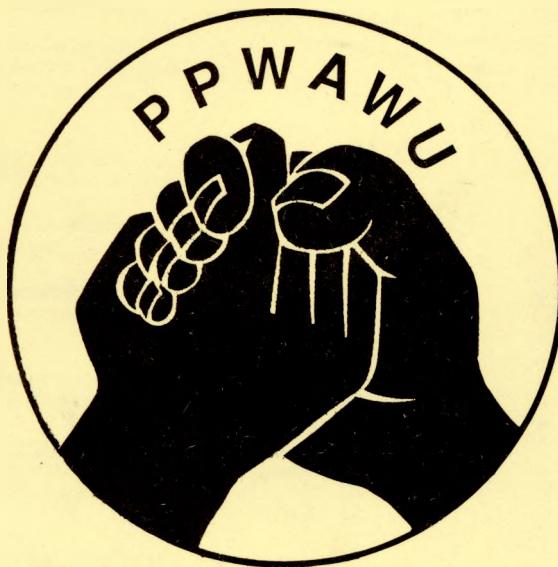


# PAPER, PRINTING, WOOD AND ALLIED WORKERS UNION



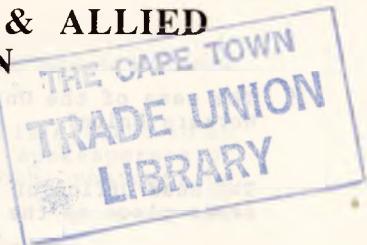
## CONSTITUTION

as amended and ratified at First National Congress,  
October 16-18, 1987

# PAPER, PRINTING, WOOD & ALLIED WORKERS UNION

## CONSTITUTION

## CONTENTS



### Part 1: Aims and Membership

1. Name
2. Head Office
3. Aims and Objects
4. Definitions
5. Membership
6. Entrance Fees and Subscriptions

### Part 2: National Organisation:

7. Congress
8. National Executive Committee
9. National Office-Bearers Committee
10. National Office-bearers
11. Head Office Officials

### Part 3: Branch Organisation:

12. Establishment and Control of Branches
13. Branch Congress
14. Branch Executive Committee
15. Branch Office-bearers

### Part 4: Local Organisation:

16. Establishment and control of locals
17. Composition
18. Meetings
19. Powers and Duties of Locals
20. Quorum for Local Meetings

### Part 5: Organisation at Factory:

21. Establishment and Control of Shopsteward Committees
22. Factory General Meetings
23. Shopstewards

### Part 6: Miscellaneous Provisions

24. Rules of Procedure at Union Meetings
25. Ballots
26. Finance
27. Discipline
28. Disputes, Industrial Councils and Conciliation Boards
29. Indemnification of Officials, Office-bearers and Committee Members
30. Status of Union
31. Dissolution
32. Amendments
33. General

## PART 1

### 1. NAME

The name of the Union shall be "Paper, Printing, Wood & Allied Workers Union"

### 2. HEAD OFFICE

The Head Office of the Union shall be at Johannesburg or at such other place as the NEC may determine from time to time.

### 3. AIMS AND OBJECTS

The aims and objects of the Union shall be:

- 3.1 To organise all workers engaged in the Paper, Printing, Wood & Furniture industries in South Africa into one national Union, and to use every legitimate means to induce all workers who are eligible for membership to become members.
- 3.2 To promote a spirit of trade union unity and solidarity among members of the Union and among all workers and to oppose any policy, practice or measure whose effect will be to cause division or disunity amongst members or workers.
- 3.3 To promote the interests of members and all workers; to regulate relations between members and their employers and to protect and further the interests of members in relation to their employers; and to negotiate and enter into collective agreements between members and their employers in relation to their employment.
- 3.4 To promote worker leadership and build democratic structures at all levels within the Union
- 3.5 To consider and advise on legislation or policies affecting the interests of members, and to provide support or oppose any such legislation or policies, and make representations to public and other bodies.
- 3.6 To cooperate with and assist other progressive Trade Unions or worker organisations within South Africa and internationally in the general interest of the working class movement.
- 3.7 To assist in organising the unorganised.
- 3.8 To educate workers as to their rights.
- 3.9 To provide legal assistance to members and/or officials where it deems it in the interests of the Union to do so.
- 3.10 To endeavour to achieve decent standards of living and social justice for members and their families.
- 3.11 To do such other things as appear to be in the interests of members generally.

#### 4. DEFINITIONS

- 4.1 "Factory" shall include any workplace at which workers perform work.
- 4.2 "Office-bearer" shall mean any person who is elected to an office in the Union, and who may act as a spokesperson or representatives of the Union at the branch, regional or national level as the case may be.
- 4.3 "Official" shall mean any employee of the Union.
- 4.4 "Worker" shall mean any person employed by or working for any employer in the industry and receiving or entitled to receive any remuneration, but excludes management. "Management" for the purposes of this definition shall mean any person who has the right to employ or dismiss workers.
- 4.5 "BEC" shall mean Branch Executive Committee.
- 4.6 "NEC" shall mean National Executive Committee.
- 4.7 "NOBC" shall mean National Office-Bearers Committee.
- 4.8 "Union representative" shall mean any official, office-bearers or members delegated to represent the Union.

#### 5. MEMBERSHIP

##### 5.1 Scope

All workers engaged in the Paper, Printing, Wood & Furniture industries shall be eligible for membership of the Union. Without limiting the wide scope and general meaning of these industries, the following sectors shall be included:

- 5.1.1 Pulp & Paper Manufacturing Industry - the production of paperboard, strawboard, cardboard, or paper ; the manufacture of pulp for the purposes of manufacturing these; and the manufacture of by-products by employers engaged in these activities; and including all activities incidental thereto or consequent thereon.
- 5.1.2 Waste Paper Industry - the collecting, sorting, baling and distribution of waste paper, and associated activities.
- 5.1.3 Dissolving Pulp Manufacturing Industry - the production of that type of bleached chemical pulp used primarily for the manufacture of viscose rayon and also for other chemically modified cellulose products as distinct from pulp used primarily for the paper and board making industries.
- 5.1.4 Plywood Industry - the manufacture of one or more of the following products, namely, plywood, veneers,

veneered boards, laminated boards, block boards, chip boards, or similar products of which wood forms the main component, and includes all operations incidental to or consequent thereon.

5.1.5 Woodworking Industry - the reduction of timber or logs to beams, poles, droppers, planks, baulks, mine props, sleepers, wedges or other standard forms by stripping off bark, drying, splitting, cutting up, sawing, planing, or conversion of such timber or logs in any other manner and includes the treatment of any of the said articles by heat or chemicals where such treatment is carried on in conjunction with any of the aforesaid activities; the manufacture of wood-wool, boxes, shooks, packmats, trays, crates, or other articles of which wood constitutes the main component; and includes all operations incidental to or consequent on any of the aforesaid activities.

5.1.6 Forestry Industry - the planting, development and cutting of trees in forestry areas and all associated activities.

5.1.7 Paper & Packaging - the manufacture of any article whatsoever from paper and/or cardboard; the manufacture of any kind of container other than a metal or plastic container, but including flexible packaging; and all activities associated therewith.

5.1.8 Printing Industry - the manufacture of stationery, rubber stamps, envelopes, paper bags, paper sacks, milk bottle discs, egg-box fillers, tiolet rolls, gummed paper, cardboard boxes; the manufacture of corrugated cardboard from paper and/or any compound of paper and/or any like material a constituent part of which is paper and/or any compound of paper; the printing of books, magazines, newspapers or similar material; and all activities associated therewith, including stationery distributors.

5.1.9 Furniture Industry - the manufacture either in whole or in part of all types of furniture, irrespective of the materials used; the manufacture of bedding and upholstery; and all associated activities.

## 5.2 Applications for Membership

5.2.1 Applications for admission to membership shall be made in writing to the Branch Secretary on the Union's application form and accompanied by a signed stop order authorisation form in favour of the Union for the payment of Union subscriptions.

5.2.2 An applicant for membership shall be deemed to be a member of the Union on signature of the Union's application form, unless the BEC resolves to refuse membership to such applicant.

5.2.3 If admission to membership is refused by the Branch Executive Committee, the applicant concerned shall be notified and shall have the right to appeal to the National Executive Committee whose decision shall be final.

5.2.4 A member who has resigned or been expelled from the Union may be re-admitted to membership on such conditions as the BEC or NEC, as the case may be, shall determine.

### 5.3 Paid Up Membership

5.3.1 Only paid up members shall be entitled to the benefits of membership, including the right to vote. A paid up member shall be regarded as a member who pays his/her subscriptions and other charges due by him/her to the Union or who has signed stop order authorisation in favour of the Union. A member shall cease to be regarded as a paid up member:

5.3.1.1 If the member cancels the stop order authorisation

5.3.1.2 If he/she is expelled from the Union or during any period which he/she is under suspension in terms of this Constitution.

5.3.1.3 within three months of ceasing to be employed in the industries defined in Clause 5.1 above.

### 5.4 Membership Card

Every member shall be provided with a membership card by the Branch Secretary, or someone delegated by him/her.

### 5.5 Termination of Membership

A member may resign by giving four weeks notice in writing to the Branch Secretary, provided that no resignation shall take effect:

5.5.1 until all monies due to the Union by the member concerned have been paid;

5.5.2 if the resignation is received on a standard form compiled for the purpose of enabling more than one member employed by the same employer to resign from the Union;

5.5.3 if the resignation is received through the agency of the member's employer.

## 6. SUBSCRIPTIONS

6.1 The weekly/monthly subscription payable by members shall be determined from time to time by the NEC provided all

branches are given at least three months' written notification of an intended increase.

## **PART 2: NATIONAL ORGANISATION**

The control of the Union nationally shall be vested in the following meetings or committees, in order of supremacy:

- 1 National Congress (NC)
- 2 National Executive Committee (NEC)
- 3 National Office-Bearers Committee (NOBC)

### **7 NATIONAL CONGRESS**

A Congress shall be the supreme authority of the Union.

#### **7.1 Composition**

A Congress shall be composed of the President, Vice President, 2nd Vice President, General Secretary, and Treasurer and delegates elected from each branch, as follows:

Each branch shall elect one delegate and one alternate for every 200 or part of 200 members of the branch for the first 4000 paid-up members, and thereafter, one delegate and one alternate for every 400 or part of 400 members.

Each delegate and alternate shall be a shopsteward at the factory where he/she is employed.

#### **7.2 Meetings**

An Annual National Congress shall be held, as far as possible, during August or September each year on a date and at such a place to be decided by the office-bearers in consultation with the NEC. A special National Congress may be held if and when this is considered necessary by the NEC or upon a requisition signed by not less than one third of the members of the NEC.

#### **7.3 Notice**

The General Secretary or a nominee of the NEC for that purpose shall notify each Branch Secretary at least two (2) months before the date of Congress, and give at least one (1) month's notice of a special National Congress.

#### **7.4 Quorum**

The quorum for a Congress shall be at least half the number of delegates and office-bearers required to attend, provided further that there is at least one (1) delegate present from more than half the branches. If within 90 minutes of the time fixed for a meeting a quorum is not present, the meeting shall be adjourned until a further meeting can be arranged. Such an adjourned meeting shall take place at a date not sooner than 30 days and not later than 60 days from the date of the meeting which was adjourned, and due notice

shall be given to all members of the NEC. At such an adjourned meeting the members present shall form a quorum.

#### **7.5 Minutes**

Minutes of a Congress shall be submitted to each branch by the General Secretary or a nominee of the NEC for that purpose within one (1) month of the Congress and shall be approved at the following Congress.

#### **7.6 Powers**

A Congress may decide on all matters submitted to it for consideration. A Special Congress shall decide on the matter for which the Congress was called. A Congress shall have all the powers of the NEC and the right to vary or reverse any decision of the NEC, or of a BEC.

- 7.6.1 The agenda of the Annual National Congress shall include the following matters:
  - 7.6.1.1 Report from the President
  - 7.6.1.2 An annual report on the activities of the Union by the General Secretary on behalf of the National Executive Committee
  - 7.6.1.3 Reports from each Branch
  - 7.6.1.4 A financial report presented by the Treasurer and the approval of the auditors reports and financial statements of the Union for the financial year ended
  - 7.6.1.5 Resolutions
  - 7.6.1.6 Elections of President, Vice President, 2nd Vice President, General Secretary and Treasurer
  - 7.6.1.7 Any matter that Congress agrees to discuss.

### **8 NATIONAL EXECUTIVE COMMITTEE**

The management of the Union shall be vested in the National Executive Committee subject to the direction and control of the Annual National Congress.

#### **8.1 Composition**

- 8.1.1 The NEC shall be composed of the President, Vice-President, 2nd Vice President, Treasurer and General Secretary, and delegates from each branch, as follows:
  - 8.1.1.1 a branch with less than 3 000 members shall be entitled to three (3) delegates and one (1) alternate delegate;
  - 8.1.1.2 a branch with more than 5 000 members shall be entitled to four (4) delegates and two (2) alternate delegates.
- 8.1.2 Each delegate shall be a shopsteward at the factory where he/she is employed.
- 8.1.3 Branch Secretaries should attend all NEC meetings.

#### **8.2 Vacancies**

- 8.2.1 A member of the NEC shall vacate his/her seat in any of

the following circumstances:

- 8.2.1.1 On resignation, suspension or expulsion from membership of the Union;
- 8.2.1.2 On ceasing to be a Union member in good standing;
- 8.2.1.3 On ceasing to be a shop steward at the factory where he/she is employed;
- 8.2.1.4 If the Branch he/she represents so decides, by a majority of the Branch Executive Committee.

8.2.1.5 On resignation from the NEC in writing;

- 8.2.1.6 On being absent from two (2) consecutive meetings without sending a written apology acceptable to the NEC
- 8.2.1.7 In addition to the circumstances set out above, an office-bearer of the NEC shall vacate his/her office and his/her seat on the NEC by a majority resolution of the NEC, subject to confirmation by a Congress.

**8.2.2 Vacancies on the NEC shall be filled as follows:**

- 8.2.2.1 In the case of office-bearers of the NEC, vacancies shall be filled by election in the NEC from among its members;
- 8.2.2.2 In the case of other members of the NEC, the NEC shall fill the vacancy from amongst the alternates for that branch. Thereafter the Branch whose representative has vacated his or her position shall fill the vacancy by electing a new representative at the first BEC after the vacancy has occurred.
- 8.2.2.3 An office-bearer or member elected to fill a vacancy shall hold office for the unexpired portion of the period of office of his/her predecessor.

**8.3 Meetings**

The NEC shall meet at least once every three months at such time and place as the President in consultation with the office-bearers may decide. Special NEC meetings may be called by the President in consultation with the office-bearers and shall also be called on a requisition by not less than one third of the members of the NEC, in which event the meeting shall be called within fourteen (14) days of the receipt of this requisition by the President or General Secretary.

**8.4 Notice**

The General Secretary shall give members of the NEC not less than fourteen days written notice of meetings. Such notice shall specify the time and the place and shall include an Agenda. This rule shall not apply to Special Meetings in respect of which shorter notice may, in the discretion of the President in consultation with the office-bearers, be given; provided that not less than 24 hours notice shall be given to each NEC member.

The proceedings of any meeting shall not necessarily be

invalidated by reason of the non-receipt by any member of the notice of the meeting.

#### **8.5 QUORUM**

The quorum for meetings of the NEC shall be half the number of delegates and office-bearers required to attend, but excluding those which have sent written apologies, provided further that there is at least one (1) delegate present from two-thirds of the branches. If within 90 minutes of the time fixed for a meeting a quorum is not present, the meeting shall stand adjourned until a further meeting can be arranged. Such an adjourned meeting shall take place at a date not sooner than twelve (12) days and not longer than thirty (30) days from the date of the meeting which was adjourned, and due notice shall be given to all members of the NEC. At such adjourned meeting the members present shall form a quorum.

#### **8.6 MINUTES**

Copies of minutes of NEC meetings shall be submitted to each Branch by the General Secretary or a nominee of the NEC as soon as possible after the meeting and in any event within thirty (30) days and approved at the following NEC Meeting.

#### **8.7 POWERS**

The NEC, subject to the provisions of this Constitution, shall have power:

- 8.7.1** To engage and dismiss, except where otherwise provided in this Constitution, any employees of the Union, to fix their remuneration and other conditions of employment, and to define their duties.
- 8.7.2** To determine the number of employees which a branch or head office may employ.
- 8.7.2** To appoint from time to time such committees as it may deem fit.
- 8.7.3** To nominate and elect persons to represent the Union at any negotiations or on any body constituted in terms of any law or any other body on which it is desired that the Union shall be represented.
- 8.7.4** To regulate the form of procedure in committee.
- 8.7.5** To institute and defend all legal proceedings by or against the Union.
- 8.7.6** To acquire either by purchase, lease or otherwise any movable or immovable property, and also to sell, let, mortgage or otherwise deal with or dispose of movable or immovable property belonging to the Union, provided that no immovable property shall be alienated or mortgaged or leased for a longer period than five

years, without the sanction of a National Congress.

8.7.7 To open and operate a banking account in the name of the Union.

8.7.8 To sanction all expenditure on behalf of the Union.

8.7.9 To sanction any agreement with employers or employers' organisations on behalf of the Union as a whole or a branch of the Union, or any member or members of the Union; to deal with disputes arising between members and their employers, and to endeavour to settle disputes by conciliatory methods if possible.

8.7.10 To establish, re-establish or close down branches in any area and to define the scope of branches.

8.7.11 To suspend any Branch Executive Committee or member or official of the Branch for action contrary to the terms of this Constitution or the interest of the Union and to take over the management of the affairs of the Branch until a Branch Congress can be held and a new Committee elected or official appointed.

8.7.12 To delegate any of its powers in such manner as it deems fit.

8.7.13 To provide legal assistance to members on matters related to their employment.

8.7.14 To do such other lawful things as in the opinion of the NEC may appear to be in the interests of the Union or its members and which are not inconsistent with the objects or any matter specifically provided for in this Constitution.

## 9 NATIONAL OFFICE-BEARERS COMMITTEE

The management of the Union in between meetings of the NEC shall be vested in the National Office-Bearers Committee (hereinafter referred to as NOBC).

### 9.1 Composition

The NOBC shall be composed of the President, Vice President, 2nd Vice President, General Secretary, and Treasurer and 2 additional members elected by the NEC from amongst its members.

### 9.2 Vacancies

A member of the NOBC shall vacate his/her seat in any of the following circumstances:

9.2.1 Automatically on ceasing to be a member of the NEC in any of the circumstances set out in 8.2.1;

9.2.2 On resignation from the NOBC in writing;

9.2.3 On absenting himself/herself from two (2) consecutive meetings of the Committee without sending a written apology acceptable to the Committee;

9.2.4 Vacancies on the NOBC shall be filled by the NEC electing a new representative at the first NEC meeting after the vacancy has occurred.

#### **9.3 Meetings**

The NOBC shall meet each month except in those months in which the NEC or Congress meets, at such time and place as the President in consultation with office-bearers may decide. Special NOBC meetings may be called by the President in consultation with the office-bearers and shall also be called on a requisition by one third of the members of the NOBC within 7 days of receipt of the requisition.

#### **9.4 Notice**

The General Secretary shall give members of the NOBC not less than 7 days written notice of meetings. Such notice shall specify the time and place and shall include an agenda. This rule shall not apply to special meetings of which shorter notice may be given, in the discretion of the President in consultation with the office-bearers, provided 24 hours notice shall be given to each member.

#### **9.5 Quorum**

The quorum for meetings of the NOBC shall be over half the number of office-bearers and members required to be present, but excluding those who have sent written apologies. If within 90 minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned. Such an adjourned meeting shall take place at a date not sooner than 7 days and not longer than 14 days from the date of the meeting which was adjourned, and due notice shall be given to all members. At such adjourned meeting the members present shall form a quorum.

#### **9.6 Minutes**

Copies of Minutes of the NOBC meetings shall be submitted to each branch as soon as possible after the meeting and approved at the following NOBC meeting.

#### **9.7 Powers**

The NOBC shall have such powers of the NEC as are delegated to it by the NEC.

## 10 NATIONAL OFFICEBEARERS

The national office-bearers of the Union are the President, Vice President, 2nd Vice President, General Secretary, and Treasurer elected by ballot at the Annual National Congress and shall hold office until the next election, but shall be eligible for re-election. They shall be Union members and shopsteward/committee members at the factory where they are employed, except in the case of the General Secretary. Their duties shall be as follows:

### 10.1 President

The President shall:

- 10.1.1 Attend all Congresses, NEC and NOBC meetings and preside at such meetings, but shall have a deliberative vote only;
- 10.1.2 Enforce observance of the Constitution of the Union;
- 10.1.3 Sign minutes of meetings;
- 10.1.4 Exercise supervision over the work of the General Secretary and generally over the affairs of the Union;
- 10.1.5 Perform such other duties as by usage and custom pertain to the office.
- 10.1.6 Report to Congresses, NEC and NOBC meetings.

### 10.2 Vice Presidents

The Vice Presidents shall assist the President in performing his/her duties and perform such duties of the President as are delegated to him.

### 10.3 Acting President

In the event of both the President and the Vice-Presidents being unable, either temporarily or permanently, to perform their duties, the NEC shall appoint a member of the Committee to act as President, who shall hold office until the President or Vice-President/s is able to assume his/her duties or until the next election, as the case may be.

### 10.4 General Secretary

- 10.4.1 The General Secretary shall be a full time employee of the Union. His/her terms and conditions of employment shall be determined by the NEC. The General Secretary may resign on giving one month's notice in writing to the NEC and his/her services may be terminated by the NEC by one month's notice in writing provided that he/she may be summarily discharged by the NEC for serious neglect or misconduct. In the event of the office being vacant, the NEC shall appoint a temporary encumbent who shall hold office until the next Annual National Congress or until a General Secretary is elected by the Annual National Congress.

- 10.4.2 The General Secretary shall in general be responsible for the proper administration of the Union, for coordinating all organising activities of the Union, for coordination of the negotiation of any collective

agreement to which the Union is a party, and shall sign, or empower another official or office-bearer to sign, any such agreement on behalf of the Union, and for co-ordinating the training of officials and employees of the Union and shop stewards and such other matters as are generally in the interests of the Union. In addition to the general duties set out above, he/she shall:

- 10.4.2.1 receive requisitions for meetings of the NEC
- 10.4.2.2 issue notices of meetings
- 10.4.2.3 conduct all Head Office correspondence of the Union, keep the originals of letters received and copies of those despatched and at each meeting of the NEC lay on the table correspondence which has taken place since the previous meeting
- 10.4.2.4 attend all Congresses, NEC and NOBC meetings and record minutes of the proceedings and at each succeeding meeting lay on the table the minutes of the previous meeting for signature
- 10.4.2.5 issue official receipts for all monies received; keep such books of account as are prescribed by the NEC, and in collaboration with the Treasurer submit statements of the income and expenditure of the Union to each meeting of the NEC and NOBC
- 10.4.2.6 supervise the work of Branch Secretaries and head office officials
- 10.4.2.7 perform such other duties as are imposed by this Constitution or as the NEC or NOBC may direct
- 10.4.2.8 report to each Congress, NEC and NOBC on his/her activities
- 10.4.2.9 in consultation with the office-bearers appoint any ad hoc official of the Union, subject to the prior approval or subsequent confirmation of the NEC.

#### **10.5 Treasurer**

- 10.5.1 The Treasurer shall check all finances of the Union and ensure that the provisions of the Constitution with regard to the finances of the Union are complied with.
- 10.5.2 He/she shall be a signatory of the union's bank accounts, and perform such other duties as by usage and custom pertain to the office.
- 10.5.3 In the event of the Treasurer being unable to act, either temporarily or permanently, the NEC shall appoint one of its members to be an acting Treasurer until such time as the Treasurer is able to resume his duties or until the Annual Congress is able to elect a Treasurer.

#### **11 Head Office Officials**

The officials of the Head Office of the Union shall be the General Secretary, any National Organisers and one Educational Secretary which the NEC deems necessary to employ on a full-time basis. Officials of the Head Office

attending Congresses, NEC or NOBC meetings shall have speaking rights but not voting rights.

**11.2 Acting General Secretary**

In the event of the General Secretary not being able, temporarily or permanently, to perform his/her duties, the NEC may appoint an Acting General Secretary to hold office until the General Secretary is able to assume his/her duties or until the next election as the case may be.

**11.3 National Organisers**

As many National Organisers as the NEC deems necessary shall be appointed with responsibility on such terms as are determined by the NEC, and shall assist the General Secretary in performing his/her duties.

**11.4 Education Secretary**

An Education Secretary shall be appointed, if the NEC deems it necessary, to coordinate and be responsible for the education programme of the Union, subject to such directives as are made by the NEC, and his/her employment shall be on such terms and conditions as are determined by the NEC.

### PART 3: Branch ORGANISATION

#### 12 ESTABLISHMENT AND CONTROL OF BRANCHES

**12.1** A Branch of the Union may be established in an area where there are five (5) or more factories at which the Union represents a majority of the workers, and where there are at least 500 paid-up members.

**12.2** Application for the establishment of a Branch shall be made in writing to the NEC by a BEC.

**12.3** The NEC may, in its discretion, authorise the establishment of a branch and define its scope.

**12.4** If the NEC approves of the establishment of a branch, the NEC shall convene an inaugural congress of the branch. At this meeting Branch office-bearers shall be elected and shall hold office until the first ensuing Branch Congress. Delegates to an Inaugural Congress shall be elected in the same manner as to a Branch Congress.

**12.5** The NEC shall have the right to depute one or more of its members to investigate the affairs of any branch at any time and shall notify the branch concerned of the reason therefore and such member or members shall have access to all the records of the branch and have power to take them into custody.

**12.6** The control of the Union at branch level shall be vested in

the following meetings, in order of supremacy:

- 12.6.1 Branch Congress
- 12.6.2 Branch Executive Committee

### 13. Branch Congress

#### 13.1 Composition

A Branch Congress shall be composed of a Branch Chairperson, Vice-Chairperson, Branch Treasurer, Branch Secretary and delegates elected from each factory, as follows:  
Each factory shall elect one delegate and one alternate for every 100 or part of 100 members at the factory, but not exceeding 10 delegates and 10 alternates.

#### 13.2 Meetings

A Branch Congress shall be held annually during June or July each year on a date and at such place to be decided by the BEC in consultation with the NEC. A special Branch Congress may be held if and when this is considered necessary by the BEC or NEC or upon a requisition signed by one third of the members of the BEC.

#### 13.3 Notice

- 13.3.1 The Branch Secretary shall notify in writing each factory and the General Secretary at least one month before the date of the Branch Congress.
- 13.3.2 The proceedings of any meeting shall not necessarily be invalidated by reason of the non-receipt by any member of the notice of the meeting.

#### 13.4 Quorum

The quorum for a Congress shall be at least half the number of delegates and office-bearers required to attend, but excluding those members and office-bearers who have sent written apologies, provided further that there is at least one (1) delegate present from more than half the factories. If within 60 minutes of the time fixed for a meeting a quorum is not present, the meeting shall be adjourned until a further meeting can be arranged. Such an adjourned meeting shall take place at a date not sooner than twelve (12) days and not later than thirty (30) days from the date of the meeting which was adjourned, and due notice shall be given to all member of the BEC. At such an adjourned meeting the members present shall form a quorum.

#### 13.5 Minutes

Copies of Minutes of a Branch Congress shall be submitted to the General Secretary and to each factory within the Branch concerned as soon as possible after the meeting and in any event within thirty (30) days and approved at the following Branch Congress.

#### 13.6 Powers

- 13.6.1 A Branch Congress may subject to such directions of the National Congress and the NEC decide on all matters

concerning the Branch, and may submit resolutions to a National Congress or NEC or any matter concerning the Union as a whole.

13.6.2 The agenda of the Branch Congress shall include the following matters:

- 13.6.2.1 Reports from the Branch Chairperson;
- 13.6.2.2 An annual report on the activities of the Branch by the Branch Secretary on behalf of the BEC;
- 13.6.2.3 Resolutions;
- 13.6.2.4 Elections of Branch Chairperson and Vice Chairperson Branch Treasurer and Branch Secretary;
- 13.6.2.5 Elections of delegates to the NEC.

#### **14 BRANCH EXECUTIVE COMMITTEE**

14.1 The Management of the affairs of a Branch shall be vested in the BEC subject to the direction and control of the Branch Congress.

14.2 The BEC shall be composed of Branch Chairperson, Vice-Chairperson, Treasurer and Secretary and delegates as follows:

- 14.2.1 In the case of branches with twenty or less than twenty organised factories, two delegates from each factory shop steward committee;
- 14.2.2 In the case of branches with more than twenty organised factories, one delegate from each factory shop steward committee;
- 14.2.3 Notwithstanding clause 14.2.1 and 14.2.2 above, and subject to the approval of the NEC, three delegates elected by each local operating in the branch.

#### **14.3 Vacancies**

14.3.1 A member of the BEC other than the Branch Secretary shall vacate his/her seat in any of the following circumstances:

- 14.3.1.1 On resignation, suspension or expulsion from membership of the Union;
- 14.3.1.2 On ceasing to be a Union member in good standing;
- 14.3.1.3 On ceasing to be a shop steward at the factory where he/she is employed;
- 14.3.1.4 If the factory/local he/she represents so decides, by a majority of the factory members or local delegates concerned.
- 14.3.1.5 On resignation from the BEC in writing;
- 14.3.1.6 On being absent from two (2) consecutive meetings without sending a written apology acceptable to the BEC
- 14.3.1.7 In addition to the circumstances set out above, an office-bearer of the BEC shall vacate his/her office and his/her seat on the BEC by a majority resolution of the BEC, subject to confirmation by a Congress.

14.3.2 Vacancies on the BEC shall be filled as follows:

- 14.3.2.1 In the case of office-bearers of the BEC, vacancies

shall be filled by election in the BEC from among its members;

14.3.2.2 In the case of other members of the BEC, the BEC shall fill the vacancies from amongst the alternates elected for that Branch. Thereafter the factory or local whose representative has vacated his/her or her position shall fill the vacancy by electing a new representative at the first factory or local meeting after the vacancy has occurred.

14.3.2.3 An office-bearer or member elected to fill a vacancy shall hold office for the unexpired portion of the period of office of his/her predecessor.

#### 14.4 Meetings

The BEC shall meet at least once every month at such time and place as the Branch Chairperson in consultation with the Branch office-bearers may decide. Special BEC meetings may be called by the Branch Chairperson in consultation with the office-bearers and shall also be called on a requisition by not less than one third of the members of the BEC, in which event the meeting shall be called within fourteen (14) days of the receipt of this requisition by the Branch Chairperson or Branch Secretary.

#### 14.5 Notice

14.5.1 The Branch Secretary or a nominee of the BEC shall give members of the BEC and local secretaries not less than seven (7) days written notice of meetings. Such notice shall specify the time and the place and shall include an Agenda. This rule shall not apply to Special Meetings in respect of which shorter notice may, in the discretion of the Chairperson in consultation with the office-bearers be given; provided that not less than 24 hours notice shall be given to each BEC member.

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

#### 14.6 Quorum

The quorum for meetings of the BEC shall be half the number of members and office-bearers required to attend. If within 60 minutes of the time fixed for a meeting a quorum is not present, the meeting shall stand adjourned until a further meeting can be arranged. Such an adjourned meeting shall take place at a date not sooner than 7 days and not longer than 14 days from the date of the meeting which was adjourned, and due notice shall be given to all members of the BEC. At such adjourned meeting the members present shall form a quorum.

#### 14.7 Minutes

Copies of Minutes of BEC meetings shall be submitted to the

# SUMMARY OF PPWAWU STRUCTURES

## National Level

N.C. - highest body of PPWAWU  
- meets once a year  
- elects President, 2 vice-Presidents, Treasurer & General-Secretary  
- considers Annual Report  
- can amend constitution  
- decides national policies and direction

NEC - supreme body in between NC  
- meets every 3 months  
- monitors branch progress and problems  
- controls finances

NOBC - meets monthly  
- manages national affairs of PPWAWU in between NEC  
- does work allocated to it by NEC or NC

## Branch Level

BC - highest body in every branch  
- meets once a year  
- elects Chairperson, vice-chairperson, treasurer and Branch secretary  
- gives direction to the branch  
- decides branch policy for coming year

BEC - meets monthly  
- controls branch finances  
- hires and fires organisers  
- ensures smooth running of the branch  
- monitors local progress and problems  
- sends delegates to NEC

## Local Level

LC - meets weekly/fortnightly  
- calls local general meetings  
- assists with organising and factory problems  
- helps with education of members and shop stewards  
- helps local organiser

## Factory Level

SSC - holds factory general meetings  
- represents workers in negotiations with management  
- sends delegates to BEC and BC  
- reports developments in Union to membership

**NATIONAL CONGRESS (NC)**

Branches send 1 worker delegate per 200 members up to 4000 members; and then 1 worker delegate per 400 members.

**NATIONAL OFFICE-BEARERS COMMITTEE (NOBC)**

5 office-bearers elected at NC plus 2 additional o-b's elected at NEC.

**NATIONAL EXECUTIVE COMMITTEE (NEC)**

5 National o-b's plus branches with: over 5000 members - 4 delegates under 5000 members - 3 delegates

**BRANCH CONGRESS (BC)**

Factories send 1 worker delegate for every 100 members.

**BRANCH OFFICE-BEARERS (BOB)**

4 office-bearers elected at BC

**BRANCH EXECUTIVE COMMITTEE (BEC)**

4 branch o-b's plus branches with: less than 20 factories - 2 delegates per factory  
more than 20 factories - 1 delegate per factory.

**LOCAL COMMITTEE (LC)**

All shop stewards in the area attend.

**LOCAL OFFICE-BEARERS**

3 office-bearers elected at LC.

**SHOP STEWARDS COMMITTEE (SSC)**

Elected by the members in every factory.

**SENIOR SHOP-STEWARDS**

Chairperson, vice-chairperson & secretary elected by the ssc.



**P.P.W.A.W.U. MEMBERS**

General Secretary and each factory and local secretary within the Branch concerned as soon as possible after the meeting and approved at the following BEC meeting.

**14.8 Powers**

A Branch Executive Committee shall, subject to the general direction and control of the National Congress and to the provisions of this Constitution, have power:

- 14.8.1 to coordinate the activities of the Union within the Branch
- 14.8.2 to convey decisions of the Union to factories and locals
- 14.8.3 to deal with disputes and to endeavour to settle disputes by conciliatory methods
- 14.8.4 to appoint from time to time such sub-committees as it may deem fit
- 14.8.5 to engage and dismiss any employee of the Branch, subject to the procedures laid down by the NEC
- 14.8.6 to open and operate a bank account in the name of the Branch, subject to the approval of the NEC
- 14.8.7 to review the decisions and activities of the BEC and to ensure that elections of Branch office-bearers are held annually
- 14.8.8 to do such other things as in the opinion of the Branch Executive Committee appear to be in the interests of the Union or its members and which are not inconsistent with the objects or any matter provided for in this Constitution, or any decision of the National Congress or NEC.

**15 BRANCH OFFICEBEARERS**

- 15.1 The Branch office-bearers of the Union are the Branch Chairperson, Vice Chairperson, Branch Secretary and Treasurer who shall be elected by ballot at the Branch Congress and shall hold office until the next election, and shall be eligible for re-election. They shall be Union members and shop steward at the factory where they are employed, except in the case of the Branch Secretary. They shall, subject to the provisions of 15.2 perform the same duties mutatis mutandis in respect of the Branch concerned as are imposed on the national office-bearers in terms of the provisions of Clause 10.
- 15.2.1 A Branch Secretary shall normally be a full time employee of the Union. The Branch Secretary may resign on giving one month's notice in writing to the Branch Executive Committee and his/her services may be terminated by one month's notice in writing by the Branch Executive Committee and 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 BEC shall appoint a temporary encumbent who shall hold office until the next Branch Congress when a Branch Secretary will be appointed by the meeting.

- 15.2.2 In addition to other duties imposed by this Constitution, Branch Secretaries shall in general assist the General Secretary in exercising his/her duties in respect of the Branch concerned, and
- 15.2.2.1 receive requisitions for meetings of the BEC
- 15.2.2.2 issue notices of meetings
- 15.2.2.3 conduct all correspondence of the Branch, keep the originals of letters notices and other documents received and copies of those despatched and at each meeting of the BEC lay on the table correspondence which has taken place since the previous meeting
- 15.2.2.4 attend all Branch Congresses and BEC meetings and record minutes of the proceedings and at each succeeding meeting lay on the table the minutes of the previous meeting for signature; and submit same after confirmation to the General Secretary
- 15.2.2.5 issue official receipts for all monies received; keep such books of account as are prescribed by the NEC, and submit statements of the income and expenditure of the Branch in respect of each month to each meeting of the BEC and to the General Secretary
- 15.2.2.6 supervise the work of Branch organisers and administrators on behalf of the General Secretary
- 15.2.2.7 perform such other duties as are imposed by this Constitution or as the NEC or BEC may direct
- 15.2.2.8 report to each Branch Congress and BEC on his/her activities.

#### PART 4: LOCAL ORGANISATION

### 16 ESTABLISHMENT AND CONTROL OF LOCALS

- 16.1 Local committees shall be established by the BEC in any area deemed necessary by the BEC.
- 16.2 The BEC shall have the power to suspend any local for sufficient reason, and shall have the power to reverse, alter or confirm the decision of any local.

### 17 COMPOSITION

- 17.1 Local committees shall consist of all union shop stewards in the area concerned.

### 18 MEETINGS

- 18.1 Locals shall meet as often as necessary, but normally not less than once every two weeks.
- 18.2 The BEC shall determine how often a particular local should normally meet, taking into account the circumstances of each

local.

18.3 Local committees shall endeavour to call a general meeting of all members in that local at least twice per year.

#### 19 POWERS AND DUTIES OF LOCALS

19 The local committee shall have the following powers:

- 19.1 to elect a chairperson, vice-chairperson, and secretary;
- 19.2 to nominate a member/s to attend BEC meetings specifically to represent the interests of members in that local;
- 19.3 to deal with factory problems and general problems of the members as far as possible;
- 19.4 to nominate a member/s to attend particular meetings, if instructed to do so by the BEC;
- 19.5 to raise the level of understanding of Union policies amongst all members in the area where the local operates;
- 19.6 to deal with any issue referred to it by the BEC for decision or recommendation, as the case may be;
- 19.7 to ensure the smooth running of the local union office and to generally supervise the work of any local officials of the Union.

#### 20 QUORUM

20.1 A quorum for meetings of the local shall consist of at least two shop stewards from half the organised factories in that local.

### PART 5: ORGANISATION AT FACTORY

#### 21 ESTABLISHMENT AND CONTROL OF SHOPSTEWARD COMMITTEES

21.1 A shopstewards committee (hereinafter referred to as SSC) shall be elected at any factory or workplace where the Union represents a majority of workers, and may be established at any factory or workplace at which it is in the opinion of the BEC or NEC necessary to do so.

21.2 The responsibility for the election of a shopstewards committee shall rest with local and local organiser in whose area the factory is. In the event of the factory or workshop not being in the area of any local, the BEC shall determine the local within which it shall be deemed to fall

In the event of the factory not being in the area of any branch, it shall rest with the NEC.

21.3 The locals, BEC or NEC, as the case may be shall ensure elections for shopstewards are held annually for each factory. Voting shall be by show of hands or by ballot, as decided by the local, BEC or NEC as the case may be. Annual elections shall normally be held in April of each year.

21.4 The local, BEC or NEC, as the case may be, shall have the right to investigate the affairs of the Union at any factory at any time, and if it deems necessary, to conduct fresh elections.

21.5 The control of the Union at the factory shall be vested in the following meetings or committees, in order of supremacy:

21.5.1 Factory General Meetings

21.5.2 Shopsteward Committee

## 22 FACTORY GENERAL MEETINGS

### 22.1 Composition

Factory General Meetings shall be composed of the SSC and the general membership of the factory. Members of the NEC, BEC and local and any officials of the Union may attend such meetings, and may speak but have no voting rights.

### 22.2 Meetings

A general meeting of members of the factory shall ordinarily be held at least once a month, on a date to be fixed by the Chairperson of the ssc. Special General meetings shall be called whenever desired by a majority of SSC.

### 22.5 Powers

Subject to the terms of this constitution, the agenda of a factory general meeting shall include the following matters:

22.5.1 A report from the shopstewards on meetings with the employers and/or on local, BEC or NEC meetings;

22.5.2 Resolutions to be submitted to the employers or the local or BEC.

## 23 SHOPSTEWARDS COMMITTEE

### 23.1.1 Composition

At each factory or workplace at which the Union represents a majority of workers, there shall be a shopsteward committee. The number of the shopsteward committee shall be decided at a factory general meeting. Shopsteward Committee members shall be Union members employed at the factory or workplace. They shall hold office for a period of one (1) year and thereafter until the next election, but shall be eligible for reelection.

23.1.2 There shall be elected from amongst the shopsteward

committee a Chairperson, Vice Chairperson and Secretary who shall be Chairperson, Vice-Chairperson and Secretary at factory general meetings.

23.1.3 The shopsteward committee will be assisted by alternate shopstewards. The number of alternate shopstewards shall be decided at a factory general meeting.

**23.2 Vacancies**

A shopsteward shall vacate his/her position in any one of the following circumstances:

23.2.1 on ceasing to be employed in the establishment in which he/she was elected as a shopsteward;

23.2.2 on failing to attend three (3) consecutive meetings of the Shop Stewards Committee unless excused by a decision of the Shop Steward Committee on reasonable grounds having been shown;

23.2.3 on ceasing to be a member in good standing;

23.2.4 on resignation, suspension or expulsion from membership of the Union or being unable to perform his/her duties as contemplated in subclause 23.6 hereunder;

23.2.5 on resigning upon giving one (1) month's written notice to the Branch Secretary and/or the SSC Chairperson, or failing him/her the SSC vice-chairperson;

23.2.6 in consequence of a resolution adopted by a majority of members at a factory general meeting;

23.2.7 Should a vacancy on a SSC occur the Branch Secretary or an official designated by him/her shall ensure that elections are convened within one month, for the purpose of electing a replacement. A member so elected to fill a vacancy shall hold office for the unexpired portion of the period of office of his/her predecessor.

23.2.8 The Chairperson, Vice Chairperson and Secretary shall vacate their positions automatically if they cease to be Shopstewards.

**23.3 Meetings**

The Shop Stewards Committee shall meet as regularly as possible and at least once every month. Any committee that has not met once in three (3) months shall be deemed to be non-existent except where otherwise decided by the NEC or BEC as the case may be in circumstances judged to be extraordinary by that body.

**23.4 Quorum**

A quorum at meetings of the shopsteward committee shall be one half the number of committee members.

**23.5 Minutes**

Minutes of all SSC meetings shall be taken by the Secretary and copies of all minutes shall be submitted to the local organiser or local secretary, as the case may be, as soon as

possible after the meeting, and in any event within seven (7) days.

#### 23.6 Powers and Duties

The shopstewards shall, subject to the approval, confirmation or review of the Branch Executive Committee, or the National Executive Committee, as the case may be, have the following powers and duties:

- 23.6.1 To enrol new members and to use every legitimate means to ensure that all workers at the factory who are eligible for membership become members. The shopstewards may request members to produce membership cards as proof of membership and members shall produce such cards on request;
- 23.6.2 To ensure that all members pay subscriptions; 23.6.3 To take up all complaints of members, to negotiate with the employer on all matters affecting the interests of members at the factory;
- 23.6.4 To attend the negotiation of collective agreements applicable to the factory and to ensure that such collective agreements are observed by members and their employers;
- 23.6.5 To report to the local or Branch Secretary or BEC any dispute arising at the factory, or any grievance of the members which the SSC has not been able to resolve;
- 23.6.6 To convey decisions of the Union to members at the factory and to convey resolutions of the members to the Union;
- 23.6.7 To endeavour to settle disputes in factory by lawful methods;
- 23.6.8 To attend meetings of the BEC and local committee or any other meetings as delegated by the members of the Union and to report to members all decision taken.

### PART 6: MISCELLANEOUS PROVISIONS

#### 24 RULES OF PROCEDURE AT UNION MEETINGS

The following rules of procedure shall apply to all Union meetings:

- 24.1 The Chair shall be taken by the President in the case of national meetings, Branch Chairperson in the case of Branch meetings, Local Chairperson in the case of Local meetings and Chairperson of the shopsteward committee in the case of factory general meetings. In the absence of the President or Chairperson, the Vice-President/s or Vice Chairperson may take the chair, or in his/her absence, the meeting may elect an acting chairperson.
- 24.2 In addition to the delegates required in terms of this Constitution to attend any meeting, meetings may be attended by alternate delegates and Union officials, who shall have

speaking rights but no voting rights.

- 24.3 All meetings shall be conducted in accordance with the agenda unless otherwise decided by the meeting.
- 24.4 No questions, other than those appearing on the agenda shall be debated provided that the meeting may agree to discuss a matter not included on the agenda.
- 24.5 All questions for decision shall be decided on a motion duly seconded and voted upon by a show of hands, or by ballot if the meeting decides it is necessary, or ten percent (10%) of the delegates entitled to be present at any meeting request a vote by ballot. Except where the constitution provides otherwise, all matters shall be decided upon by a majority vote.
- 24.6 All elections shall be on a motion duly seconded and voted upon by a show of hands, or by ballot, where this constitution so requires, or the meeting so decides, or ten percent (10%) of the delegates entitled to be present at any meeting request a vote by ballot. Candidates receiving the highest number of votes shall be declared elected.
- 24.7 The mover of a motion shall have the right to speak for ten (10) minutes except with the permission of the meeting and shall have the right to reply to debate provided such reply shall not be longer than five (5) minutes.
- 24.8 All other speakers have the right to speak for five (5) minutes, except with the permission of the meeting.
- 24.9 No subject shall be debated for longer than one and one half hours provided than any delegate shall have the right to propose an extension of time, and such motion if seconded shall be put to the vote without debate and shall not have effect unless carried by a two thirds majority.
- 24.10 The Chairperson shall be entitled to make a ruling on matters of procedure. A ruling given by the Chairperson shall be final, provided that it shall be in order to move and second a motion to over-rule or rescind a ruling from the Chairperson, and a majority of members present shall be sufficient to carry such motion, provided that there shall be no discussion on any such motion to overrule or rescind the Chairperson's ruling at any meeting other than a statement by the mover of the motion and a reply by the Chairperson limited to five (5) minutes in each case.
- 24.11 At all meetings at which more than fifty (50) delegates are present votes shall be counted by scrutineers who shall be appointed by the meeting and who shall record the vote and report to the Chairperson.

## 25. BALLOTS

### 25.1 National Ballots

In addition to matters in respect of which the taking of a ballot of members of Union in general meetings is compulsory in terms of this Constitution, a ballot on any specific question including the recall from or reinstatement to office of any national office bearer or official of the Union shall be taken if the National Executive Committee so decides. Furthermore within thirty (30) days of either a Branch ballot or a petition of not less than twenty per cent (20%) of the members of the Union in good standing being presented to the General Secretary requiring a Union ballot on any issue, such ballot shall be held.

### 25.2 Branch Ballots

In addition to matters in respect of which the taking of a ballot of members of a Branch in general meetings is compulsory in terms of this Constitution, a ballot on any specific question including the recall from or reinstatement to office of any branch office bearer or official of the Branch shall be taken if the Branch Executive Committee so decides. Furthermore within thirty (30) days of either a Local ballot or a petition of not less than twenty per cent (20%) of the members of the branch in good standing being presented to the Branch Secretary requiring a Branch ballot on any issue, such ballot shall be held.

### 25.3 Local Ballots

In addition to those cases in respect of which the taking of a ballot of the members of any local of the Union is compulsory in terms of this Constitution, a ballot upon any issue including the recall from or reinstatement to office of any office-bearer or official of the Local or Local representative to the BEC or any member of the BEC shall also be taken within any Local of the Union if the NEC or the BEC of the Branch concerned so decides. Furthermore within thirty (30) days of any resolution carried by a majority of the Shopstewards of the Local or a petition of not less than twenty per cent (20%) of the members of a Local in good standing being presented to the Local Secretary requiring a Local ballot on any issue a Local ballot shall be held.

### 25.4 Factory Ballots

A ballot on any issue including the recall or reinstatement of a shop steward or representative on the BEC from the establishment concerned shall be taken among the members of the Union in the relevant factory if the shop stewards committee concerned, the NEC or the relevant BEC or local so decides. Furthermore within thirty (30) days of a petition signed by not less than ten per cent (10%) of the members in good standing in the relevant factory requesting a ballot on any issue being presented to the Chairperson of the Shopstewards Committee or the Local Secretary, or the branch

secretary concerned, such ballot shall be held. The Chairperson of the Shopstewards Committee or the Branch Secretary shall convene a meeting of members in the establishment, as the case may be, for the holding of such ballot.

**25.5 Procedure**

25.5.1 Ballots shall be conducted by the following committees:

- 25.5.1.1 National Ballots: The National Executive Committee
- 25.5.1.2 Branch Ballots: the BEC or in the event of the ballot being conducted in consequence either of an NEC resolution or a petition of members presented to the General Secretary, by the NEC
- 25.5.1.3 Local Ballots: the local committee or in the event of the ballot being conducted in consequence either of an NEC resolution or a petition of members presented to the General Secretary, by the NEC; or in consequence of a BEC resolution or a petition of members presented to the branch secretary, by the BEC concerned.
- 25.6.1.4 Factory ballots: the relevant shopstewards committee or in the event of the ballot being conducted in consequence of a petition of members by the BEC.

25.6.2 Ballots shall be conducted in the following manner:

- 25.6.2.1 Unless otherwise provided in this Constitution the relevant committee conducting the ballot shall cause notice of the ballot to be given in writing to each member entitled to vote at least three (3) days in the case of a Union or Branch ballot and twenty-four (24) hours in the case of a factory ballot, before the ballot is to be taken.
- 25.6.2.2 Notwithstanding the provisions of clause 25.6.2.1 no ballot shall be invalidated merely by the non-receipt of such notice by any member.
- 25.6.2.3 The relevant committee conducting the ballot shall appoint at least two (2) scrutineers from among the members of the Union, who shall count the ballots. In the event of any election being conducted by ballot the candidates for such election shall have the right to be present at the counting of such ballot.
- 25.6.2.4 Ballots shall be conducted at the various Branches and/or local offices of the Union or at such other convenient place as may be specified in the notice referred to in 25.6.2.1 above on the date or dates and during the hours specified in the said notice.
- 25.6.2.5 Each voter shall, in the presence of a scrutineer be issued with a ballot paper which he/she shall thereupon complete, fold and deposit in a sealed container provided for the purpose.

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

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

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

25.6.2.9 Ballot papers including spoilt papers shall be placed in a sealed container again after being counted and shall be handed to the Branch Secretary or, in the case of a Union ballot, the General Secretary who shall retain the same for not less than three (3) years.

25.6.2.10 The body responsible for the conducting of a ballot shall be bound to take action according to the decision of a majority of the members voting in any ballot, provided that such committee shall not be so bound where less than thirty per cent (30%) of the members of the Union entitled to vote have voted.

25.6.2.11 In any election conducted by ballot, the candidates or candidate receiving the highest number of votes shall be declared elected.

25.6.2.12 While members shall be entitled to express their view for or against any candidate standing for election and to express their views on any other issues on which any ballot is called, the scrutineer shall have the right and duty to ensure that no discussion on the merits of any issue related to the ballot are discussed with any voter from the time he/she is given his/her ballot paper until after he/she has voted and deposited his/her ballot paper in one of the aforementioned sealed ballot boxes.

## 25.7 **Ballots at Meetings**

Whenever any meeting of the Union decides to take a ballot on any question the meeting shall elect as many scrutineers as it may deem necessary from among the members of the Union present at such meeting who shall conduct the ballot subject to the provisions of clause 25.6.2 which shall mutatis mutandis apply.

## 26. FINANCE

- 26.1 The Funds of the Union shall be made up of all monies received by means of subscriptions, levies, donations, functions and in any other lawful manner.
- 26.2 The Funds of the Union shall be deposited in a bank account of the NEC ("the NEC Account") decided upon by the NEC .
- 26.3 The Funds of the Union shall be applied to the payment of such expenses, the acquisition of such property and such other purposes as may be decided on or approved by the NEC, and subject to the following:

### 26.4 Payments

- 26.4.1 Payments shall require the prior approval or subsequent confirmation of the National Executive Committee and shall be made by cheque signed by any two (2) of the following - President, Vice-President, General Secretary or Treasurer. Payments may be made in cash for petty cash expenses and/or for travel expenses. In the event of any one or more signatories being unable to be a signatory to a cheque, the NEC may appoint other such signatories as it deems suitable provided that all cheques be signed by two (2) persons.
- 26.4.2 The NEC shall approve the amount of funds for petty cash that may be made available during any one month, provided that the amount of petty cash not exceed R200 in any month, and shall determine the manner in which this money may be spent and should be accounted for.

### 26.5 HEAD OFFICE FINANCE

The Head Office may apply the funds belonging to them to the payment of expenses and such other purposes as may be determined by the NEC. Such payments shall be made by cheque, and the signatories of the Head Office account shall be the same as those of the NEC account.

### 26.6 BRANCH FINANCE

- 26.6.1 Branches may apply the funds belonging to them to the payment of expenses and such other purposes as may be determined by the BEC, subject to the approval of the NEC. Such payment shall be made by cheque signed by any two (2) of the following - Chairperson, Vice-chairperson, Secretary or Treasurer, except when payment of the amount in question may be made from petty cash which shall be provided for mutatis mutandis in the manner prescribed in sub-clause 26.4.2.
- 26.6.2 If any branch ceases to exist as such, its assets and liabilities shall devolve on the Union.

## 26.8 General

- 26.8.1 All monies collected in the name of the Union shall be handed to a Branch Secretary or General Secretary to receipt within four days of collection.
- 26.8.2 Funds received by a Branch Secretary or General Secretary shall be deposited in the Union's bank account within 7 days of receipt.
- 26.8.3 All subscription money shall be deposited directly into the NEC account by the General-Secretary.
- 26.8.4 Statement of income and expenditure and the financial position of the branch in respect of each month shall be prepared monthly by each Branch Secretary and submitted to his/her Branch Executive Committee. Similar statements in respect of the Head Office in respect of each month shall be prepared by the General Secretary and submitted to the NOBC, and in respect of each period of three months submitted to the NEC.
- 26.8.5 Each month the Branch Secretary will submit a copy of the monthly financial statement for that Branch to the General Secretary.
- 26.8.6 All accounts of the Union shall be audited annually by a person registered as an accountant and auditor under Section 23 of the Public Accountant's and Auditors'Act No 51 of 1951, appointed by the NEC in respect of the consolidated Union account. True copies of the various audited accounts of the Union, together with the auditor's report shall be made available to members of the Union at all offices of the Union.
- 26.8.7 The consolidated audited statement, balance sheet and auditors' report of the Union shall be confirmed by the Annual National Congress.
- 26.8.8 The auditor's report contemplated in 26.8.6 and 26.8.7 shall state whether the auditor:
  - 26.8.8.1 has satisfied himself/herself of the existence of the securities and has examined the books of account and records of the Union;
  - 26.8.8.2 is satisfied that proper books have been kept;
  - 26.8.8.3 the auditor has obtained all the information and explanation required;
  - 26.8.8.4 in his/her opinion is satisfied that the statement of income and expenditure and the balance sheet audited by him/her have been properly drawn up so as to exhibit a true and correct reflection of the state of affairs of the Union according to the best of his/her knowledge and according to the explanations given to him/her and as shown by the books of the Union or organisations as at the date of the balance sheet;

26.8.8.5 in his/her opinion is satisfied that the provisions of the Constitution of the Union insofar as they related to financial affairs, have been complied with.

26.9 A member who resigns or is expelled from membership shall have no claim on the funds of the Union or of a Branch as and from the date on which the resignation or expulsion takes effect.

## 27. DISCIPLINE

27.1 Any member or official who fails to comply with any of the terms of this Constitution or with any lawful decision of the National Executive Committee or the BEC in terms of this Constitution may be charged by the NEC or the BEC as the case may be.

27.2 The NEC or BEC as the case may be shall advise the person concerned by not less than seven (7) day's notice in writing of the substance of the charge and of the time and place of its hearing. Such notice may be sent by registered post to the last known address of the person charged or delivered by hand.

27.3 If the NEC or BEC as the case may be is satisfied that the person charged has, though absent, received the prescribed notice, or if the person charged is present, the Committee may proceed to hear and determine the charge, and if it finds the charge proved to its satisfaction, may:

27.3.1 expel the member from the Union;

27.3.2 suspend him/her for a definite period from membership of the Union;

27.3.3 impose a fine not exceeding five rand (R5,00) for the first offence, and fifteen rand (R15,00) for any subsequent offence, and may suspend a person from membership until such fine is paid without prejudice to any right of action to recover such monies by civil proceedings.

27.4 There shall be a right of appeal from a decision of a BEC to the next NEC which shall have the power to confirm, vary or reverse the BEC's decision. The decision of the NEC shall be final.

27.6 An appeal shall be lodged in writing with the Branch Secretary in the case of an appeal from the decision of the BEC, or with the General Secretary in the case of an appeal from the decision of the NEC, within seven (7) days of notification of the decision appealed against; provided that when notification of the decision has been conveyed, the person concerned shall also be advised that he/she has a right of appeal and that notice of appeal must be given in writing within seven (7) days.

27.7 At the hearing of the charges, the NEC or BEC as the case

may be shall afford the person concerned an opportunity to state his/her case personally and to call witnesses in support of his/her case.

- 27.8 Any member of a Committee or Branch trying a person charged determining his/her appeal shall be competent to give evidence in connection with the charge, but if he/she does so he/she shall not be entitled to vote on the matter.
- 27.9 Upon expulsion of a member, all monies owing to the Union by such member shall immediately become due and payable.
- 27.10 A member shall cease to be entitled to the benefits of membership, including the right to vote during any period while he/she is under suspension in terms of this clause of the Constitution.

#### 28. DISPUTES, INDUSTRIAL COUNCILS & CONCILIATION BOARDS

- 28.1 The NEC may resolve to apply for the establishment of a Conciliation Board, or to refer any dispute to the appropriate Industrial Council, in respect of any dispute affecting members' interests at national, branch, local or factory level. It may also resolve to initiate any legal proceedings relating to such an application or referral. It may authorise any of its committee members to take all necessary steps and sign all necessary documents in connection with such application, referral or legal proceedings. A BEC may perform such functions ~~mutatis mutandis~~ in respect of disputes at branch, local or factory level.
- 28.2 The Committee which applies for the establishment of a Conciliation Board, or the referral of a dispute to an Industrial Council shall elect representatives for such a board or for any dispute meetings.
- 28.3 The NEC may resolve that the Union shall become a party to an Industrial Council. In such event the NEC shall elect by ballot the persons to represent the Union on such Industrial Council, in accordance with the terms of the Constitution of such Industrial Council.
- 28.4 Should the Union become party to an Industrial Council with an area of jurisdiction which co-incides with that of a BEC or BEC's, the NEC shall authorise the BEC/s concerned to elect by ballot persons to represent the Union on such Industrial Council.

#### 29. INDEMNIFICATION OF OFFICIALS, OFFICEBEARERS AND COMMITTEE MEMBERS

The officials, office-bearers and committee members of the Union, provided that they have not acted in a manner which would constitute misconduct, shall be indemnified by the Union against

all proceedings, costs and expenses incurred by reason of any omission, negligence or other act done in performance of their duties on behalf of the Union and they shall not be personally liable for any of the liabilities of the Union.

### 30. STATUS OF THE UNION

The Union shall be a corporate body having perpetual succession and legal existence and it shall be entitled to sue and be sued in its own name.

### 31. DISSOLUTION

- 31.1 The Union may be dissolved at any time by resolution or by two-thirds majority of the NEC if for any reason the Union is unable to continue functioning provided that no such resolution shall be taken unless a ballot of members of the Union shall have been conducted and more than sixty per cent (60%) of the members in good standing and participating in the ballot so approve.
- 31.2 If a resolution for the dissolution of the Union has been passed as provided for in clause 31.1 above, the following provisions shall apply:
  - 31.2.1 The available members of the Union's last appointed NEC shall appoint a liquidator to carry out the dissolution. The liquidator shall not be a member of the Union and shall be paid such fees as may be agreed upon between him/her and the aforementioned available members.
  - 31.2.2 The liquidator so appointed shall call upon the last office-bearers and officials of the Union to deliver to him/her the Union's books of account, showing the Union's assets and liabilities together with the register of members showing for twelve (12) months prior to date as from which the Union was unable to continue functioning, hereinafter referred to as the date of dissolution, the subscriptions paid by each member as at the date of dissolution. The liquidator shall also call upon the said office-bearers and officials of the Union to hand to him/her all unexpended funds of the Union and to deliver to him/her the Union's assets and the documents necessary in order to liquidate the assets of the Union.
  - 31.2.3 The liquidator shall take the necessary steps to liquidate the debts of the Union from its unexpended funds and any other monies realised from any assets of the Union.
  - 31.2.4 After payment of all debts in accordance with clause 31.2.3 above, the remaining funds, if any, shall be disposed of by a decision of a ballot of the members of the Union who were in good standing as at the date of dissolution in one or more of the following ways:

- 31.2.4.1 By transfer of all or part of the assets to any other named Trade Union or any named organisation of Trade Union, or to be kept in trust until such time as another Trade Union is established embracing all or part of the area and scope of the one dissolved and open to all workers in such area and scope irrespective of race, colour and creed.
- 31.2.4.2 By transfer of all the assets to any existing insurance, provident or any benefit fund established by, or in the interests of the members of the Union.
- 31.2.4.3 By distribution among the members of the Union who are in good standing as at the date of dissolution, the share to be awarded to each member to be in proportion to his/her years of membership.

## 32. AMENDMENTS

Any of the provisions of this Constitution may be repealed, amended or added to in any manner by a resolution of the National Congress, provided that at least fourteen days' notice shall first have been given to branches.