

CONSTITUTION

OF THE

BUILDING WORKERS UNION



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C O N S T I T U T I O N
O F T H E
B U I L D I N G W O R K E R S U N I O N

1. NAME

The name of the Trade Union is: Building Workers Union.

2. DEFINITIONS

Any expression used in this Constitution and which is defined in the Labour Relations Act, 1995 (Act No. 66 of 1995), shall have the same meaning as in the Act.

3. OBJECTS

The objects of the Trade Union shall be:-

- (a) to regulate relations between employees and employers and to protect and further the interests of members in relation to their employers, including any employers organisation;
- (b) to promote the interests of members;
- (c) to encourage the settlement of disputes by conciliatory methods;
- (d) to promote, support, or oppose, as may be deemed expedient, any proposed legislative or other measures affecting the interests of members;
- (e) to use every legitimate means to induce all persons who are eligible for membership to become members;
- (f) to assist members in obtaining employment where possible;
- (g) to provide, when deemed necessary legal assistance to members in connection with their employment or matters relative to the Building Industry;
- (h) to co-operate with organizations of employers and/or employees on any Bargaining Council or Statutory Councils which may be established to deal with matters which affect members;
- (i) to do such lawful things as may appear to be in the interest of members;
- (j) to establish and administer funds for the benefit of the member and/or their dependants provided that no funds which is not subject to control under any law shall be established unless the rules governing such funds have been incorporated in this constitution and approved by the Registrar in terms of the Labour Relations Act, 1995;
- (k) to assist members financially by either making grants or loans;
- (l) to affiliate with and participate in the affairs of any International Workers Organisation or the International Labour Organisation.

4. STATUS OF THE TRADE UNION

This Trade Union shall be a body corporate with perpetual succession capable of entering into contractual and other relations and of suing and being sued in its own name and shall be an organisation not for gain.

5. MEMBERSHIP

(1) All persons who are employees for the purposes of the Labour Relations Act No. 66 of 1995, and are actively employed in the Building Industry as defined herein, shall be eligible for membership of the Trade Union.

(i) "Building Industry" or "Industry" means without in any way limiting the ordinary meaning of the expression, the Industry as defined in the Trade Union registration certificate and in which the employer and the employees are associated for the purpose of erecting, completing, renovating, repairing, maintaining or altering buildings and structures and/or making articles for use in the erection, completion or alteration of buildings and structures, whether the work is performed, the material prepared or the necessary articles are made on the sites on the building or structures or elsewhere, and shall include all work executed or carried out by persons therein who are engaged in the following activities or subdivisions thereof, namely: concrete work; concrete paving; bricklaying; carpentry; french polishing; glazing; joinery; lead and light-making; masonry; metal work; painting; plastering; plumbing; shop, office and bank fitting; steel reinforcing; steel construction; and woodworking; and including excavations, demolitions and the preparation of sites for buildings, unless it can be shown by the employer concerned that such demolition was not carried out for the purpose of preparing the sites for building operations.

(2) No independent contractor shall be eligible for such membership;

(3) Except as provided in sub-clause (8) of this clause applications for admission or re-admission to membership, shall be lodged in writing with the Secretary of a Branch.

(4) Every application for membership shall be considered by the Branch Executive Committee within one month of receipt thereof by the Branch Secretary.

(5) If admission to membership is refused by a Branch Executive Committee, the applicant concerned shall be notified and shall have a right of appeal to the next general meeting of the Branch, which shall have power to confirm or reverse the Branch Executive Committee's decision. If the decision of a Branch Executive Committee is endorsed by a General meeting of such branch, the applicant shall likewise have a further right of appeal to the Executive Council of the Trade Union.

(6) Every member shall be provided with a membership card by the Branch Secretary, who shall enter on such card the subscriptions and levies paid by the member, and the periods to which such payments relate and shall, in the case of a member who in terms of Clause 8 A (2) of this constitution, is exempted from the payment of subscriptions, endorse such fact on his/her card in respect of each period for which the subscription is not payable.

(7) Every member shall notify the Branch Secretary, in writing, of his/her postal address and any changes thereof within 14 days of the date on which the change took place.

- (8) An employee who has resigned or been expelled from the Trade Union may be readmitted to membership on such conditions as the Executive Council may, after consultation with the Branch Executive Committee, determine.
- (9) An appeal in terms of sub-clause (5) of this clause shall be lodged in writing with the Branch Secretary. The appellant shall be afforded an opportunity to state his/her case personally to a General meeting of the Branch, and may if he/she so desires call witnesses in support of any statement made by him/her.

6. DISCIPLINE

- (1) An Executive Council Member, Branch Executive Committee Member or a Member, may be suspended, or expelled as may be determined by the Executive Council or by the Branch Executive Committee;
- (a) If a member after the Financial year of the Trade Union, fails within 14 days of demand in writing by the General Secretary, to pay subscriptions or levies which are more than 13 weeks in arrear;
- (b) If he/she infringes any of the terms of this constitution or acts in a manner which is detrimental to the interests of the Trade Union: provided that a member shall be entitled to appeal against any suspension, imposition of a fine or expulsion to the first ensuing Administrative Executive meeting. Notice of appeal shall be given to the Branch Secretary in writing within 14 days of the date on which the decision was communicated to the person concerned.
- (2) No member may be suspended, fined or expelled unless he/she has been afforded an opportunity to state his/her case personally at a meeting of the branch executive committee, of which he/she receives not less than 14 days notice in writing. The matter with which the member is charged shall be set out in such notice.
- (3) A member who has appeared before the Branch Executive Committee in accordance with sub-clause (2) of this clause shall, if he/she is dissatisfied with the decision of the branch executive committee and has lodged an appeal in the manner herein provided have the right to re-state his/her case personally to the Administrative Committee which shall consider the matter.
- (4) A member shall be entitled to call witnesses in support of his/her case, when attending a meeting of the Branch Executive Committee or the Administrative Executive in terms of sub-clause (2) or (3) of this clause as the case may be.
- (5) Once an appeal has been considered by the Branch Executive Committee it shall communicate its decision forthwith to the Administrative Executive which shall have the power to confirm, vary or reverse the decision of the Branch Executive Committee and communicate same to the member concerned.
- (6) There shall be a right of appeal to the Executive Council against the decision of the Administrative Executive. Notice of such appeal shall be given to the General Secretary in writing within 21 days of the date on which the decision of the Administrative Executive meeting was communicated to the person concerned. The Executive Council, after making such investigation as it may deem fit, may confirm, vary or reverse the decision of the branch concerned.
- (7) Upon expulsion of a member, all monies due to the Trade Union by such member shall become payable. If payment thereof is not made within 14 days the branch executive committee may take such steps as it deems necessary to secure a settlement.

(8) A member shall cease to be entitled to any of the benefits of membership, all assistance referred to, including the right to vote and shall be deemed to be out of goodstanding.

(a) If the subscriptions or other charges due by him/her to the Trade Union are more than 13 weeks in arrear.

(b) during any period while he/she is under suspension in terms of this constitution.

(c) In the event of the subscriptions or other charges due to the Trade Union by a member being more than 13 weeks in arrears, he/she shall continue to be subject to the disabilities imposed by paragraph 1 (a) of this sub clause until all arrears have been paid.

(i) For the purpose of this sub clause all members whose subscriptions are paid by compulsory stop order through the wage agreement of the Bargaining Council will be assessed after receipt of computer listings issued by the Bargaining Council which is on an annual basis (1st November to 31st October of the following year), except for members referred to in paragraph (e) of this sub clause.

(ii) For the purpose of this sub clause "week shall mean any day from Monday to Saturday and,

(iii) "Year" shall mean from the date the member last was in good standing with his/her subscriptions to the following year the same date, or 1st November to 31st October the following year, whichever is applicable.

(d) A member, except a member who is disabled and cannot work, who is in arrear for more than 1 year but less than 2 years and pays the outstanding subscriptions for that period shall be in goodstanding again. Thereafter his/her dependants shall be entitled to grants. A member who is disabled and cannot work, shall be regarded as being in goodstanding if he/she was not in arrear for 8 consecutive weeks prior to the date on which he/she became disabled; except for members referred to in paragraph (e) of this sub clause.

(e) A member who has joined the Trade Union in terms of Clause 8.B (1) of the constitution and fails to pay his/her subscriptions for a continuous period of 12 months shall cease to be a member of the Trade Union and shall forfeit all benefits in terms of this constitution.

(f) In the event of such person applying for re-admission as a member, he/she shall complete the prescribed application form and be required to qualify for benefits by paying 52 weeks continuous subscriptions.

(9) Members of the Executive Council and the Branch Executive Committee may be suspended, fined or expelled as the case may be by the Executive Council for action contrary to the terms of this Constitution or for serious neglect of duty or misconduct and in this regard the provision of Clause 6 shall mutatis mutandis apply to members of the Administrative Executive.

7. TERMINATION OF MEMBERSHIP

(1) A member of the Trade Union shall cease to be a member in any one of the following circumstances:

(a) On resignation:

A member may resign by giving 14 days notice in writing to the Branch Secretary, provided that no resignation shall take effect until money due to the Trade Union by the member concerned shall have been paid.

(b) On expulsion.

(c) A member who is unemployed and finds alternative employment which is not in the Building Industry or consistent with this Unions Constitution will cease to be a member if he works in such employment for a period longer than 3 months or refuses to accept work with a recognised bona fide employer in the Building Industry.

8.A. SUBSCRIPTIONS

(1)(a) A subscription up to the maximum of 1% of wages shall be payable by each member to the Trade Union. The subscription shall be paid weekly in advance to the Branch Secretary or such other person as may be authorised by the Branch Executive Committee to receive it.

Provided however that the Executive Council shall be authorised to reduce the subscription wherever it is deemed necessary, by it.

(b) Subscriptions payable by members in terms of sub clause (1) (a) shall be increased by 1% of any increase to the gross minimum wage of Cape Town Branch members, Paarl, Stellenbosch and Somerset West Branch members and the Worcester Branch members as determined, from time to time, in terms of the Building Bargaining Council Agreement for the Building Industry, Cape of Good Hope, Cape of Good Hope - Boland and North & West Boland. The said increase will be effective from the date from which the gross minimum wage of members is increased. If a Building Bargaining Council Agreement lapses the percentage increase shall be calculated on the percentage of the wage which was payable to an Artisan in the trade and area concerned in terms of the lapsed agreement until an agreement again comes into force.

(2) When unemployed or incapacitated all members shall sign the out of work register once weekly and pay an amount weekly as prescribed and determined from time to time by the Administrative and/or Executive Council. Proof of incapacitation shall be a medical certificate.

(3) A member wishing to leave the Union's area of jurisdiction set forth in its certificate of registration, temporarily, must inform the branch secretary in writing within 14 days of his/her departure and within 14 days after his/her return. In the event of a member leaving the Trade Union's area of jurisdiction and after informing the Branch Secretary as hereinbefore stipulated, he/she shall then be allowed to remain away for a period of 12 months after which he/she may apply for extension of time. For the period of absence as hereinbefore described he/she shall be liable to pay an amount as per sub-clause (2). A member who is registered under Clause 8. B of this constitution shall also be liable to pay an amount as per sub-clause (2).

(4) If a member fails to comply with the conditions of sub clause 8. A (2) or (3) hereof which would enable him/her to pay as per sub-clause (2), he/she shall be liable for the payment of the full amount of subscription laid down in Clause 8. A (1)(a) or 8. B (3) as the case may be. The provisions of Clause 10(3) shall also apply in respect of the reduced subscription payable in terms of paragraph 2 and 3 of this clause.

8.B. SEMI-SKILLED AND UNSKILLED

- (1) Any prospective member other than those under 8. A who applies for admission or re-admission to membership and completes and signs an application form shall be deemed to be a member of the Trade Union if he/she pays his/her subscriptions in terms of sub clause (3) hereof.
- (2) A prospective member in this category must prove that he/she is employed in the Building Industry by producing his/her wage envelopes, contract of apprenticeship, or Operative card as issued by the Bargaining Council, before membership to the Trade Union will be considered.
- (3) Subject to the provision of Clause 8. A(2) and 8. A(4) members, other than artisan members referred to in clause 8. A(1)(a) shall pay a subscription of 50% per week of the artisan subscription provided however that the Executive Council shall be authorised to reduce the subscriptions wherever it is deemed necessary by it.
 - (i) **Semi-Skilled** members shall pay a subscription of 75% per week of the artisan subscription and shall be regarded as Artisans only after they have completed their period of Traineeship or attained journeyman status whichever occurs first.
- (4) In addition to the subscriptions payable in terms of this clause, members will also be liable for the payment of such other fees as are required by the rules governing any fund (including Sick Fund) established in terms of this Constitution.

9. MEETINGS

(1) EXECUTIVE COUNCIL

- (a) The supreme governing body of the Trade Union shall be the Executive Council.
- (b) The Executive Council shall ordinarily meet at least once every two months on a date to be fixed by the Executive Director: Special meetings of the Executive Council shall be called by the Executive Director whenever he/she deems it advisable or upon a requisition signed by not less than seven members of the Council in which event the meeting shall be called within fourteen days of receipt of the requisition by the Executive Director.
- (c) Members of the Executive Council shall be notified in writing, of the time and place of meetings by the General Secretary at least seven days before the dates of such meetings, provided that shorter notice may, in the discretion of the Executive Director, be given in respect of special meetings. To every notice of meetings an agenda shall be attached. Unless otherwise provided herein all matters for consideration by the Executive Council shall be decided on motion duly seconded and voted by show of hands.
- (d) The quorum for meetings of the Executive Council shall be seven members.

If within 30 minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to the same day in the week following (and if that day is a public holiday then to the next

succeeding working day) 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 members who were absent from the first meeting.

- (e) If between meetings of the Executive Council any question arises which is of extreme urgency and can be answered by a plain "yes" or "no" the Executive Director may authorise a vote of the members of the Council to be taken by post.
- (f) No motion shall be considered unless seconded. All matters forming the subject of motions shall be voted upon by show of hands (unless otherwise provided) and shall be decided by the votes of the majority of those present.

(2) BRANCH MEETINGS

- (a) A general meeting of members of each branch shall be held on a date to be fixed by the Branch Chairperson, or on requisition by not less than 50 members of the branch who are in good standing.
- (b) Notice of every general meeting showing the business to be transacted thereat shall be given to members in writing not less than seven days before the dates of such meetings, provided that in the case of special general meetings, such shorter notice being not less than 24 hours, as may be decided by the Chairperson, may be given.
- (c) If the Chairperson so decides all motions at a general meeting shall be reduced to writing and shall be delivered to the presiding officer 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 show of hands and shall, unless otherwise provided, be decided by the votes of a majority of those present except in the case of elections when the candidates up to the required number receiving the highest number of votes shall be declared elected. These matters shall be recommended to either the Executive Council or Administrative Committee.
- (d) No member shall be allowed to speak for longer than five minutes on any matter unless a majority of those present agrees.
- (e) Each branch executive committee shall ordinarily meet at least once a month on a date to be fixed by the Chairperson. Special meetings of a branch executive committee shall be called by the Chairperson whenever he/she deems it advisable or upon a requisition signed by not less than 5 members of the committee of the Cape Town Branch and three members of the committee of the Country branches, in which event the meeting shall be called within 14 days of receipt of the requisition by the Chairperson.
- (f) Members of a branch executive committee shall be notified in writing, of the time and place of meetings of the committee by the Branch Secretary at least 7 days before the dates of such meetings, provided that shorter notice being not less than 24 hours may, in the discretion of the Chairperson, be given in respect of special meetings. To every notice of meeting an agenda shall be attached.

All matters for consideration by a branch executive committee shall be decided on motion duly seconded and voted upon by show of hands.

- (g) The quorum for branch general meetings shall be 12 members of each of the country branches and 12 members of the Cape Town branch in goodstanding and for meetings of the branch executive three of each of the country branches and five of the Cape Town branch members. If within the 30 minutes of time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to the same day (and if that day is a public holiday then to the next succeeding working day) in the week following 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 those members who were absent from the first meeting.
- (h) At the general meeting the minutes of the last preceeding general meeting shall be read by the Branch Secretary and signed by the presiding officer after confirmation. Minutes of meetings of a branch executive committee shall be similarly dealt with by that body.
- (i) Signed copies of minutes of branch meetings and meetings of branch executive committees shall be submitted to the executive council immediately prior and after confirmation.
- (j) The proceedings of any meeting shall not be invalidated by reason of the non-receipt by any member of the notice of the meeting.

(3) MINUTES

The General Secretary of the Trade Union or a person appointed by him/her shall keep minutes of all meetings of the Executive Council, Administrative Executive, Industrial Executive and Conference and the Branch Secretary or a person appointed by him/her shall keep minutes of all Branch Executive Meetings and all General Meetings of a Branch.

10. EXECUTIVE COUNCIL

- (1) The Management of the affairs of the Trade Union shall, subject to the provisions of Clause 14 of this Constitution, be vested in an Executive Council consisting of:
 - (a) an EXECUTIVE DIRECTOR, appointed by the Executive Council; and
 - (b) A Vice President, elected every three years in the month of May by the Executive Council members, who shall subject to the provisions of Clauses 10(3) and 13 of this Constitution hold office for a period of three years and shall be eligible for re-election. The Vice President shall take office as from the first meeting held in June after his election.
 - (c) Two Representatives from each of the founder Country Branches viz. Malmesbury, Paarl, Somerset West, Stellenbosch and Worcester, who shall be elected by a ballot of the members.
 - (d) Nine Representatives from the founder Branch, Cape Town, who shall be elected by a ballot of the members.
 - (e) One Representative from the Country Branches formed after the establishment of the founder Branches, who shall be elected by a ballot of the members.

- (f) The election of the Executive Council Members shall be held every (THREE YEARS) in the month of May at a ballot or ballots held by every branch. Executive Members in their respective areas and the selected persons shall take office as from the first meeting held in June after the election. They shall, subject to the provisions of Clauses 10(3) and 13 of this Constitution hold office for a period of 3 years and shall be eligible for re-election.
 - (g) Should a branch fail to participate in an election for the Representatives, such failure shall not invalidate an election held in any branch and the existing Representatives shall continue to manage the affairs of the Trade Union until an election is held.
 - (i) Vacancies occurring on the Executive Council shall be filled by ballot of the members of the Branch concerned. A member appointed to fill a vacancy shall hold office for the unexpired portion of the period of office of his/her predecessor.
 - (h) Nominations for the Vice President and Executive Council members shall be lodged with the General Secretary by the 31st of each JANUARY prior to the elections.
 - (i) Where a vacancy occurs on the Executive Council, the branch or branches concerned shall be notified within two weeks thereof by the General Secretary. Those branches shall be entitled to call for nominations within one month of being advised of a vacancy on the Executive Council and to have a ballot or ballots at ballot meetings to fill the vacancy, which nominations shall be in writing and addressed to the General Secretary.
- (2) A member of the Executive Council shall vacate his/her seat in any one of the following circumstances:-
- (a) on resignation, suspension or expulsion from membership of the Trade Union;
 - (b) on absenting himself/herself, without the permission of the Executive Council, from three consecutive meetings of the Council;
 - (c) on resigning by giving fourteen days' written notice to the General Secretary.
 - (d) on ceasing to be in goodstanding.
 - (e) on ceasing to be a member.
- and
- (f) If a member is suspended or expelled by the Branch Executive or Executive Council.
- (3) The Executive Council shall, subject to provisions of this constitution, have power:
- (a) to appoint, from time to time, such committees as it may deem fit for the purpose of investigating and reporting on any matter referred to them by the Council.

- (b) to review decisions of Branch Executive Committees or Branch General Meetings, and to confirm, alter or reverse such decisions;
- (c) to institute or defend legal proceedings by or against the Trade Union or on behalf of or against individual members.
- (d) to acquire, either by purchase, lease or otherwise, any moveable or immovable property on behalf of the Trade Union, and to sell, let, mortgage, or otherwise deal with or dispose of any moveable or immovable property belonging to the Trade Union, provided that no immovable property shall be acquired or sold nor shall it be mortgaged, let or leased for a period longer than five years, unless at least four weeks written notice of intention to do so has been given to each branch of the Trade Union.
- (i) If during this period any Branch General Meeting demands a ballot of the whole Trade Union be taken on the proposed action such ballot shall be taken;
- (e) to provide legal assistance to members on matters affecting their employment;
- (f) to open and operate on a banking account in the name of the Trade Union;
- (g) to establish or close down branches in any area, and to define the areas of jurisdiction of branches;
- (h) to suspend any branch Executive Committee for action contrary to the terms of this constitution or to instructions issued by the Executive Council, and to take over the management of the affairs of the branch until another branch committee is appointed;
- (i) to elect the auditor for the auditing of the books of the Trade Union;
- (j) to decide all matters of procedure on which this constitution is silent;
- (k) to do such things as, in the opinion of the Executive Council, may appear to be in the interest of the Trade Union.
- (l) to make and enforce by-laws which are not inconsistent with the provisions of this constitution, the Labour Relations Act, 1995 or any other law.
- (m) to grant to members or their dependants such sum or sums of money from the general funds of the Trade Union as the executive council in its discretion considers warranted on the application by the executive committee of the branch to which such member belongs. The Executive Council will consider the merits of each application and the circumstances of the dependant or dependants and ensure that the amount and purpose of each grant is properly approved and duly minuted.
- (n) to grant remuneration, wage increases and acquisition of motor vehicles.
- (o) To recommend the Trade Union's participation in the establishment of a Bargaining or Statutory Council and, subject to the Constitution of any

Bargaining Council or Statutory Council, to determine the Trade Unions's representation thereon.

- (p) To consider appeals.

(4) ADMINISTRATIVE EXECUTIVE:

- (1) The Administrative Executive shall consist of the Executive Director, Vice President, General Secretary, Assistant General Secretary and a member of each of the founder branches namely: Cape Town, Paarl, Stellenbosch, Somerset West, Worcester and Malmesbury nominated by the Branch Executive Committee. The Vice President and members of each of the Founder Branches shall hold office for three years and thereafter until the next election and they shall be eligible for re-election on termination of their period of office. The Administrative Executive shall meet once a month and clause 9.(1)(b) shall mutatis mutandis apply.

- (a) At meetings of the Administrative Executive the Executive Director, General Secretary and Assistant General Secretary may speak but not vote.

- (2) The Administrative Executive shall have power to:

- (a) Provide legal assistance to the Trade Union and its members.

- (b) Open and operate banking accounts in the name of the Trade Union.

- (i) Open a banking account to be named the "BUILDING WORKERS UNION IMPREST ACCOUNT".

- (c) Establish or close down branches in any area and to define the areas of jurisdiction of the Branches.

- (d) Recommend to Executive Council the granting of annual salary increments to Officials, Office Bearers, Committee Members and Staff. Furthermore that the acquisition of motor vehicles be managed likewise.

- (e) Conduct an investigation into any breaches of the constitution by the Executive Director, General Secretary, Assistant General Secretary, Organisers, Staff Members, Committee Members, Branch Secretaries or Members of the Trade Union.

- (f) Elect from amongst the Administrative Executive members, 4 Executive members of whom any two together with the Executive Director and General Secretary shall con-jointly operate the current accounts at the Bank and negotiate all Property Bonds and investments in the name of the Trade Union.

- (i) In the absence of the Executive Director, the Vice President shall act and in the event of the absence of the General Secretary, the Assistant General Secretary shall act.

- (ii) Provided however that in all cases of burial where the member has been in goodstanding at death or the death of his/her dependants, that all claims made shall be processed by any of the Staff members and a memorandum prepared, such memorandum then to be signed by the Staff member who had

prepared it, then countersigned by another staff member confirming the correctness and then to be handed to either the General Secretary or Executive Director together with the claim and a cheque to be signed by either General Secretary or Executive Director only from the Imprest Account, and either one also has to sign the memorandum should it be to their satisfaction.

- (iii) In the absence of the General Secretary the Assistant General Secretary will sign such cheques and carry out the procedures as if he/she was the General Secretary.
- (iv) The memorandum as mentioned above shall be submitted to the Administrative Executive for scrutiny in order to replace such claims which have been made from the Imprest Account.
- (g) The Administrative Executive shall make sure that Clause 10. 3(m) and 15 (1) & (2) of the Constitution is carried out.
- (h) That the Minutes shall be submitted to Executive Council.

(5) INDUSTRIAL EXECUTIVE

The Industrial Executive shall consist of the Executive Director,, Vice President, the Branch Chairperson, Vice Chairperson and Secretary of all branches where a bona-fide branch was established together with the General Secretary, Assistant General Secretary and Organisers.

The Vice President, Branch Chairperson, Vice Chairperson and Secretary shall hold office for three years and thereafter until the next election, and they shall be eligible for re-election on termination of their period of office.

This Committee will be an advisory Committee to Executive Council mainly on the practical and technical attainments in the Industry, also covering the Bargaining Council Agreements of the various areas where this Union has jurisdiction, Training Acts and the poaching of labour into the trade, to have a look at the cost of materials and to see how the public can be assisted;

To especially have a look at de-regulation and the informal sector; To have a look at the use of our aged members to see if they can be assisted to earn a wage;

This Committee shall meet every 6 months or at such earlier dates as decided upon. The Chairperson and Secretary of the Branches shall be entitled to submit agenda, items of consideration at Industrial Executive meetings.

(6) CONFERENCE

A Conference of all members shall be held annually on a date to be fixed by the Executive Council. The next Conference date to be arranged before closing the Conference. Branches attending the Conference must arrange timeously for transport to the Conference.

All card carrying members will be welcome at the Conference. Only those in goodstanding will have a vote.

Reports on all matters concerning Finance, Policy and Development of the Union will be tabled.

11. OFFICE BEARERS, OFFICIALS AND TRADE UNION REPRESENTATIVES

The duties of the Office Bearers, Officials and Trade Union Representatives shall be:

(1) OFFICE BEARERS

- (a) VICE PRESIDENT: In the absence of the Executive Director the Vice President shall exercise the power and perform the duties assigned to the Executive Director.
 - (i) The Vice President shall be entitled to vote at meetings but if he/she presides at a meeting he/she shall not have a casting vote.
- (b) ACTING PRESIDENT: In the event of both the Executive Director and Vice President being unable, either temporarily or permanently, to perform their duties, the Executive Council shall appoint a member of the Trade Union to act as President, who shall hold office until the Executive Director or Vice President, is able to assume his/her duties or in the event of the Executive Director and Vice President, being permanently unable to perform duties until a new Executive Director or Vice President has been elected in accordance with the provision of clause 10 (1) and 10 (1)(h) of this constitution.

(2) OFFICIALS

- (a) EXECUTIVE DIRECTOR: The Executive Director shall preside at all meetings at which he/she is present, enforce observance of the constitution of the Trade Union, sign minutes of meetings after confirmation, endorse all accounts for payment after approval by the Executive Council, sign all cheques on the banking account of the Trade Union, generally exercise supervision over the affairs of the Trade Union and perform such other duties as by usage and custom pertain to the office of a Chairperson. He/she shall not have a vote.
 - (i) The EXECUTIVE Director shall be a full time employee of the Trade Union and shall work in close collaboration with the General Secretary and he/she shall supervise the Executive Council and its members, Trade Union Organisers, co-ordinate the membership of the Trade Union, Office Bearers, Officials and Staff, in conjunction with the General Secretary and arrange site or workshop meetings, and represent the Trade Union on Building Industry Bargaining Councils and Statutory Council meetings which are relevant.
 - (ii) The Executive Director may resign on giving three months notice, in writing, to the Executive Council and his/her services may be terminated on a similar period of notice given to him/her by the Council. The contract of service of the Executive Director shall be in writing.
- (b) GENERAL SECRETARY:
 - (i) The General Secretary shall receive requisition for meetings of the Executive Council; issue notices of meetings; conduct all head office correspondence of the Trade Union; keep originals of letters received and copies of those dispatched, and at each meeting of the Executive Council lay on the table correspondence which has taken place since the previous meeting; attend all

Executive Council meetings and record minutes of the proceedings; issue official receipts for all monies received; submit reports in regard to the financial position of the Trade Union to the Executive Council not less than once every three months and perform such other duties as are imposed by this constitution or as the Executive Council may direct; he/she shall attend all meetings of the Executive Council but shall have no voting power at such meetings.

(ii) In addition to the duties laid down in subparagraph (i) the General Secretary shall perform the duties imposed on him/her by Section 98,99 and 100 of the Labour Relations Act, 1995, relating to the retention of records and the supply of information to the Registrar.

(a) He/she shall represent the Trade Union on the Building Industry Bargaining Councils and Statutory Councils in any area where the Trade Union has such representation.

(iii) He/she shall in consultation with the Executive Director have the power to engage and dismiss employees of the Trade Union.

(iv) The General Secretary may resign on giving three months' notice in writing to the Executive and his/her services may, be terminated on a similar period of notice being given to him/her by the Council. The contract of service of the General Secretary shall be in writing.

(c) ASSISTANT GENERAL SECRETARY: The Assistant General Secretary's duties shall mutatis mutandis be the same as that of the General Secretary although subject to his/her guidance and authority.

(d) ORGANISERS: The Administrative Executive or Executive Council may appoint an organiser or organisers. The main duties of the organiser(s) will be to enrol members, to investigate complaints from members regarding their employment as such, to represent the trade union and its members at the Commission, to collect membership fees and to perform such other duties as the executive council may direct.

(e) TRADE UNION REPRESENTATIVES:

(i) The trade union representatives shall implement and give effect to decisions of the executive council administrative executive or the branch executive committee, recruit members and generally promote their interests, represent members in matters before the Commission.

(ii) In terms of section 14(4) of the Labour Relations Act, 1995, the trade union representatives shall -

(aa) at the request of an employee in the workplace, assist and represent the employee in grievance and disciplinary proceedings;

(ab) monitor the employer's compliance with any law regulating terms and conditions of employment;

- (ac) report any alleged contravention or any law regulating terms and conditions of employment to the employer, trade union or any responsible authority or agency; and
- (ad) perform any other functions as the executive council may direct.

12. ESTABLISHMENT AND CONTROL OF BRANCHES AND TRADE UNION REPRESENTATIVE COUNCILS:

(1) BRANCHES:

- (a) A Branch of the Trade Union, may with the consent of ADMINISTRATIVE EXECUTIVE or Executive Council be established in any area, where there is no branch registered and where there are not less than fifty members of the Trade Union in goodstanding.
- (b) Application for the establishment of a Branch shall be made, in writing, to the Executive Council by not less than fifty members in the area concerned.
- (c) The Administrative Executive or Executive Council may, in its discretion authorise the establishment of a branch and define its area of jurisdiction.
- (d) If the Administrative Executive or Executive Council approves of the establishment of a branch, the General Secretary shall notify the members from whom the application has been received and the Administrative Executive shall attend the inaugural meeting of the branch. At this meeting nominations for membership of a Branch Executive Committee and for a Branch Secretary shall be called and the election shall take place by ballot. The person so elected shall hold office until the next elections.
- (e) The Administrative Executive or Executive Council shall have the right to depute one or more of its members to investigate the affairs of any branch at any time without assigning a reason therefore, and such member or members shall have access to all the records of a branch. and have power to take them into custody.
 - (i) The results of the investigation shall be laid down at both Executive Council and the Administrative Executive Committee.
- (f) When a member leaves the area of jurisdiction of any Branch and continues at his/her trade in the area of another branch, he shall be entitled to become a member of the latter branch upon production of his/her card showing that he/she is in goodstanding.

(2) BRANCH OFFICE BEARERS AND OFFICIALS:

- (a) (i) The management of the affairs of a branch established in a Magisterial Area shall be vested in a branch executive committee consisting of a Chairperson, Vice Chairperson, and three other members of the country branches viz. Paarl Branch, Somerset West Branch, Worcester Branch, Stellenbosch Branch and Malmesbury Branch, and ten other members of the Cape Town Branch, who shall except as provided in clause 12(d) of this constitution, be elected on nomination duly seconded and voted upon by ballot at a place or places every alternate 3 years in the Magisterial area of

the branch, subject to the provisions of clause 13 of this constitution hold office until the next election, and be eligible for re-election on termination of their period of office. The Chairperson and Vice Chairperson shall ex officio be Chairperson of the Branch.

- (ii) If and when the other Magisterial areas in the Cape Peninsula form Branches, so shall the Committee decrease by 3 Committee members until each of the Magisterial areas shall have a Chairperson, Vice Chairperson, Secretary and 3 Committee Members. The Cape Town Magisterial area will be known as the founder branch.
- (b) (i) Vacancies occurring on a branch executive committee shall be fixed on nomination voted upon by ballot.
- (ii) The General Secretary shall on receipt of the information of the vacancy call for nominations from the branch concerned. Nominations for the vacancy shall be submitted in writing to the Branch Secretary 14 days before the ballot or ballots at a place or places to fill the vacancy to take place. A member appointed to fill a vacancy shall, subject to the provisions of clause 13, hold office for the unexpired portion of the period of office of his/her predecessor.
- (c) Nominations for membership of a branch Executive Committee shall, subject to the provision of sub-clause (b) (i) & (ii) of this clause, be lodged in writing with the Branch Secretary by not later than the 30th April before the expiry date of the 3 year term of office which ends on the 31st of May.
- (d) The Branch Chairperson who is elected at a General Meeting shall hold office for a period of 5 years. He/she shall have a casting vote.
- (e) A Branch Executive Committee shall, subject to the general direction and control of Executive Council or the Administrative Committee and to the provisions of this constitution have the power:
 - (i) to admit or refuse to admit persons to membership of the Trade Union and to suspend, fine or expel any member for cause appearing sufficient to a majority of the executive committee;
 - (ii) to deal with disputes between members and their employers and to endeavour to settle disputes by conciliatory methods;
 - (iii) to appoint, from time to time, such sub-committees as it may deem fit for the purpose of investigating and reporting on any matter referred to it by the executive committee;
 - (iv) to open and operate on a banking account in the name of the branch;
 - (v) to do such other lawful things as, in the opinion of the branch executive committee, is in the interest of the Trade Union or its members and which are not inconsistent with the objects set out in Clause 3 or any matter specifically provided for in the constitution.

- (vi) to apply to the executive council of the Trade Union for a grant to members or their dependants of such sum or sums of money from the general funds of the Trade Union as the executive council in its discretion considers warranted.
- (f) Branch Office Bearers shall mutatis mutandis perform the same duties in respect of the branch concerned as are imposed on office bearers of the trade Union.
- (g) Branch Office Bearers and Branch Secretary's shall, subject to the provisions of sub-clause (4) co-operate with the Executive Director and General Secretary for the proper achievement function of the objects of the Trade Union.
- (h) A Branch Secretary shall be elected by ballot of members and shall hold office for 3 years.

The Branch Secretary after completing 3 years shall be eligible for re-appointment, he/she may resign on giving one month's notice in writing to the Branch Executive Committee and his/her services may subject to the provisions of Clause 13 be terminated on a similar period of notice being given to him/her by the Committee. He/she may be summarily discharged by the committee for serious neglect of duty or misconduct. In the event of the office becoming vacant, the Branch Executive Committee shall appoint a Branch Secretary subject to the approval of the Administrative Executive who shall subject to the provisions of clause 13 hold office for the unexpired period of his/her predecessor.

- (i) In addition to any other duties imposed upon him/her by this constitution or by a branch executive committee, a branch secretary shall mutatis mutandis perform the same duties as are imposed upon the general secretary by sub paragraphs (i) and (ii) of clause 11 (2) (b) unless he/she has been relieved from performing the said duties by decision of the Executive Council of the Trade Union.
- (j) He/she shall also collect entrance fees, subscriptions, fines and levies; bank all moneys within eight days of receipt and perform the duties relating to the retention of records. The branch secretary shall attend all branch general and executive committee meetings but shall have no voting power at executive committee meetings.

(3) TRADE UNION REPRESENTATIVE COUNCILS:

- (a) A trade union representatives council may be established in any workplace where the trade union has not less than 10 members.
- (b) Application for the establishment of a trade union representatives council shall be made, in writing, to the branch executive committee by not less than 7 members in the workplace concerned.
- (c) If the branch executive committee approves of the establishment of a trade union representatives council the branch secretary shall notify the members from which the application has been received and arrange for the inaugural meeting. At this meeting nominations for membership of the executive committee of the trade union representatives council shall be called and the election shall take place by ballot. The executive committee shall consist of a chairperson, vice-chairperson, secretary and additional members as may be decided by the meeting.

- (d) Generally the trade union representatives council shall meet once a month and may be convened by the executive committee whenever necessary.
- (e) The main duties of the trade union representative councils shall be to implement and give effect to the decisions of the executive council or the branch executive committee, recruit members and promote their interests, investigate complaints from members in their workplace, represent members on the Commission and collect membership fees.

13. REMOVAL OF OFFICE-BEARERS, OFFICIALS AND TRADE UNION REPRESENTATIVES

- (1) An office-bearer, official or trade union representative may be removed from office:
 - (a) If he/she infringes any of the provisions of this Constitution; and
 - (b) if he/she acts in a manner which is detrimental to the interests of the trade union.
- (2) No office-bearer, official or trade union representative may be removed from office unless he/she has been afforded an opportunity to state his/her case personally at the branch executive committee in cases where a trade union representative is concerned or personally at a meeting of the executive council in the case where a branch executive office-bearer or a branch official is concerned and at a meeting consisting of branch executive committee where an executive council office-bearer is concerned.
- (3) An office-bearer, official or trade union representative who has appeared before the applicable body and who is dissatisfied with the decision of the body concerned shall have the right to appeal as follows:
 - (a) In the case of a trade union representative, to the branch general meeting. Notice of appeal shall be given to the branch secretary, in writing, within 30 days of the date on which the decision of the branch executive committee was communicated to the person concerned. The branch general meeting may reverse the decision of the branch executive committee and the decision of the branch general meeting shall be final.
 - (b) In the case of an office-bearer or official of a branch, to a meeting of branch executive committees. Notice of appeal shall be given to the general secretary in writing, within 30 days of the date on which the decision of the executive council was communicated to the person concerned.
 - (c) In the case of an office-bearer or official of the executive council and administrative executive to the executive council of the trade union. The appeal shall be notified in the agenda of the executive council and the executive council may reverse the decision of the meeting of branch executive committees and the decision of the executive council shall be final.

14. BALLOTS

- (1) In addition to those cases in respect of which the taking of a ballot of members of the whole Trade Union or of a branch is compulsory in terms of this constitution, a ballot on any question shall be taken if the executive council so decides, and shall also be taken.

- (a) if demanded by a branch;
- (b) on any proposal to declare or take part in any strike.

(2) BALLOTS SHALL BE CONDUCTED IN THE FOLLOWING MANNER.

- (a) Notice of ballot shall be given to each member of the Trade Union in writing by the General Secretary at least 7 days before the ballot is to be taken and the notice shall specify the place or places where and the date or dates when and the hours during which the ballot will be conducted.
- (b) Two or more scrutineers shall be appointed by the Executive Council to supervise any ballot at the place or places at which the ballot is to be conducted and the Executive Council may determine the places, dates and times of the ballot which may take place at different dates and at different times and at different places.
- (c) In addition to the above clause at least two special scrutineers shall be appointed from the floor to receive the results of the ballot at the different places from the scrutineers appointed for that purpose and to ascertain the final result of the ballot.
- (d) Ballots shall be conducted at the place or places on dates or date or during the hours as may be specified by the notice referred to in paragraph (a) of the sub-section provided that the minimum hours shall be at least one hour or less and provided that the ballot shall be taken in at least one place in the area of jurisdiction of each Branch.
- (e) Ballot papers, containers and other requisites shall be provided by the Executive Council. The ballot paper shall be issued by the scrutineers on demand to each member entitled to vote, at any of the places and during the hours fixed for the taking of the ballot provided that no member who has voted already shall be entitled to demand or receive a ballot paper. The votes of any member voting more than once shall be disqualified.
- (f) Each voter shall in the presence of the scrutineer be issued with one ballot paper after he/she has signed with his/her name or mark a declaration that he/she has not previously voted anywhere in respect of the ballot being conducted and he/she shall thereupon be issued with one ballot paper which he/she shall complete and deposit in a container provided for the purpose.
- (g) Ballot papers shall not be signed or marked in any way apart from the mark required to be made by the member in recording his/her vote upon the ballot paper. Papers bearing any other marks shall be regarded as spoilt and shall not be counted. Any scrutineers in the presence of at least one other scrutineer shall be entitled to assist any member to record his/her vote or to record a vote on behalf of the member in accordance with his/her directions if such member is unable to do so himself/herself by reason of illiteracy or physical disability.
- (h) Ballot boxes shall be inspected and sealed by the scrutineers prior to the issue of ballot papers. On completion of the ballot at any place the scrutineers shall as soon thereafter as possible deliver to the special scrutineers appointed for that purpose in paragraph (c) of this sub-section the sealed containers and all unused ballot papers and the

declaration signed by each voter in terms of paragraph (f) of this sub-section, and the special scrutineers appointed in terms of paragraph (c) in the presence of the general secretary shall ascertain the result of the ballot and shall make known such result through this officer.

- (1) Ballot boxes, including spoilt papers shall be placed in a sealed box again after they have been counted and shall be retained by branch secretaries for not less than 3 years.
- (4) (a) Except as provided in clause 13 of this constitution and subject to the provisions of paragraph (b) of this sub-clause, the executive council shall be bound to take action according to the decision of a majority of the members voting in a ballot.
- (b) In any ballot for the election of persons to represent the Trade union on an Bargaining Council, the nominees, up to the required number, securing the highest number of votes shall be declared duly elected as representatives. Of the remaining nominees, the persons, up the required number, securing the highest number of votes shall be declared elected as alternates. In any ballot conducted in connection with any other election, the candidates up to the required number receiving the highest number of votes shall be declared elected.
- (5) The Executive Council may confine a ballot to the members of a particular branch or branches in respect of matters affecting the members of such branch or branches only and may, on an application of not less than fifteen members of the country branches and 25 members of the Cape Town Branch in goodstanding authorise the taking of a ballot in respect of such branch. Ballots of members of particular branches shall be conducted, mutatis mutandis, in the same way as ballots of the total membership of the Trade union.
- (6) The trade union shall, before calling a strike, conduct a ballot of those of its members in respect of whom it intends to call the strike.
- (7) Notwithstanding anything to the contrary contained in this Constitution, members of the trade union shall not be disciplined or have their membership terminated for failure or refusal to participate in a strike if-
 - (a) no ballot was held about the strike; or
 - (b) a ballot was held but a majority of the members who voted did not vote in favour of the strike.

15. FINANCE

(1) HEAD OFFICE

- (a) The funds of the Trade Union shall be applied to the payment of expenses, to the acquisition of property and such other lawful purposes as may be decided upon by the Executive Council or the Administrative Executive for the attainment of the objects set forth in clause 3.
- (b) The funds received by the general secretary on behalf of the trade union shall be deposited to its credit within three days of receipt at a Bank decided upon by the executive council.

- (c) Payments shall require the prior approval of the Administrative Executive and shall be made by cheque signed by the Executive Director (in his absence the Vice President), the General Secretary (in his absence the Assistant General Secretary), and two of the signatories, assigned to it for that purpose, except when the amount in question is less than R150.00 when payments may be made from Petty Cash.
- (d) Funds required from the Petty Cash account, which shall be kept in such form as the Administrative Executive or Executive Council may from time to time determine, shall be provided for by the drawing of a cheque signed by the Executive Director, the General Secretary and two of the signatories, in the absence of either of them, by the Vice President and Assistant General Secretary, unless the Administrative Executive approves, cheques amounting in the aggregate to more than R250.00 shall not be drawn in any one month in respect of Petty expenses.

(2) BRANCHES

- (a) Subscriptions and levies shall be collected by branch secretaries or such other persons empowered to do so. If a Branch has collected levies from its members, such money may be held by the branch or branches concerned for the purpose of financially assisting its members with an interest free loan or a grant not exceeding R100.00 which shall be solely in the discretion of the branch committee where circumstances warrant it.
 - (i) All loans shall be properly secured to the satisfaction of the branch executive committee and all loans shall be repaid one year from the date of the loan at regular weekly or monthly payments. Duplicate receipts of fines must, however, be forwarded to executive council in the same manner as laid down in sub clause (2)(c) hereof.
- (b) All money's shall be deposited within 8 days of receipt by the branch secretary to the credit of the branch in a bank decided upon by the branch executive committee.
- (c) All monies received by the branch secretary, together with duplicate receipts, a list of the members who are in arrear reflecting the amount of arrears, and all application and death benefit forms, must be forwarded to the general secretary for each of the quarters ending 30th April, 21st July, 31st October and 31st January, and must reach the general secretary not later than the 20th day of the month after the close of the relevant quarter.
- (d) The Administrative Executive shall receive from each of the branches through the office of the General Secretary a comprehensive list of their expenses together with supporting vouchers for the payment of all such expenses.
- (e) Branches may apply the funds belonging to them to the payment of expenses and for the objects specified in clause 3 as may be determined by the branch executive committee, provided that expenditure in excess of R40.00 for the country branches and R75.00 for the Cape Town branch, shall not be incurred except with the approval of a subject to such conditions as may be determined by the executive council.

- (f) If any branch incurs expenditure except as provided in this constitution, the members present at the meeting at which such expenditure was agreed to shall be jointly and severally liable for refunding the amount in question, provided that no liability shall rest on the members who at the time specially requested that their protest against the incurring of such expenditure be recorded in the minutes of the meeting.
- (g) If any branch ceases to exist as such, its assets and liabilities shall devolve on the Trade Union.

(3) GENERAL

- (a) Statements of Income and Expenditure of the Trade Union in respect of Trade Union funds shall be prepared quarterly by the General Secretary and submitted to the Executive Council.
- (b) In accordance with the provisions of section 98 (1) (b) of the Labour Relations Act, 1995, the General Secretary shall prepare a statement of the Trade Union's income and expenditure and a balance sheet in respect of each financial year ending on the 31st October. Such statements and balance sheets shall be audited and dealt with as required by the section 98 (2) of the Act.
- (c) No single item of expenditure in excess of R2 000.00 (other than the remuneration of employees of the Trade Union, Committee members, death benefit premiums, printing and stationery costs, rates, insurance premiums, professional charges, expenditure for furniture, fittings and equipment, acquisition and development of immovable property by way of purchase or lease and the disposition thereof, purchasing motor vehicles and amounts granted to members and/or their dependants, or any unforeseen items not mentioned herein but which nevertheless fall within the powers of the Administrative Executive or Executive Council shall be met from the funds of the Trade Union unless such expenditure is approved by the members voting in a ballot.
- (d) Legal, medical and other professional expenses shall be borne equally by the Trade Union and the Branch concerned.
- (e) Stationery and printed matter shall be supplied to branches by the executive council at cost price.
- (f) The Executive Council may at any time, with a view to securing funds for any particular purpose falling within the objects specified in clause 3 impose a levy not exceed 10c per week on each member, provided that notice of the proposed levy has been given to all branches, and provided further, that any branch general meeting may demand that a ballot of members of the Trade Union be taken on the subject.
- (g) A member who resigns or is expelled from membership shall have no claim on the funds of the Trade Union or of a branch.
- (h) Either Executive Council or Administrative Executive shall have the power to invest surplus trade union monies in such a manner that the trade union stands to benefit from the investments.

16. REPRESENTATION ON BARGAINING AND STATUTORY COUNCILS

- (1) The executive council may at any time recommend that the trade union shall become a party to a bargaining or statutory council established in terms of the Labour Relations Act, 1995.
- (2) Representatives and their alternates shall be appointed by the executive council.
- (3) Representatives or their alternates on a bargaining or statutory council may be removed by the executive council or branch general meetings, and may resign on giving one month's notice to the executive council or such notice as may be prescribed in the constitution of the council concerned.
- (4) In the event of the resignation or death of a representative or an alternate or his/her removal by the executive council or a branch general meeting the vacancy shall be filled by the executive council.
- (5) Representatives or their alternates shall have full power to enter into agreements on behalf of the trade union, and such agreements shall not be subject to ratification by the executive council or by ballot of members.

17. CHANGING OF CONSTITUTION

- (1) Any of the provisions of this constitution may be repealed, amended or added to in any manner by resolution of the executive council or a branch general meeting of the Trade union, provided that such resolution is submitted to each branch general meeting, and at least fourteen days' notice of any proposed alteration shall first have been given to members of the Trade union and provided further if any branch demands that a ballot of the whole Trade union be taken on the matter such ballot shall be taken.
 - (a) The Executive Council shall be bound to take action according to the decision of a two-third majority of the members voting by ballot.
- (2) No changes or additions shall have any force or effect until certified in terms of section 101 (3) of the Labour Relations Act, 1995.

18. WINDING UP

- (1) The Trade union shall be wound up if at a ballot conducted in the manner prescribed in the constitution not less than three-fourths of the total of members of the Trade union in good standing vote in favour of a resolution that the Trade union be wound up.
- (2) If a resolution for the winding-up of the Trade union has been passed as provided in sub-clause (1) or if for any reason the Trade union is unable to continue to function the following provisions shall apply:-
 - (a) The last appointed Executive Director of the Trade union or, if he/she is not available, the available members of the last appointed executive council of the Trade 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 Trade union's inability to continue to function, as the case may be, and request the Labour Court to grant an order in terms of Section 103 of the Labour Relations Act.

- (b)(i) The liquidator appointed by the Labour Court shall call upon the last-appointed office-bearers of the Trade union to deliver to him/her the Trade Union's books of account showing the Trade union's assets and liabilities together with the register of members showing for the twelve months prior to the date on which the resolution for winding-up was passed or the date as from which the Trade union was unable to continue to function, as the case may be, (hereinafter referred to as the date of dissolution), the membership fees paid by each member and his/her address as at the said date.
- (ii) The liquidator shall also call upon the said office-bearers and the officials of the Trade union to hand over to him/her all unexpended funds of the Trade union to deliver to him/her the Trade union's assets and the documents necessary to liquidate the assets.
- (c) The liquidator shall take the necessary steps to liquidate the debts of the Trade union from its unexpended funds and any other moneys realized from any assets of the Trade union and, if the said funds and moneys are insufficient to pay all creditors after the liquidator's fees and the expenses of winding-up have been met, the order in which creditors shall be paid shall be the same as that prescribed in any law for the time being in force relating to the distribution of the assets of an insolvent estate, and the liquidator's fees and the expenses of winding-up shall rank in order as that of an insolvent estate and as though the expenses were the costs of sequestration of an insolvent estate.
- (d) After the payment of all debts in accordance with paragraph (c), the remaining funds, if any shall be distributed among the members of the Trade union who were in good standing as at the date of dissolution and each member shall be awarded a share in proportion to the membership fees actually paid by him/her in respect of the twelve months prior to the date of dissolution.
- (e) After the payment of all the liabilities, any assets that cannot be disposed of in accordance with the provisions of this clause shall be realised by the liquidator and the proceeds paid to the Commission for Conciliation, Mediation and Arbitration (in accordance with section 103(5) of the Labour Relations Act, 1995).
- (f) The liability of members shall for the purpose of this clause be limited to the amount of membership fees due by them to the Trade union in terms of this constitution as at the date of dissolution.

19. LIFE AND ASSOCIATE MEMBERSHIP

(1) LIFE MEMBERSHIP

- (a) Members who through services rendered to the organisation shall be made a Life member and shall be issued by the Executive Council with a suitably inscribed certificate stating the services rendered. They shall be exempted from paying any further contributions, and shall maintain the benefits as laid down in this constitution.
- (b) A Life member who is no longer employed in the interests outlined in clause 5 (1) of this constitution shall not have the right to vote at any meeting of the Trade Union or to hold office.

- (c) To qualify for Life Membership, a member must have had a membership of the Trade Union of not less than 20 years continuous membership in goodstanding.

(2) ASSOCIATE MEMBERSHIP

- (a) Members who were Associate members of the Western Province Building Electrical and Allied Trades' Union shall be ipso facto become non paying Associate members under this constitution.
- (b) Members who on account of old age and as well as existing members who are not regularly employed in the Industry and in the opinion of the executive committee of the branch unable to retain their ordinary membership may by resolution of the branch executive committee be accepted as "Associate Members". Such members shall be required to pay 50 cents per week and a member who is accepted as an Associate member after approval of these amendments in terms of section 9 (3) of the Labour Relations Act, 1995, shall pay 50 cents per week from the date as determined by the Executive Council for the death benefit insurance and shall be allowed to attend all General meetings and discuss business thereat, but not to vote, hold office or participate in any other benefits of the Trade Union.
- (3) Life, Honorary and Associate members shall not be taken into consideration for the purpose of determining the representativeness nor for the membership strength of the Trade Union in terms of the Labour Relations Act, 1995, and the Trade Union's records shall indicate whether persons are Life, Honorary, Associate or Ordinary clearly members.

R.C. Damon
EXECUTIVE DIRECTOR

D.E. Simmons
GENERAL SECRETARY