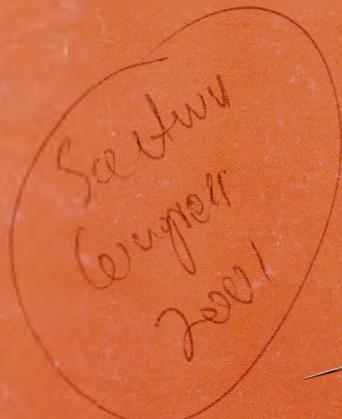


2.

CONSTITUTION

**Southern African Clothing and
Textile Workers' Union
(SACTWU)**



***“Ten years in defence and advancement of
worker rights”***

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SECTION A

PREAMBLE TO CONSTITUTION

1. Whereas the SOUTHERN AFRICAN CLOTHING AND TEXTILE WORKERS' UNION is an association not for gain, non-racial registered trade union, unaffiliated to any political party and whereas the SOUTHERN AFRICAN CLOTHING AND TEXTILE WORKERS' UNION is dedicated and committed - irrespective of race, colour, creed or sex:
 - 1.1. to promote and maintain free democratic trade unionism for all workers in Southern Africa and to oppose the exploitation of cheap labour;
 - 1.2. to advance the dignity, rights, socio-economic and cultural well-being of all workers in Southern Africa through collective bargaining and free negotiation;
 - 1.3. to do all in our power to assist in fully developing the full potential of workers and their children in the economic, social, political and cultural fields;
 - 1.4. to oppose any forms of discrimination which could prevent all the people of this land from being able to trade, manufacture, practise all crafts, trades and professions and own land, live and be educated where and as they choose;
 - 1.5. to defend the right to equal status in the eyes of the law for all people and to support the rule of just law;
 - 1.6. to maintain the right to free compulsory and equal education for all children and the opportunity for all students to receive the highest specialised training;
 - 1.7. to promote the right to full employment for all people of Southern Africa;
 - 1.8. to promote the right for all people to live where they choose, to be properly and decently housed, and to raise their families in security and comfort;
 - 1.9. to promote a system whereby the aged and infirm are supported regardless of income or status;
 - 1.10. to pursue an enlightened programme to assist unorganised workers, and to develop educational facilities within the trade union movement; to disseminate as widely as possible press democratic trade union principles among all workers in the industry;
 - 1.11. to promote the sharing of the fruits of the labour of all workers in the industry.

Now therefore the SOUTHERN AFRICAN CLOTHING AND TEXTILE WORKERS' UNION adopts as its Constitution the following:

SECTION B

1. NAME

The name of the Union shall be the SOUTHERN AFRICAN CLOTHING AND TEXTILE WORKERS' UNION.

2. DEFINITIONS

- 2.1. The "Act" shall mean the Labour Relations Act 66 of 1995 as amended.
- 2.2. Any expression in this Constitution which is defined in the Act shall have the same meaning as the Act save that the term "Union" shall mean the SOUTHERN AFRICAN CLOTHING AND TEXTILE WORKERS' UNION.
- 2.3. "Worker" shall mean employee as defined in the Act.

SECTION C

3. SCOPE

- 3.1. The union shall be open to all workers employed in the following industries and trades:

- 3.1.1 Garment Industry
- 3.1.2 Textile Industry
- 3.1.3 Wool/Mohair Processing Industry
- 3.1.4 Wool/Mohair, Hides and Skins Trade
- 3.1.5 Leather and Footwear Industry
- 3.1.6 Tanning, Woolpulling and Fellmongering Industry
- 3.1.7 Knitting Industry
- 3.1.8 Canvas and Ropeworking Industry
- 3.1.9 Retail, Commercial and Distributive Trade
- 3.1.10 Laundry, Dyeing & Dry-Cleaning Industry
- 3.1.11 Farming & Agricultural Industry
and includes workers engaged in operations incidental to or consequential on such operations or manufacture and the workers engaged in the sale, delivery, distribution, retailing, storage and /or administration of such goods.

- 3.2 Without in any way limiting the ordinary meaning thereof:

3.2.1. "Garment industry" means the making in whole or in part of all classes of ladies', men's and children's outer and undergarments, including uniforms, night wear, knitwear, headwear, helmets, caps, stitched utility hats, ladies and/or girls shaped, blocked, trimmed and/or modelled hats including the alteration or repair thereof, (except alterations done incidentally to the sale by retail of a hat in a shop), ties, scarves, stockings, socks, mittens, gloves, suspenders, brasiers, foundation garments, belts, bags, umbrellas, handkerchiefs, linen and including the making of zips, buttons, hangers and badges for garments or the manufacture in whole or in part of all classes of garments to the order of any Government Departments, Provincial Administration, The South African Transport Services and/or Local Authorities and all other classes of garments whether made from knitted, woven or non-woven fabric or any other material and includes any process in or branches of manufacture and all operations incidental thereto or consequent thereon, comprising inter alia, the designing and making of patterns, marking-in, cutting or chopping-out, machining, cleaning, finishing, embroidery and pressing whether or not some or all of such operations are performed in establishments which make such garments and includes bespoke tailoring or bespoke dressmaking and the manufacture of wearing apparel made from furs and pelts.

3.2.2. "Textile Industry", means the manufacture in whole or in part of all classes of textile products including blankets, blanketing, bedding, travelling rugs, shawls, sheeting whether plain, raised, dyed or printed or treated; duck-webbing, interlinings, bias bindings and tapes whether elasticated or not, flocks, foam, wadding or padding including shoulder padding, dusters, feather dusters, towels and towelling ; all classes of fabric trimmings including, bows, rosettes, tassels, frills and similar finishings; lace, crocheted fabrics and embroidery; all manchester goods and curtaining; all classes of fabric whether knitted, woven or made by any other process whatsoever; all types of worsted products; all classes of non-woven products including but not limited to flock, felt, underfelt, wadding, and stitch-bonded, spun-bonded, chemically-bonded and thermo-bonded textile fibres; yarns or thread spun from natural or synthetic fibre or any combination or blend thereof; automotive textile goods including seat covers, safety belts and upholstering; all classes of matting, mats, cord, ropes, twine, nets and netting including braided and plaited packings made of fibres and lubricants but excluding ropes, cables and mats manufactured from wire; all classes of bag manufacture; all braided and plaited products including shoe laces all classes of carpets, rugs, carpet tiles and carpeting; all types of industrial/technical textiles including, but not limited to, woven and/or yarns such as: tyre-cord, belting, hose, tank fabrics, conveyor belts, textiles used to reinforce plastics, mining and civil engineering textiles like separation, drainage and reinforcement materials, mine props, backfill fabrics, ventilation curtains, blast barricades, textiles used in agriculture/horticulture, like those for weed control, hail and frost

protection, early crop ripening, bags for fertilisers/produce, textiles for tents, tarpaulins, awnings, furnishings, footwear, automotive trim, luggage, sail cloth, airbags, spinnakers, parachutes, hot air balloons, print screens, paper felts, arrestor fabrics, medical textiles like blood filters, membranes, bandages, cotton wool, lints, gauze, swabs, surgical dressing, and sanitary towels, fabrics used to filter gas or liquids, fabrics used for protective garments such as breathable fabrics, flame proof fabrics, acid proof fabrics, bullet proof fabrics, brake & clutch linings, gland packings, and seals; and including workers engaged either wholly or partly in cotton ginning; fibre working, carding, spinning, winding, twisting, drawing-in, warping, weaving, knitting, plaiting, braiding, dyeing, bleaching, printing or finishing, raising, cleaning of any textile products or in rag picking, cutting, combing, blending, mixing or weighing of waste yarns and fabrics.

- 3.2.3. "Wool/Mohair Processing Industry" means the washing, cleaning, scouring, blending and/or processing in any way whatsoever of raw wool, and/or mohair and/or any other animal fibre; and includes the making of tops.
- 3.2.4. "Wool/Mohair. Hides and Skin Trade" means the trade in which employers and workers are associated in or in connection with the activities carried on by wool/mohair brokers, wool/mohair buyers, wool/mohair shippers or dealers in hides or skins and includes any one or more of the following activities, viz.; receiving, sorting, grading, weighing cataloguing, marketing, closing, pressing, storing or shipping of wool, hides, skins or mohair, curing or preserving of hides or skins, shearing or pulling off wool, hair or mohair from hides or skins.
- 3.2.5. "Leather and Footwear Industry" means the manufacture of all classes of footwear and components for footwear; the manufacture of all products made wholly or mainly from leather or materials having the same constructional or functional qualities as leather and being a substitute therefore in the construction of such products.
- 3.2.6. "Tanning, Woolpulling and Fellmongering Industry" means the industry concerned with the tanning, and/or dressing, and /or woolpulling, and/or pickling, and/or fellmongering of hides and skins; and/or, the preparation of cured or uncured hides and/or skins for tanning; for this purpose "preparation of hides and/or skins for tanning" without detracting from its ordinary or technical meaning, includes any of the following: Flaying, drying, washing, soaking, fleshing, deburring, liming, curing, unhairing, dewooling, the removal of scales, deliming, bating, pickling, and or any chemical and/or biological unhairing process; and/or, the tanning of the uncured or cured hides and/or skins; and/or, the retanning and/or dyeing and/or drying and/or softening and/or buffing and/or dressing and/or finishing and/or laminating of leather and/or the combing and/or shearing and/or ironing of hides and/or skins with the wool or hair on; and/or, the cutting of upholstery panels from leather, and the sewing of

such panels; and/or, the work performed by taxidermists; and further includes all operations incidental thereto or consequent thereon upon such processes and operations detailed above including, but not limited to, all the activities of brokers, shippers and dealers in hides and skins. For the above hides and skins means pelts with or without the fur on, sheepskins with or without the wool on, goat skins with or without the hair on; all types of reptile skins, and bird skins with or without the feathers on.

3.2.7. "Knitting Industry" means the industry in which employers and their employees are associated for the purpose of manufacturing hosiery, knitted fabric, other knitted clothing and miscellaneous knitted products on circular, flat or fully fashioned machinery and includes the making up of garments from knitted fabrics in the establishment in which the said fabric was knitted; and further includes all operations incidental to or consequent upon such operations and manufacture, including sale delivery, distribution, storage and administration.

3.2.8. "Canvas and Ropeworking Industry" means the industry in which employers and employees are associated for

- (a) the making up of goods of articles mainly from any of the following:
 - i) canvas made from cotton, flax, jute, hemp, or any similar decorated vegetable or manmade fibres or mixtures thereof;
 - ii) rope made from manila, sisal, cotton, hemp, coir or any similar decorticated vegetable or manmade fibres or mixtures thereof; and includes the manufacture of articles from hessian, bunting, calico, webbing or any similar material; whether unproofed, proofed or otherwise treated, provided that the activities described in sub-paragraphs (i) and (ii) above, and shall include the manufacture of articles from a plastic fabric where such articles form part and are manufactured by employers who are engaged in the manufacture of the articles described in sub-paragraphs (i) and (ii) above;
- (b) the repair, renovation and alteration of goods or articles made from materials referred to in paragraph (a);
- (c) the making of wooden and/or metal frames, components and/or accessories to goods or articles made from materials referred to in paragraph (a).
- (d) the installation, erection or fixing in buildings of any produce of the Industry,

3.2.9. "Retail, Commercial & Distributive Trade" means the trade in which employers and employees are associated for the purpose of conducting a shop. A shop shall include: any premises where articles are stored, kept in stock, unpacked, packed, dispatched or distributed or delivered to customers, displayed for sale, or where samples of articles are displayed for the sale of articles of the kind so displayed; or where services to customers are offered and/or

rendered; and receiving depots for articles of footwear, leather goods, articles of clothing and/or other soft goods are to be laundered, cleaned, dyed, and/or repaired; and shall include any other activity and/or operations carried out which are connected with or incidental to any shop and/or premises mentioned above, such as all types of clerical work, including the work of a cashier, or a telephone attendant or switchboard operator; activities related to and involving transport, security, administration, staff canteen activities and public canteen facilities.

3.2.10. "Laundry, Dry-cleaning & Dyeing Industry" shall mean the industry carried on in establishments in which employers and employees are associated for the purpose of laundering, washing, cleaning, bleaching or dyeing of all types of woven, non-woven, spun, knitted or crocheted fabrics; or articles made from such fabrics; (including upholstery or upholstered articles), to the order of customers, and shall include depots and/or vehicles where such articles are received in order to be laundered, cleaned, bleached or dyed, and includes any other operations incidental thereto or consequent thereon.

3.2.11. "Farming & Agricultural Industry" means any activity on a farm in connection with agriculture, including stock breeding, horticulture and forestry. It shall also include all operations incidental thereto and consequent thereon such as the work done for agricultural research undertaken in laboratories and on farms (including experimental stations), packing, washing, sorting, grading, storage, processing, refining, repairing of agricultural equipment, administering, securing of all types of agricultural products.

SECTION D

4. AIMS AND OBJECTS

The aims and objects of the Union shall be:

- 4.1. to secure social justice for all workers;
- 4.2. to regulate relations between members and their employers and to protect and further the interests of members in relation to their employers;
- 4.3. to secure decent standards of living, social security and fair conditions of work for members and all other workers;
- 4.4. to fight for democracy and oppose all anti-democratic laws and activities, in the belief that only under a truly democratic system can trade unionism prosper;
- 4.5. to promote the interests of members;
- 4.6. to encourage the settlement of disputes by conciliatory methods;
- 4.7. to promote, support or oppose, as may be deemed expedient, any

legislation, proposed legislative or other measures affecting the interests of members;

- 4.8. to use every legitimate means to induce all persons who are eligible for membership to become members.
- 4.9. to set up effective collective bargaining machinery;
- 4.10. to enter into statutory or civil agreements with employers or employers' associations on behalf of the Union as a whole, branches of the Union or groups of individual members;
- 4.11. to assist members in obtaining employment;
- 4.12. to provide, when deemed necessary, legal assistance to members in connection with their employment;
- 4.13. to inculcate a spirit of trade union unity and solidarity among members of the Union and among all workers, and to educate the members of the Union in the true spirit of trade unionism;
- 4.14. to co-operate with organisations of workers and/or employers on any Bargaining Council or C.C.M.A. which may be established to deal with matters which affect members;
- 4.15. to establish and administer funds for the benefit of its members and/or dependants, provided that such fund or funds shall be administered in terms of the rules or any amendments thereto, which have been adopted at duly constituted National Executive Committee meetings of the Union. The rules, and amendments, thereof be submitted to the Registrar of Labour Relations;
- 4.16. to co-operate with national and international trade union organisations to improve the general standard of living for members;
- 4.17. to do such lawful things as may appear to be in the interests of the Union and its members and which are not inconsistent with the objects or any matters specifically provided for in this Constitution;
- 4.18. to make donations for such charitable, educational, public or other purposes as the Union may decide from time to time.

SECTION E

5. HEAD OFFICE

The Head Office of the Union shall be at such place as the National Congress or National Executive Committee may determine from time to time.

6. MEMBERSHIP

- 6.1. All persons engaged in the interests as defined in Clause 3 shall be eligible for membership of the Union.
- 6.2. Applications for membership or re-admission to membership shall be

lodged in writing with the Secretary of the Region having jurisdiction in the area in which such applicant is employed or in the event of no such Region having jurisdiction, with the General Secretary or such other person as the National Executive Committee may authorise.

- 6.3. The Regional Secretary, or the General Secretary, as the case may be, shall either admit or refuse to admit any worker applying for admission.
- 6.4. If admission to membership is refused by the Regional Secretary or the General Secretary, as the case may be, the applicant shall be notified in writing and shall have the right to appeal to the Regional Executive Committee or the National Executive Committee as the case may be.
- 6.5. An appeal in terms of Clause 6.4. shall be lodged in writing with the Regional Secretary or the General Secretary. The appellant shall be afforded an opportunity to state his/her case personally before the Regional Executive Committee or the National Executive Committee as the case may be. He/She may call members of the Union as witnesses in support of any statement made by him/her which is disputed by the Committee hearing the appeal.
- 6.6. A worker who has resigned or been expelled from the Union but who is still employed in the interests set forth in Clause 3 may be re-admitted to membership on such conditions as may be determined by the Regional Executive Committee having jurisdiction in his/her area and may appeal against such conditions in terms of Clause 6.5 above.
- 6.7. An applicant to whom admission has been refused shall be entitled to a refund of any monies paid by him/her on application.
- 6.8. Every member shall inform his/her Regional Secretary in writing of his/her postal address and any change thereof within fourteen (14) days of the date on which the change took place.

7. TERMINATION OF MEMBERSHIP

- 7.1. A member of the Union may resign by giving four (4) weeks notice in writing to the Regional Secretary, or in the event of there being no Regional Secretary, to the National Executive Committee provided that no resignation shall take effect until all monies due to the Union by the member concerned have been paid, and provided further that no resignation induced by any employer in breach of Chapter II Section 5(2)(a)(ii) and Section 187 of the Act shall have any validity.
- 7.2. Members of the Union who leave their employment due to illness, unemployment or any reason whatsoever, but who intend to resume their employment in the interests set forth in Clause 3 shall remain members of the Union for a period not exceeding twenty-six (26) weeks and shall subject to Clause 7.3 thereafter automatically cease to be members or participate in the affairs of the Union.

7.3. A member whose contract of employment has been terminated by his/her employers as a result of a labour dispute or under circumstances which the Regional Executive Committee or the National Executive Committee considers to render his/her dismissal unfair, shall remain a member of the Union for a period of six (6) months from the date of termination or, where legal proceedings have been instituted to challenge the lawfulness, validity or fairness of the termination, until such proceedings are finalised, provided that such member may revoke his/her membership in a manner set out in Clause 7.1 above. A member whose contract of employment has been terminated shall be exempted from payment of subscriptions until he/she is re-employed or reinstated, or until such other date as the Branch Executive Committee or the National Executive Committee, as the case may be, may determine.

8. FEES AND SUBSCRIPTIONS

- 8.1. The subscriptions payable by members to the Union and/or contributions to any fund established by this Constitution shall not be more than 3% of any member's weekly wage.
- 8.2. The amount payable as subscriptions shall subject to Clause 8.1 be determined from time to time by a resolution carried by two thirds (2/3) majority of the National Congress.
- 8.3. Subscriptions shall be payable periodically in arrears to the General Secretary or such other person as the National Executive Committee may authorise to receive such subscriptions and issue receipts for amounts received.
- 8.4. A member shall be exempted from payment of the aforesaid subscriptions in respect of any period during which he/she is:
 - 8.4.1. employed for not more than three (3) days;
 - 8.4.2. unable to work on three (3) or more days by reason of illness;
 - 8.4.3. exempt for such other reason as the National Executive Committee deems fit, subject to the provisions of Section 1(2)(a) of the Act;
 - 8.4.4. prevented from having his/her subscriptions deducted from his/her salary/wages because the employer fails, refuses or is not permitted to grant the Union check-off facilities.
- 8.5. Any member who falls behind in respect of five (5) months subscriptions will fall out of benefit and not be in good standing although he/she shall remain a member of the Union except insofar as he/she becomes more than twenty-six (26) weeks in arrears, in which event membership shall cease.
- 8.6. In addition to the aforementioned subscription a member shall also be liable for the payment, in the same manner of such other fees as may be prescribed in terms of the rules governing any fund established in terms of Clause 4.15 fines imposed in terms of Clause 23.3.3 hereunder or any levy imposed in terms of Clause 20.6 hereunder.

SECTION F

9. SHOP STEWARDS

9.1. METHOD OF ELECTION

Shop Stewards for each factory shall be elected by the members in good standing who are employed at such factory. The election of shop stewards shall be subject to the following provisions:

- 9.1.1 only members in good standing employed at the factory shall be eligible for election as Shop Steward for such factory;
- 9.1.2 the number and distribution of Shop Stewards shall be in accordance with the nature of their employment and the Branch Executive Committee having jurisdiction shall decide such numbers and distribution after consultation with the membership at each factory;
- 9.1.3 an official or a member of the Regional Executive Committee of the Union shall be present at the meeting convened in each factory for the purpose of electing a Shop Steward;
- 9.1.4 the nomination of members as Shop Stewards shall take place at a meeting of the members of the factory, who shall be given at least seven (7) days notice thereof. All nominations shall be duly proposed and seconded by such members;
- 9.1.5. written notice of such meetings may be posted on the notice board in the factory where an election is to be held and shall be posted on the notice board of the relevant local office of the Union at least three (3) days prior to such meeting, but no election shall be invalidated solely by the non-receipt of any such notice by any member;
- 9.1.6 voting for the election of Shop Stewards in each factory shall be by ballot only and in the event of only one (1) person duly nominated, he/she shall be declared to be duly elected;
- 9.1.7 Shop Stewards duly elected at each factory respectively shall assume and hold office for a period of two (2) years as from the date of their election and shall exercise the rights and discharge the duties assigned to them in this Constitution. They shall be eligible for re-election.

9.2. VACATING OFFICE

Shop Stewards shall vacate their position in any one of the following circumstances:

- 9.2.1 on ceasing to be employed at the factory in which he/she was elected;
- 9.2.2 on failing to attend three (3) consecutive meetings of the Branch Shop Stewards Council without forwarding a reasonable excuse;
- 9.2.3 on ceasing to be in good standing;

- 9.2.4 on resignation, suspension or expulsion from membership of the Union or being unable to perform his/her duties as set out in Clause 9.4. hereunder;
- 9.2.5 on the receipt by the Branch Secretary of a petition requesting such Shop Steward to vacate his/her position and signed by not less than 50% of the members of the factory or section of the factory concerned as the case may be;
- 9.2.6 on resigning on a month's written notice to the Branch Secretary;
- 9.2.7 in consequence of a ballot held in terms of Clause 22.1.4. hereunder.

9.3. FILLING VACANCIES

- 9.3.1 Any vacancy occurring in the office of a Shop Steward shall be filled by the members employed in the factory in which such vacancy has occurred by an election held as herein before provided. A member so elected to fill such vacancy shall hold office for the unexpired portion of his/her predecessor's period of office.
- 9.3.2 Any member who has vacated office in terms of 9.2. above shall not be eligible for re-election in the consequent by-election.

9.4. DUTIES OF SHOP STEWARD

- 9.4.1 To establish and maintain good relations between employees and their employers as far as possible
- 9.4.2 To maintain order, discipline and harmony amongst the members in the factory.
- 9.4.3 To try and settle disputes in their factory by conciliatory methods provided that the Shop Stewards or the Shop Stewards Committee are not authorised to conclude collective agreements binding the Union, nor shall the Shop Stewards or the Shop Stewards Committee be empowered to call an industrial action in the establishment.
- 9.4.4 To report regularly to the Branch Executive Committee any disputes or grievances of their members.
- 9.4.5 To ensure that industrial agreements, wage determinations and other industrial legislation are observed by members and their employers.
- 9.4.6 To consult with management of their factory on all matters affecting the interest of members.
- 9.4.7 To collect contributions and other monies due to the Union where such may be necessary and where they have been specifically authorised by the Regional Executive Committee.
- 9.4.8 To report the interests of their members at all Union meetings and to report back to members.
- 9.4.9 To convey decisions of the Union to members.
- 9.4.10 To act as a liaison between the members and the Union.

- 9.4.11 To take up all legitimate complaints and grievances of members with employers in their establishment.
- 9.4.12 To assist in enrolling new members into the Union.
- 9.4.13 To perform such other functions as set out in this Constitution or provided for in terms of any collective agreement concluded with their employer.

SECTION G

10. THE ESTABLISHMENT OF BRANCH AREAS OF THE UNION

- 10.1 In the event of the National Executive Committee so deciding, Branch areas, hereinafter referred to as Branches of the Union may be established for such areas as the National Executive Committee may decide.
- 10.2. Such Branches of the Union shall be established in accordance with the provisions of this Constitution and the Regional Executive Committee shall manage the office of any such Branches until the establishment of a Branch Executive Committee.
- 10.3. The Branch shall for all purposes be inaugurated by the convening of the first meeting of the newly formed Branch Executive Committee.
- 10.4. At its first meeting the said newly formed Branch Executive Committee shall elect Office-Bearers and a Branch Secretary.

11. BRANCH SHOP STEWARDS COUNCIL

- 11.1.1 A Branch Shop Stewards Council shall consist of all Shop Stewards in the Branch area.
- 11.1.2. Meetings of all Shop Stewards of the Branch shall be held at least once every four (4) months and special meetings may be called by the Branch Chairperson in consultation with the Branch Secretary whenever he/she deems it necessary, or at the written request of at least 10% of the total number of Shop Stewards of the Branch in which event the meeting shall be called within twenty-one (21) days from the date of such request.
- 11.1.3 The quorum for meetings of Branch Shop Stewards shall be one third (1/3) of the total number of Shop Stewards of the Branch.
- 11.1.4. Shop Stewards shall be given at least seven (7) days written notice of the Branch Shop Stewards Council meetings by the Branch Secretary. Not less than twenty-four (24) hours notice shall be given when a special meeting is called.
- 11.1.5 Decisions taken at the Branch Shop Stewards Council shall be decided by a majority vote.
- 11.1.6. The Branch Secretary shall record all minutes of the Branch Shop Stewards Council meeting. At every meeting the minutes of the previous meeting shall be read and signed by the presiding officer after confirmation.

11.1.7. Copies of such minutes shall be remitted to the Region concerned and to the Head Office of the Union.

11.2. POWERS AND DUTIES OF THE BRANCH SHOP STEWARDS COUNCIL.

In addition to any duties set out in this Constitution the Branch Shop Stewards Council shall have the duty:

- 11.2.1. to make recommendations to the Branch Executive Committee in regard to agreements for the area over which it has jurisdiction;
- 11.2.2. to decide to conduct a Branch ballot on any issue;
- 11.2.3. to co-operate in building a National Union by formulating the suggestions of the Branch to be put to Branch representatives in the National Congress of the Union including policy matters, financial proposals, recommended constitutional changes and national campaigns;
- 11.2.5. to carry out decisions of the national structures of the Union.

12. THE BRANCH EXECUTIVE COMMITTEE

12.1. The management of the affairs of any Branch established under Clause 10 shall be vested in the Branch Executive Committee which shall consist of the following members: a Branch Chairperson, Vice-Chairperson, Treasurer and Secretary.

12.2. BRANCHES

The Chairperson of the Shop Steward Committee of each establishment employing more than seventy (70) members plus an additional number of Shop Stewards from establishments employing less than seventy (70) members each elected in the Branch Shop Stewards Council. The number of such additional Shop Stewards shall be in the same proportion to members on the Shop Stewards Council from establishments with more than seventy (70) members as the ratio of members in such establishments to each other. Where the number of factories in a Branch is less than ten (10), the Branch Executive Committee shall consist of at least one (1) representative from each establishment with less than seventy (70) members and two (2) representatives from each establishment with more than seventy (70) members. The Branch Executive Committee shall elect from among its delegates a Branch Chairperson, Vice-Chairperson and Treasurer, and shall further elect a Branch Secretary.

12.3. A member of the Branch Executive Committee shall vacate his/her seat in any of the following circumstances:

- 12.3.1. on ceasing to be a Union member in good standing;
- 12.3.2. on losing his/her position of office as a Shop Steward;
- 12.3.3. on absenting himself/herself without prior written apology from three (3) consecutive meetings of the Branch Executive Committee;

- 12.3.4. on resignation by giving one (1) month's written notice;
- 12.3.5. in consequence of a ballot in terms of Clauses 22.1.3. or 22.1.4. of members represented by such Branch Shop Stewards Council member calling for his/her removal from office;
- 12.3.6. in consequence of a motion of no confidence in such member being passed by the Union structure or a structure which elected him/her to office.

12.4. The Branch Office-Bearers and Secretary shall further vacate office as such upon resolution of no confidence by the Branch Shop Stewards Council.

12.5. MEETINGS OF THE BRANCH EXECUTIVE COMMITTEE

- 12.5.1 The Branch Executive Committee shall meet regularly but at least once a month.
- 12.5.2. Ordinary meetings of the Branch Executive Committee shall take place on dates fixed by the Chairperson insofar as practicable in conjunction with the Branch Secretary. Members of the Branch Executive Committee shall be notified in writing of the time and place of any such meeting at least seven (7) days prior to the date of such meeting by the Branch Secretary. To every notice of meeting an agenda shall be attached, provided that shorter notice of being not less than twenty-four (24) hours may at the discretion of the Chairperson be given in respect of extra-ordinary meetings.
- 12.5.3. The quorum of the meetings of the Branch Executive Committee shall be half (1/2) the members. If within sixty (60) minutes of time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to the same day in the following week, at the same time and place, and at such adjourned meeting those present shall form a quorum. Not less than three (3) days notice of such adjourned meeting shall be given to all Branch Office-Bearers / Branch Executive Committee members.
- 12.5.4. All correspondence, minutes and financial statements will be made available to the Branch Executive Committee at the meetings. The Secretary shall take minutes of the proceedings. Copies of such minutes shall be remitted to head office as soon as is practicable.

12.6. POWERS AND DUTIES OF THE BRANCH EXECUTIVE COMMITTEE

Subject to the limitations imposed in terms of this Constitution, the Branch Executive Committee shall in its area of jurisdiction have power:

- 12.6.1. to deal with disputes between members and their employers and to endeavour to settle disputes by conciliatory methods provided the Branch Executive Committee is not empowered to conclude collective agreements binding the Trade Union nor shall it be empowered to call any industrial action;
- 12.6.2. to recommend to the National Executive and to the National Co-

ordinating Committee that any official of the Branch be dismissed or engaged and to define their duties and conditions of employment subject to any decisions made by the national structures of the Union;

- 12.6.3. to appoint from time to time such sub-committees as it may deem fit for the purpose of investigating and reporting any matter referred to them by the Regional Executive Committee;
- 12.6.4. to suspend any Shop Steward of the Branch for cause appearing sufficient to a majority of the Branch Executive Committee pending the decision of the Regional Executive Committee;
- 12.6.5. to do such other lawful things as in the opinion of the Branch Executive Committee, appear to be in the interest of the Branch or its members and which are not inconsistent with the objects set out in this Constitution or any matter specifically provided for in the Constitution;
- 12.6.6. to call regular meetings of the Branch Shop Stewards Council and to prepare the notice and agenda thereof;
- 12.6.7. notwithstanding anything to the contrary contained elsewhere the Constitution, Branch Executive Committee shall at all times be subject to the general direction and control of the National Executive Committee and in respect of all the matters over which the Union as a whole has an interest shall further be subject to the review, amendment, reversal or confirmation by the said National Executive Committee;
- 12.6.8. in a Branch, the Branch Executive Committee shall further have power to open and operate a bank account in the name of the Branch.

13. OFFICE-BEARERS AND OFFICIALS OF THE BRANCH EXECUTIVE COMMITTEE

The duties of officers shall be:

13.1. CHAIRPERSON

The Chairperson shall preside at all meetings of the Branch Executive Committee, including Shop Stewards Councils and General Meetings of the Branch at which he/she is present, enforce observance of the Constitution of the Union, sign minutes of meetings after confirmation thereof, generally exercise supervision of the affairs of the Branch between meetings and to perform such other duties as by usage and custom pertain to the office. He/She shall have a deliberate vote and a casting vote in the event of an equality of votes.

13.2. VICE CHAIRPERSON

The Vice-Chairperson shall perform such functions of the Chairperson as the Chairperson may, temporarily or permanently, be unable to perform.

13.3. BRANCH SECRETARY

In addition to any other duties imposed by this Constitution or the Branch Executive Committee the Branch Secretary:

- 13.3.1. shall receive requisitions for meetings of the Branch Executive Committee and Branch Shop Stewards Council, issue notices of meetings, conduct all Branch correspondence, keep originals of letters received and copies of those dispatched and at each meeting of the Branch Executive Committee, lay on the table correspondence which has taken place since the previous meeting, attend all Branch meetings, and record the minutes of the proceedings, cause official receipts for all monies received in the Branch to be issued, and perform such duties as are imposed by this Constitution or as the Branch Executive Committee may direct. He/she shall attend all meetings of the Branch structures, including general meetings of the Branch but shall have no voting power at such meeting. He/she shall likewise ex-officio attend all meetings of Regional structures if so requested by the Regional Executive Committee;
- 13.3.2. may resign on giving one month's notice in writing to the Regional Office-Bearers;
- 13.3.3. the Branch Executive Committee shall have the right to suspend the Branch Secretary pending its recommendation of summary discharge being referred to the National Co-ordinating Committee or National Executive Committee. In the event of the office becoming vacant or in the event of a full time Secretary being discharged, the Branch Executive Committee shall elect a new incumbent.

13.4. ACTING CHAIRPERSON

In the event of both the Chairperson and the Vice-Chairperson being unable either temporarily or permanently to perform their duties, the Branch Executive Committee shall appoint a member of the Branch Executive Committee to act as Chairperson who shall hold office until the Chairperson or Vice-Chairperson is able to assume his/her duties, or in the event of the Chairperson and Vice-Chairperson being permanently unable to perform their duties, until a new Chairperson or Vice-Chairperson has been elected in accordance with this Constitution.

13.5. BRANCH TREASURER

The Branch Treasurer shall be in charge of all monies and assets of the Branch and in the case of a Branch, he/she shall sign all cheques drawn on behalf of the Branch. He/she shall initial the books of account each month. Together with the Branch Secretary he/she shall present monthly statements of finance to the Branch Executive Committee and submit such monthly financial statement to the Regional Secretary. He/she shall generally exercise supervision over the financial affairs of the Branch and perform such duties as by usage and custom pertain to the office.

14. BRANCH MEETINGS

- 14.1. Unless regional general meetings are held under Clause 15, a general meeting of members of each Branch shall be held at least once every year on a date to be fixed by the Branch Executive Committee. A special general meeting of the Branch shall be called whenever desired by a majority of the members of the Branch Executive Committee or upon a resolution carried by a majority of the Shop Stewards in the Branch Shop Stewards Council meeting.
- 14.2. Once a matter is determined by a general meeting of the Branch no further general meeting of the Branch shall be called on the same subject within a period of twelve (12) months.
- 14.3. Notice of every general meeting showing the business to be transacted thereat shall be given to the members of the Union in writing not less than fourteen (14) days before the date of such meeting provided that in the case of an urgent meeting such shorter notice of not less than four (4) days as may be decided by the Chairperson may be given and provided further that no Branch meeting of members shall be invalidated merely by the non-receipt of such notice by individual members.
- 14.4. The annual general meeting of each Branch shall normally be held in the month of September in each year or as soon as possible thereafter.
- 14.5. A quorum at any Branch meeting shall be two hundred (200) members or 10% of the number of members in good standing in the Branch whichever is the lesser. In the event of there being no quorum present within sixty (60) minutes of the time fixed for such meeting, the meeting shall stand adjourned to the same day the following week at the same time and place and at such adjourned meeting the members present shall form a quorum. Written notice of such adjourned meeting shall be given to all members of the Branch.
- 14.6. At every Branch general meeting the minutes of the preceding Branch general meeting shall be read by the Branch Secretary and signed by the Chairperson of the meeting in confirmation.
- 14.7. Copies of minutes of Branch meetings shall be submitted to the Head Office and the Regional Office of the Union.
- 14.8. If the Chairperson so decides all motions at a Branch general meeting shall be reduced to writing and shall be delivered to the Chairperson of the meeting to be read to the meeting. No motion shall be considered unless seconded. All matters forming the subject of motions shall, unless otherwise provided herein, be voted upon by a show of hands and unless otherwise provided be decided by the votes of a majority of those present except in the case of elections when the candidate receiving the highest number of votes shall be declared elected.
- 14.9. No member shall be allowed to speak for longer than ten (10) minutes on any matter unless a majority of those present agrees.

SECTION H

15. REGIONS

- 15.1. In any area where the National Congress or National Executive Committee finds it practicable having regard to the manner in which Branches function such National Congress or National Executive Committee may by resolution decide such area shall form a Region of the Union.
- 15.2. As soon as practicable after any decision as contemplated in Clause 15.1 above, the following Regional structures shall be established:
 - 15.2.1. a Regional Executive Committee composed of the three (3) Office-Bearers of each of the Branches concerned;
 - 15.2.2. a Regional Congress composed of delegates elected by the Branch Shop Stewards Councils of the Branches concerned on the basis of one (1) delegate for every one hundred (100) members in the Branch;
 - 15.2.3. a Regional general meeting composed of the members of the Branches concerned.
- 15.3. The meetings of all Regional structures shall be mutatis mutandis for Branch structures save for the following:
 - 15.3.1. references to Branch Office-Bearers shall be taken to mean Regional Office-Bearers who shall be elected by ballot at a Regional Congress from among the delegates, as per the procedure in Clause 16.5;
 - 15.3.2. The quorum of the Regional Congress shall be half (1/2) the members. If within sixty (60) minutes of time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to the same day in the following week, at the same time and place, and at such adjourned meeting those present shall form a quorum. Not less than three (3) days notice of such adjourned meeting shall be given to all branches in the region .
 - 15.3.3. reference to Branch Secretary shall be references to the Regional Secretary and Regional Organiser/s who shall be elected by ballot at a Regional Congress and shall be answerable to the Regional structures subject to the right of the National structures of the Union to overrule the Regional structures. The number of Regional Organisers shall be determined by the National Executive Committee and their duties shall be determined by the Regional Executive Committee.
 - 15.3.4. references to ballots under Clause 22.1.3 shall be references to Clause 22.1.2. and references to ballots under Clause 22.1.4. shall be references to Clause 22.1.3.
 - 15.3.5. The Regional Congress shall be held every six (6) months.
 - 15.3.6. The Regional Executive Committee shall meet every two (2) months.

15.4. THE POWERS AND DUTIES OF THE REGION

Subject to the limitations imposed in terms of this Constitution, the Region shall in its area of jurisdiction have power:

- 15.4.1. to deal with disputes between members and their employers and to endeavour to settle disputes by conciliatory methods provided the Regional Executive Committee is not empowered to conclude collective agreements binding the Trade Union nor shall it be empowered to call any industrial action;
- 15.4.2. to recommend to the National Executive Committee and to the National Co-ordinating Committee that any official of the Region be dismissed or engaged and to define their duties and conditions of employment subject to any decisions made by the national structures of the Union;
- 15.4.3. to appoint from time to time such sub-committee as it may deem fit for the purpose of investigating and reporting any matter referred to them by the Regional Executive Committee;
- 15.4.4. to suspend any Shop Steward of the Region for cause appearing sufficient to a majority of the Regional Executive Committee;
- 15.4.5. to do such other lawful things as in the opinion of the Regional Executive Committee, appear to be in the interests of the Region or its members and which are not inconsistent with the objects set out in this Constitution or any matter specifically provided for in the Constitution;
- 15.4.6. to call regular meetings of the Regional Shop Stewards Council and to prepare the notice and agenda thereof;
- 15.4.7. notwithstanding anything to the contrary contained elsewhere in the Constitution, the Regional Executive Committee shall at all times be subject to the general direction and control of the National Executive Committee and in respect of all the matters over which the Union as a whole has an interest shall further be subject to the review, amendment, reversal or confirmation by the said National Executive Committee;
- 15.4.8. in a Region the Regional Executive Committee shall further have power to open and operate a bank account in the name of the Region.

15.5. The powers and duties of the Regional Congress shall be mutatis mutandis as set out for the Branch level in Clause 11.2.

SECTION I

16. NATIONAL CONGRESS

16.1. COMPOSITION

The National Congress of the Union shall be composed of one (1) delegate

for every three hundred (300) members in each Branch plus the National Office-Bearers of the Union who shall also be delegates.

16.2. MEETINGS

- 16.2.1. The National Congress shall ordinarily be held once every two (2) years and shall be called by the National Executive Committee.
- 16.2.2. The National Executive Committee shall determine the number of delegates to which each Branch is entitled in terms of Clause 16.1 and shall cause each to be notified of the date and venue of the National Congress and number of delegates to which it is entitled at least sixty (60) days prior to the meeting.
- 16.2.3. Special meetings of National Congress may be called by the National Executive Committee on fourteen (14) days written notice to Branches. Representation at such special National Congress shall be as determined by the National Executive Committee for the previous ordinary National Congress.
- 16.2.4. A quorum for National Congress shall be two thirds (2/3) of all delegates entitled to be present.

16.3. RESOLUTIONS

Only the following resolutions may be considered at National Congresses:

- 16.3.1. resolutions from Branches, the National Executive Committee or the National Coordinating Committee of the Union which have been circulated in writing to all Branches and the Head Office at least fourteen (14) days prior to the Congress;
- 16.3.2. resolutions on topics which have arisen too recently to give notice as in Clause 16.3.1. and which are agreed by Congress to be debated.
- 16.3.3. any motion of confidence or no confidence in any Office-Bearer or official of the Union.
- 16.3.4. All resolutions require a simple majority except resolutions under Clause 8.2.

16.4. POWERS AND DUTIES

- 16.4.1. The National Congress shall be the highest policy making body of the Union and its decision shall overrule any decision to the contrary by any other body of the Union.
- 16.4.2. Further it shall be the duty of the National Congress to decide on the Union's affiliation or disaffiliation from any Trade Union Federation.
- 16.4.3. The National Congress shall every second year elect by secret ballot the National Office-Bearers of the Union from Congress delegates and the General Secretary, Assistant General Secretary and Organising Secretary from nominations duly seconded by delegates to the National Congress.

- 16.4.4. The National Congress shall be entitled to bestow the title "life honorary member" on any person who in the opinion of the National Congress deserves such title by virtue of their long membership of or extra-ordinary service to the Union.
- 16.4.5. A life honorary member shall not pay membership fees nor have any voting rights in the Union's structures and shall not be taken into consideration when determining the Union's representative position unless he/she is still employed in the interests set forth in Clause 3.

16.5. ELECTION OF NATIONAL OFFICE-BEARERS, GENERAL SECRETARY, ASSISTANT GENERAL SECRETARY AND ORGANISING SECRETARY.

- 16.5.1. Each National Congress delegate present will have one (1) vote for each post. After the votes are cast the scrutineers shall determine whether any candidate obtained an absolute majority. If so, such candidates shall be declared duly elected. If not, further rounds of secret balloting shall be held but in each round the names of those nominees who received the least votes and whose votes when combined with each other do not exceed the number of votes obtained by the leading candidate, shall be eliminated from the following round of the ballot. The results of each round of balloting shall be disclosed to the Congress before the following round is commenced.
- 16.5.2. Office-Bearers, General Secretary, Assistant General Secretary, Organising Secretary, shall be elected in the following order:

PRESIDENT
FIRST VICE PRESIDENT
SECOND VICE PRESIDENT
NATIONAL TREASURER
GENERAL SECRETARY
ASSISTANT GENERAL SECRETARY
ORGANISING SECRETARY (1)

- 16.5.3. If more than two (2) candidates are nominated for the position of General Secretary, Assistant General Secretary or more than four (4) candidates for the position of Organising Secretary, the same procedure mutatis mutandis as set out in Clause 16.5.1. above shall apply. Nominations for the post shall be closed on reconvening after the lunch-break on the first day for the National Congress and the names of nominees disclosed to the meeting. If there is only one (1) nominee for each position, such person shall be declared duly elected.

16.5.4. The newly elected National Office-Bearers, General Secretary, Assistant General Secretary and Organising Secretary shall take office from the closure of the National Congress at which they are elected.

SECTION J

17. THE NATIONAL EXECUTIVE COMMITTEE

17.1. COMPOSITION

17.1.1. Between meetings of the National Congress management of the affairs of the Union as a whole shall be vested in a National Executive Committee which shall consist of the President, Vice-Presidents, National Treasurer and a minimum of one (1) delegate for each Region.

17.1.2. Each region shall further be entitled to one (1) delegate for every completed four thousand (4 000) fully paid members.

17.2. ELECTION

17.2.1. Each Regional Executive Committee shall elect by ballot from among its members National Executive Committee delegates and a first and second alternate who may attend meetings only in the absence of delegates.

17.2.2. Such an election shall take place at the meeting of the Regional Executive Committee held during the period of ninety (90) days to thirty (30) days prior to the National Congress and Head Office shall forthwith be advised in writing of the names of delegates.

17.2.3. No vacancy of delegates shall arise by virtue of a delegate being elected as a National Office-Bearer.

17.2.4. Delegates and alternates shall subject to Clause 17.2. hold office for two (2) years and thereafter until the next election which shall be as soon as possible thereafter and they shall be eligible for re-election on termination of their period of office.

17.2.5. Vacancies of delegates to the National Executive Committee shall be filled by election in the relevant Regional Executive Committee from among its members.

17.2.6. Vacancies of Office-Bearers of the National Executive Committee shall be filled by the election of acting Office-Bearers of the National Executive Committee from among its members.

17.2.7. A member appointed to fill any such vacancy as contemplated in Clauses 17.2.5. and 17.2.6. shall hold office for the unexpired portion of the period of office of his/her predecessor.

- 17.2.8. All elections contemplated in Clause 17.2 shall be on nomination proposed and, seconded and voted on by majority ballot.
- 17.3. A member of the National Executive Committee shall vacate his/her seat in any of the following circumstances:
 - 17.3.1. on resignation, suspension or expulsion from membership of the Union;
 - 17.3.2. on absenting himself/herself without the permission of the National Executive Committee from three (3) consecutive meetings of the National Executive Committee;
 - 17.3.3. on resignation from the National Executive Committee by giving one (1) month's written notice to the General Secretary;
 - 17.3.4. on ceasing to be a member in good standing;
 - 17.3.5. on ceasing to be a member of the Regional Executive Committee;
 - 17.3.6. in consequence of a ballot as contemplated in Clause 22.1.2. hereunder in which event he/she shall not be eligible for re-election in any consequent by-election.
- 17.4. The President, Vice-Presidents and National Treasurer of the National Executive Committees shall vacate office:
 - 17.4.1. if he/she ceases to be a Shop Steward;
 - 17.4.2. on resignation by giving one (1) month's written notice to the General Secretary;
 - 17.4.3. on majority resolution of the National Congress in which event the Congress shall elect his/her successor by ballot as set out in Clause 16.5. which ballot shall be a by-election;
 - 17.4.4. in consequence of a ballot as contemplated in Clause 22.1.1. hereunder in which event he/she shall not be eligible for re-election in any consequent by-electing. Save in respect of Clause 17.4.1. an Office-Bearer shall remain a delegate of the National Executive Committee.
- 17.5. The National Executive Committee shall ordinarily meet at least once every four (4) months on a date to be fixed by the President. Such dates shall be fixed by the President in conjunction with the General Secretary insofar as this is possible. Special meetings of the National Executive Committee shall be called by the President whenever he/she deems it advisable or by a requisition signed by not less than six (6) members of the National Executive Committee in which event the meeting shall be called within fourteen (14) days of the receipt of the requisition by the President.
- 17.6. Members of the National Executive Committee shall be notified in writing of the time and place of the meetings by the General Secretary at least fourteen (14) days before the dates of such meetings provided that shorter notice being not less than twenty-four (24) hours notice may in the discretion of the President be given in respect of extra-ordinary meetings. To every notice of a meeting an agenda shall be attached.

17.7.1. Unless otherwise provided herein all matters for consideration by the National Executive Committee shall be decided on motion duly seconded and voted upon by a show of hands.

17.7.2. All decisions of the National Executive Committee shall be taken insofar as is possible by consensus failing which by two-thirds (2/3) majority vote.

17.8. The quorum for meetings of the National Executive Committee shall be two-thirds (2/3) of the delegates or their alternates. If within ninety (90) minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to the same time and place one week later when those present shall be deemed to form a quorum. The General Secretary shall give further notice of the resumed meeting to all members of the National Executive Committee provided non-receipt thereof by any delegate shall not invalidate the resumed meeting.

17.9. Subject to the provisions of this Constitution, the National Executive Committee shall have power:

- 17.9.1. to engage and dismiss any employees of the Union including the General Secretary, Assistant General Secretary and Organising Secretary, to fix their remuneration and to define their duties;
- 17.9.2. to appoint from time to time such sub-committees as it may deem fit for the purpose of investigating and reporting on any matter which includes forming a Finance Committee constituted by two (2) representatives per Region to monitor expenditure, budgets and review/investigate issues concerning finance with the purpose of recommending changes to the National Co-ordinating Committee,
- 17.9.3. to review the decisions of all Regional and Branch structures and general meetings and to confirm, amend or reverse such decisions;
- 17.9.4. to institute or defend legal proceedings by or against the Union on individual members or on behalf of individual members in relation to their employment or in furtherance of any of the objects set out in Clause 4 provided same is not inconsistent with any matter specifically provided for in this Constitution;
- 17.9.5. to acquire by purchase, lease or otherwise any movable or immovable property and hold same on behalf of the Union and to sell, let, mortgaged or otherwise deal with or dispose of any immovable or movable belongings of the Union, provided that no immovable property shall be acquired or sold nor shall be mortgaged, let or leased for a period of longer than five (5) years unless four (4) weeks notice of intention to do so has been given to each region of the Union;

- 17.9.6. to provide legal assistance to members in relation to their employment or in furtherance of any of the objects set out in Clause 4 provided same is not inconsistent with any matter specifically provided for in this Constitution;
- 17.9.7. to open and operate a national banking account in the name of the Union;
- 17.9.8. to establish or close down Branches, and/or Regions in any area and to define the areas of jurisdiction of Branches and/or Regions;
- 17.9.9. to suspend any Branch structure or Regional Executive Committee for action contrary to the terms of this Constitution or to instructions issued by the National Executive Committee or National Congress and to take over management of the affairs of such a Branch and/or Region until another Branch structure is appointed;
- 17.9.10. to deputise one or more of its members or officials of the Union to investigate the affairs of any Branch or Region at any time without assigning reasons therefore, and such persons shall have access to all the records of the Branch and/or Region and have power to take them into custody;
- 17.9.11. to convene National Congresses of the Union and to make the necessary arrangements therefore;
- 17.9.12. to bestow the title of "honorary member" on any person who, by length of membership or extra-ordinary service to the Union, deserved such title in the opinion of the National Executive Committee;
- 17.9.13. to authorise the conclusion of collective agreements and the institution of industrial action by the Union and its members;
- 17.9.14. to decide all matters of procedure on which this Constitution is silent;
- 17.9.15. to do such other things as may, in the opinion of the National Executive Committee, appear to be in the interests of the Union and which are not inconsistent with the objects or any matter specifically provided for in this Constitution.

SECTION K

18. NATIONAL OFFICIALS AND OFFICE-BEARERS

18.1. PRESIDENT

In addition to such duties set out in this Constitution the President shall preside at all the meetings of the National Executive Committee, National Co-ordinating Committee and National Congress at which he/she is

present, enforce observance of the Constitution of the Union, sign minutes of meetings after confirmation thereof, sign all cheques drawn on the National and Head Office banking accounts of the Union, generally exercise supervision of the affairs of the Union between meetings and to such other duties as by usage and custom pertain to the office. He/she shall have a deliberative vote and a casting vote in the event of an equality of voting.

18.2. VICE-PRESIDENTS

The First Vice-President shall perform such functions of the President as the President may, temporarily or permanently, be unable to perform. The Second Vice-President shall perform such functions of the First Vice-President as the First Vice-President may, temporarily or permanently, be unable to perform.

18.3. NATIONAL TREASURER

The National Treasurer shall exercise supervision over the financial affairs of the Union and he/she shall initial the account books each month. He/she shall have the right to inspect the Union's books at any time and shall normally present financial statements to meetings of the National Congress, National Executive Committee and National Co-ordinating Committee.

18.4. GENERAL SECRETARY

The General Secretary of the Union shall be accountable to the National Executive Committee and his/her duties shall in addition to those mentioned elsewhere in the Constitution be:

- 18.4.1 to receive requests for meetings of the National Executive Committee, to issue notices of meetings, to conduct all head office correspondence of the Union, to keep originals of letters received, copies of those dispatched and at each meeting of the National Executive Committee to lay on the table such correspondence as has ensued since the previous meetings; attend all meetings, cause official receipts for all monies received by the national union to be issued, to cause a quarterly financial report to meetings of the National Executive Committee to be prepared and presented and to perform such other duties as are imposed by the Constitution or as the National Executive Committee may direct. He/she shall attend all meetings of the National Executive Committee but shall have no voting powers at such meetings;
- 18.4.2. the General Secretary shall take all necessary steps to ensure that proper books of account of the Union are kept, to have such books audited and to prepare a consolidated annual balance sheet and statement of income and expenditure and to submit or make available such information to members;

- 18.4.3. the General Secretary shall in consultation with the President supervise employees of the Union generally between meetings of the National Executive Committee and National Co-ordinating Committee;
- 18.4.4. the General Secretary shall ensure that the provisions of the Act are complied with;
- 18.4.5. the General Secretary may resign on giving two (2) months notice in writing to the National Executive Committee. He/she may be summarily discharged by the National Executive Committee for a serious neglect of duty or misconduct. In the event of the office becoming vacant the National Executive Committee shall appoint a new incumbent as an acting General Secretary until the next National Congress where an election for a General Secretary will take place.

18.5. ASSISTANT GENERAL SECRETARY

The Assistant General Secretary shall be accountable to the National Executive Committee and his/her duties shall be to assist the General Secretary in the performance of his/her duties and to perform such functions of the General Secretary as the General Secretary may temporarily or permanently be unable to perform.

18.6. ORGANISING SECRETARY

The Organising Secretary shall be accountable to the National Executive Committee, who shall define his/her duties.

SECTION L

19. NATIONAL CO-ORDINATING COMMITTEE

- 19.1. Between meetings of the National Executive Committee and subject to the decisions of the National Executive Committee the management of the affairs of the Union shall be vested in the National Co-ordinating Committee which shall be comprised of the National Office-Bearers and the following delegates from among the National Executive Committee members from each region established in terms of Clause 15: regions with more than thirty thousand (30 000) members: four (4). Other regions: Two (2) delegates. These delegates shall be elected by secret ballot at a Regional Executive Committee meeting and shall hold office for up to two (2) years subject to Clause 19.2. Vacancies on the National Co-ordinating Committee shall be filled by ballot on the Regional Executive Committee choosing among those National Executive Committee members representing the Region from which the vacancy occurred.

- 19.2. Members of the National Co-ordinating Committee shall vacate office in any of the following circumstances:
 - 19.2.1. upon ceasing to be a member of the National Executive Committee;
 - 19.2.2. upon resigning by giving one (1) month's written notice to the General Secretary;
 - 19.2.3. in consequence of a ballot as contemplated in Clause 22.1.2. hereunder in which event he/she shall not be eligible for re-election in any consequent by-election.
- 19.3. Subject to the provisions of this Constitution the National Co-ordinating Committee shall have such powers as are set out in Clauses 17.9.1 to 17.9.6, 17.9.10 and 17.9.13.
- 19.4. The National Co-ordinating Committee shall meet bi-monthly and minutes of its meetings shall be circularised to all Branches and Regions of the Union by the General Secretary.
- 19.5. The National Co-ordinating Committee shall operate the Head Office account of the Union. All cheques to this account shall be signed by the General Secretary and in his/her absence by the Assistant General Secretary and countersigned by one of two (2) National Co-ordinating Committee members appointed for the purpose by the National Co-ordinating Committee. The General Secretary shall cause monthly financial statements of income and expenditure in respect of this account to the National Co-ordinating Committee.

SECTION M

20. FINANCE

- 20.1.1. All periodic subscriptions shall be subject to the provisions of Clause 8.3. be remitted to the General Secretary and shall be deposited within two (2) days of receipt at a bank decided on by the National Executive Committee. This bank account shall be called the National Account of the Union.
- 20.1.2. All cheques of the National Account shall be signed by the President, National Treasurer and General Secretary.
- 20.1.3. Monthly allocations to Branches, Regions and the Head Office shall be effected by telegraphic transfer on authorisation of all three (3) signatories to the National Account provided that in the event of the allocation being less than the amount of the float for such Branch, Regions or the Head Office as the case may be as determined by two-thirds (2/3) majority vote of the National Executive Committee from time to time, the signatories to the Head Office account may authorise such transfer. The signatories of the Head Office account

shall not otherwise have any signing authority for the National Account.

20.1.4. In the event of any one or more signatories being unable to be a signatory to such cheques, the National Executive Committee may appoint such other signatories as it deems suitable provided that all cheques shall be signed by three (3) persons who shall be either the General Secretary, the Assistant General Secretary and/or delegates of the National Executive Committee.

20.2. HEAD OFFICE ACCOUNT

20.2.1. The funds of the Head Office of the Union shall be received by the General Secretary on behalf of the Union who shall cause them to be deposited to its credit within two (2) days of receipt at a bank decided upon by the National Executive Committee. The account shall be called the Head Office account of the Union.

20.2.2. All cheques of the Head Office account shall be signed by the signatories to that account as set out in Clause 19.5.

20.3. REGIONAL ACCOUNTS

20.3.1. The funds of the Region shall be received by the Regional Secretary on behalf of the Union who shall cause them to be deposited to its credit within two (2) days of receipt at a bank decided upon by the Regional Executive Committee. The account shall be in the name of the Region of the Union.

20.3.2. The signatories to that account shall be the Regional Secretary and countersigned by either the Regional Chairperson or the Regional Treasurer.

20.3.3. The region shall also operate an account known as the Regional Trust Account. The signatories of this account shall be the same as in 20.3.2.

20.4. BRANCH ACCOUNTS

20.4.1. The Branch Secretary of each Branch of the Union shall cause the funds of the Branch, including Branch fines and levies, to be collected, deposited within two (2) days of receipt by the Branch in a bank decided on by the Branch Executive Committee concerned to the credit of an account in the name of the Branch of the Union.

20.4.2. If any Branch ceases to exist its assets and liabilities shall devolve upon the Union.

20.4.3. If any Branch general meeting or Branch Executive Committee desires the finances of the Branch to be administered by the Regional Executive Committee or the National Executive Committee, the relevant Branch may request such committee to take over the financial administration of the Branch, and the Regional Executive Committee or National Executive Committee as

the case may be, if it deems it expedient, may accede to such request and shall thereupon assume full responsibility for such financial administration.

20.4.4. All cheques of the Branch shall be signed by the Chairperson, Branch Treasurer and Branch Secretary. In the event of any one or more signatories being unable or unwilling to be a signatory to such cheques the Branch Executive Committee may appoint such other signatories as it deems suitable provided that all cheques of the Branch are signed by three (3) persons who shall be either the Branch Secretary and/or members of the Branch Executive Committee.

20.5. ALLOCATIONS

20.5.1. The National Executive Committee shall from time to time determine by two-thirds (2/3) majority vote the size of floats for each Branch Account, Regional Account, Regional Trust Account and the Head Office Account.

20.5.2. On receipt by the Head Office of a Branch or Regional financial statement approved by the Branch or Regional Executive Committee together with the relevant bank statements, vouchers, paid cheques and deposit slips, the General Secretary shall prepare an authorisation for the telegraphic transfer of such monies being not more than the float determined in Clause 20.5.1. above, as are required to replace the float of the Branch or Region from the National Account. The signatories to the Head Office account shall authorise such transfer.

20.5.3. The Head Office float shall similarly be replaced after the approval of the monthly Head Office account statement being approved by the National Co-ordinating Committee or National Executive Committee.

20.6 GENERAL

20.6.1. The funds of all accounts of the Union shall be applied to the payments of expenses connected with the administration of the affairs of the Union, the acquisition of property and/or towards the attainment of the objects specified in Clause 4 of this Constitution and such other lawful purposes as may be decided upon by the National Executive Committee or by the general membership of the Union voting by ballot.

20.6.2. Not more than Five Hundred Rand (R500.00) may be drawn on any account in respect of petty cash in any month.

20.6.3. Statements of income and expenditure and the financial position of the Branch and Region are to be prepared monthly by each Branch and Regional Secretary and submitted to the relevant Regional Executive Committee or Branch Executive Committee and a copy

shall be sent to the General Secretary of the Union. The General Secretary shall cause consolidated statements in respect of Union funds to be prepared every quarter and submitted to the National Executive Committee.

- 20.6.4. All accounts of the Union shall be audited as at 31st December of each year by a person registered as an Accountant and Auditor under Section 23 of the Public Accountant's and Auditor's Act No 51 of 1951, appointed by the National Executive Committee, true copies of the consolidated audit account of the Union together with the auditor's report shall be made available to members of the Union at all offices of the Union.
- 20.6.5. The consolidated audited financial statement, balance sheet and auditor's report for the Union shall be confirmed by the National Executive Committee and shall thereafter be presented for information to the National Congress and to the Annual General Meetings of the Regions.
- 20.6.6. The auditor's report contemplated in Clause 20.6.4. and Clause 20.6.5. shall state whether:
 - 20.6.6.1. he/she has satisfied himself/herself of the existence of the securities and has examined the books of account and records of the Union;
 - 20.6.6.2. proper books of account have been kept;
 - 20.6.6.3. he/she has obtained all the information and explanations required;
 - 20.6.6.4. in his/her opinion the statement of income and expenditure and the balance sheet audited by him/her have been properly drawn up so as to exhibit a true and correct reflection of the state of affairs of the Union according to the best of his/her knowledge and according to the explanation given to him/her and as shown by the books of the Union as at the date of the balance sheet;
 - 20.6.6.5. in his/her opinion, the provision of the Constitution of the Union insofar as they relate to financial affairs, have been complied with.
- 20.6.7. If any committee incurs expenditure except as provided in this Constitution, the members present at the meeting which such expenditure was agreed to shall be jointly and severally liable for refunding the amount in question to the Union provided no liability shall rest on the members who at the time specially request that their protest against the incurring of such expenditure be recorded in the minutes of the meeting.
- 20.6.8. No person shall have any claim of the funds of the Union by virtue of ceasing to be a member of the Union.

20.7. LEVIES

The National Executive Committee may at any a time, with a view to

securing funds for any particular lawful purpose contemplated in terms of this Constitution, impose a levy provided that not less than fourteen (14) days notice of the proposed levy has been given to all Branches and provided further that any Regional general meeting may demand that a ballot of members of the Union be taken on the subject. The purpose of the levy shall be clearly set out in the notice as well as the period of operation of such levy. Such levies may differentiate on the basis of earnings and/or area and may be either fixed amounts or a percentage of earnings. Under no circumstances shall the amount levied exceed two and half percent (2.5%) of any member's earnings for any calendar year and shall not apply for more than one (1) year.

SECTION N

20.1. REPRESENTATION ON BARGAINING COUNCILS OR C.C.M.A.

21.1. BARGAINING COUNCILS

If the National Executive Committee approves of the Union becoming a party to a Bargaining Council the election of persons to represent the Union on such Bargaining Council shall take place by ballot at a meeting of the appropriate structure of the Union set out hereunder from nominations made at such meeting:

- 21.1.1. if the area of jurisdiction of the Bargaining Council is limited to the area of jurisdiction of a Branch or Region of the Union the appropriate structure shall be the Branch Executive Committee or Regional Executive Committee respectively;
- 21.1.2. in regard to all other Bargaining Councils the appropriate structure shall be the National Executive Committee.
- 21.2. The General Secretary and the President or any two of the following officials and/or Office-Bearers are authorised to sign certificates contemplated in Section 27 (1)(b) of the Act.
 - 21.2.1. Vice President, Treasurer and delegates to the National Executive Committee;
 - 21.2.2. the Assistant General Secretary and Organising Secretary
 - 21.2.3. the Regional Secretaries, Chairpersons, Vice-Chairpersons and Treasurers;
 - 21.2.4. the Legal Officers;
 - 21.2.5. the Chairperson, Vice-Chairperson, Treasurer and Secretaries of the Branch;
- 21.3. The representatives on the Bargaining Councils shall have full power to enter into agreements on behalf of the Union after ratification by a meeting or meetings of the members affected and ratification by the General Secretary.

21.4. C.C.M.A.

In the event of there being a dispute with any employer, employees or employers associations, the Union may apply for the appointment of a C.C.M.A. The following officials and/or Office-Bearers are entitled to make application for the establishment of a C.C.M.A. on behalf of the Union in respect of any dispute in which the Union or its members is/are involved or, in which the Union is requested by non-members to represent them;

- 21.4.1. the President, Vice-Presidents, National Treasurer or delegates to the National Executive Committee;
- 21.4.2. the General Secretary, the Assistant General Secretary, or the Organising Secretary;
- 21.4.3. the Regional Chairperson, Vice-Chairperson, Treasurer or Secretary;
- 21.4.4. the Legal Officers;
- 21.4.5. the Chairperson, Vice-Chairperson, Treasurer or Secretary of the Branch;
- 21.5. The Officials and Office-Bearers referred to in Clause 21.4. above are authorised to sign the certificate contemplated in terms of Section 35 (b) of the Act.
- 21.6. Representatives on the C.C.M.A. shall be appointed by the National Executive Committee or a Branch or Regional Executive Committee that is delegated to do so by the National Executive Committee. Appointment shall be by way of a ballot from nominations made at the meeting.
- 21.7. Representatives to the C.C.M.A. shall have the full power to enter into agreements on behalf of the Union after ratification by the meeting or meetings of the members affected and ratification by the General Secretary.

SECTION 0

22. BALLOTS

22.1. CALLING OF BALLOTS

In addition to matters in respect of which the taking of a ballot of members of the Union is compulsory in terms of this Constitution or any law, a ballot on any specific question including the recall from office or reinstatement to office of any Office-Bearer or Official shall be taken in any of the following circumstances:

22.1.1. NATIONAL BALLOT

On resolution of a meeting of any National structure or within thirty (30) days of any petition signed by more than twenty percent (20%) of the members in good standing being presented to the General Secretary.

22.1.2. REGIONAL BALLOT

On resolution of a meeting of any National or Regional structure or

within thirty (30) days of any petition signed by not less than twenty percent (20%) of the members in good standing in the area of jurisdiction of the Region being presented to the Regional Secretary or General Secretary.

22.1.3. BRANCH BALLOT

On resolution of a meeting of any National, Regional, or Branch structure or within thirty (30) days of any petition signed by not less than twenty percent (20%) of the members in good standing in the area of jurisdiction of the Branch being presented to the Branch Secretary or Regional Secretary.

22.1.4. FACTORY/DEPARTMENTAL BALLOT

On resolution of any Branch, Regional or National structure or Shop Steward Committee having jurisdiction in respect of the factory concerned or within thirty (30) days of any petition signed by not less than twenty percent (20%) of the members in good standing from the factory or department concerned being presented to the Branch Secretary or Regional Secretary.

22.2. CONTROL OF BALLOT

Ballots shall be conducted by the following committees:

- 22.2.1. National ballots - the National Executive Committee;
- 22.2.2. Regional ballots - the Regional Executive Committee or, in the event of the ballot being conducted in consequence either of a resolution of a National structure or a petition presented to the General Secretary, by the National Executive Committee;
- 22.2.3. Branch Ballots - the Branch Executive Committee or in the event of the ballot being conducted in consequence of a resolution of a National structure, by the National Executive Committee, or in the event of a ballot being conducted in consequence either of the resolution of a Regional structure or petition presented to the Secretary, by the Regional Executive Committee;
- 22.2.4. Factory and Departmental Ballots - the Branch Executive Committee.

22.3. BALLOTS SHALL BE CONDUCTED IN THE FOLLOWING MANNER:

- 22.3.1. unless otherwise provided in this Constitution the relevant committee conducting the ballot shall cause notice of the ballot to be given in writing to each member entitled to vote at least three (3) days in the case of a National, Regional or Branch ballot and twenty-four (24) hours in the case of a factory or departmental ballot, before the ballot is to be taken;
- 22.3.2. notwithstanding the provisions of Clause 22.3.1 no ballot shall be invalidated merely by the non-receipt of such notice by any member;
- 22.3.3. the relevant committee conducting the ballot shall appoint at least two (2) scrutineers from among the members or officials of the

Union, who shall count the ballots. In the event of any election being conducted by ballot, the candidates for such election shall have the right to be present at the counting of such ballot;

22.3.4. ballots shall be conducted at the various Regions and/or Branch offices of the Union or such other convenient places as may be specified in the notice referred to in Clause 22.3.1. above on the date or dates and during the hours specified in the said notice;

22.3.5. each voter shall, in the presence of a scrutineer be issued with a ballot paper which he/she shall thereupon complete, fold and deposit in a sealed container provided for the purpose;

22.3.6. such ballot papers shall not be signed or marked in any way apart from the mark required to be made by a member in recording his/her vote. Papers bearing any other marks shall be regarded as spoilt;

22.3.7. ballot boxes shall be inspected by the scrutineers and sealed in their presence. In the event of an election being conducted by ballot, candidates shall have the right to inspect such ballot boxes prior to the ballot being taken and shall also have the right to be present when the ballot boxes are sealed;

22.3.8. on completion of the ballot or as soon as possible thereafter, the result thereof shall be ascertained by the scrutineers thus appointed and shall be made known to the members concerned and also the relevant committee conducting the ballot;

22.3.9. ballot papers including spoilt papers shall be placed in a sealed container again after being counted and shall be handed to the Secretary of the Committee conducting the ballot who shall retain same for not less than three (3) years;

22.3.10. unless otherwise specified in this Constitution the Committee responsible for the calling of the ballot shall be bound to take action according to the decision of a majority of the members voting in any ballot, provided that such committee shall not be so bound where less than thirty percent (30%) of the members of the Union entitled to vote have voted;

22.3.11. notwithstanding anything to the contrary elsewhere in this Constitution where any person is recalled from office in consequence of any ballot of members the vacancy so arising shall be filled by further ballot among the members concerned;

22.3.12. in any election conducted by ballot, the candidates or candidate receiving the biggest number of votes shall be declared elected;

22.3.13. while members shall be entitled to express their view for or against any candidate standing for election and to express their views on any other issue on which any ballot is called, the scrutineer shall have the right and duty to ensure that discussions on the merit of any issue related to the ballot are not discussed with any voter from the time he/she is given his/her ballot paper until after he/she has

voted and deposited his/her ballot paper in one of the aforementioned sealed ballot boxes;

- 22.3.14. before calling a strike, the Union shall conduct a ballot of those of its members in respect of whom it intends to call the strike;
- 22.3.15. members of the Union shall not be disciplined or have their membership terminated for failure or refusal to participate in a strike if -
 - (i) no ballot was held about the strike or
 - (ii) a ballot was held but a majority of the members who voted did not vote in favour of the strike.

22.4. BALLOTS AT MEETINGS

Whenever any meeting of the Union decides to take a ballot on any question the meeting shall elect as many scrutineers as it may deem necessary from among the members or officials of the Union present at such meeting who shall conduct the ballot subject to the provisions of clauses 22.3.3, 22.3.5, to 22.3.9 and 22.3.12 to 22.3.13 which shall mutatis mutandis apply.

22.5. COMPULSORY BALLOT ON STRIKE ACTION

The Union shall not declare a strike nor participate in a strike save and unless a ballot of the members affected in such contemplated strike action shall first have been taken and such action is approved by the majority of such members in such ballot.

SECTION P

23. DISCIPLINE, HEARINGS AND INVESTIGATIONS

- 23.1 A member may be suspended, fined or expelled as may be determined by the Regional Executive Committee, National Co-ordinating Committee or by the National Executive Committee if he/she infringes any of the terms of this Constitution or acts in a manner which is detrimental to the interests of the Union.
- 23.2. No member may be suspended, fined or expelled unless he/she has been afforded the opportunity to state his/her case personally at a disciplinary hearing which shall be a meeting of the Committee in Clause 23.1 which intends to consider the matter. Such member shall be given not less than four (4) days notice in writing from the Secretary of the Committee. The matter with which the member is charged shall be set out in such notice.
- 23.3. If the Committee hearing the matter is satisfied that the person charged has though absent, received the prescribed notice, or if the person charged is present, the Committee may proceed to hear and determine the charge, and if it finds the charge proved to its satisfaction may

- 23.3.1. expel the member from the Union;
- 23.3.2. suspend the member for a definite period from membership of the Union;
- 23.3.3. impose a fine not exceeding twenty-rand (R20.00) for the first offence and fifty-rand (R50.00) for subsequent offences, and may suspend a person from membership until such fine is paid without prejudice to any right of action to recover such monies by civil proceedings.
- 23.3.4. remove such person from any position of leadership within the union for such period(s) as it may deem expedient up to maximum of two (2) years.
- 23.4 The accused member shall be entitled to call such witnesses in support of his/her case as are reasonably necessary when attending a disciplinary hearing. The Committee may call such further witnesses as it finds necessary and may take such further investigations as it deems expedient before arriving at a decision.
- 23.5 A member who is subject to disciplinary action against him/her shall have the right to appeal to the National Executive Committee. Notice of such appeal shall be given to the General Secretary , in writing, within fourteen (14) days of the date on which the decision of disciplinary action was communicated to the person concerned. The notice of appeal shall state the grounds of appeal.
- 23.6 The appeal shall be considered at the next meeting of the National Executive Committee. The General Secretary shall prepare a summary of the disciplinary hearing. The appellant shall have the right to address the committee personally or in writing on the issues on the grounds of appeal and a representative of the committee which conducted the disciplinary hearing shall have a right of personal or written response. The National Executive Committee shall make such further investigations as it deems fit and shall thereafter confirm, vary or reverse the decision taken in the disciplinary hearing. The decision of the National Executive Committee on appeal shall be final and the member concerned shall have no further right of appeal.
- 23.7 Upon expulsion of a member, all monies owing to the Union by such member shall immediately become due and payable.
- 23.8. A member shall cease to be entitled to the benefits of membership, including the right to vote during any period while he/she is under suspension in terms of this Clause of the Constitution.
- 23.9. If an official of the Union is alleged to have engaged in any misconduct in relation to the Union or any of its leadership or other officials the National Office-Bearers may hold a disciplinary enquiry into such misconduct by the official concerned.
- 23.10. The General Secretary or the President may suspend the official concerned on full benefits, pending the outcome of a disciplinary enquiry, subject to 23.12 and 23.13 below, into such misconduct.

- 23.11. If the official concerned is not a regional secretary or National Office-Bearer, the General Secretary or the President may appoint an enquiry chairperson who shall be a National Office-Bearer of the Union.
- 23.12. If the official concerned is a regional secretary, the President shall appoint an enquiry chairperson who shall be a National Office-Bearer of the Union.
- 23.13. If the official concerned is a National Office-Bearer, the President shall appoint an enquiry chairperson who shall be a National Office-Bearer of the Union.
- 23.15. The official concerned shall be notified of the charges against him/her and shall be entitled to be present at the enquiry, be represented by any other official of the Union chosen by him/her and which other official is willing to represent him/her, and shall be entitled to call such witnesses as are reasonably necessary to present his/her case. The Union shall likewise be entitled to call witnesses and to enquire into any disputed matters.
- 23.16. An Office-Bearer appointed to act as an enquiry chairperson shall have authority to make such decision as he/she deems appropriate, which decision may provide for a sanction short of dismissal, or, in a suitable case, dismissal.
- 23.17. The decision of the enquiry chairperson shall be recorded in writing and shall be furnished to the official concerned.
- 23.18. The decision of the enquiry chairperson shall be effective on the date that it is communicated to the official concerned, or, in the absence of the official concerned, the date it is delivered to his/her last known address.
- 23.19. If the official concerned, being either the General Secretary, Assistant General Secretary, National Organiser or a Regional Secretary, is dissatisfied with the decision of the enquiry chairperson, he/she shall be entitled to appeal to the National Executive Committee, in writing, within fourteen days of the date on which the decision was communicated to him/her. The notice of appeal shall state the grounds of appeal.
- 23.20. The appeal in terms of 23.19 above shall be considered by the National Executive Committee who may hear representations from the official concerned, the enquiry chairperson, and the member or official who presented the case against the official concerned at the disciplinary enquiry.
- 23.21. The Chairperson and Union complainant of the disciplinary enquiry who presented the case against the official concerned at the disciplinary enquiry shall recuse themselves prior to any decision being taken by the National Co-ordinating Committee or the National Executive Committee regarding the appeal.
- 23.22. The National Executive Committee, having considered an appeal lodged in terms of paragraph 23.19, may confirm, vary or reverse the decision of the disciplinary enquiry.
- 23.23. The decision of the National Executive Committee in terms of paragraph

23.22 above shall be final and the official concerned shall have no further right of appeal.

23.24. All other employees or officials of the Union who are dissatisfied with the decision of the enquiry chairperson shall be entitled to appeal to the National Co-ordinating Committee, in writing, within fourteen days of the date on which the decision was communicated to them. The notice of appeal shall state the grounds of appeal.

23.25. The procedure of the appeal to the National Co-ordinating Committee referred to in 23.23, shall, mutatis mutandis, be in accordance with the provisions of 23.20 to 23.23 above.

23.26. If an official of the union is alleged to lack the capacity to discharge his/her responsibilities in relation to the Union or any of its leadership or other officials, the Union may conduct an investigation to establish the fact or extent of such incapacity, alternatives to dismissal and/or whether dismissal is appropriate in the circumstances.

23.27. The investigation referred to in paragraph 23.26 shall take a form of a hearing, and the appointment of a chairperson, and the procedure, shall, mutatis mutandis, be in accordance with the provisions of paragraphs 23.11 to 23.14 above .

23.28. The National Office-Bearer appointed to act as an enquiry chairperson shall have authority to make such decision as he/she deems appropriate, which decision may provide for remedial directive, or, in a suitable case, dismissal.

23.29. The provisions of paragraphs 23.17 to 23.25 shall mutatis mutandis apply to the communication of the decision referred to in paragraph 23.28 and any appeal against that decision.

SECTION Q

24. DISSOLUTION

24.1. Subject to Clause 25.2. below, the Union may be dissolved at any time by resolution carried by two-thirds (2/3) majority of the National Congress or National Executive Committee if for any reason the Union is unable to continue functioning provided that no such resolution shall be taken unless a ballot of members of the Union shall have been conducted and more than sixty percent (60%) of the members in good standing and participating in the ballot so approve.

24.2. If a resolution for the dissolution of the Union has been passed as provided for in Clause 24.1. above, the Union shall be dissolved in terms of Section 103 of the Act.

24.3. The last appointed President of the Union, or if he/she is not available, the available members of the last appointed National Executive Committee of the Union, shall forthwith transmit to the Labour Court, a statement signed by him/her or them setting forth the resolution adopted, or the reasons for the Union's inability to continue to function, as the case may be, and the available members of the Union's last appointed National Executive Committee shall appoint a liquidator to carry out the winding-up. The liquidator shall not be a member of the Union, and shall be paid such fees as may be agreed between him/her and the said members of the Union's last appointed National Executive Committee.

24.4. The liquidator so appointed shall call upon the last Office-Bearers and Officials of the Union to deliver to him/her the Union's books of account, showing the Union's assets and liabilities together with the register of members showing for twelve (12) months prior to date on which the resolution for winding-up was passed as from which the Union was unable to continue functioning, hereinafter referred to as the date of dissolution, the subscriptions paid by each member as at the date of dissolution. The liquidator shall also call upon the said Office-Bearers and officials of the Union to hand to him/her all unexpended funds of the Union and to deliver to him/her the Union's assets and the documents necessary in order to liquidate the assets of the Union.

24.5. The liquidator shall take the necessary steps to liquidate the debts of the Union from its unexpended funds and any other monies realised from any assets of the Union.

24.6. After the payment of all debts in accordance with Clause 24.5. the remaining funds, if any, shall be disposed of by a decision of a ballot of the members of the Union who were in good standing as at the date of dissolution in one or more of the following ways:

24.6.1 by transfer of all or part of the assets to any other trade union or any named organisation of trade unions, or to be kept in trust until such time as another trade union is established embracing all or part of the area and scope of the one dissolved and open to all workers in such area and scope irrespective of race, colour or creed;

24.6.2 by transfer of all assets to any existing insurance, provident or any benefit fund established by, or in the interests of the members of the Union;

24.6.3 by distribution among the members of the Union who are in good standing as at the date of dissolution, the share to be awarded to each member to be in proportion to his/her years of membership; the liability of members shall for the purpose of this section be limited to the amount of subscriptions due by them to the Union in terms of this Constitution as at the date of dissolution.

SECTION R

25. MERGER

- 25.1. If any trade union registered in terms of the Labour Relations Act 1995 (hereinafter referred to as the "other union"), resolve to wind up its affairs with a view to its members or the members of a branch or branches joining and its unexpended funds or the unexpended funds of the branch or branches, being transferred to this Union then notwithstanding anything to the contrary contained in this Constitution, the members of the other union or its members of the branch or branches concerned, who are in good standing on the date of its dissolution shall be entitled to automatic admission to full membership of this Union on condition not less favourable than the conditions applying to existing members of this union.
- 25.2. The Union shall with the approval of seventy-five percent (75%) of its National Congress delegates at a special meeting of the National Congress called for the purpose, be entitled to amalgamate with any other union or unions and to wind-up affairs in such manner as to transfer all its assets and liabilities to the amalgamated union.

SECTION S

26. AMENDMENTS

- 26.1. The National Congress may repeal, amend or add to the provisions of this Constitution by resolution at any quorate meeting of Congress provided due notice of such resolution is given to all in terms of Clause 16.3.1. of the Constitution.
- 26.2. The National Executive Committee may subject to decisions of the National Congress under Clause 26.1 further repeal, amend or add to the provisions of this Constitution by resolution at any quorate meeting of the National Executive Committee carried by a two thirds (2/3) majority provided that at least fourteen (14) days notice of any proposed alteration shall have first been given by notice addressed to each Branch and Regional Secretary. If during this period not less than two (2) Branches request that a ballot of all members be held on the proposed alteration such ballot shall be taken.
- 26.3. Notwithstanding anything to the contrary contained in Clauses 26.1. or 26.2. in the event of the Union being registered under the Act no amendment or addition or repeal shall have any force or effect until such amendment, addition or repeal has been certified in terms of Section 101(3)(b) of the Act.

SECTION T

27. INTERPRETATION OF CONSTITUTION

The responsibility for the interpretation of the terms of this Constitution or any matter arising in connection therewith shall be vested in the National Executive Committee and its decision shall be final and binding.

SIGNED at DURBAN on this 15th day of JUNE, 1999



President



General Secretary