingly, the branch shop steward in this case has a capacity to appoint the scribe for the meeting.
- 4.1.11. The branch chairperson together with the branch secretary is expected to sign the minutes of the general meeting as a true reflection of decision made during the general meeting within a period of 7(SEVEN) days.
- 4.1.12. Quorum for the branch congress shall be 50% plus 1(FIFTY PERCENT PLUS) of the total number of membership within the branch and so is the quorum for the branch committee.
- 4.1.13. A decision shall be what the majority of the members agree on.
- 4.1.14. In a case of disagreement, a vote by a show of hands must be done, majority rule principle shall apply.
- 4.1.15. A report within 7(SEVEN) working days must be compiled and submitted to the regional secretary.

- **REGIONAL MEETINGS**

- Regional meetings shall be convened at least 4 (FOUR) times a year.
- The regional leadership during a regional meeting among other things shall discuss issues affecting different branches with an intention to intervene where necessary.
- Mandates from all the branches must be openly discussed here and a decision must be taken in addressing such mandates.
- In a case where the region cannot address some of the issues from the branches those issues must be escalated to the PEC for further discussions and for the PEC to intervene.
- The regional office bearers shall convene at least 2(TWO) weeks before the regional executive meeting to draft agenda points for the REC meeting.
- Regional office bearers are expected to convene on monthly basis.
- The regional secretary shall be responsible for capturing of minutes during the REC meeting.
- A decision is taken when the majority of the members agree on a certain point.
- The majority rule principle shall always apply in decision making.
- A quorum shall always be 50 % plus 1(FIFTY PERCENT PLUS ONE) in both the REC and ROB meetings.
- This 50 plus 1 shall be composed of the number of branches the region has in a case of a regional executive meeting.
- If the quorum is not reached for an hour the meeting shall adjourn to re-convene within 7(SEVEN) working days.
- Minutes of each REC and ROB meeting shall be signed by the regional chairperson as a true reflection of decisions taken during these meetings.
- A comprehensive report shall be written by the regional secretary to the provincial secretary within 7 (SEVEN) working days from the day of the meeting.
- In a case of a regional congress the same method of taking decisions apply and the quorum remains the same.
- In a case of a regional congress the REC as conveners of the congress shall meet at least 2 months before the congress to draft agenda for the congress, standing orders and program of the congress.
- In a case where the quorum could not be achieved for the regional congress, the congress shall stand adjourned to re-convene within 30(THIRTY) working days from the day of the congress.

- **PROVINCIAL MEETINGS**

- Provincial office bearers as the same as other office bearers are expected to convene on monthly basis.
- The provincial secretary together with the provincial chairperson are expected to meet to 2 (TWO) weeks before the POB meetings to draft agenda for the meeting.
- Quorum for the POB meeting shall be 50% plus 1(FIFTY PERCENT PLUS ONE) of the total number of POB members.
- Any decisions taken shall be based on what the majority agrees on.
- A vote by a show of hands is conducted in a case of any disagreements.
- Other POB members shall always be afforded an opportunity to add points on the agenda if they want to do so.
- In a case of a PEC meeting, the POBs as conveners shall draft the agenda of the PEC meeting at least 2 (TWO) weeks before the NEC.
- Quorum for all PEC meetings shall be 50% plus 1(FIFTY PERCENT PLUS ONE) of the total number of regions within the province.
- The meeting shall stand adjourned if the quorum could not be reached for an hour.
- The provincial secretary shall be responsible for capturing of minutes and a comprehensive report to the general secretary is sent within 7 (SEVEN) working days from the day of the PEC meeting.
- All minutes for all the provincial meetings shall be signed by the provincial chairperson and provincial secretary as the true reflection of the decisions taken during the meetings within 7 (SEVEN) working days and to be submitted to the general secretary.
- In a case of a provincial congress, the quorum shall be 50% plus 1 (FIFTY PERCENT PLUS ONE) of the total number of regions within the province and the delegates expected to attend.
- In a case where a quorum for the provincial congress is not met the congress shall stand adjourned to re-convene within 30(THIRTY) working days from the day of the congress.
- Necessary processes as prescribed by this constitution to be followed.

- **NATIONAL MEETINGS**

- National meeting shall include all the meetings held at the national level.
- NOBs are expected to hold monthly meetings.
- The president and the general secretary shall meet 2 (TWO) weeks before the meeting and draft the agenda for the meeting.
- The quorum for NOB meetings shall remain 50% plus 1(FIFTY PERCENT PLUS ONE) of the total number of NOBs.
- Any decisions taken shall be based on what the majority agrees on.
- In a case where a quorum could not be met or achieved for an hour the meeting shall stand adjourned to re-convene within 7 (SEVEN) working days from the day of the meeting.
- In a case of a NEC the NOBs are expected to convene at least 2(TWO) weeks before the NEC meeting to draft agenda for the meeting.
- Procedure for taking decisions shall be the same procedure as the other structures.
- Quorum shall be 50% plus 1(FIFTY PERCENT PLUS ONE) of the provincial representatives expected to attend as per this constitution.
- In a case where the quorum could not be achieved, the meeting shall stand adjourned to re-convene within 30 (THIRTY) working days from the day of the meeting.
- In a case of a national congress, the quorum shall be 50% plus 1(FIFTY PERCENT PLUS ONE) of the provincial representatives and delegates expected to attend as per the constitution.
- During a national congress the procedure for decision making still applies as the same in all the structures.
- In a case where the quorum could not be achieved or met, the congress shall stand adjourned to re-convene within 30(THIRTY) working days from the day of the national congress.
- The general secretary shall be responsible for capturing of minutes during all these national meetings and those meetings to be signed as the true reflection of decisions taken within 7(SEVEN) working days by the both the president and the general secretary.
- These rules shall apply to all the national meetings and shall be observed as any deviation shall be deemed as violation of this constitution.
- The national finance committee and the national working committee shall also abide by these rules and procedures when holding their respective meetings.

CHAPTER 5

RULES AND PROCEDURES FOR WHICH DECISIONS ARE REACHED IN ALL THE MEETINGS.

- 5.1. All the union meetings shall be convened as per the constitution.
- 5.2. Any meetings held out of this constitution shall be deemed null and void and decisions taken in that meeting shall not be considered, furthermore that unconstitutional meeting shall be deemed as a direct violation of the constitution and shall be deemed as misconduct.
- 5.3. In all the union meetings, the chairperson and the secretary shall confirm the quorum for the meeting before the meeting begins.
- 5.4. Only issues on the agenda shall be entertained and issues the committee agreed to discuss shall be discussed.
- 5.5. The principle of majority rule shall apply in reaching any decision, the motion of a mover and a seconder in making proposals and decisions shall apply.
- 5.6. In a case of voting on a matter in order to reach any decision, voting by a show of hands and the majority rule principle shall again apply.
- 5.7. If a matter or an issue has been decided on by the majority that matter shall be closed and not re-opened by anyone as it shall be deemed as a decision taken.
- 5.8. Respect for the chairperson during these meetings shall be maintained at all costs anyone who wishes to speak shall do so by a show of hand and wait to be recognized and given a green light to speak by the chairperson.
- 5.9. No disruptive behavior during these meetings shall be entertained and any disruption shall be deemed as a misconduct.
- 5.10. Respect for one another shall be maintained, no one shall be allowed to disturb the other while speaking.
- 5.11. Only the chairperson shall have the capacity to stop anyone who appears to be out of order during these meetings.
- 5.12. Only union representatives shall form part of these meetings as per the constitution, no union officials shall be allowed to attend these meetings.
- 5.13. All decisions taken during these meetings shall be binding and shall be implemented accordingly.
- 5.14. Only acceptable language shall be used and no insults shall be tolerated as that shall be deemed as a disruption and shall equal misconduct.
- 5.15. These rules shall apply to all union meetings in all structures.

CHAPTER 6
GENERAL RULES ON HOW CONGRESSES ARE HELD BY STRUCTURES LEGIBLE TO HOLD
CONGRESSES.

- 6.1. All the elected structures are expected to hold congresses after every 5 (YEARS) as per this constitution as the term of office is a period of 5(FIVE) years.
- 6.2. Branches at the institutional level are expected to hold congresses every after 5 (FIVE) years followed by the regional structures.
- 6.3. The provincial structurers shall be followed by the national structure.
- 6.4. All the congresses shall follow the prescribed rules by this constitution in terms of decision making and the guides in terms of holding those congresses.

CHAPTER 7
PROCEDURE FOR NOMINATION AND ELECTION OF UNION OFFICE BEARERS IN ALL THE
STRUCTURES

- 7.1. All the structures legible for elections a month before the date of election be given a green light to start engaging on the issues pertaining elections, therefore a formal notice shall be given a month before elections.
- 7.2. This enables them to start looking at the suitable candidates elections.
- 7.3. All office bearers who served for a single term shall be able to stand for re-election if their branches still want to keep them as office bearers.
- 7.4. According to labour relations act each work place where the union has 10(TEN) members are entitled to one shop steward.
- 7.5. The number of elected shop stewards per branch shall be according to the labour relations act.
- 7.6. Nomination forms shall be made available from the day the notice for elections is issued.
- 7.8. The structures shall be allowed to make their nominations until the day before the elections unless decided otherwise by the NEC.
- 7.9. All nominations shall be done in writing with particulars of a person nominating, particulars of a person seconding the nomination and the particulars of a nominee and a signature as the sign of the acceptance of the nomination.
- 7.10. In a case of regional elections, the nomination shall be done by a branch seconded by another branch.
- 7.11. In a case of provincial elections, the nomination shall be done by the region by and seconded by another region.
- 7.12. In a case of national elections, nomination shall be done by a province seconded by another.
- 7.13. A person with more votes during the process of elections shall be deemed as duly elected.
- 7.14. Elections shall be conducted by neutral body to ensure free and fair elections preferably the IEC unless the NEC decides otherwise with valid motivation which is the best interests of the organization.
- 7.15. All candidates duly elected in all the structures shall hold the office for a period of 5(FIVE) years.
- 7.16. All elections shall be conducted in a form of voting by a ballot paper.

- 7.17. At the end of each 5(FIVE) year term, a day before the election of new office bearers the office bearers shall be requested to vacate the office.
- 7.18. After the elections have been declared free and fair by the IEC, no one shall be given an opportunity to dispute the process of elections, however the NEC shall have a capacity to review the ballot papers after elections if a need arises.

7.2PROCEDURE FOR APPOINTING UNION OFFICIALS

- 7.2.1. The appointment of union officials shall be done after the NEC has identified a need for an appointment of a union official.
- 7.2.2. The vacancy shall be then advertised with specific requirements relevant to the position.
- 7.2.3. The criteria for the recruitment processes shall be determined by the NEC and the president together with the general secretary shall appoint a union official strictly according to the NEC resolutions.
- 7.2.4. The NEC shall decide on the panel members for shortlisting of candidates and interviews.
- 7.2.5. Successful candidates shall be informed at least a month before they resume their appointment in writing by the president and the general secretary.
- 7.2.6. After the appointment has been done, a formal report shall be compiled and presented to the NEC.
- 7.2.7. All union officials shall be appointed following the same procedure as prescribed by this constitution.

CHAPTER 8

DECLARATION OF CONFLICT OF INTERESTS

- 8.1. All members who are being elected as shop steward shall disclose any other interests or any other organizations they might be working for to ensure that there is no conflict interests.
- 8.2. In a case of conflict of interests identified by the president the member shall not be allowed to stand for any position.
- 8.3. Anything which compromises the work of the union and the existence of the union itself shall be deemed as a conflict of interest.

CHAPTER 9

LEGIBILITY TO HOLD OFFICE

- 9.1.1. Only members in good standing without any conflict of interests are legible to hold office.
- 9.1.2. A member shall be 18 (EIGHTEEN) years and older with a valid South African identity document.
- 9.1.3. Shall be an employee within any of the sectors the union is operating/organizing in.
- 9.1.4. Shall be a law abiding citizen without any criminal record.

9.2. CIRCUMSTANCES IN WHICH A MEMBER IS NOT ALLOWED TO HOLD OFFICE.

- 9.2.1. Any member who hold an office in another union shall not be allowed to hold office or stand for any elections within the union.
- 9.2.2. All members who aspire to hold office shall within a period of 3(THREE) months before
- 9.2.3. Elections ensure that they have cancelled the other union.
- 9.2.4. A member who wishes to resign from the union as a result of non-disclosure shall do so immediately via the office the secretary as per the structure the member was elected to serve in.
- 9.2.5. No member shall be compelled or forced to hold office against his/ her will

CHAPTER 10
CIRCUMSTANCES AND PROCEDURE IN WHICH A BALLOT MAY BE USED

- 10.1. A ballot may be used as and when required by this constitution.
- 10.2. May also be used as and when required by law.
- 10.3. May be used to remove any office bearer from the office.
- 10.4. In cases where the ballot shall be used through voting processes the following procedure shall apply, the meeting shall appoint scrutinizers to watch how the ballot are being used and ensure there is no deviation from this constitution, the scrutinizers shall be members of the union, the scrutinizers shall give out the ballot to the voters, the scrutinizers must be present in the counting of votes to ensure that there was no deviation from the constitution.
- 10.5. If the NEC deems necessary shall add the powers of the scrutinizers and allocate duties to the scrutinizers in ensuring proper use of the ballot.
- 10.6. The voter must be allowed to fill the ballot alone and insert it in the ballot box.
- 10.7. All the ballot paper's must be filled accordingly and any ballot which is not properly filled shall be deemed as a spoilt ballot.
- 10.8. In a case of a congress, the IEC shall be afforded an opportunity to explain the processes and shall be afforded an opportunity to conduct elections as per this constitution.

CHAPTER 11
STRIKE BALLOT

- 11.1. In circumstances where the union wants to hold a strike, the ballot shall be used as required by law to afford the members an opportunity to make a sound decision.
- 11.2. Members shall cast the ballot in deciding as to whether they want to hold a strike or not.
- 11.3. The procedure on how the ballot must be used shall apply.
- 11.4. Regardless of how the leadership of the union feels, if the majority of members after voting do not want to hold a strike, that decision must be respected.

CHAPTER 12
PROCEDURE FOR REMOVAL OF OFFICE BEARERS FROM OFFICE

- 12.1. Any office bearer who fails to attend 3 (THREE) planned consecutive meetings shall be automatically removed from the office without any written formal apology.
- 12.2. He is no longer an employee within the sectors the union is organizing in.
- 12.3. He/she is no longer an employee either by retirement or dismissal.
- 12.4. He/she has not been paying the union subscription as per this constitution.
- 12.5. He/has resigned from employment or only as an office bearer.
- 12.6. Has conducted an offence which is regarded as a misconduct by this constitution and after all the disciplinary proceedings the union decided to expel him/her.

CHAPTER 13
REMOVAL OF AN OFFICE BEARER BY A BALLOT AND APPEALS AGAINST REMOVAL FROM THE OFFICE

- 13.1. In cases where the union members lose confidence on an office bearer and they want to remove him /her from the office.
- 13.2. Only the constituency which elected the office bearer to that office shall have a capacity to remove her/him.
- 13.3. This shall be done in writing and submitted to the office of the secretary of that structure.
- 13.4. The office of the secretary shall verify the status of all the members who attached their signatures on the letter as to ensure if they true members of the union and are members in good standing.
- 13.5. Only union members in good standing shall have a say in union matters including removal of an office bearer by ballot.
- 13.6. After verification process has been done, the ballot shall be provided for the members to vote in removing the said office bearer from the office.
- 13.7. The rules and a procedure on how the ballot must be used shall apply.
- 13.8. After counting of ballot papers, if the majority wants the office bearer to remove from the office, that office bearer shall be removed from office and ceases to be an office bearer of the union.

- 13.9. The secretary and the chairperson or the general secretary and the president shall always pay more attention to these kinds of incidents and always try to intervene in resolving any matters in the interests of the union.
- 13.10. Any member is removed from the office through ballot shall be afforded an opportunity to appeal the decision if she/he deems necessary.
- 13.11. The appeal shall be submitted to the office of the secretary within 7(SEVEN) working days from the day of the removal from the office.
- 13.12. The appeals committee shall give the matter the necessary attention it deserves according to this constitution.

CHAPTER 14

REFUSAL BY MEMBERS TO PARTICIPATE IN A STRIKE

- 14.1. Any member who does not want participate in any strike shall be allowed to do so.
- 14.2. No member shall be forced to participate in a strike.
- 14.3. No member shall be made uncomfortable for refusing to participate in a strike.
- 14.4. Any form of harassment directed to any member who refuses to participate in a strike shall be deemed as a misconduct and necessary steps shall be taken against anyone who intimidates or harasses any member/members who refuse to participate in a strike.
- 14.5. No member shall be penalized or punished for refusing to participate in a strike.
- 14.6. No member shall be subjected to any form of disciplinary hearing for refusing to participate in a strike.
- 14.7. Members decisions at all times shall be respected as the union is at all times mandated by the workers/members.

CHAPTER 15

UNION FINANCES AND GENERAL PROVISIONS ON HANDLING OF UNION FINANCES

- 15.1. Union funds or finances shall only be utilized for union related activities only.
- 15.2. At all times union funds shall be kept in the union account and never in the personal bank accounts of individuals.
- 15.3. All union accounts shall be audited by registered auditors under the section 23 of the Public Accountants and Auditors Act No 51 of 1951.
- 15.4. All the union accounts shall be audited yearly at the end of the union financial year.
- 15.5. The outcome of the auditing shall be presented to the NEC by the Auditors.

- 15.6. The national treasurer shall ensure that all the provinces are compliant at all times and
- 15.7. That the union funds are handled according to this constitution.
- 15.8. The NEC shall appoint the auditors to audit the union funds.
- 15.9. The members shall be at liberty to know how the union funds are handled in order for them to be able to identify and irregularities.
- 15.10. The union shall at all times be transparent to the members with regard to handling of the union funds.

CHAPTER 16

BANKING AND INVESTMENTS OF THE UNION

- 16.1. The national congress/ NEC shall decide on the name of the bank the union will be using to keep the union funds.
- 16.2. The national congress/NEC shall decide on where to invest the union funds.
- 16.3. At all times the members shall be made aware of any investments made by union and the status of those investments.
- 16.4. Members shall be afforded an opportunity to scrutinize union investments as and when financial reports are given to them.

CHAPTER 17

PURPOSE FOR WHICH UNION FUNDS MAY BE USED

- 17.1. Union funds shall strictly be utilized for union related issues with the approval of the account signatories.
- 17.2. Union funds may be used for investments and acquiring properties or any assets deemed necessary by the NEC.
- 17.3. The union shall allocate budget for each province at the beginning of each financial year and the provincial accounts to be audited at the end of each financial year.
- 17.4. The NEC shall decide on the amount allocated to each province.
- 17.5. The amount allocated to each province shall be informed by the number of members per province.
- 17.6. Provinces with bigger constituencies shall be allocated budget to cover the entire province.
- 17.7. All provinces shall be given 50% (FIFTY PERCENT) of their total contribution.

CHAPTER 18
PROPERTIES ACQUIRED BY THE UNION AND CONTROL OVER THOSE PROPERTIES.

- 18.1. The NEC shall decide on acquisition of any properties or any assets.
- 18.2. The national treasurer shall be responsible for ensuring maintenance of those properties working together with the President and the General Secretary.
- 18.3. The National treasurer from time to time shall monitor the value of the union assets and inform the president and the general secretary of any assets to be disposed.
- 18.4. The National Treasurer shall develop an assets register for any assets acquired by the union to be registered immediately after acquisition.
- 18.5. All the Provincial Treasurers shall have an assets register for registration of all assets as per respective province.
- 18.6. The National Treasurer shall monitor all the assets registers as per province to ensure compliance with this constitution and any finance policies of the union.
- 18.7. Any deviation from this constitution shall be deemed as a misconduct and subject to disciplinary actions.

CHAPTER 19
THE UNION'S FINANCIAL YEAR

- 19.1. The union's financial year shall be the first day of March every year.
- 19.2. Any amendment of the financial year shall be done during the constitutional amendment of this constitution.

CHAPTER 20
AMENDMENTS OF THIS CONSTITUTION

- 20.1. The amendments of this constitution can only be done during a national congress.
- 20.2. The NEC shall give notice for constitutional amendments when giving the notice for national congress.
- 20.3. All the branches shall be afforded an opportunity to make inputs on the amendments of this constitution.
- 20.4. At the national congress the 2/3 (TWO THIRD) majority shall have the capacity to amend the constitution.

- 20.5. The President and the General Secretary shall notify the registrar of any amendments on this constitution for those amendments to be certified by the registrar of the department of labour.
- 20.6. No amendments shall be in effect until certified and registered in accordance with the act.
- 20.7. During the national congress a full day shall be allocated for constitutional amendments only.

CHAPTER 21

PROCEDURE FOR WINDING UP

- 21.1. Only the national congress shall have a capacity to decide on winding up of the union.
- 21.2. Only when the union is unable maintain or sustain itself and if that is compromising the existence and effectiveness of the union that the national congress shall take a resolution on winding up.
- 22.3. The resolution can only be passed by the majority of the members legible to attend the national congress during a national congress.
- 22.4. The use of the ballot shall apply to verify and validate the resolution taken by the national congress.
- 22.5. The department of labour shall be consulted for guidance during this process.
- 22.6. The department of labour by law shall prescribe the procedure to be followed during this process and how assets of the union are to be distributed and how creditors are to be paid.
- 22.7. Assets shall be distributed to all the members still holding members who are still in good standing during this process under direct monitoring of the department of labour.
- 22.8. All the union investments shall be handed over to the liquidator appointed by the debarment of labour to settle outstanding debts of the union and the remaining to be distributed to all the members in good standing.

CHAPTER 22

SPECIAL PROVISIONS

- 22.1. The union as the juristic person shall have the capacity to sue any individual or company or any formation seeking to destroy the integrity of the union.
- 22.2. All structures of the union shall operate strictly according to the constitution of the union.
- 22.3. All union positions shall be contested during the process of elections except the position of the president who is the founder of the union, this position shall be contested only when he decides to retire or leave the union for good.
- 22.4. The union from time to time shall liaise with the department of labour in ensuring that it is still operating within the prescripts of the department of labour.
- 22.5. No claims shall be processed without thorough verification done by the President, the
- 22.6. National treasurer and the General Secretary.
- 22.7. All the members within the union shall be treated equally and with respect and all cases reported shall be given the necessary attention they deserve.
- 22.8. The union shall convene a transitional congress, prior its registration, in which the resolution to register trade union shall be taken.
- 22.9. Transitional congress shall take place once, and only before the registration of the trade union

CHAPTER 23

INTERPRETATION OF THIS CONSTITUTION

- 23.1. The interpretation of this constitution shall be at the competency of National Executive Committee in consultation with the department of labour.
- 23.2. The interpretation given by the NEC together with the department of labour shall be binding and final.
- 23.3. The General Secretary together with the President remain the custodians of this constitution.
- 23.4. The 2(TW0) shall be responsible for any queries arising from this constitution.

(THE END)

SIGNATURES

PRESIDENT

GENERAL SECRETARY

DATE

DATE