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SOUTH AFRICAN MUNICIPAL WORKERS' UNION

CONSTITUTION

Adopted in March 1997 in substitution of its former constitution.



CONTENTS

SECTION	TITLE	PAGE
1	NAME AND STATUS	1
2	AIMS AND OBJECTS	1
3	UNION MEMBERSHIP	2
	3.1. Organisational scope	2
	3.2. Application for membership	3
	3.3. Appeals if membership denied	3
	3.4. Administration	3
	3.5. Termination of membership	3
	3.6. Special continuation of membership	4
	3.7. Honorary membership	4
4	SUBSCRIPTIONS AND LEVIES	4
	4.1. Subscriptions	4
	4.2. Levies	5
	4.3. Benefit funds	5
5	SHOPSTEWARDS AND SHOPSTEWARD COMMITTEES	5
	5.1. Determination of constituencies	5
	5.2. Determination of shopstewards committees	6
	5.3. Election of shopstewards	6
	5.4. Eligibility and term of office	7
	5.5. Full - time Shopstewards	8
	5.6. Office Bearers	8
	5.7. Meetings	8
	5.8. Duties	9
6	AREA SHOPSTEWARDS COUNCILS	9
	6.1. Composition	9
	6.2. Powers and Duties	10
	6.3. Meetings	10
	6.4. Office Bearers	10
7	BRANCHES OF THE UNION	10
	7.1. Demarcation	10
	7.2. Composition of Branch Shopstewards Council (BSSC)	11
	7.3. Powers and Duties of BSSC	11
	7.4. Meetings of BSSC	11
	7.5. Office Bearers	11
	7.6. Composition of Branch Executive Committee (BEC)	12
	7.7. Meetings of BEC	12
	7.8. Powers of BEC	13
8	REGIONS OF THE UNION	13
	8.1. Demarcation	13
	8.2. Composition of Regional Congress (RC)	14
	8.3. Office Bearers	14
	8.4. Powers and Functions of RC	14
	8.5. Meetings of RC	14
	8.6. Composition of Regional Executive Committee (REC)	15
	8.7. Powers of REC	15
	8.8. Meetings of REC	16
	8.9. Regional Women's Committee	17

SECTION	TITLE	PAGE
9	NATIONAL CONGRESS (NC)	17
	9.1. Powers and Functions	17
	9.2. Composition	18
	9.3. Meetings	18
	9.4. Notice, Agenda and Resolutions	18
	9.5. National Office Bearers	19
10	CENTRAL EXECUTIVE COMMITTEE (CEC)	20
	10.1. Composition	20
	10.2. Meetings	20
	10.3. Powers and Functions	21
11	NATIONAL EXECUTIVE COMMITTEE (NEC)	23
	11.1. Composition	23
	11.2. Meetings	23
	11.3. Powers and Functions	23
	11.4. National Service Committees	24
	11.5. National Women's Committee	24
12	OFFICE BEARER STRUCTURES AND DUTIES	24
	12.1. General	24
	12.2. Office Bearers Committees	25
	12.3. President and Chairpersons	25
	12.4. Vice President and Chairpersons	25
	12.5. Treasurers	26
	12.6. General, Regional and Branch Secretaries	26
13	NATIONAL HEAD OFFICE AND DEPARTMENTS	26
14	FINANCIAL ADMINISTRATION OF THE UNION	27
	14.1. Funds and Assets	27
	14.2. National Finances	27
	14.3. Head Office Account	28
	14.4. Regional Finances	28
	14.5. Branch Finances	29
	14.6. Auditing of Accounts	30
15	UNION OFFICIALS	30
16	DISCIPLINE OF MEMBERS, SHOPSTEWARDS AND OFFICE BEARERS	31
	16.1. General provisions	31
	16.2. Members	32
	16.3. Shopstewards	33
	16.4. Executive Committee members	33
	16.5. Office Bearers	33
17	TECHNICAL CLAUSES	34
	17.1. Amendment of Constitution	34
	17.2. Amalgamation and Mergers	34
	17.3. Dissolution	35
	17.3. Indemnification of Officials, Office Bearers and Committee Members	36

1. NAME AND STATUS OF UNION

- 1.1. The name of the union shall be the SOUTH AFRICAN MUNICIPAL WORKERS UNION
- 1.2. The union shall be a body corporate with perpetual succession capable of entering into contractual and other relations and of suing and being sued in its own name and shall be an organisation not for gain. It shall hold property separate from its members. The liability of members shall be limited to the amount of subscriptions or other monies due to the union at any time in terms of this constitution.

2. AIMS AND OBJECTS OF THE UNION

2.1. AS A DEMOCRATIC UNION

- 2.1.1. To organise all those employed ,directly or indirectly, in local authority and allied undertakings of the economy whether in the public private or voluntary sector.
- 2.1.2. To build a democratic worker controlled and centred organisation based on membership participation in policy and decision making.
- 2.1.3. To develop a strong shop stewards movement and to provide this movement with education and training in the skills to promote members participation in the union and to protect and advance members interest in the workplace.
- 2.1.4. To build an organisation free of any discrimination or unequal treatment with respect to race, gender, disability, creed , age or any arbitrary ground.
- 2.1.5. To develop and maintain consistent standards of advice, representation and organisational development for members.
- 2.1.6. To develop solidarity with other trade unions nationally and internationally and to affiliate to any body or federation of trade unions which will advance the cause of the working class.

2.2. FOR THE WORKERS

- 2.2.1. To strive to protect and advance the wages and conditions of service of all members and the quality, health and safety of their working environment.
- 2.2.2. To strive for economic, social and political justice for all members and in particular to democratise the workplace.
- 2.2.3. To regulate relations between members and their employers through negotiation and the establish effective collective bargaining machinery and to attempt to resolve disputes which may arise between members and their employers.
- 2.2.4. To strive for full employment and protect workers from unfair dismissal and retrenchment.

2.2.5. To strive for the development of the members through the provision of training and educational opportunities to advance their skills and competencies.

2.2.6. To promote policies and laws that are in the interests of members and to oppose policies and laws which undermine members interests.

2.2.7. To do all such things which members decide are in their interest which are not inconsistent with this constitution.

2.3. IN COMMUNITY AND SOCIETY

2.3.1. To work for the achievement of a society based on economic, social and political justice and equality.

2.3.2. To oppose privatisation and to fight for the direct provision of all the basic necessities of life by the state at all its levels.

2.3.3. To work for the achievement of equal access by all to public services of good quality and that such users of public services are treated with dignity, respect and equality irrespective of race, gender, creed, age, disability or any arbitrary ground.

2.3.4. To work for economic growth and the equal distribution of wealth by means which will sustain our worlds environment.

2.3.5. To co-operate with or form alliances with any community organisation, social movement or political party nationally or internationally if this will advance the interest of members.

3. UNION MEMBERSHIP

3.1. ORGANISATIONAL SCOPE

3.1.1. Membership of the union shall be open to workers employed directly or indirectly, in local authority and allied undertakings of the economy whether in the public private or voluntary sector.

3.1.2. Without limitation of the generality of 3.1.1. this shall include workers providing:

- Public Administrative Services in Municipalities and Local Authorities
- Health and Social Services
- Libraries, cultural and other community services
- Water and Sanitation
- Solid Waste Management and Environmental Services
- Road Construction and Stormwater drainage
- Electricity Generation and Distribution

- Public Transportation and Traffic Control
- Telecommunication and Information Services
- Scientific and Technical Services
- Parks and Recreation

3.1.3. Provided that the union shall not recruit members in sector or sub-sectors of the economy within the above scope which in terms of any demarcation agreement have been excluded from its area of organisation by resolution of any federation of industrial unions to which it is affiliated.

3.2. APPLICATION FOR MEMBERSHIP

3.2.1. Application for membership shall be made by workers on the unions standard application and stop-order authorisation form.

3.2.2. Applicants become members on receipt of the duly signed application form by the Branch Secretary of the area within which they work.

3.2.3. The BEC under which the applicant falls shall review all applications within six (6) weeks of receipt and may refuse membership. An applicant refused membership must be informed in writing of the reasons therefore.

3.3. APPEALS IF MEMBERSHIP DENIED

3.3.1. Any applicant falling within the scope of the union who is refused membership is entitled to lodge an appeal in writing to the REC concerned within one month of refusal.

3.3.2. Appellants shall have the right to be represented and to call witnesses at such appeal.

3.3.3. Any worker refused membership shall be reimbursed any monies which may have been paid to the union in the interim.

3.4. ADMINISTRATION

3.4.1. Branches and Regions of the union shall be responsible for the administration of membership records and subscriptions receipts of the union in terms of administrative rules established from time to time by the CEC.

3.4.2. Members are responsible for informing the union of any changes in their address or work place

3.5. TERMINATION OF MEMBERSHIP

3.5.1. Members may resign by giving six (6) weeks individual written notice to the Branch Secretary under which they fall.

3.5.2. No resignation shall be valid if submitted on a standard form designed to allow for the resignation of one or more member.

3.5.3. Members may be expelled or suspended from membership through a decision in terms of the disciplinary procedure of the union in Section 16 of this constitution.

3.5.4. Members who's services at a workplace are terminate for whatever reason cease to be members three months after the end of the month in which subscriptions were last deducted

3.5.5. A members who's membership of the union ceases is no longer entitled to participate in the affairs of the union or receive the normal services or benefits of union membership provided that the rights of any member in terms of any benefit fund established in term of clause 4.3. shall be governed by the rules of such fund.

3.6. SPECIAL CONTINUATION OF MEMBERSHIP

3.6.1. Members who are on unpaid leave, including parental leave and study leave will retain their membership provided they have informed the union thereof.

3.6.2. Members whose services have been terminated as a result of a labour dispute or in any circumstances which in the opinion of a BEC or REC are unfair, remain members until such time as the REC , NEC or CEC should decide that no further steps challenging such dismissal can be pursued.

3.6.3. All members in the above categories are exempted from the payment of subscriptions.

3.7. HONORARY MEMBERSHIP

3.7.1. Honorary membership may be conferred on any person not otherwise eligible for membership.

3.7.2. Such membership may be conferred on a person who has rendered exceptional service to the union, the trade union movement or society in general.

3.7.3. Such members do not hold any office in the union, nor represent any constituency, nor may they exercise any vote.

3.7.4. They are not eligible to pay subscription or receive any benefit of the union.

4. SUBSCRIPTIONS ,LEVIES AND BENEFIT FUNDS

4.1. SUBSCRIPTIONS

4.1.1. The CEC shall have the power to determine the rate of subscription payable by members of the union provided that such subscription shall not exceed 3% of members basic monthly wage or salary.

- 4.1.2. Any proposal to amend the rate of subscription shall be tabled at the CEC and shall not be approved before the next normal CEC meeting .
- 4.1.3. Subscriptions shall become payable from the month in which a members employer agrees to implement stop-order deductions for subscriptions .
- 4.1.4. Subscriptions shall be paid monthly through stop-order deduction by the employer transferred to the unions Head Office or National Operating Account .
- 4.1.5. Members are exempt from paying subscriptions if they fall into any category in clause 3.6. or for any other reason which an REC may decide. Provided that any such other exemption shall be reported to the next NEC or CEC which may amend, approve or reverse such exemption.

4.2. LEVIES

- 4.2.1. The CEC may from time to time approve that all members, or members in a specified Branch or Region should pay an additional levy for a specified purpose.
- 4.2.2. A proposal for a levy shall first be tabled at a normal CEC meeting and may only be decided upon by the NEC provided that a period of at least one month has elapsed for consultation by regions and branches on the proposal.

4.3. BENEFIT FUNDS

- 4.3.1. The CEC shall have the power to establish benefit schemes on behalf of all or some of its members. Provided that no new fund shall be established unless a proposal to this effect has been tabled at the CEC and a period of six months has elapsed during which members are consulted on the establishment of such fund.
- 4.3.2. Members shall pay additional separate contributions to such funds in terms of the rules adopted for such fund.
- 4.3.3. Benefit Funds are separate financial units governed by their own rules and do not form part of the unions funds as referred to in Clause 14.1.

5. SHOP STEWARDS AND SHOP STEWARD COMMITTEES

5.1. DETERMINATION OF CONSTITUENCIES

- 5.1.1. The CEC shall have the power to determine a set of guide-lines to ensure that members are represented in constituencies by elected shop stewards .

5.1.2. A shop steward constituency shall be based on a defined group of workers in a particular work place , section of a work place or number of workplaces or for purposes of promoting equity and fair representation on the basis of gender, age, or disability.

5.1.3. Work place shall mean the whole or a part, section, depot or department of any establishment, institution, company, local authority body or organisation.

5.1.4. The ratio of members to shop-stewards may vary taking into account the following factors:

- That constituencies of approximately equal numbers shall be entitled to a proportional number of shop stewards.
- That where there are larger concentrations of members with closer access to each other and to a shop steward the ratio of members to shop stewards shall be larger.
- The composition of the shop steward committee of which the shop steward shall be a member.
- The financial implications of overall numbers of shop stewards in a branch , region and nationally.

5.2. DETERMINATION OF SHOP STEWARD COMMITTEES

5.2.1. All shop stewards shall be members of a shop steward committee with a defined jurisdiction.

5.2.2. The CEC shall determine a set of guide-lines for the determination of shop steward committee's jurisdictions taking into account:

- The size of the particular work place or work places and the nature of services which are provided.
- That more than one committee may be established where the size or structure of a workplace so requires.
- That such committee should relate to a given managerial structure in terms of which representation, negotiation and consultation is required.

5.3. ELECTION OF SHOP STEWARDS

5.3.1. The CEC shall have the power to decide that all or any particular election within the union be conducted by ballot. An REC may decide the same within its Region. Such decision shall override the members choice in 5.3.4.

5.3.2. Elections shall be conducted by shop stewards or officials of the union appointed by the REC as election officers. In making such appointments the REC may take into account nominations by branches but shall be guided by the principle that election officers be persons who are neutral in respect to the outcome of such election.

5.3.3. Members in a constituency must be given at least one weeks notice of a meeting to be held to commence the election process. Such notice shall set out the time and place of such meeting and the choice of voting by hand or secret ballot in 5.3.4. below.

5.3.4. At such meeting the first step shall be that members are required to appoint from their numbers sufficient scrutineers to assist with the counting of the votes.

5.3.5. If no decision as in 5.3.1. above prevails, members shall first be asked to decide whether the election be conducted by ballot or by show of hands. In the event that 20% of the workers present request a ballot then elections shall be by ballot.

5.3.6. In either case members shall then be requested to make nominations. Such nominations shall be made in writing on the unions standard nomination form and signed by the proposer and seconder. If there is only one nominee such nominee shall be declared duly elected.

5.3.7. Voting shall then be conducted by show of hands or by ballot as has been determined. Where a ballot is to be conducted the meeting may be adjourned to a time and place no more than 14 days later to facilitate the preparation of ballot papers.

5.3.8. By-elections shall be conducted in terms of the same procedure.

5.3.9. The election officer shall be responsible for reporting on the election on the unions standard report form to the Branch and Regional Secretary.

5.4. ELIGIBILITY AND TERM OF OFFICE

5.4.1. Any member employed in the constituency is eligible for election including a shop steward whose term of office has expired.

5.4.2. The term of office of a shop steward shall be for 3 years. Where elected in a by-election the term of office shall be the remainder of the term of the previous shop steward.

5.4.3. A shop steward may be removed from office through a recall ballot. To effect such ballot members in a constituency must lodge a petition signed by no less than 20% of the members in the constituency with the Branch Secretary who shall forward a copy to the Regional Secretary.

5.4.4. The Regional Secretary shall ensure that within no more than 14 days of receipt an election by ballot is held. The incumbent shop steward shall be entitled to contest such election if nominated.

5.4.5. A shop steward may be suspended as a precautionary or disciplinary measure or be removed from office in terms of a decision made in terms of the disciplinary procedure.

5.4.6. A shop steward ceases to be a shop steward on resignation from employment, transfer or promotion out of the constituency, or if membership should cease for any reason.

5.4.7. A shop steward may resign as a shop steward on one months written notice to the shop-stewards committee.

5.4.8. A shop steward who fails to attend 3 consecutive meetings of a shop steward committee without good reason may be declared by the committee to have ceased to be a shop steward. Provided that the committee shall inform the BEC of such decision and ensure that a by-election is held.

5.5. FULL TIME SHOPSTEWARDS

5.5.1. The CEC shall have the power to determine a set of general and specific rules to govern agreements on and the duties of full-time shopstewards.

5.5.2. A full -time shop steward constituency may be demarcated to represent a particular work place , section of a work place or across small work places within a given geographic locality or company or for purposes of promoting equity and fair representation on the basis of gender, age, or disability. or any other ground.

5.5.3. They shall be elected by a shopstewards committee or shopstewards council appropriate to the constituency demarcated by the CEC.

5.6. OFFICE BEARERS OF COMMITTEES

5.6.1. Shop stewards committees shall elect from amongst their number a Chairperson, Vice Chairperson and Secretary. Such election shall be conducted by ballot.

5.6.2. Office Bearers shall be responsible for the general functioning of the committee and to carry out the duties normally associated with such office as further detailed in Section 12.

5.7. MEETINGS OF COMMITTEES

5.7.1. Committees shall meet as frequently as necessary to discharge the responsibilities vested in them but in any event shall meet at least once every month in a formal meeting for which no less than 7 days notice has been given.

5.7.2. A quorum for such meetings shall be at least 50 % of the committee. In the event that no quorum is present within 30 minutes of the scheduled time of the meeting it shall stand adjourned to a time and place no less than 24 hours later. Provided reasonable efforts have been made to ensure the attendance of those not present at the original time and place such meeting shall be considered quorate.

5.7.3. Committees have the duty to plan and schedule meetings in advance for each calendar year and to inform the BEC of such schedule of meetings.

5.7.4. Where consensus cannot be reached on any issue a vote by show of hands supported by a majority of 50% plus one of those present shall decide the matter.

5.7.5. Copies of the minutes of all meetings shall be sent to the Branch Secretary.

5.8. DUTIES OF SHOP STEWARDS AND THE COMMITTEE

5.8.1. A shop steward committee is responsible for running the affairs of the union in its area of jurisdiction.

5.8.2. Shop stewards are responsible for representing members generally in negotiation with management provided that they may not enter into any agreement with management unless delegated such power by the CEC.

5.8.3. To organise worker unity through recruitment and the promotion of disciplined and democratic practices in the union.

5.8.4. To investigate and take up members grievances and to defend members against disciplinary actions.

5.8.5. To settle disputes by conciliatory methods where management makes this possible.

5.8.6. To attend all shop steward committee meetings and shop stewards councils of which they are part.

5.8.7. To attend such other union meetings as they are elected to attend in terms of this constitution or as may be decided by the union.

5.8.8. To educate themselves and members about the union and the particular skills needed to advance members interests.

5.8.9. To obtain mandates from members on any issues or matters of policy that members wish to be dealt with by the union. To report back to and obtain mandates from members on any issue or policy which higher structures may require to be addressed.

5.8.10. To implement duly agreed policies and campaigns of the union.

5.8.11. To encourage members to abide by the unions constitution and policies and to use democratic means and procedures to obtain such amendment to either as they may consider necessary.

6. SHOPSTEWARD AREA COUNCILS

6.1. COMPOSITION

6.1.1. Shopsteward Area Councils may be established within any Branch of the union where for reasons of the large number of shopsteward committee in a branch it is considered necessary and more practicable to channel representation to a BEC through such Area Council.

6.1.2. The establishment of an Area Council shall be subject to ratification by the REC concerned and the CEC.

6.1.3. It is not a requirement that every shop stewards committee within a Branch must form part of an area council provided that where some shop steward committees are directly represented while others are represented through area councils a proportion balance is maintained relative to membership.

6.2. DUTIES OF AREA COUNCIL

6.2.1. A shop steward area council is responsible for running the affairs of the union in its area of jurisdiction .

6.2.2. It shall elect representatives to the BEC as provided for in clause 7.4.2.

6.2.3. To obtain mandates from the committees in its area on any issues or matters of policy that members wish to be dealt with by the union. To report back to and obtain mandates from such committees on any issue or policy which higher structures may require to be addressed.

6.2.4. To implement duly agreed policies and campaigns of the union

6.3. MEETINGS

6.3.1. Area Councils shall meet at least once in every six week period.

6.3.2. The quorum for such meeting shall consist of 50% plus one of the members of the Council provided there is a representative from at least 66,6% of the shop stewards committees represented.

6.3.3. Where consensus cannot be reached on an issue a vote by show of hands supported by a majority of 50% plus one of those present shall decide the matter.

6.4. OFFICE BEARERS

6.4.1. The Office Bearers of an Area Council shall consist of a Chairperson, Vice Chairperson and Secretary.

6.4.2. They shall be responsible for the co-ordinating of the affairs of the shop stewards committees within their area and shall perform the normal functions associated with such office in terms of Section 12.

7. BRANCHES OF THE UNION

7.1. DEMARCTION OF BRANCHES

7.1.1. The CEC shall have the power to demarcate branches of the union within the jurisdiction of regions.

7.1.2. All members shall be members of a particular branch of the union.

7.2. COMPOSITION OF BRANCH STEWARDS COUNCILS

7.2.1. A Branch Shopstewards Councils (BSSC) shall consist of all shop stewards of the union within the branch .

7.2.2. The Branch Secretary and other officials within the Branch shall be ex-officio members of the Council.

7.3. POWERS AND DUTIES OF BRANCH SHOPSTEWARDS COUNCIL

7.3.1. To elect by ballot the Office Bearers of the Branch for a three year term of office.

7.3.2. To elect, through the women members of the Council, representatives from amongst their number to form a Branch Women's Committee. The number on such committee will be determined by guidelines decided by the CEC from time to time.

7.3.3. To develop union policy and branch mandates in the process of Regional and National Congresses policy development.

7.3.4. To implementing campaigns of the union.

7.3.5. To perform a general role in the mobilisation and unification of the union and its membership within the branch.

7.3.6. The BSSC shall have general powers of review over the activities of shopstewards committees within the Branch and over the Branch Executive Committee (BEC).

7.4. MEETINGS

7.4.1. Branch shopstewards Councils shall meet at least once in every six month period.

7.4.2. The quorum for such meeting shall be 50% plus one of the members of the Council provided there is a representative from at least 66,6% of the shopstewards committees or area councils in the branch.

7.4.3. Where consensus cannot be reached on any issue a vote by show of hands supported by a majority of 50% plus one of those present shall decide the matter.

7.5. OFFICE BEARERS OF BRANCH

7.5.1. The Office Bearers of a Branch shall be the Chairperson, Vice Chairperson , Treasurer and Secretary for a term of office of 3 years .

7.5.2. The Chairperson, Vice Chairperson and Treasurer shall be elected by ballot by the BSSC from amongst its members .

7.5.3. The Secretary of the Branch shall be elected from amongst officials of the union provided that where on good reason this is not practicable the CEC may approve that a shopsteward may be elected.

7.5.4. Elected Office Bearers may be removed from office in the event that a majority of the Council voting by ballot should so decide. A motion to institute such ballot shall be passed by at least 20% of those entitled to vote.

7.5.5. Office Bearers shall perform the normal functions associated with such office in terms of Section 12.

7.6. COMPOSITION OF BRANCH EXECUTIVE COMMITTEE

7.6.1. A branch executive committee shall be composed of the Branch Office Bearers, representatives of every shop stewards committee or Area Council existing within the branch, and a number of representatives of the Branch Women's Committee determined in terms of 7.4.3. below.

7.6.2. The formula for such representation per shopstewards committee or Area Council shall be:

- one for every committee or area council representing less than 500 members
- two representatives from committees or area council representing between 500 and 1000 members
- three representatives for every committee or area council representing between 1000 and 2000 members
- four representatives for any committee or area council representing in excess of 2000 members

7.6.3. Where there is more than one representative the shopstewards committee or Area Council shall make every endeavour to apply the principle of gender equity.

7.6.4. The number of women appointed by the Women's Committee shall be calculated to the nearest rounded number by dividing the total of shopsteward committee and/ or area council representatives by two (2).

7.7. MEETINGS OF THE BRANCH EXECUTIVE COMMITTEE

7.7.1. The BEC shall meet no less than once in every 6 week period.

7.7.2. Notice of such meeting shall be given in writing on no less than 7 days notice stating the place and time of the meeting.

7.7.3. A quorum for such meeting shall be no less than 50 % of the members of such committee.

7.7.4. In the event of there being no quorum within 1 hour of the scheduled time of such meeting a further meeting may be called no sooner than 5 days later. Provided that every effort has been made to inform all members of the date, time and venue of such adjourned meeting such meeting shall be considered quorate.

7.7.5. All meetings shall be conducted in terms of a meeting procedure adopted by the CEC.

7.8. POWERS OF BRANCH EXECUTIVE COMMITTEES

7.8.1. To be responsible for the affairs of the union within the branch and to implement policies and programmes of the union.

7.8.2. To supervise and co-ordinate the activities and meetings of shop stewards committees and councils within the branch.

7.8.3. To review and confirm, amend or reverse any decisions of the shop steward committees it considers to be against the interests and policies of the union subject to such structure having the right to appeal to the REC on such matter.

7.8.4. To open and operate a banking account in the name of the branch where the CEC has approved the establishment of such an account.

7.8.5. To make budgetary recommendations to the Region for its approval within the context of the regional budget.

7.8.6. To manage the financial affairs of the Branch in terms of the provisions decided upon by the CEC from time to time and in terms of sub - section 14.5.

7.8.7. To deal with negotiations and attempt to reach settlement of any disputes only on such issues as it has delegated powers from the REC or CEC.

7.8.8. To refer all such disputes as may require legal proceedings to the REC for its decision.

7.8.9. To appoint sub-committee to investigate and report on any matter.

7.8.10. To supervise employees within the branch and to institute formal disciplinary steps in terms of the disciplinary procedure.

7.8.11. To do such other things as in its opinion are in the interests of the union and are not inconsistent with this constitution and union policy.

8. REGIONS OF THE UNION

8.1. DEMARCATON OF REGIONS

8.1.1. The demarcation of Regions of the union shall be determined by resolution of the National Congress.

8.1.2. Regions shall be based on all membership within a given geographic area.

8.2. COMPOSITION OF REGIONAL CONGRESS

- 8.2.1. Delegates to the Regional Congress shall consist of the Chairperson and Treasurer of the Branch plus 1 representative for every completed 400 members in the branch.
- 8.2.2. In determining such representation the BEC shall endeavour to ensure that there is proportional representation of all service interest groups, and the gender composition of the branch.
- 8.2.3. Only shop stewards shall be delegates to Regional Congresses.

8.3. OFFICE BEARERS OF THE REGION

- 8.3.1. The Congress shall elect from amongst its members a Chairperson, vice chairperson, treasurer.
- 8.3.2. Where such Office Bearers are persons who are already office bearers of a Branch they shall vacate such positions which shall be filled by others elected by the branch. They may however be a representatives of their shop stewards committee on the BEC.
- 8.3.3. A Regional Secretary shall be elected from amongst the officials of the union. Provided that where any Region wishes an official of another Region to be transferred to their region this shall be done with prior consultation through the CEC.
- 8.3.4. The Office Bearers elected by the Congress shall also be the Office Bearers of the Regional Executive Committee.
- 8.3.5. Office Bearers shall perform all of the normal functions associated with such office in terms of Section 12.

8.4. POWERS AND FUNCTIONS OF THE REGIONAL CONGRESS

- 8.4.1. The Regional Congress shall be the highest policy making body of the union within a region and may adopt, amend or reverse any policy adopted, or decision made by any branch within its jurisdiction or by the Regional Executive Committee.
- 8.4.2. It is the function of the Regional Congress to develop policy and provide mandates for the Region for further debate and adoption as policy of the union through the National Congress and Central Executive Committee.
- 8.4.3. All policy decisions of Congress shall be made by written resolution duly proposed, seconded and voted upon.

- 8.4.4. The powers of a Region to determine policy on any issue shall be subject to ratification, amendment or reversal by the CEC and NC.

8.5. MEETINGS OF REGIONAL CONGRESSES

- 8.5.1. Regional Congresses shall take place at least once in every year but may be called from time to time subject to financial approval by the NEC and FINCOM.

8.5.2. The quorum for such congress shall be 50% of the delegates entitled to be present provided that at least 50 % of the branches within the region are represented.

8.5.3. Two months written notice of a meeting of the Regional Congress shall be given to all branches setting out such items for discussion as the REC may consider appropriate and calling for resolutions from branches.

8.5.4. Branches shall discuss such proposed agenda and may propose additional items and shall further submit written resolutions on any such items no later than one month prior to the Congress.

8.5.5. The REC may also propose written resolutions to Congress.

8.5.6. All resolutions shall be circulated to all branches at least 3 weeks prior to the meeting.

8.5.7. Late resolutions or resolutions in writing in the congress shall only be considered if a resolution allowing for this has first been adopted by the congress.

8.5.8. Where consensus cannot be reached a vote by show of hands supported by a majority of 50% plus one of those present shall decide the matter.

8.6. COMPOSITION OF THE REGIONAL EXECUTIVE COMMITTEE

8.6.1. The REC shall be composed of the Regional Office Bearers , representatives of all branches and representatives of the Regional Women's Committee.

8.6.2. Branch representatives to the REC shall consist of the Chairperson and Treasurer of each branch and additional representatives for each completed 2500 members within such branch.

8.6.3. All branches shall make there best endeavour to apply principles of gender equity in such representation.

8.6.4. The number of representatives of the Women's Committee shall be calculated on the basis of the nearest rounded number derived from dividing the number of branch representatives by 2.

8.6.5. The Regional Secretary and Branch Secretaries shall be ex-officio members of the REC.

8.7. POWERS OF THE REGIONAL EXECUTIVE COMMITTEE

8.7.1. To be responsible for the affairs of the union in the region and to implement the policies and programmes of the union within the region.

8.7.2. To co-ordinate and supervise the activities of the branches within the region.

8.7.3. To review and recommend any decision or activity of a branch or its sub-structures which it considers to be in the interests of the union and in compliance with union policy.

8.7.4. To amend ,reverse or prohibit any decision or activity of a branch or its sub-structures which it considers to be against the interest of the union or its members or which is not in compliance with adopted policy.

8.7.5. To negotiate on , reach agreement ,declare disputes and attempt to resolve such disputes on matters within guidelines set out by the CEC.

8.7.6. To institute legal proceedings within guide-lines approved by the CEC from time to time.

8.7.7. To appoint sub-committees to investigate and report on any matters and to delegate powers of decision making to such sub-committees subject to ratification by the full REC.

8.7.8. To open and operate Bank Accounts in the name of the Region as may be approved by the CEC.

8.7.9. To maintain and administer consolidated books of account for all regional and branch accounts within the Region.

8.7.10. To prepare a budget for approval of the CEC for the region and all of its branches.

8.7.12. To acquire by purchase or lease such moveable property as is approved by the CEC.

8.7.13. To elect delegates from the region to the CEC and NEC.

8.7.14. To engage employees where a post has been approved by the CEC and to determine the duties of such officials subject to approved terms and conditions of service.

8.7.15. To appoint a standing disciplinary sub-committee in terms of the unions disciplinary procedure consisting of 5 of its members to hear , determine and implement its findings in such matters.

8.7.16. To ratify or substitute any decision of such disciplinary committee after appeal procedures have been exhausted.

8.7.17. To do such other things as in the opinion of the REC are in the interests of the union and which are not inconsistent with this constitution , union policy ,or any law.

8.8. **MEETINGS OF THE REC**

8.8.1 The REC shall meet at least once in every 3 months.

8.8.2 At least 14 days prior written notice stating the date, time , place and agenda for such meeting shall be given by the Regional Office Bearers

8.8.3. The quorum for such meeting shall be at least 50 % of the delegates entitled to attend provided that at least 50 % of the branches are represented.

8.8.4. In the event that no quorum is present within 1 hour of the meeting those present may decide to adjourn the meeting to a date, time and place no less than 7 days later. At such adjourned meeting those present shall form a quorum.

8.8.5. Meetings shall be conducted in terms of unions meeting procedure for executive committees.

8.8.6. Where consensus cannot be reached on an issue a vote by show of hands supported by a majority of 50% plus one of those present shall decide the matter.

8.9. REGIONAL WOMEN'S COMMITTEE

8.9.1. There shall be established a Regional Women's consisting on at least one representative from each Branch Women's Committee and such additional representatives of each branch as may be determined by the CEC with due regard to the size and gender composition of branches within a region.

8.10. SERVICE COMMITTEE STRUCTURES

8.10.1. The REC shall establish service sub-committees for particular local government service or clusters of service in terms of guidelines determined by the CEC.

8.10.2. The objective of such committees is to provide for co-ordination, research, education and strategic development in relation to different services within a Region and make recommendations there on for further consideration by the REC and national service committees.

8.10.3. Meetings shall take place from time to time as required and at least 4 times a year but shall normally be provided with reasonable opportunity to meet within the programme of REC meeting.

9. NATIONAL CONGRESS

9.1. POWERS AND FUNCTIONS OF THE NATIONAL CONGRESS

9.1.1. The National Congress shall be the supreme governing body of the union and may adopt, amend or reverse any policy adopted, or decision made by any other structure of the union.

9.1.2. It is the function of the National Congress to adopt general and specific policy and guide-lines to govern the affairs of the union.

9.1.3. All policy decisions of Congress shall be made by written resolution duly proposed, seconded and voted upon.

9.2. COMPOSITION OF NATIONAL CONGRESS

9.2.1. Delegates to National Congresses shall be elected by the Regions on nominations submitted by branches on the basis of 1 representative for every completed 750 members within such Region.

9.2.2. In determining such representation the BECs and REC shall make its best endeavour to apply principles of gender equity and fair proportional representation as between branches, sectors and interest groups within the region.

9.2.3. The national worker office bearers of the union shall be delegates to Congress and the General Secretary an ex-officio member with out voting rights

9.2.4. The Regional worker office bearers shall be delegates to the National Congress (over and above the numbers derived from 9.2.1.) and Regional Secretaries ex-officio members with out voting rights.

9.2.5. Only shop stewards shall be delegates to National Congress.

9.2.6. The CEC may for any Congress determine through an equitable formula the number of addition officials per Region who may attend the Congress. which number shall not exceed 20% of the total delegates to Congress.

9.3. MEETINGS OF NATIONAL CONGRESS

9.3.1. The National Congress shall take place at least once in 3 years and may be called into special session by majority decision or written requisition of a majority of Central Executive Committee representatives.

9.3.2. The quorum for National Congress shall be 50% of the delegates entitled to be present provided at least 66,6 % of the regions are represented.

9.3.3. Voting in Congress shall be by Regional block vote counted by number of delegates present unless 4 out of 9 regions support a motion that voting be by individual secret ballot.

9.3.4. Whether voting is by regional block vote by show of hand or by individual ballot a decision shall be made on the basis of 50% plus one.

9.4. NOTICE , AGENDA AND RESOLUTIONS

9.4.1. Four (4) months written notice of a normal meeting of the National Congress shall be given to all Branches and Regions setting out the framework of the agenda and areas of concern to the Central Executive Committee and calling for resolutions on any matters which are of concern to branches or regions or any proposed constitutional amendments.

9.4.2. A special meeting of the National Congress may be convened on no less than 14 days notice.

9.4.3. Branches shall discuss such proposed agenda and may within one month propose additional items or submit written resolutions or constitutional amendments to their Region for consideration by the Regional Congress or REC as the case may be .

9.4.4. All Regions of the union shall hold either an REC or RC within 2 months of receipt of such notice at which Regional Resolutions or constitutional amendments for submission to the National Congress shall be adopted.

9.4.5. The Central Executive Committee may further submit resolution for debate at the National Congress and shall ensure that any policy resolutions which it has adopted in the period since the last National Congress are included for scrutiny adoption or amendment by National Congress.

9.4.6. All resolutions or constitutional amendments shall be submitted to the Head Office of the union no less than 2 months prior to the National Congress for compilation with the agenda , General Secretaries Report and Audited Financial Statements and be circulated to all branches and regions no less than 6 weeks prior to the Congress.

9.4.7. During the period of 6 weeks leading up to the National Congress such resolutions , constitutional amendments and reports shall be discussed by all branches and further by the REC's or RC to formulate each regions position and approach to the adoption, amendment ,or rejection thereof by the National Congress.

9.4.8. Late resolutions ,in writing , in the National Congress shall only be considered if a resolution allowing for this has first been adopted by the Congress in respect of each particular such resolution.

9.4.9. The meeting shall be presided over by the President assisted by other office bearers or by any person or persons elected to fulfil such role in their absence.

9.4.10. The meeting shall be conducted in terms of rules and procedures consistent with acceptable democratic practises which shall be adopted by the CEC.

9.5. **NATIONAL OFFICE BEARERS**

9.5.1. The Congress shall elect from amongst its members a President, first and second Vice Presidents, National Treasurer , General Secretary and Assistant General Secretary.

9.5.2. Elections shall be conducted by individual secret ballot.

9.5.3. Where such Office Bearers are persons who are already office bearers of a Branch or Region they shall vacate such positions which shall be filled by others elected by the branch or region They may however remain representatives of their shop stewards committee on a BEC.

9.5.4. A General Secretary and Assistant General Secretary shall normally be elected from amongst officials of the union provided that any person may be nominated if such person in accepting nomination undertakes to take up full time employment in the union.

9.5.5. The Office Bearers elected by the Congress shall also be the Office Bearers of the Central Executive Committee and National Executive Committee.

9.5.6. Office Bearers shall perform all of the normal functions associated with such office and as set out in Section 12.

10. CENTRAL EXECUTIVE COMMITTEE

10.1. COMPOSITION

10.1.1. The National Office Bearers elected by National Congress

10.1.2. All Regional Office Bearers elected by Regional Congresses.

10.1.3. One representative for every completed 10000 members in such region elected in terms of the principle that the Regional delegation shall in so far as this is practicable reflect the branch, service and gender composition of the region.

10.1.4. Three(3) Office Bearers of the National Women's Committee.

10.1.5. Any official of the union shall attend as decided by the NEC or National Office Bearers.

10.2. MEETINGS

10.2.1. The CEC shall meet twice in every year in the first and last quarters.

10.2.2. Notice of normal meetings shall be given no less than one month in advance setting out matters to be discussed and calling for notification of any resolutions or further items.

10.2.3. Regions wishing to submit resolutions or requesting additional items shall do so in writing no less than 16 days prior to the scheduled date of the meeting. The General Secretary shall circulate the agenda 14 days prior to the meeting.

10.2.4. Special meetings of the CEC may be convened if the NEC by a majority vote or the National Office Bearers by unanimous decision so decide or on a requisition stating the issues requiring such meeting signed by a majority of CEC representatives.

10.2.5. Special meetings shall be convened as urgently as is necessary but on no less than 48 hours notice.

10.2.6. The quorum for the CEC shall be at least a majority of representatives provided that at least 66, 6 % of regions are represented.

10.2.7. In the event of no quorum the meeting shall stand adjourned and be reconvened within a period of no more than 4 weeks.

10.2.8. Voting in the CEC shall be by regional block vote counted by number of representatives present unless 4 (four) out of nine(9) regions vote for individual secret ballot.

10.2.9. Whether voting is by regional block vote by show of hand or by individual ballot a decision shall be made on the basis of 50% plus one .

10.3. POWERS AND FUNCTIONS

10.3.1. To act as the highest governing body of the union between National Congress and in terms of policies determined by the National Congress.

10.3.2. To make policy where no Congress policy exists and to interpret Congress resolutions.

10.3.3. To interpret this constitution between Congresses and to decide on all matters of procedure on which the constitution may be silent.

10.3.4. To adopt meeting procedures appropriate for different types of meetings within the union which are consistent with democratic practises and effective decision making.

10.3.5. To decide demarcations, guide-lines and criteria as determined by the constitution and to make rulings on any organisational matter which will enhance the unions development.

10.3.6. To suspend any structure of the union (for a period not exceeding 6 months) in the event of its failure to comply with this constitution or if in its opinion such structure has or is acting contrary to the interests of the union.

10.3.7. Provided that prior to any such suspension the structure concerned shall be given 7 days notice of its right to have no more than 3 of its members to present its case at the CEC when such decision is made.

10.3.8. In the event of such suspension the CEC shall take such steps as are necessary to ensure the continuity of services to members and as may be necessary to re-establish such structure.

10.3.9. To co-ordinate and supervise the activities of the union and promote the interest of the union and its members.

10.3.10. To review and recommend any decision or activity of a region or its sub-structures which it considers to be in the interests of the union .

10.3.11. To amend ,reverse or prohibit any decision or activity of a region or its sub-structures which it considers to be against the interest of the union or its members or which is not in compliance with adopted policy.

- 10.3.12. To negotiate on , reach agreement ,declare disputes and attempt to resolve such disputes with employers or any other bodies, and determine rules in terms of which lower structures may do so.
- 10.3.13. To decide on policy and guidelines in respect to the instituting of legal actions by the union and in regard to its delegation of such powers to the NEC or Regions.
- 10.3.14. To determine all employment policy in the union including the establishment or rationalisation of posts and the terms on which the NEC and FINCOM may manage employment policy.
- 10.3.15. To approve all conditions of employment and procedural rules in relation to its employees.
- 10.3.16. To appoint a standing disciplinary sub-committee consisting of 5 of its members to hear , determine and implement its findings in terms of the unions staff disciplinary procedure in matters relating to employees in national or head office posts and to hear appeals from regional staff.
- 10.3.17. To ratify or substitute disciplinary decisions after appeal proceedings have been exhausted.
- 10.3.18. To appoint sub-committees to investigate and report on any matters and to delegate powers of decision making to such sub-committees or the NEC between CEC meetings and subject to ratification by the next CEC.
- 10.3.19. To open and operate National Bank Accounts in the name of the union and to determine what other accounts in regions and branches may be operated and to close or suspend any such accounts of the union and to determine the terms under which the FINCOM may exercise delegated powers in this regard in addition to those specified in clause 14.2.10. below.
- 10.3.20. To maintain and administer consolidated books of account for national accounts and ensure that regions and branches do likewise and to take whatever steps , including the suspension of any account , as it considers necessary for the proper administration and control of union finances.
- 10.3.21. To adopt a Consolidated annual budget for the union based on proposals from the Head Office and regions of the union and determine the allocation of funds to Regions and Branches or other purposes.
- 10.3.22. To acquire by purchase, lease or otherwise or sell, mortgage or lease moveable or immovable property and determine the terms under which the FINCOM and lower structures may manage such transactions.
- 10.3.23. To do such other things as in the opinion of the CEC are in the interests of the union and which are not inconsistent with this constitution, union policy or any law.

11. NATIONAL EXECUTIVE COMMITTEE

11.1. COMPOSITION

- 11.1.1. All National Worker Office Bearers with the General Secretary and Assistant General Secretary ex-officio.
- 11.1.2. The Regional Chairperson with the Regional Secretary ex - officio.
- 11.1.3. Two (2) representatives of the National Women's Committee..

11.2. MEETINGS

- 11.2.1. The NEC shall meet at least four (4) times each year between meetings of the CEC and may be convened at any time should the National Office bearers so decide.
- 11.2.2. Notice of meeting shall be given at least 14 days in advance unless in the case of a special meeting shorter notice is necessitated. Such lesser notice shall not be less than 48 hours.
- 11.2.3. A quorum for the meeting shall be a majority of NEC members. If there is no quorum such meeting shall stand adjourned and be reconvened by written notice to all members within 14 days . Such meeting shall be deemed quorate.
- 11.2.4. Where consensus cannot be reached a vote by show of hands supported by a majority of 50% plus one of those present shall decide the matter.

11.3. POWERS AND FUNCTION

- 11.3.1. To co-ordinate and oversee the implementation of union policy as determined by the National Congress and CEC.
- 11.3.2. To monitor the implementation and development of union structures and campaigns and to request compliance where it considers that there is a failure to comply with this constitution or union policy.
- 11.3.3. To carry out such powers of the CEC as may be delegated by the CEC in terms of sub-section 9.3.
- 11.3.4. To make recommendations on policy issues to be decided upon by the CEC and initiate policy debate within the union to prepare for determination of policy by the CEC.
- 11.3.5. To refrain from adopting new policies or exercising any of the powers of the CEC unless in circumstances where any delay would seriously undermine the vital interest of the union and subject to the ratification of such decisions or actions by the next CEC or a special CEC.

11.4. NATIONAL WOMEN'S COMMITTEE

- 11.4.1. There shall be established a National Women's Committee consisting of 2 representatives of each Regional Women's Committee.
- 11.4.2. The Committee shall elect from amongst its members a Chairperson, Vice- Chairperson , Secretary and Treasurer.
- 11.4.3. The Regions from which such office bearers are elected shall be entitled to appoint replacement representatives of their region.
- 11.4.4. Meetings shall take place at least twice a year prior to meetings of the CEC.

11.5. NATIONAL SERVICE COMMITTEES

- 11.5.1. The CEC shall establish national service committees for such local government services or clusters of services as it considers necessary.
- 11.5.2. Such committees shall consist of one representative from every Regional Service Committee . Provided that the CEC may co-opt additional members in its discretion.
- 11.5.3. The objective of committees is to initiate research, education and strategic development in relation to different services within the union , to provide for national co-ordination and supervision of the work of regional committees and to make recommendations to the CEC.
- 11.5.4. Meetings shall take place at least twice a year prior to meetings of the CEC.

12. OFFICE BEARERS STRUCTURES AND DUTIES

12.1. GENERAL

- 12.1.1. To be eligible to be an office bearer a member shall be a duly elected shop steward except in the case of General and Regional secretaries who shall be elected from amongst officials and members of the union.
- 12.1.2. The term of office of all Office Bearers will be three years.
- 12.1.3. Worker office bearers shall have voting rights in the structures of which they are office bearers.
- 12.1.4. This section shall not be read to imply that additional office bearers be elected other as are specified for a particular structure.
- 12.1.5. Gender representivity shall were practicable be applied in the election of office bearers
- 12.1.6. These provisions also apply in general terms to office bearers of sub-committees.

12.2. OFFICE BEARERS COMMITTEES

12.2.1. Office Bearers at each level shall jointly form an office bearers committee which shall meet as frequently as is necessary and at least once per month in the case of regional, branch and shop steward committees.

12.2.2. Such committee shall jointly have responsibility for the overall supervision of the activities of the union within their area of jurisdiction in between meetings and ensure implementation of decisions of their respective executive or shop stewards committee.

12.2.3. Be responsible for the proper preparation for meetings of their structures including the agenda therefore.

12.2.4. Notwithstanding the specific responsibilities for particular office bearers noted below the committee shall have collective responsibility for ensuring that such duties are performed.

12.2.5. In addition to responsibilities as detailed below such committee may determine further portfolio responsibilities between themselves in regard to different areas of the union's activities.

12.3. PRESIDENT AND CHAIRPERSONS

12.3.1. The President in the case of National Structures and Chairperson in the case of Regional, Branch and shop steward committee structures shall preside at meetings and be responsible for ensuring that the meeting is conducted in terms of the agreed meeting procedure for such structure.

12.3.2. Shall exercise supervision over their respective secretary and generally over the affairs of the union.

12.3.3. Shall be co-signatory of all accounts controlled by the structure concerned.

12.3.4. Shall perform such duties as are necessary to attempt to resolve any disputes arising within the union and to promote and maintain unity within the membership of the union.

12.3.5. Perform such other duties as by usage and custom pertain to such office.

12.4. VICE PRESIDENTS OR CHAIRPERSONS

12.4.1. Shall assist the President or Chairperson in the performance of their duties in presiding at meetings and more generally

12.4.2. May be appointed as co-signatories to accounts of the union under their jurisdiction.

12.5. TREASURERS

- 12.5.1. Treasurers shall be responsible for ensuring that the financial administration of the union is in compliance with the constitution and administrative policies of the union.
- 12.5.2. Shall endorse all accounts for payment and sign cheques and perform all other such duties as by usage and custom pertain to such office.
- 12.5.3. Shall regularly check that the financial files and books of the union are in proper order.
- 12.5.4. Shall ensure that regular financial statements and reports are tabled at each ordinary meeting of their respective committee for the period from the last such report to a month end date as near as is practical to the date of the next meeting.
- 12.5.5. Shall be responsible for ensuring that the administration of membership records is maintained.

12.6. GENERAL, REGIONAL AND BRANCH SECRETARIES

- 12.6.1. Shall be responsible for the co-ordination and effective administration and management of the union offices and of the unions activities within their area of jurisdiction.
- 12.6.2. Shall be specifically responsible for the supervision of all financial administration of the union within their area and approve all transactions.
- 12.6.3. Shall be responsible for the overall co-ordination of all other officials of the union within their area of jurisdiction.
- 12.6.4. Shall only enter into agreements on behalf of the union where the CEC has empowered them through specific delegated authority to enter into such agreements.
- 12.6.5. Shall take minutes of the Committee, Councils or Congresses for which they are responsible, keep copies of all such minutes, and ensure their confirmation at each succeeding normal meeting of the committee.

13. UNION HEAD OFFICE AND NATIONAL DEPARTMENTS

- 13.1. The Head Office of the union shall be at such place as the NC may decide from time to time .
- 13.2. The CEC may establish such Departments as are required for the effective running of the union or dissolve such departments and may appoint officials to head such departments or remove them as head of such of department.

14. FINANCIAL ADMINISTRATION OF THE UNION

14.1. FUNDS AND ASSETS

14.1.1. The funds of the union shall be made up of all income received by means of subscriptions, levies, donations , interest or from any other source.

14.1.2. All assets of the union, moveable or immovable shall be assets of the union as a corporate national body.

14.2. NATIONAL FINANCES

14.2.1. The CEC shall open and operate all national banking accounts of the union.

14.2.2. There shall be an account known as the "National Operating Account" into which all subscriptions shall be deposited.

14.2.3. All Regions and branches are responsible for ensuring that all stop- order subscriptions cheques are addressed directly to the Head Office or deposited directly to such account by the employer.

14.2.4. The "National Operating Account" shall make payment of the following:

- Wages / Salaries and Benefit of all employees of the union.
- All office rentals.
- Monthly Allocations to Regions (and branches) and to the Head Office.
- Allocations approved for Specialised National Accounts
- Special Allocations to Regions, Branches or Head Office as may be approved by the CEC from time to time.
- The payment of all such national meetings or other major expenditure of a periodic nature which cannot be incorporated into the head office allocation.

14.2.5. The CEC may open additional specialised national accounts into which funds received from donations or other sources, or by transfer from the National Operating Account may be deposited from the purpose specified.

14.2.6. The monies of the union shall be applied to the payment of such expenses, the acquisition of property, and such further lawful purposes as are consistent with the constitution and development of the union, and which are approved by the CEC.

14.2.7. There shall be established a National Finance Committee (FINCOM) consisting of the National Treasurer and all Regional Treasurers all Regional Secretaries and at least one of the General Secretary or Assistant General Secretary , the Treasurer of the NWC and such other persons as may be appointed by the CEC from time to time for their knowledge of finances.

14.2.8. The National Finance Committee shall be responsible for the overall supervision of all financial matters and the compilation of recommendations and reports to the CEC for its discussion and ratification. Such FINCOM shall normally meet prior to every CEC and at least 4 times in every year.

14.2.9. The National Fincom shall carry out such powers as the CEC may from time to time delegate to it in terms of clause 10.3.19, 10.3.20, 10.3.21. and 10.3.22.

14.2.10. The National Finance Committee shall have the power to suspend or close any account of the union and to take into its possession and investigate all books of account, and to take any such other action necessary to protect the financial interest of the union .

14.3. HEAD OFFICE ACCOUNT

14.3.1. There shall be a separate Head Office Operating Account.

14.3.2. The Head Office shall be responsible for compiling budgetary projections for its recurrent normal monthly operating expenditure for consolidation into a national budget.

14.3.3. The Head Office Account shall receive a monthly allocation approved by the CEC which shall operate on an impressed system. The Head Office shall be responsible for the maintenance of all financial records and books of account.

14.4. REGIONAL FINANCES

14.4.1. Regional Financial Committees shall be established consisting of the Regional Treasurer and Secretary and every Branch Treasurer in the Region.

14.4.2. The Regional Financial Committee shall be responsible for all financial matters in the region and shall meet at least 4 times in every year prior to the REC.

14.4.3. A Regional Finance Committee may co-opt such other officials as it may consider necessary for the effective execution of its work.

14.4.4. Regions shall open a Regional Operating Account in the name of the Region.

14.4.5. Regions shall be responsible for the compilation of budgetary proposals for all structures within their jurisdiction in order for the CEC to determine a composite budget for the union.

14.4.6. The Regions shall receive monthly allocations determined by the CEC. Such allocations shall operate on an impressed system.

14.4.7. The National Office Bearers may withhold any allocation to a region which has failed to provide a financial statement within 21 days of the end of a month or failed to ensure that subscriptions are received directly by the Head Office.

14.4.8. Allocations shall be applied to the payment of such expenses as have been agreed in terms of the budget approved by the CEC.

14.4.9. Regions may further open and operate such further accounts for specialised purposes as the CEC shall approve and account for expenditure from such funds in terms of procedures laid down by the CEC.

14.4.10. The Region shall be responsible for maintaining all records and books of account for the Regional Operating Account and maintain such further books and records on behalf of branches or for specialised accounts as determined in terms of clause 14.4.8.

14.5. BRANCH FINANCES

14.5.1. Branches of the union may open operating accounts only if so approved by the CEC on recommendation by the Region concerned.

14.5.2. Such accounts may be opened in one of two forms as further defined here under:

- As a Branch Operating Account
- As a Branch "Transmission" Account.

14.5.3. Provided that the CEC is satisfied that a Branch has a sufficient membership and administrative capacity the CEC may authorise the opening of an Operating Account and determine an allocation to be made monthly to such account.

14.5.4. Such Branch shall be responsible for maintaining all records and books of account for such operating account .

14.5.5. Such allocation shall be transferred to the Region concerned for further transfer to the Branch. Provided that if such Branch has failed to submit to the Region a financial statement within 21 days of the end of every month the Regional Office Bearers shall withhold transfer until the required statement is received.

14.5.6. Where a Branch has a Branch "Transmission Account" such account shall be operated on the basis of specific transfers being made by the region from time to time for purposes of making specific payments.

14.5.7. A Branch with a Transmission Account shall be responsible for ensuring that the records of the specific payments made are returned to the Region within 21 days of any transaction. Failing which further transfers shall be withheld by the Regional Office Bearers until the required documents are returned or until the REC has investigated the failure and taken steps to prevent its recurrence

14.5.8. The Region shall maintain all records and books of account in respect of branch transmission accounts.

14.5.9. Branches are responsible for compiling budgetary projections for the operation of the branch for consolidation in a Regional Budget for submission and consideration by the CEC.

14.6. AUDITING OF ACCOUNTS

14.6.1. The unions financial year shall be the calendar year and all Accounts of the union shall be audited annually by a registered auditor and accountant appointed by the CEC.

14.6.2. Such auditor and accountant shall be appointed to audit all accounts of the union and to draw up a consolidated audited financial statement, balance sheet and report on behalf of the union.

14.6.3. Such Audited statement, balance sheet and report shall be approved by the CEC each year and by the National Congress Tri- annually. Copies of same shall be made available for inspection by members on request in every Regional Office and the Head Office.

14.6.4. The Auditors Report shall state whether the auditor is satisfied that:

- Securities exist on having examined the books of account and records of the union.
- That proper books have been kept.
- That all information and explanations required have been answered.
- The financial statement and balance sheet which he/she has drawn up is a true and proper reflection of the state of the unions financial affairs according to explanations given and as shown in the books of the union as at the date of the balance sheet.
- Is satisfied that the provisions of the unions constitution related to its financial affairs have been complied with.

15. UNION OFFICIALS

15.1. Officials of the union are employees and not members of the union, unless otherwise specified, no right accorded to a member in this constitution shall be read to mean that officials necessarily enjoy the equivalent right within the union.

15.2. The CEC shall have the final power to establish a post or to abolish a post and to determine the conditions applicable to such post, its content, responsibilities and grading level and the structure to which the employee shall be primarily accountable.

- 15.3. The NEC and CEC shall have the power to employ. All employment shall be ratified by the CEC.
- 15.4. All employees of the union shall be subject to standard conditions of service as determined by the CEC from time to time.
- 15.5. All employees shall be subject to the Constitution and resolutions of the union and to a Disciplinary Code and Procedure and Grievance Procedures adopted by the CEC.
- 15.6. Disciplinary Committees established in terms of any procedure shall have the power to dismiss officials falling under their jurisdiction and such dismissal shall be with immediate effect pending the outcome of any appeal.
- 15.7. No employee of the union has a voting right in any of the constitutional meetings of the union.
- 15.8. Officials have full speaking rights in all union meetings which they are obliged or invited to attend subject only to the normal rules of meeting procedure.

16. DISCIPLINING OF MEMBERS, SHOPSTEWARDS AND OFFICE BEARERS

16.1. GENERAL PROVISIONS

- 16.1.1. Any member, shopsteward or office bearer of the union may have disciplinary steps taken against them if they act in a manner detrimental to the union or in contravention of its constitution or policies.
- 16.1.2. Nothing in this clause denies the right of any structure to recall an elected representative for any cause it deems fit.
- 16.1.3. Disciplinary Hearings shall be conducted through standing Branch (BDC) Regional (RDC) and national (NDC) disciplinary committees consisting of 5 members appointed by the BEC, REC and CEC respectively. Membership of these committees shall be reviewed annually.
- 16.1.4. Seven (7) days notice stating the time, date and place of any disciplinary inquiry or appeal hearing and nature of the charge or appeal shall be delivered by hand or by registered post to the accused's place of employment.
- 16.1.5. Provided that it is satisfied that due notice was given the committee hearing a case may proceed to hear the case whether or not the accused is/are present and to decide on the validity of the charges and of any disciplinary steps necessary.
- 16.1.6. Any appeal must be lodged in writing with the Regional Secretary or General Secretary within 7 days of any disciplinary steps being taken.

16.1.7. In hearing a case a Disciplinary Committee shall hear all witnesses and examine all documentary evidence as is necessary to determine the facts in the matter and shall then decide on its finding in the case. It shall inform the accused of its finding and allow further evidence in mitigation before deciding on appropriate disciplinary steps.

16.1.8. Any accused shall have the right to be represented by another member of their choice.

16.1.9. Where more than one accused is charged with a collective offence the individual accused may elect to be heard individually or collectively. In the event of electing to be heard collectively no more than 2 of their number plus a representative shall be entitled to attend the hearing.

16.1.10. No member may be disciplined or expelled from the union on grounds that they failed to participate in a strike unless such strike was preceded by a ballot in which a majority of members who voted supported strike action.

16.2. **DISCIPLINING OF MEMBERS**

16.2.1. Any member(s) , official(s) or structure of the union being of the view that formal disciplinary steps should be instituted against a member or members may lodge a complaint with the Branch Office Bearers of the member's branch.

16.2.2. The Branch Office Bearers may take such steps as they deem necessary in an attempt to resolve any dispute or institute formal disciplinary action by giving notice of a hearing by the BDC.

16.2.3. They shall consult with the Regional Office Bearers and if jointly agreed by consensus the ROB's will convene a RDC to hear the case in the first instance.

16.2.4. Where a BDC hears a matter its powers shall be limited to issuing formal warnings.

16.2.5. If it deems it necessary the BDC may suspend such member pending a hearing by the RDC which must be convened within one month of such decision.

16.2.6. A RDC shall have the power to give a written warning or to suspend the accused (for a period not exceeding 6 months) or to expel such member .

16.2.7. A member disciplined by a BDC shall have the right to appeal in writing to the RDC and a member disciplined by the RDC to the NDC.

16.2.8. The REC of the member concerned shall review any disciplinary or appeal hearing decision and shall confirm or substitute such decision at its next meeting following the exhaustion of any appeal

16.2.9. The CEC shall review all disciplinary cases further to the REC's review and shall confirm or substitute such REC decision

16.3. DISCIPLINE OF SHOPSTEWARDS

- 16.3.1. Where members wish to discipline a shopsteward in his/her capacity as shopsteward they shall normally do so by verbal censure in a general meeting or by evoking the recall procedure in clause 5.4.3. above.
- 16.3.2. In the event that any member (s) or official(s) are of the view that neither remedy in 16.3.1. has been or can be effective and that the matter requires the attention of the BDC they may adopt the procedure in 16.2 above.
- 16.3.3. The BDC may (in addition to the measures in 16.2.4. and 16.2.6. above) suspend a shopsteward from that office pending a hearing by the RDC.
- 16.3.4. The RDC shall have the powers as set out in 16.2.6 or to remove the shopsteward from that office.

16.4. DISCIPLINE OF EXECUTIVE COMMITTEE MEMBERS

- 16.4.1. A BEC or REC and the NEC or CEC shall have the right to censure its members verbally or in writing in any meeting or suspend such member for the duration of the meeting and to institute a disciplinary hearing by the RDC.
- 16.4.2. Such committees may if it consider it necessary suspend such member from further participation in its meetings pending the outcome of such hearing.
- 16.4.3. The RDC may determine to exercise any of the measures set out in 16.2.4 or 16.2.6. or 16.3.3.
- 16.4.4. A person so disciplined shall have the right to appeal to the NDC.
- 16.4.5. In any case referred to the RDC by any of the above structures the structure shall have the right to have 2 of their members to present their case .

16.5. DISCIPLE OF OFFICE BEARERS

- 16.5.1. A BEC may take any of the above steps to discipline any of its office bearers but may in addition suspend any office bearer from office pending the convening of a special BSSC which may remove such office bearer from office by majority vote
- 16.5.2. A REC may take any of the above steps to discipline any of its office bearers but may in addition suspend any office bearer from office pending the convening of a special Regional Congress which may remove such office bearer from office by majority vote.

16.5.3. The CEC may take any such steps as are set out above against any National Office Bearer or may after a hearing by the fully CEC take such disciplinary steps as the CEC deems fit including removal or suspension from office or expulsion from the union. from the union. In such event their right of appeal is to the next normal National Congress.

16.5.4. Where it is proposed that an Office Bearer be removed from office he or she shall be entitled to be heard prior to any vote being taken but may not stand for election for the vacancy so created. Such person shall be entitled to stand for election in subsequent elections.

16.5.5. Not notwithstanding this clause any Branch, Regional or General Secretary , being employees of the union, shall be dealt with in terms of the Staff Disciplinary procedure and code as adopted in terms of sub -clause 10.3.15..

17. TECHNICAL CLAUSES

17.1. AMENDMENT OF THIS CONSTITUTION

17.1.1. Only the National Congress shall have the power to delete or amend clauses or sub clauses in such a manner as would infringe on the existence of the National Congress, Central Committee and Regions. The National Congress may amend any clauses or sub clauses.

17.1.2. Only the National Congress may amend this clause as to the manner in which this constitution may be amended.

17.1.3. The Central Executive Committee shall , subject to the limitations in 17.1.1. and 17.1.2 amend all clauses or sub clauses .

17.1.4. A proposal for any amendment of the Constitution by the National Congress shall be lodged with the head office 2 months prior to any National Congress and shall be circulated to all Regions no less than 6 weeks prior to such Congress.

17.1.5. A proposal for amendment by the CEC shall be lodged with the head office 2 months prior to any CEC , tabled in the NEC and circulated to all branches no less than 6 weeks prior to the CEC.

17.1.6. The National Congress and CEC may adopt amend or reject any such proposal for amendment in terms of their prescribed basis of decision making.

17.2. AMALGAMATIONS AND MERGER

17.2.1. If the CEC resolves by a majority that the objects of the union will be better achieved by any other union dissolving itself and transferring its members and assets to the union then such merger may be affected.

17.2.2. Only the NC may by majority decision resolve that the objects of the union may be better served by dissolution of the union and the transfer of its members, assets and liabilities to another union or to a new union through amalgamation of previously existing unions. Such new union shall be the successor in title to the union.

17.2.3. If any trade union intends to wind-up its affairs with a view to its members joining, and its unexpended funds and assets being transferred to the union then notwithstanding anything to the contrary contained in this constitution, the members of the amalgamating trade union, in good standing on the date the agreement to merge is concluded, shall automatically be admitted to full membership.

17.3. DISSOLUTION OF THE UNION

17.3.1. The union may be dissolved at any time by a 80 % majority resolution by the National Congress which resolution shall specify the terms on which any remaining assets after liquidation shall be transferred either to another union or federation of unions have similar objectives or to a trust, insurance, provident or benefit fund or funds established by or in the interest of members of the union. Such resolution shall also appoint a liquidator.

17.3.2. In the event that for any reason the union ceases to function to the extent that its Congress on more than 1 occasion in succession has failed to achieve a quorum, or its CEC on 3 successive occasions has failed to achieve a quorum the remaining members of the CEC meeting at the 3rd such adjourned meeting shall appoint a liquidator.

17.3.3. The liquidator so appointed shall call on the last office bearers, CEC members or union officials to hand over all:

- books of account showing assets and liabilities.
- the register of membership of all members for the preceding 6 months.
- signing powers on all accounts and assets of the union.
- all such other documents or information as the liquidator may consider necessary for the proper liquidation of the union.

17.3.4. The liquidator shall take all necessary steps to liquidate the debts of the union from its unexpended funds or monies realised through sale of assets.

17.3.5. Any remaining funds after payment of debts shall be disposed of through transfer to any other trade union or a to any benefit fund or funds, insurance, provident or pension fund established by or in the interest of members of the union.

17.4. INDEMNIFICATION OF OFFICIALS, OFFICE BEARERS AND COMMITTEE MEMBERS

17.4.1. 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 by reason of any omission, or other act done in the performance of their duties on behalf of the union and shall not be liable for any liabilities of the union.

Dated at Cape Town this _____ of _____ 1997

President

General Secretary