

# CONSTITUTION

OF

THE

NATIONAL UNION OF PUBLIC  
SERVICE & ALLIED WORKERS

(NUPSAW)

TRADE UNION  
LIBRARY AND  
EDUCATION CENTRE

PROCESSED

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CONSTITUTION OF THE NATIONAL UNION OF PUBLIC  
SERVICE AND ALLIED WORKERS (NUPSAW)

**A. PREAMBLE**

1) WHEREAS THE TRADE UNION BELIEVES;

- I) That the establishment of a democratic society depends on the unity of the workers directed at the eradication of all forms of oppression, exploitation, and discrimination.
- II) the establishment of a single, united, non-sexist, non-racial and non partisan union, as well as the promotion and development of the workers;
- III) that the said union shall not align itself with any political party and or any government
- IV) That the ultimate goal is the creation of a society where workers shall be involved in both the production and management and shall receive a salary commensurate with their services bearing in mind that worker's interests shall be paramount.

**1. NAME**

The name of the Union shall be NATIONAL UNION OF PUBLIC SERVICE AND ALLIED WORKERS(NUPSAW) hereafter referred to as trade Union.

**2. SITUATION AND AREA OF OPERATION**

- 2.1 The Head Office of the Union shall be such place as may be decided by the National Executive Council of the trade union.
- 2.2 There shall be additional offices situated at various provinces and regions as shall be resolved by the National Executive Council.
- 2.3 The trade union shall operate throughout the territory of the Republic of South Africa.

**3. STATUS OF THE UNION**

3.1 This trade Union shall be:

- a) as defined in the Labour Relations Act
- b) a body corporate with perpetual succession capable of entering in contractual and other relations and of suing and being sued in its own

name and shall be an organisation not for gain.

- 3.2 All office-bearers, officials and shopstewards shall be indemnified against all legal proceedings and costs incurred by reason of the performance of such person's duties for and on behalf of the trade union provided that such acts or omissions were done:

- (i) in good faith; and
- (ii) in pursuance of the objects of the trade union.

#### 4. DEFINITIONS

##### 4.1 General

- (i) 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.
- (ii) Any reference to male gender shall include reference to female gender and vice versa.
- (iii) 'majority' means for the purposes of this constitution, 50% +1.
- (iv) 'sub-region' shall mean any number of areas which shall be demarcated by the regional executive council.

#### 5. OBJECTS.

The objects of the Union shall be:-

- (i) to regulate relations between members and their employers, including any employers' organisation and to protect and further the interest of members in relation to their employers;
- (ii) to promote the interests of members;
- (iii) to encourage the settlement of disputes between employees and or the employers and or employers' organisation(s) by conciliation, mediation and arbitration;
- (iv) to promote, support or oppose as may be deemed expedient, any proposed legislation or other measures affecting the interests of members;
- (v) to use every legitimate means to induce employees to become members;

- (vi) to assist members in obtaining employment;
- (vii) to provide legal assistance to members in connection with their employment;
- (viii) to participate with organisations of employers and/ or employees on any bargaining forum which may be established to deal with matters which affect members;
- (ix) to establish and administer funds for the benefit of its members and/or their dependants, provided that such fund or funds shall be administered in terms of the rules or any amendments thereto which have been adopted at a duly constituted National Congress of the Trade Union;
- (x) to do such lawful things as may appear to be in the interests of the trade Union and/or its members and which are not inconsistent with the objects or any matter specifically provided for in this constitution.
- (xi) to borrow, invest, raise, lend, subscribe or donate money for the furtherance of the objects of the trade union.
- (xii) to plan and organise its administration and other activities.
- (xiii) to affiliate with and participate in affairs of any national, international workers' organisations or international labour organisations.

## 6. MEMBERSHIP

- 6.1 Membership of the Trade Union is open to all workers in the Republic of South Africa.
- 6.2 Application for admission or readmission to membership, accompanied by the entrance fee or one (1) months' membership fees shall be lodged in writing with the secretary of a branch.
- 6.3 Every application for membership shall be considered by the branch executive committee within one (1) month of receipt thereof by the branch secretary.
- 6.4 If admission for membership is refused by the 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 the 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 to appeal to the national executive council of



the Trade union.

- 6.5 An applicant to whom admission to membership is refused, shall be entitled to a refund of the entrance fee or membership fees paid by him/her on application.
- 6.6 Every member shall be provided with a membership card.
- 6.7 Every member shall notify the branch secretary, in writing, of his postal address and any change thereof within 14 days after the change took place.
- 6.8 An employee who has resigned or been expelled from the union may be readmitted to membership on such conditions as the branch executive committee may determine.

## 7 ENTRANCE FEES AND MEMBERSHIP FEES

- 7.1 An entrance fee shall be determined by the national executive council from time to time.
- 7.2 A membership fees of either R15.00 per month or 1% of gross earnings excluding overtime and other benefits, up to a maximum of R30, which amount shall be reviewed by the national executive council from time to time, shall be payable by each member to the Trade union. The membership fees shall be paid monthly in advance to the branch secretary or to such other person as may be authorised by the branch executive committee to receive it.
- 7.3 In addition to the aforementioned membership fees, 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 5(ix).
- 7.4 A member shall be exempt from the payment of the aforesaid membership fees and in respect of payment of fund fees in respect of any particular month during which he is:-
  - (a) unemployed for or suspended without emoluments for 30 or more days; or
  - (b) Unable to work due to long illness and has not received his/her salary for 30 or more days.

## 8 DISCIPLINE

- 8.1 A member may be reprimanded, cautioned, suspended, fined or expelled

as may be determined by the branch executive committee:-

- (a) if he fails, within thirty days of demand in writing, by the branch secretary, to pay membership fees, fines or levies which are more than two months in arrears;
- (b) if he infringes any of the terms of this constitution or acts in a manner which is detrimental to the interest of the Trade Union.

Provided that there shall be a right of appeal against suspension, the imposition of a fine or expulsion to the first ensuing branch general meeting. Notice of any such appeal shall be given to the branch secretary in writing within fourteen (14) days of the date on which the decision of the branch executive committee was communicated to the person concerned.

8.2 No member may be suspended, fined or expelled unless he has been afforded an opportunity to state his case at a meeting of the disciplinary committee established by the branch executive committee, of which he has received not less than fourteen (14) days' notice in writing from the branch secretary. The matter with which the member is charged shall be set out in such notice. Notwithstanding the above proviso, if a member has been afforded the opportunity to state his/her case at the meeting of the disciplinary committee and fails to attend without a valid reason, a recommendation to the branch executive committee may be made in his/her absence.

8.3 A member who has appeared before the disciplinary committee in accordance with sub-clause 8.2 above, shall, if dissatisfied with the decision of the branch executive committee and have lodged an appeal in a manner herein provided, has the right to re-state his/her case to the branch general meeting which shall consider the matter.

8.4 A member shall be entitled to call witnesses in support of his case, when attending a meeting of the disciplinary committee or a general meeting in terms of sub-clause 8.2 or 8.3 above, as the case may be.

8.5 Any decision taken by the branch executive committee in terms of this clause shall, when an appeal has been lodged, be subject to ratification or otherwise by branch general meeting.

8.6.1 A member shall be entitled to representation at the disciplinary enquiry.

8.6.2 There shall be a right of appeal to the regional executive council against the decision of a branch general meeting. Notice of such appeal shall be given to the general secretary in writing within twenty one (21) days of the



date on which the decision of the branch general meeting was communicated to the person concerned. The regional executive council, after making such investigation as it may deem fit, may confirm, vary or reverse the decision of the branch concerned.

8.7 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 seven days the branch executive committee may take such steps as it deems necessary to secure a settlement.

8.3.1 A member shall cease to be entitled to any of the benefits of membership, including the right to vote and shall be deemed to be out of good standing:-

- (i) if the membership fees or other charges due by him to the Union are more than three months in arrear;
- (ii) during any period while he is under suspension in terms of this constitution;
- (iii) if he ceases to be employed.

8.3.2 In the event of membership fees or other charges due to the Trade Union by member being more than three months in arrear, he shall continue to be subject to the disabilities imposed by paragraph 1 of this sub-clause until all arrears have been paid.

## 9. TERMINATION OF MEMBERSHIP

9.1 A member may resign by giving one (1) months' or three months' depending on the sector, notice in writing to the branch secretary, provided that no resignation shall take effect until all monies due to the Trade Union by the member have been paid.

9.2 A member whose membership fees are more than three (3) months in arrears shall automatically cease to be a member of the Trade union. Such person shall, however, be liable for all moneys due to the trade union as at the date on which he ceases to be a member of the Trade union.

## 10. MEETINGS.

### 10.1. NATIONAL CONGRESS

10.1.1 National Congress shall be the highest decision making body in the trade union which consist of the national executive council and delegates nominated by branches.

10.1.2 The National Congress shall be held once in every two years in the month of September but not later than 31st November of that year: Notice of its convocation shall be communicated by the general secretary to all branches and regions at least two months before it is held.

10.1.3 Notices showing the business to be transacted shall be given by the General Secretary not less than thirty days before the date of the meeting.

10.1.4. DELEGATES TO THE NATIONAL CONGRESS SHALL BE MADE UP AS FOLLOWS:

- i) One delegate per company or institution, nominated by members in the institution as allocated by the regional executive council up to a maximum of 60 delegates per region.
- ii) One additional delegate for every twenty members or part thereof per branch up to a maximum of 10 delegates.
- iii) The national executive council shall appoint a credentials committee, made up of no less than one full time official together with one representative from each region, shall ensure that delegates to congress qualify in terms of the constitution and are fully paid up members.
- iv) The majority of voting delegates nominated, shall form a quorum for the national congress.
- v) Resolutions from branches and regions shall be sent to the general secretary and shall reach his office not later than four (4) weeks prior to the national congress. Copies of such resolutions and the national congress agenda shall be distributed to all regions and branches by the general secretary not less than twenty (21) days prior to the national congress.

10.1.5 The business of the national congress shall primarily be:

- (i) Formulate Trade Union Policy
- (ii) Issue organisational guidelines

- (iii) Receive the President, Deputy President and the Treasurer.
- (iv) Receive the General Secretary and Deputy General Secretary
- (v) Approve annual financial statements of the Trade union.
- (vi) Review and rescind any decision taken in the Trade union
- (vii) Consider reports from President, General Secretary and other National Officers.
- (viii) Appoint an auditor

10.1.6 The President or, in his absence, the Vice-President or, in the latter's absence, a person appointed by the National Executive Council, shall preside over the proceedings at the National Congress. Resolutions of the National Congress shall be adopted by majority vote of the voting delegates. Voting on a resolution shall be by show of hands unless the National Congress decides otherwise. The President or other presiding person shall have a casting vote only.

10.1.7 Candidates for positions of office-bearers and officials on the executive shall be nominated and seconded by delegates with voting rights at the national executive council during the national congress. Should there be only one candidate for a position, that candidate shall be regarded as having been duly elected to that position. Should there be two or more candidates, a ballot shall be held and the candidate who receives the most votes shall be duly elected.

## 10.2 SPECIAL NATIONAL CONGRESS

10.2.1 Special National Congress shall be convened whenever desired by the majority of the National Executive Council or upon receipt of a written requisition signed by not less than one third of the Branches or 30% of the members request so in writing.

10.2.2 The requisition by branches or members for a special national congress shall be sent to the General Secretary at head office and shall be accompanied by a statement setting out reasons for such a requisition. The General Secretary shall convey the requisition to the President as soon as possible.

10.2.3 Should reasons of urgency be given in the notice, the President may

authorise the calling of a special congress at a short notice, being not less than seven (7) days. Branches shall be notified by the general secretary of the convocation and agenda of a special congress as soon as possible and by the best practical means.

### 10.3 NATIONAL EXECUTIVE COUNCIL

10.3.1 The National Executive Council shall ordinarily meet once every in four months on a date to be fixed by the President. Special meeting of the national executive council shall be called by the President whenever he deems it advisable or upon a request signed by not less than two members of the council in which event the meeting shall be called within twenty-one days (21) of receipt of the request by the President.

10.3.2 Members of the National Executive council shall be notified in writing, of the time and place of meetings by the General Secretary at least seven (7) days before the dates of such meetings, provided that shorter notice being not less than 24 hours, may in the discretion of the President, be given in respect of special meetings. To every notice of meeting an agenda shall be attached.

10.3.3 The quorum for meetings of the National Executive Council shall be the majority of the national executive council members. If within thirty (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 or an agreed date 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.

10.3.4 If between meetings of the National Executive Council any question arises which is of extreme urgency and can be answered by a plain "yes" or "no", the President may authorise a vote of the members of the council to be taken by post.

10.3.5 No motion shall be considered unless seconded. All matter forming the subject of motions shall be voted upon by show of hands (unless otherwise provided) and shall be decided by votes of the majority present.

### 10.4 REGIONAL CONGRESS

10.4.1 The Regional Congress shall meet once a year at a date to be decided by the Regional executive council.

10.4.2 The regional executive council shall consist of the Regional Chairperson, Deputy Chairperson, Regional Secretary, Deputy Regional Secretary, Treasurer and Chairpersons of subregions who shall be elected at the

Regional Congress conducted on the following basis:

- (a) One representative per company or institution
- (b) One additional representative for each twenty(20) members per company or institution.

10.4.3

Voting for office bearers shall be by ballot or unless decided otherwise by the Regional congress.

10.4.4

Qualification to serve on the Regional executive council shall be the same as for the National Executive Council.

10.4.5

The duties of the Regional Secretary shall be determined by the National Executive Council and the Regional executive council from time to time.

10.4.6

The Regional Secretary is responsible for effective delegation of the union duties (not inconsistent with the terms of the constitution) to ensure the effective organisation of the Trade union members in the province.

10.4.7

The Regional Chairperson, Vice Regional Chairperson and Regional Secretary, Assistant Regional Secretary Regional Treasurer shall be elected at the Regional Congress.

10.5

#### REGIONAL EXECUTIVE COUNCIL

10.5.1

Each Regional executive council shall met at least once every three months or any other time at the instance of the Regional Chairperson or Regional Vice Chairperson in consultation with the Regional Secretary or on receipt by the Regional Secretary of a written requisition from at least three members of the Regional executive council in which event a meeting shall be called within seven working days of receipt of the requisition by the Regional Secretary.

10.5.2

To the extent it has not been provided for in the constitution, the procedures prescribed or a quorum, the calling, conduct and times for the meetings of the National Executive Council as well as the keeping of the minutes of the proceedings at such meetings shall apply mutatis mutandis to the calling, conduct and times for Regional Executive meetings and the keeping of the minutes of the proceedings at such meetings.

10.6

#### BRANCH MEETINGS

10.6.1

A general meeting of members of each branch shall ordinarily be held at least once every month on a date to be fixed by the Chairperson special general meetings shall be called whenever desired by a majority of the



members of the branch executive committee or upon a request signed by not less than 50% of the members of the Trade union in the branch. Such special general meeting shall be held within seven days from the date of the decision of the majority of the committee or from the date of receipt of the requisition by the Chairperson.

- 10.6.2 Notice of every general meeting showing the business to be transacted thereat shall be given to members in writing by the branch secretary not less than fourteen days before the date such meeting, provided that in the case of special general meetings such shorter written notice being not less than 24 hours as may be decided by the Chairperson may be given.
- 10.6.3 The annual general meeting of each branch shall be held in the month of MAY in each year or as soon as possible thereafter, but not later than the month of AUGUST of each year.
- 10.6.4 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.
- 10.6.5 No member shall be allowed to speak for longer than fifteen minutes on any matter unless a majority of those present agrees.
- 10.6.6 Each branch executive committee shall ordinarily meet at least once every 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 deems it advisable or upon a request signed by not less than 50% of members of the committee, in which event the meeting shall be called within 14 days of receipt of the request by the Chairperson.
- 10.6.7 Members of a branch executive committee shall be notified of the time and place of meetings of the committee by the branch secretary at least seven (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.
- 10.6.8 The quorum for branch general meetings shall be 50% of the members of the branch and for meetings of the branch executive committee four



members of the committee. If within thirty (30) minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to the same day or the next succeeding day in the week following or an agreed time and place, and at such adjourned meeting the members present shall form a quorum. Notice of adjourned meetings shall be given by the branch secretary to whose members who were absent from the first meeting.

10.6.9 At every general meeting the minutes of the last preceding general meeting shall be read by the branch secretary and signed by the presiding officer after confirmation. Minutes of meetings of the branch executive committee shall be similarly dealt with by that body.

10.6.10 Copies of minutes of branch meetings and of meetings of branch executive committees shall be submitted to the Regional executive council immediately after confirmation.

10.6.11 The proceedings of any meeting shall not be invalidated by reason of the non-receipt by any member of the notice of meeting.

#### 10.7 SHOPSTEWARD COMMITTEES

10.7.1 A general meeting of all members in the work place shall ordinarily be held at least once a month on a date to be fixed by the local chairman or when ever desired by the majority of the members in the work place.

10.7.2 Generally the shopsteward committee shall meet at least once per month and may be convened by the executive committee whenever necessary.

#### 10.8 MINUTES

The General Secretary of the Trade union or a person appointed by him/her shall keep minutes of the national Executive Council and National Congress and the Regional Secretary or a person appointed by him/her shall keep minutes of the Regional executive council and Regional congress. Similarly the branch secretary shall or a person appointed by him shall keep minutes of all branch executive meeting and all general meetings of the branch.

#### 11 NATIONAL EXECUTIVE COUNCIL

11.1 i) The management of the affairs of the Trade union shall subject to the provisions of this constitution, be vested in the National Executive

Council consisting of two members of the Regional Executive committees who shall from within their ranks elect the President, the Vice-President and Treasurer. The National Executive Council shall hold office for two years and thereafter, until the elections in which they shall be eligible for re-election on termination of their period of office.

- 11.1 ii) Vacancies occurring on the National Executive Council shall be filled by a ballot of the members of the National Executive Council. A member appointed to fill a vacancy shall hold office for the unexpired portion of the period of the period of office of his predecessor.

- 11.2 Nominations for membership of the National Executive Council shall be lodged in writing by branches with the General Secretary at least two months before the expirations of the period of office of the sitting members, and a ballot thereon shall be taken at least two weeks before that date. Where a vacancy occurs on the national executive council the branches shall be notified in writing of such vacancy by the general secretary within two weeks of the date on which the vacancy occurred. The nomination of members to fill such a vacancy shall be lodged in writing with the General Secretary by the branches within one month of that date and a ballot shall be taken within two months of that date. A member elected to fill a vacancy shall hold office for the unexpired portion of the period of office of his predecessor.

- 11.3 Notwithstanding the provisions of clause 10.1.4.6, 11.1 and 11.2 above the first National Executive Council of the Trade Union shall consist of the following members.

(i) each amalgamating union with its Executive committee shall constitute a region.

(ii) the chairperson and one other member from each Region shall form the new National Executive of the Trade Union.

(ii) As soon as a President for the National Executive has been elected he/she shall relinquish his seat at the Regional Level

(iv) The National Executive Council shall appoint the General Secretary.

- 11.4 A member of the national executive council shall vacate his seat in any one of the following circumstances:

(i) on resignation, suspension or expulsion from membership of the Trade union or upon ceasing to be employed in the interests set forth in clause 6.1

(ii) on absentsing himself, without the permission of the national executive

council, from three consecutive meetings of the council:

- (iii) on resignation as a member of the council by giving one (1) months' written notice to the general secretary;
- (iv) on ceasing to be in good standing.

11.5 The National executive council shall, subject to the provisions of the constitution, have power -

- (i) to approve the Trade union's participation in and the establishment of any forum legally constituted for the purposes of collective bargaining, and subject to the constitution of such forum, to determine the Trade union's representation thereon;
- (ii) to engage and dismiss, except where otherwise provided in this constitution, any employees of the Trade union, including a general secretary, to fix their remuneration and to define their duties;
- (iii) to appoint, from time to time, such committees as it may deem fit for the purpose of investigation and reporting on any matter referred to the by the council;
- (iv) to review decisions of Regional executive council, Regional congresses, branch executive committees or branch general meetings, and to confirm, alter or reverse such decisions;
- (v) to institute legal proceedings on behalf of or to defend proceedings against the Trade union;
- (vi) to acquire, either by purchase, lease or otherwise, any movable or immovable property on behalf of the Trade union, and to sell, let, mortgage or otherwise deal with or dispose of any movable property shall have acquired or sold, nor shall it be mortgaged, let or leased for a period longer than five years, unless at least one month's written notice of intention to do so has been given to each branch of the Trade union by the general secretary. If during this period any branch general meeting demands that a ballot of the whole Trade union be taken on the proposed action, such ballot, shall be taken;
- (vii) to institute legal proceedings on behalf of or to provide legal assistance to members on matters affecting their employment and to institute legal proceedings against individuals members;
- (viii) to open and operate on a banking account in the name of the Trade union;

- (ix) to establish or close down branches in any area, and to define the areas of jurisdiction of branches;
- (x) to suspend any Regional executive council for action contrary to the terms of this constitution or to instructions issued by the national executive council, and to take over the management of the affairs of the branch until another branch committee is appointed.
- (xi) to make and enforce regulations relating to procedural, administrative and disciplinary matters which are not inconsistent with the provisions of this constitution, the Labour Relations Act, 1995, or any other law;
- (xii) to decide all matters of procedure on which this constitution is silent;
- (xiii) to do such other lawful things as, in the opinion of the national executive council, appear to be in the interests of the Trade union or its members and which are not inconsistent with the objects set out in clause 5 or any matter specifically provided for the constitution.
- (xiv) to consider appeals

## 12. REGIONAL EXECUTIVE COUNCIL

12.1 The management of the affairs of the Trade Union shall between meetings of the National Executive Council and subject to the National Congress and the National Executive Council's directives and general control vest in the Regional Executive Councils as determined by the National Executive Council or National Congress.

12.2 In addition to fulfilling such functions as the National Executive Council may direct, the Regional executive council shall, in consultation with the relevant national officer,

- 12.2.1 Supervise and maintain control over the Trade union's finances and assets in their respective areas and submit reports thereupon to the National Executive Council.
- 12.2.2 Provide legal assistant to members on matters arising from their employment.
- 12.2.3 To elect the Trade Union's representatives on any bodies in their respective areas except where otherwise provided in this constitution and where required to terminate such representation.
- 12.2.4 determine the staffing requirements of the Trade Union in the

respective area and the working conditions of employment of such staff. However, on matters relating to the engagement and/or dismissal of such staff, it shall first have to make recommendations to the National Executive Council.

- 12.2.5 Enforce regulations made relating to procedural, administrative and disciplinary matter which are not inconsistent with the provisions of this constitution, the Labour Relation Act(s) or any other law;
- 12.2.6 Receive reports from Branch Secretaries and full-time officials in their area on their activities and to issue instructions as may be deemed advisable in regard thereto in accordance with the requirements of the constitution or policy of the Trade Union as laid down from time to time by the National Congress.
- 12.2.7 Appoint sub-committees chosen either apart and/or on its own members to investigate and report on any matter relevant to each particular area.
- 12.2.8 empower such committees it deems necessary to act on any matter and report back to the Regional executive council;
- 12.2.9 Ensure that the minutes of the proceedings of the Regional executive council are transmitted to the General Secretary who shall ensure that such minutes are distributed to members of other Regional executive councils.

### 13. OFFICE-BEARERS AND OFFICIALS

#### 13.1 The duties of office-bearers shall be -

##### 13.1.1 President

The President shall preside at all meetings at which he is present, enforce observance of the constitution of the 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. He shall not have a deliberative vote, but shall, in the event of an equality of votes, have a casting vote.

##### 13.1.2 Vice-President

The Vice-President shall exercise the powers and perform the duties of



the president in the absence of the latter. He shall perform any other duties as entrusted upon him by the national executive and national congress.

### 13.1.3 Acting President

In the event of both the president and the vice president being unable either temporarily or permanently, to perform their duties, the national executive council shall appoint a member of the Trade union to act as president, who shall hold office until the president or vice president is able to assume his duties or in the event that the president and vice-president is being permanent unable perform their duties, until a new president or vice president has been elected at the national congress.

### 13.1.4 Treasurer

- (i) The treasurer shall administer the funds of the trade union and deal with a specific bank chosen by the National Executive Council. Shall supervise the financial affairs of the trade union. Shall endorse and co-sign cheques on the National banking account of the Trade union and perform other duties as by usage and custom pertaining to the office. Shall co-ordinate the financial system of the union from regional level to the National office through the treasurers and secretaries of the regions. Shall determine the budgets of all regions through the National Finance Committee established for that purpose.
- (ii) issue official receipts for all moneys received; submit reports in regard to the financial position of the Trade Union to the National Congress and National Executive Council once every four months.
- (iii) shall perform the duties imposed on him 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.
- (iv) shall also take the necessary steps to maintain a register of members, to keep proper books of account, to ensure that the auditing of such books and the preparation of a balance sheet and a statement of income and expenditure and the submission or making available thereof to member, are complied with.

## 13.2 The duties of officials shall be :-

### 13.2.1 General Secretary

- (i) The General Secretary shall be responsible for the efficient administration



of the trade union; receive requisitions for meetings of the National 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 National Congress or National Executive Council lay on the table correspondence which has taken place since the previous meeting ; attend all National Congress and National Executive Council meetings and record minutes of the proceedings; represent the trade union at negotiations and perform such other duties as are imposed by this constitution or as the National Congress and National Executive Council may direct. He shall attend all meetings of the National Executive Council but shall have no voting power at such meetings. Meet with Regional Executive Councils as and when required in order to explain policy positions of the Trade Union

- (ii) In addition to the duties laid down in clause 13.2.1(i) in the General Secretary shall perform the duties imposed on him by section 99 of the Labour Relations Act, 1995, relating to the retention of records and the supply of information to the Registrar.
- (iii) The General Secretary may resign on giving three months' notice in writing to the National Executive Council and his services may be terminated on a similar period of notice being given to him by the National Executive Council. The contract of service of the General Secretary shall be in writing.

#### 13.2.2 Deputy General Secretary

The Deputy General Secretary shall assist the General Secretary and perform such duties as directed by the General Secretary or the National Executive Council or national congress. In the event of the General Secretary being unable, temporarily to perform his duties, the Deputy General Secretary shall act as General Secretary. The provisions of clause 13.2.1(iii) above shall mutatis mutandis apply to the deputy general secretary.

#### 13.2.3 Legal Officer

- (i) Shall co-ordinate the legal department of the Trade Union, offer legal opinion and advice to the Trade Union as and when required to do so, deal with, manage and represent the Trade Union in cases referred to labour court as well as for arbitration and mediation, assist with the interpretation of legal documents and represent or ensure that representation is available to members in matters relating to labour. Perform any such duties as the National Executive Council of the trade union may direct.

- (ii) The legal officer may resign on giving a months' notice in writing to the National Executive Council and his services may be terminated on a similar period of notice being given to him by the National Executive Council. The contract of service of the legal officer shall be in writing.

#### 13.2.4 Information and Publicity Officer.

Shall co-ordinate the publicity department of the trade union. Develop and distribute the Trade Union's newsletter. Develop material aimed at promoting and marketing the name and image of the Trade Union. Co-ordinate and comminacte activities of the trde Union internally and externally. Deal with Media liaison. Develop and implement approved Public Relation strategies of the Trade Union. Perform any such duties as the National Executive Council of the trade union may direct. The provisions of clause 13.2.3(ii). above shall mutatis mutandis apply to the Information and Publicity Officer.

#### 13.2.5 National Organiser

Shall co-ordinate the campaigns and recruitment drive of the trade union. Perform any such duties as the National Executive Council of the trade union may direct.

- (i) to recruit and organise members
- (ii) to establish and maintain worker structures in branches and regions.
- (iii) to attempt to resolve disputes and general complaints of members;
- (iv) to report to the General Secretary on his monthly activities;
- (v) to do such things that is deemed to be in the interests of the workers;
- (vi) promote and maintain discipline, order and unity among the members.
- (vii) To perform such other duties as directed by members. General Secretary or the National Executive Council.
- (viii) The provisions of clause 13.2.3 (ii) above shall mutatis mutandis apply to the National Organiser.

#### 13.2.6 Other National officers

The national executive Council may appoint other national officers to

perform various duties as determined by the National Executive Council. The provisions of clause 13.2.3(ii) above shall apply mutatis mutandis apply to national officers.

### 13.2.7 Organisers.

The Regional executive council may appoint an organiser or organisers. The provisions of clause 13.2.3 (ii) above shall apply mutatis mutandis apply to organisers. The main duties shall be the same duties as imposed to the National Organiser within the branch or region as applicable.:

## 13.3 Trade Union Representative

### 13.3.1 Shop Steward

- a) The main duties of the shopsteward shall be to implement and give effect to decisions of the national congress, national executive council, Regional congress, Regional 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 from members on behalf of the trade union.
- b) Shopsteward shall hold office for a period of one year
- c) In terms of section 14(4) of the Labour Relations Act, 1995, the shopsteward shall -
  - (i) at the request of an employee in the workplace, assist and represent the employee in grievance and disciplinary proceedings;
  - (ii) monitor the employers compliance with any law regulating terms and conditions of employment;
  - (iii) report any alleged contravention of any law regulating terms and conditions of employment to the employer, trade union or any responsible authority or agency; and
  - (iv) prepare himself adequately for meetings, studying minutes, contributing relevant items for the agenda on issues they may discuss.
  - (v) To attend meetings in the institution as required, representing the

views of the members frankly and accurately.

- (vi) To report back to members he represent.
- (vii) To acquire an adequate degree of knowledge of the company's or department's policies, rules, regulations, structures, procedures, practices and conditions of employment, so that they may effectively fulfil their functions, duties and responsibilities.
- (viii) To report regularly to the shopsteward Committee or branch shopsteward council or Regional executive council as may be the case any disputes or grievances of members;
- (ix) to attend all shopsteward committee, general meetings, branch shopsteward Council meetings and any other meeting to which they have been requested to attend.
- (x) to convey decisions and policies of the union and other reports to the members in the company or institution.
- (xi) to obtain mandates on any issue arising from the members, affecting decisions and policies of the union and convey these to the committee or any other body to which he is elected;
- (xii) Negotiate and enter into agreements with the employer covering any issue concerning working conditions where authorised by a general meeting of members at the institution and by the Regional or national executive council.
- (xiii) To try to settle dispute by conciliatory method where management makes conciliation possible;
- (xiv) To enrol new members and use every means consistent with the union constitution to ensure that all workers at the company or institution become members;
- (xv) To collect levies or membership fees due to the Trade union where such may be necessary and where these have been specifically authorised by the National Executive Council.
- (xvi) perform any other function as the national executive may direct.

#### 14. ESTABLISHMENT AND CONTROL OF BRANCHES AND SHOPSTEWARD COMMITTEES

- 14.1 A branch of the Trade union may be established in any area where there are not less than thirty (30) members of the Trade union.
- 14.2 Application for the establishment of a branch shall be made, in writing, to the executive council by not less than 50% of members in the area concerned.
- 14.3 The Regional executive council may, in its discretion authorise the establishment of a branch and define its area of jurisdiction.
- 14.4 If the Regional 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 Regional executive council shall arrange for one of its member or a nominee to 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 persons so elected shall hold office until the annual general meeting of the branch.
- 14.5 The Regional executive council shall have the right to delegate one or more of its members to investigate the affairs of any branch at any time without assigning a reason therefor and such member or members shall have access to all the records of the branch and have power to take them into custody.
- 14.6 When a member leaves the area of jurisdiction of any branch and continues at his trade in the area of another branch, he shall be entitled to become a member of the latter branch upon production of his card showing that he is a member of the trade union.

## 15. BRANCH OFFICE-BEARERS AND OFFICIALS

- 15.1 The management of the affairs of a branch between branch general meetings shall be vested in a branch executive committee consisting of a chairperson, vice-chairperson and four other members of the branch who shall be elected on nomination duly seconded and voted upon by ballot at the annual general meeting of the branch. They shall hold office until the next annual general meeting of the branch, and be eligible for re-election on termination of their period of office. The chairperson and vice-chairperson of the executive committee shall ipso facto be chairperson and vice-chairperson of the branch.
- 15.2 Vacancies occurring on a branch executive committee shall be filled at the first



ensuing branch general meeting on nomination duly voted upon by ballot. Where a vacancy occurs subsequent to the date on which the notice of that meeting was issued, it shall be filled at the next ensuing general meeting. Nominations for the vacancy shall be submitted in writing to the branch secretary fourteen (14) days before the meeting. A member appointed to fill a vacancy shall hold office for the unexpired portion of the period of office of his predecessor.

15.3 Nominations for membership of a branch executive committee shall be lodged in writing with the branch secretary at least fourteen (14) days before the annual general meeting of the branch.

15.3 A branch executive committee shall, subject to the general direction and control of branch general meeting and to the provisions of this constitution have power:-

- (a) 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;
- (b) to deal with disputes between members and their employers and endeavour to settle disputes;
- (c) to appoint, from time to time, such sub-committees as it may deem fit for the purpose of investigating and reporting on matters referred to them by the executive committee;
- (d) to open and operate a banking account in the name of the branch;
- (e) to do such other lawful things as, in the opinion of the branch executive committee, appear to be in the interests of the trade union or its members and which are not inconsistent with the objects set out in clause 5 or any matter specifically provided for in the constitution.

15.5 Branch office-bearers shall perform the same duties mutatis mutandis, in respect of the branch concern as are imposed of office-bearers of the trade union.

15.6 A branch secretary shall be elected on nomination duly seconded and voted upon by ballot of members at the Annual General Meeting of the branch, shall hold office until the next annual general meeting and shall be eligible for re-election. He/She may resign on giving one month's notice in writing to the branch executive committee and his services may be terminated on month's notice being given to him by the committee. He/She may be summarily discharged for serious neglect of duty or misconduct. In the event of the office becoming vacant, the branch executive committee shall appoint a temporary incumbent who shall hold office until the next ensuing general meeting when the new



secretary shall be elected on nomination duly seconded and voted upon by ballot of members. The new secretary shall hold office until the next annual general meeting.

- 15.7 In addition to other duties imposed upon him by this constitution or by the branch executive committee or a general meeting, a branch secretary shall perform mutatis mutandis the same duties as are imposed upon the general secretary. He shall also collect entrance fees, membership fees, fines and levies; bank all monies within three days of receipt. The branch secretary shall attend all branch general and executive committee meetings but shall have no voting power at the executive committee meetings.

### 15.8 SHOPSTEWARD COMMITTEES

- 15.8.1 The shopstewards committee will run the affairs of the Trade union in the company or institution where they are employed and shall represent members generally in all dealings with management.
- 15.8.2 A shopsteward committee may be established in any workplace where there are not less than 10 members.
- 15.8.3 Application for the establishment of a shopsteward committee shall be made, in writing, to the branch executive committee by not less than 5 members in the workplace concerned.
- 15.8.4 If the branch executive committee approves of the establishment of a shopsteward committee the branch secretary shall notify the members from which the application has been received and arrange for the inaugural meeting. At this meeting nomination for membership of the executive committee of the shopsteward committee shall be called and the elections shall take place by ballot. The executive committee shall consist of chairperson, vice-chairperson, secretary and additional members as may be decided by the meeting.
- 15.8.5 The main duties of the shopsteward committee shall be to implement and give effect to decisions of the National Congress, National 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.

### 16. REMOVAL OF OFFICE-BEARERS, OFFICIALS AND SHOPSTEWARD

- 16.1 An office-bearer, official and shopsteward 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 interest of the Trade union.

16.2 No office-bearer, official or shopsteward may be removed from office unless he has been afforded an opportunity to state his case personally at the branch executive committee in case where a shopsteward is concerned or personally at the meeting of the national executive council in case where an Regional or branch executive office-bearer or a branch official is concerned and at a meeting of the branch executive committees where an National Executive Council is concerned.

16.3 An office-bearer, official or shopsteward who 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 shopsteward, to the branch general meeting. Notice of appeal shall be given to the branch secretary, in writing within 5 days of the date on which the decision of the 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 the executive committees. Notice of appeal shall be given to the general secretary, in writing, within, 5 days of the date on which the decision of the National Executive Council was communicated to the person concerned. The meeting of the branch executive committees may reverse the of the National Executive Council and the decision of the meeting shall be final.
- © In case of an office-bearer, official of the National Executive council, to the National Congress of the Trade union. The appeal shall be noted in the agenda of the National Congress and the National Congress may reverse the decision of the meeting of the branch executive committees and the decision of the National Congress shall be final.

## 17. BALLOTS

- 17.1 In addition to those cases in respect of which 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 national 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

17.2 Ballots shall be conducted in the following manner:-

- 17.2.1 Notice of a ballot shall be given to each member of the branch in writing by the branch secretary, at least three days before the ballot is to be taken, provided that a ballot may be taken without notice at any general meeting on the decision of a majority of the members present.
- 17.2.2 Two scrutineers shall be appointed by each branch executive committee or a general meeting to supervise any ballot and to ascertain the result thereof.
- 17.2.3 Except in the case of postal ballots and ballots taken at a general meeting on the decision by the majority of members present, ballots shall be conducted at the various branch offices of the Union or at such other places as may be specified in the notice referred to in clause 19.2.1 on the date and during the hours specified in the said notice.
- 17.2.4 Ballot papers shall be supplied to the branch secretaries by the general secretary. The issue to be voted upon shall be set forth clearly on the ballot papers and such papers shall not contain any information by means of which it will be possible to identify the voter.
- 17.2.5 Ballot boxes shall be inspected by the scrutineers and sealed by the branch secretary in their presence prior to issuing of ballot papers.
- 17.2.6 One ballot paper only shall be issued at the place and during the hours fixed for the taking of the ballot to each member of the branch who is entitled to vote.
- 17.2.7 Each voter shall, in the presence of the scrutineers, be issued with one paper which he shall thereupon complete, fold and deposit in a container provided for the purpose.
- 17.2.8 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 vote. Papers bearing any other marks shall be regarded as spoilt and shall not be counted.
- 17.2.9 On completion of a ballot or as soon as possible thereafter the

result thereof in respect of each branch be ascertained by the scrutineers appointed for such branch in the presence of the branch secretary and made known to the branch executive committee which shall immediately advise the national executive council.

17.2.10 Ballot boxes shall be inspected by the scrutineers and sealed by the branch secretary in their presence prior to the issue of ballot papers.

17.2.11 Ballot papers including spoilt papers, shall be placed in a container which shall be sealed after they have been counted and retained by the branch secretaries for not less than 3 years.

17.3 The national executive council may decide that a postal ballot of members be taken in which event the ballot shall be conducted in the following manner:-

17.3.1 The general secretary shall send by registered post to each member of the Union a ballot paper and a stamped and addressed envelope marked "Ballot". The ballot paper shall on completion be inserted in the envelope provided for the purpose which shall be sealed and posted so as to reach the general secretary within three weeks from the date of despatch from head office to such member. On receipt of such envelopes, the general secretary shall immediately place such envelopes in a sealed ballot box.

17.3.2 Two scrutineers shall be appointed by the national executive council to ascertain the result of the ballot. The ballot box shall be opened and the ballot papers counted by the scrutineers in the presence of the general secretary who shall immediately advise the national executive council of the result of the ballot.

17.3.3 The same procedure shall mutatis mutandis apply to a postal ballot confined to members of the national executive council or any branch or branches of the trade union.

17.4 The national 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 application of not less than two thirds of the members of any branch authorise the taking of such 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 Union.



- 17.5 In any ballot conducted in connection with the any election the candidates, up to the required number, receiving the highest number of votes shall be declared elected.
- 17.6 The national congress, the national and Regional executive councils or the branch executive committee shall be bound to take action according to the decision of the majority of members voting in a ballot.
- 17.7 The trade union shall, before calling a strike, conduct a ballot of those of its members in respect of whom it intends to call a strike.
- 17.8 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.

## 18. FINANCE

### 18.1 Head Office.

- 18.1.1 The funds of the Union shall be applied to the payment of expenses, the acquisition of property and towards the attainment of the objects specified in clause 5 and any such other lawful purpose as may be decided by the executive council.
- 18.1.2 The funds received by the general secretary on behalf of the union shall be deposited to its credit forthwith at a bank decided upon by the national executive council.
- 18.1.3 Payments, shall require prior approval of the national executive council and shall be made by cheque signed by the treasurer and any other member of the council appointed by it for that purpose, except when the amount in question is less than R200.00 when payment may be made by petty cash. In the absence of the treasurer or the other signatory cheques shall in his/her stead be signed by a member of the National Executive.
- 18.1.4 Funds required for petty cash account, which shall be kept in such a form as the national executive council may have from time to time determine, shall be provided by the drawing of cheques signed by the treasurer and a member of the council appointed by it for that purpose; or in the absence of either of them by a member of the national executive council appointed by it for that purpose. The national executive council shall determine the amount of petty cash per month.

## 18.2 Regions

18.2.1 Membership fees and fines shall be collected by the branch secretaries or such other persons empowered to do so.

18.2.2 All moneys collected on behalf of the Union shall be deposited in the trade union's banking account.

18.2.3 Details of the deposit shall be submitted to the general secretary shall be accompanied by a list showing the names of members from whom collected, the amount paid in by each member, the names of members, if any, whose membership fees are in arrears and the amount of such arrears. The statement shall also detail payments made by members.

18.2.5 Branches may apply the funds belonging to them to the payments of expenses and towards the attainment of the objects specified in clause 5 as may be determined by the executive committee, provided that expenditure in excess of R500.00 shall not be incurred except with the approval of and subject to such conditions as may be determined by the national executive council.

18.2.6 If any branch or region incur expenditure except as provided in the constitution, the members present at that 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.

18.2.7 If any branch ceases to exist as such, its assets and liabilities shall devolve on the Union.

## 18.3 General

18.3.1 Statements of income and expenditure and financial position of the branch shall be prepared quarterly by each branch treasurer and submitted to his/her branch executive committee and to the executive council. Similar statements in respect of Union funds shall be prepared by the treasurer and submitted to the National Executive Council.

18.3.2 In accordance with the provisions of section 98(1)(b) of the Labour Relations Act, 1995, the treasurer shall prepare a statement of income and expenditure and a balance sheet in respect of each financial year ending 31st March. Such statements and balance sheets shall be audited and dealt with as required by the said section of the Act.



- 18.3.3 No single item of expenditure in excess of one (1) percent of the total monthly income (other than the remuneration of employees of the Trade Union) shall be met from the funds of the Trade Union unless such expenditure is approved by national executive council.
- 18.3.4 Legal and other professional expenses shall be borne by the Trade Union.
- 18.3.5 Stationery and printed matter shall be supplied to regions by the national executive council at cost price.
- 18.3.7 A member who resigns or is expelled from membership shall have no claim on the funds of the Trade Union from the date on which the resignation or expulsion takes effect.
- 18.3.8 The national executive council shall, subject to confirmation by national congress, have the power to invest surplus trade union moneys in such a manner that the trade union stand to benefit from the investments.

## 19. REPRESENTATION ON BARGAINING AND STATUTORY COUNCILS

- 19.1 The national executive 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 Relation Act, 1995.
- 19.2 Representatives and their alternates shall be appointed by the national executive or Regional executive council for a national or Regional bargaining/statutory council respectively.
- 19.3 Representatives and their alternates on a bargaining or statutory council may be removed by the National or Regional Congress, and may resign on giving one (1) months' notice to the Regional or national executive council or such notice as may be prescribed in the constitution of the council concerned.
- 19.4 In the event of the resignation or death of a representative or an alternate or his removal by the national or Regional congress the vacancy shall be filled by the Regional or national executive council.
- 19.5 Representatives and their alternates in any structure shall act only with express mandate from the relevant constituency.
- 19.6 Representatives or their alternates, acting in terms of clause 19.5, shall have full power to enter into agreement on behalf of the trade union, and such agreements shall not be subjected to ratification by the national or Regional executive council nor congresses.

## 20. CHANGING OF CONSTITUTION

20.1 Any of the provisions of this constitution may be repealed, amended or added to in any manner by resolution of the National Executive council of the trade Union, provided that at least 14 days notice of any proposed alteration shall first have been given to branches. If within that period a branch demands that a ballot of the whole Union be taken on the matter such a ballot shall be taken.

20.2 No amendments or alterations shall have any force of effect until certified in terms of section 101(3) of section 9 of the Labour Relations Act, 1995.

## 21. WINDING-UP

21.1 The trade Union shall be wound up if at a ballot conducted in a manner prescribed in the constitution not less than three-fourths of the total number of members of the Union vote in favour of a resolution that the Union be wound up.

21.2 If a resolution for the winding-up has been passed or if for any reason the Union is unable to continue to function the following provisions shall apply:-

(a) The last appointed president of the Union or if he is not available, the available members of the last appointed national executive council of the Union shall forthwith transmit to the Labour Court, a statement signed by him or them setting forth the resolution adopted or the reason for the 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, 1995.

b(i) The liquidator appointed by the Labour Court shall call upon the last-appointed office-bearers and officials of the Union to deliver to him the Union's books of account showing the 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 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 address as at the said date.

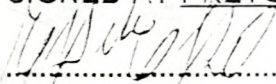
(ii) The Liquidator shall also call upon the said office-bearers and officials of the trade union to hand over to him all unexpended funds of the trade union and deliver to him the trade union's assets and documents necessary in order to liquidate the assets.

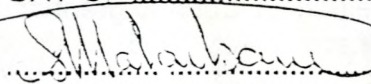
© The liquidator shall take all necessary steps to liquidate the debts of the trade union from its unexpended funds and any other monies realised from any assets

from the trade union, and if the said funds and monies are insufficient to pay all the 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 prescribed in any law for the time being in force relating to the distribution of the assets of an insolvent estate and the liquidators's fees and the expenses of winding-up shall rank in order to preference as though he were a liquidator of an insolvent estate and as though the expenses were costs of sequestration of an insolvent estate.

- (d) After the payment of all debts in accordance with clause (c), the remaining fund, if any, shall be distributed by the liquidator amongst remaining the members of the trade union. members shall be awarded a share in proportion to the membership fees actually paid by him in respect of the twelve(12) months immediately preceding the said date.
- (e) After the payment of all liabilities, any assets that cannot be disposed of in accordance with the provision of this clause shall be realised by the liquidator and all proceeds paid to the Commission for Conciliation, Mediation and Arbitration (in accordance with section 103(5) of the Labour Relation Act, 1995).
- (f) The liability of members shall for the purposes of this clause be limited to the membership fees due by them to the Union in terms of the constitution as at the date of dissolution.65

SIGNED AT PRETORIA ON THIS 28th DAY OF Nov. 1998

  
.....  
PRESIDENT

  
.....  
GENERAL SECRETARY