

18 labour

Profile on

Police and Prisons Civil Rights Union

POPCRU

Police and Prisons Civil Rights Union (Popcru) was established in November 1989 under the leadership of former Lieutenant Gregory Rockman. Popcru was formed to combat problems within the police force which were caused by the former apartheid regime and the then racist SA Police management.

Before the birth of Popcru, the public sector was not covered by any laws. As a result, even police officers, warders and wardresses could not openly express their political opinions, thus it became illegal for them to form a trade union. Since the passing of the Labour Relations Act in 1993, members of the SA Police Service (SAPS), Department of Correctional Services and traffic officers have joined Popcru in great numbers.

Membership:

The current national membership is 46 000.

Region:

Popcru has offices in the nine regions.

Affiliation:

Cosatu.

Membership profile:

- White collar – 16% (colonels, lieutenant-colonels, majors, captains).
- Blue collar – 80% (lieutenants, warrant officers, sergeants, lance sergeants, constables). Staff doing administration or clerical work also fall under this bracket.
- Labourers – 4% (assistant police



officers, cleaners, tea-makers, gardeners)

Minimum salaries per month:

- Labourers R1 000 - R1 800;
- Clerks R1 300 - R2 100;
- Constables R1 400 - R2 500;
- Sergeants R1 600 - R2 700;
- Warrant Officers R1 800 - R2 900;
- Captains R2 500 - R3 500;
- Superintendents (formerly known as major) R4 000 - R5 000;
- Senior superintendents (formerly

known as colonel) R6 500 - R7 500.

Industrial council/s is negotiates in: Central Bargaining Chamber and the SAPS Negotiating Forum.

Current disputes

The union is planning a campaign to fight for the reinstatement of 304 students who were dismissed from the SAPS Pretoria West College in October last year. Their dismissal followed an "illegal" strike when they embarked on a protest against the demotion of 23 assistant police officers who failed an aptitude test and were said to be "untrainable". The union has written to the Safety and Security Ministry and has also asked deputy president Thabo Mbeki to intervene.

Highlight of victories:

- The reinstatement of 34 members of the Department of Correctional Services and 54 members of the SAPS.
- The right to organise membership on departmental premises, like police stations and prisons.

Current campaigns:

- Living wage.
- Promotions.
- Affirmative action.

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Telephone numbers:

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Compiled by Sello Seripe



President: Mzingisi Moshara

SAPS (PORT ELIZABETH)

Moshara joined Popcru in 1992 after being recruited by Popcru's former president Lt Gregory Rockman. The following year, 1993, he was elected the union's additional member of the regional leadership in the Eastern Cape. During the same year, Moshara led the first-ever march by police officers to Dan Qeqe stadium in Port Elizabeth, where police officers appealed to the community to co-operate with them and not to treat them with contempt like in the apartheid era. In mid-1993 again, 677 officers - including Moshara - were dismissed following an illegal strike while protesting the arrest of 88 officers in Motherwell who were on strike. After their release, the 88 officers were suspended, but were recalled to work in November while their 677 fellow comrades were reinstated in December. In 1994, Moshara was elected the union's regional deputy chairperson before congress in June 1995 elected him president of Popcru. He is a third year B. Juris student at Vista University (Port Elizabeth campus). Moshara is currently a Captain at New Brighton police station.



Popcru members and Sebokeng residents marched on the local police station to demand the withdrawal of the Internal Stability Units (ISU) from the township. The march which was staged before the April 1994 elections was also attended by ANC's Peter Mokaba and Winnie Mandela

National office bearers



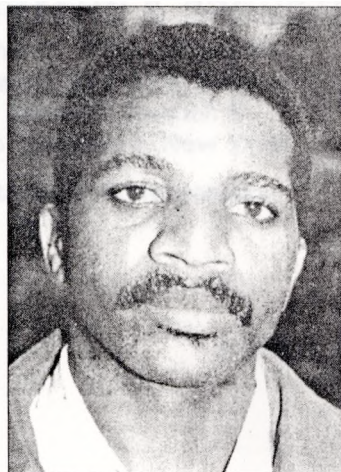
Deputy president:

ROY GOVENDER - SAPS (PRETORIA)
In April 1992 while a station commander at a station in Pretoria, Govender exposed corruption within the Justice Department whereby cases were being withdrawn without going through the normal judicial process. He was subsequently convicted departmentally and fined R150,00. Again in November 1992, Govender exposed corruption within the SAP headquarters whereby firearm licences and automatic weapons were allegedly sold to members of the public. He was later interrogated by the security branch who suspected he had links with the ANC. Govender joined Popcru in 1993 and was elected to the national executive committee in the same year. In 1994, he was elected chairperson of the union's Gauteng region (then known as Transvaal). Before general elections in April 1994, he provided protection for ANC president Mandela, an act which led to yet another three departmental charges against him. However, the charges were later withdrawn. He was elected deputy president of Popcru in June 1995. Govender is a Captain at Laudium police station in Pretoria.



Vice-president:

DELUHLAZO TYUTHUZA - SAPS (KIMBERLY)
Tyuthuza joined Popcru in 1991 after being recruited by the union's founder, Gregory Rockman. Tyuthuza worked tirelessly in recruiting and organising the inactive police in the Northern Cape. As a result, Popcru was established in the Northern Cape in 1993 and he was elected regional chairperson. In June 1995, Popcru elected him its vice president. Tyuthuza is a Superintendent working as a district CID Chief in the Northern Cape.



General Secretary

LANDO SAM - HEAD OFFICE (JOHANNESBURG)
Sam joined Popcru in 1989 while still working as a prison warden at East London prison. During that period, it was unsafe for warders to talk about joining unions as they could face instant dismissal since they were not yet covered by the Labour Relations Act. Determined as he was, Sam and other seven warders joined Popcru. To counter their move, management singled out Sam and he was transferred to St Albans prison in Port Elizabeth. Here, Sam continued to recruit for the union and also invited the former president, Gregory Rockman, to address the workers. In 1990, a probe by the prison management concluded that Sam led other workers into joining Popcru and was dismissed. While unemployed, he helped in organising police officers in the Eastern Cape region to join the union. In 1992, he was appointed regional organiser before he was elected regional secretary the following year. In 1994, he was employed as national organiser and produced the first ever Popcru newsletter in April 1995. He was elected to the current position in June 1995.



Assistant General Secretary:

LEFASO MATUTOANE - HEAD OFFICE
Matutoane joined the police force in 1987, but resigned in 1992 due to harassment by police management who did not take kindly to his role in political activities. He rejoined the force in 1993 and immediately joined Popcru. Later in 1993, he was elected chairperson of the Western Transvaal region and re-elected to the same position in 1994. During the same year, he led 400 officers who staged a sit-in at the Vaal Triangle SAP headquarters, demanding promotion due to them. The action bore fruit because all of them were later promoted to senior ranks. In 1995, Matutoane was elected assistant general secretary at congress held in Nylstroom. Though presently based full-time at the union's head office, Matutoane's official rank is Captain.



National Treasurer:

ALLAN THOMSON - SAPS (PORT ELIZABETH)
Thomson was the first "white" policeman to join Popcru in late 1993 while Rockman was still president of the union. Soon after he had joined, Thomson, then a unit commander in Port Elizabeth, influenced the reinstatement of about 100 Popcru members who were dismissed after downing tools, protesting against the system of management within the police service. In 1994, he was elected an additional regional organiser for the Eastern Cape. Later on during the same year, he was elected provincial treasurer for the province. The following year in June, congress elected him national treasurer. Thomson also sits on Cosatu's national finance committee. He is a Superintendent at Hume-wood, Port Elizabeth.



A police officer removes placards from the Orlando police station during skirmishes between black and white policemen. During the stand-off shots were fired and Warrant-Officer Jabulani Xaba was fatally wounded. Xaba and other black officers were shot at when they barricaded the entrance to prevent three white officers who had been cleared of racism charges.

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FROM POPCRU NATIONAL OFFICE

TO

ATHLONE

P.02/04

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Your Ref : Zwi

7 November 1997

Popcru

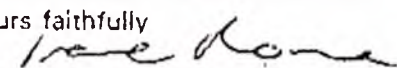
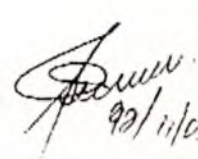
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re IMPLEMENTATION ENMASSE

I refer to our telephonic conversation today.

I enclose a draft letter for your perusal.

Yours faithfully


H MILLER ACKERMANN & BRONSTEIN
92/11/0

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Marcus Ackermann Isidore Bronstein
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7 November 1997

ATTENTION MR STEYN

Chief Manager
National Commissioner : S A Police Services
PRETORIA
PER FACSIMILE : (012) 339-1530

Dear Sir

IMPLEMENTATION EN-MASSE

We refer to our letter of 12 September 1997.

In response to your letter of 5 September 1997 our instructions are as follows :

- 1 The implementation of the En-Masse programme has the effect of restricting members of the police force applying for higher posts and restricts access to those posts to people who hold equivalent ranks in particular posts. In fact this means that the only people who can apply for those posts and in particular the posts of captain and superintendent, are those members of the old South African Police (SAP) who hold those ranks or people in the old self-governing territories who held those ranks.
- 2 This effectively limits the people who are able to apply for those posts to members of the old SAP who held those posts and the people who held those posts in the old self-governing territories, regardless of members of the police force's aptitude or skills.
- 3 Because of apartheid policies black members of the force were denied promotion and appointment to higher ranks, despite the fact that they had the necessary experience and

UKAF
qualifications to be promoted.

- 4 At the same time, because of apartheid policies, promotions occurred in the other agencies i.e. the old self-governing territories who do not necessarily have the appropriate skills and were quite often politically motivated.
- 5 Thus the effect of En-Masse is to preserve these ranks for white policemen who already hold these posts and a small number of policemen who hold these ranks from other agencies and to in fact continue inequitable system that operated in the past.

Our instructions are further that the majority of the police force consist of black members of the former SAP. These people were in the past, because of inequitable policies, denied access to higher posts and are still being denied access to those posts through the operations of En-Masse. We reiterate that the effect of En-Masse is to continue an inequitable system.

Seen in this context, En-Masse fails to address the implementation of affirmative action as is discussed in various policy documents, does not promote representivity as envisaged by Chapter VII of the Staff Code and does not comply with the constitution of the country. In fact En-Masse has the effect of de facto preserving job discrimination.

If En-Masse is implemented it is impossible to achieve representivity in the police force as envisaged by various policy documents and the constitution.

Our instructions are that POPCRU at no time agreed to the implementation of En-Masse. While POPCRU may have been consulted over your vision of what En-Masse implied, our clients never agreed to the implementation and in fact objected to En-Masse.

We reiterate that it is discriminatory for En-Masse to be implemented and that it should not be implemented and to the extent that it has already been implemented such implementation process should be halted in order that we can meet with you to discuss the issues which are concerning our clients.

All our clients rights are reserved.

Kindly advise as to your response within 10 days from date hereof.

Yours faithfully

H MILLER ACKERMANN & BRONSTEIN

Get Staff Code. ... Chp VII deals with representivity.

POLICE AND PRISON CIVIL RIGHTS UNION
CONSTITUTION

1. PREAMBLE

- 1.1 We the members and employees of the South African Police Services, Correctional Services and Traffic, recognise the civil and basic human rights of all people of South Africa, including those employed in the services of the South African Police Services, Correctional Services and the Traffic Department. We recognise further that such basic human rights are fundamental rights worthy of enhancement and protection, and we are as such committed to the creation and development of a security establishment which is the just expression of the will of the people. A system which will reflect co-operation between those members of the Police, Correctional Services and Traffic and the members of the community in an effort to fully and truly protect and serve all members of our society.
- 1.2 We, therefore declare our commitment to co-operate and to work with members of the community and any other progressive minded sections of the community so as to build a security service system that will protect and serve the interest of all South Africans. We therefore adopt this constitution and in so doing dedicate ourselves to the establishment of a security service free of all discrimination, racial bias, sexism, repression or any other form of discrimination and to a establishment of an impartial and effective service.

2. NAME AND LOGO

The name of the organisation shall be the POLICE AND PRISONS CIVIL RIGHTS UNION (herein referred to as POPCRU or the Union) and the logo of POPCRU shall be the logo determined by the Congress and shall, together with the name of the union, appear on all official documents of the Union.

3. OFFICES

The offices of the Union shall be situated at such places as decided on by the National Executive Committee (NEC) after each National Congress.

4. AIMS AND OBJECTIVES OF THE UNION

4.1 General

- 4.1.1 To unite all members of the South African Police, Correctional Services and Traffic to work for a non-racial, non-violent, impartial, just and democratic South Africa. It shall serve and act in accordance with the spirit and principle of democracy in all Union activities.
- 4.1.2 To assist and support other Unions, organisations and individuals as deemed appropriate, locally, nationally and internationally.
- 4.1.3 To participate in international trade Union activities and to foster international links.
- 4.1.4 To perform such other duties or engagements in the interests of our members which are not inconsistent with the aims and objectives as embodied in the Constitution and policies of the Union or any legislation.
- 4.1.5 To function autonomously and independently as a Union.

4.2 AT WORK IN THE COMMUNITY

- 4.2.1 To promote a positive image and improve the relationship between the Police Service, the Correctional Services and Traffic Services and the wider community in a democratic South Africa in order to enjoy the confidence and co-operation of the society that we serve.
- 4.2.2 To work with all other interested parties, individuals and organisations in the communities to maintain and improve the quality of services rendered by the Police Service, the Correctional Services and the Traffic Department to the public.

- 4.2.3 To promote and encourage the active participation of members of the community in the activities of the Police, Correctional Services and the Traffic Department and to work together towards the creation of a safe and secure environment for all members of the South African community.

4.3 SERVICE TO MEMBERS

- 4.3.1 To organise all those employed by the South African Police Services, Correctional Services and Traffic Department.
- 4.3.2 To seek to ensure equality of treatment and fair representation for all members and to work for the elimination of discrimination on the grounds of race, gender, disability, age, creed and any other unfair grounds of discrimination.
- 4.3.3 To strive to establish economic and social justice for all members by means of regulating relationships between members and their employers, to secure the settlement of disputes arising from members employment, and to participate in any collective bargaining machinery.
- 4.3.4 To protect the employment security of members, to advance their employment prospects and generally to do things that will serve the interests of members socially and legally in their individual and collective capacities.
- 4.3.5 To provide, insofar as it is possible, legal assistance to members in connection with their employment.
- 4.3.6 To be involved in the planning of policing, rehabilitation and traffic control policies, programmes, changes and/or any developments as well as to conduct research into new and much more effective methods of policing, rehabilitation and traffic processes.
- 4.3.7 To encourage the settlement of disputes by conciliatory methods. To strive for the improvements of wages and conditions of service for all members and to strive for healthy and safe working conditions for all members.

- 4.3.8 To resist retrenchment, arbitrary and unfair dismissals and to fight for full permanent employment for all workers.
- 4.3.9 To provide information and produce publications about the Union and its work on a regular basis and in languages and design that can be easily understood.
- 4.3.10 To provide and promote project training, training courses, seminars and other educational facilities for members in order to encourage self improvement and self preparation.

4.4 UNION DEMOCRACY

- 4.4.1 To promote, safeguard and improve the interests and status of members and the Union as a whole.
- 4.4.2 To promote and establish a worker centred Union and to carry out and fulfill decisions by workers in a spirit of unity, accountability and transparency.
- 4.4.3 To promote fair representation in all Union structures for Women.
- 4.4.4 To promote and safeguard the rights of members to have an adequate opportunity to participate in the initiation and development of policy making, through meetings, conferences or delegations and to encourage maximum democratic debate, together with the right to campaign to change policy, while at all times acting within the rules and agreed policies of the Union.
- 4.4.5 To promote, maintain and contribute to schemes or funds for the financial, physical and social welfare of members and their dependents.

5 MEMBERSHIP

5.1 Scope of Representation

- 5.1.1 Membership shall extend to all such persons who are employed by the South African Police Services, Correctional Services, the Traffic Departments and the Local or Municipal Police.

5.1.2 Membership shall, therefore extend to persons who are recruited into the Union and those who are currently members.

5.1.2.1 on unpaid, maternity or paternity leave from their employment.

5.1.2.2 unemployed, having been involved in a labour dispute from their previous employment provided that membership shall continue until such time as the Central Executive Committee decides that the labour dispute has been resolved or cannot be further resolved.

5.2 HONOURARY MEMBERS

5.2.1 A person is eligible to be an honorary member who is not otherwise eligible to be a member and who has rendered a service to the Union, the trade union movement or society in general. Nominations shall be considered and determined by the National Congress.

5.2.2 An honorary member shall not be required to pay any subscriptions.

5.2.3 Honourary members are not entitled to hold any office, to act as delegates or representatives on behalf of the Union, they are also not entitled to any benefits or to vote.

5.2.4 An honorary member may be called upon to perform special duties, eg. Opening functions, mediating in a crisis etc, by the union.

5.3 APPLICATION FOR MEMBERSHIP

5.3.1 Every worker wishing to become a member shall complete and sign a prescribed form of application for membership, together with a signed stop-order form and shall return it to the Branch Committee of the appropriate Branch or to the Provincial Office as specified on the form.

5.3.2 Providing:

5.3.2.1 the worker is eligible for membership and has not been previously expelled or barred from membership of the Union.

5.3.2.2 the Branch Committee at its next meeting does not decide to refuse the worker membership, following a review of the application for membership.

he/she shall become a member of the appropriate Branch following receipt of his/her completed application form and signed stop-order form by the relevant Branch Committee.

5.3.3 Members shall be entitled to vote in Union elections from the date of inclusion in the Union's Branch register.

5.3.4 No worker shall be a member of more than one branch of the Union at any one time.

5.3.5 If the Branch Committee declines to support the application for membership, the worker shall be advised in writing of the reasons for the decision, which reasons must be consistent with the Constitution of the Union.

5.3.6 Any worker whose application for membership has been rejected by the Branch Committee, has the right of appeal (in writing) to the Provincial Executive Committee and thereafter to the National Executive Committee. The decision of the National Executive Committee in this regard will be final and binding.

5.4 CEASING TO BE A MEMBER

5.4.1 A member shall cease to be a member in good standing if the member is more than three months in arrears with the payment of his/her subscriptions, unless the member has been exempted from the payment of subscriptions. Members not in good standing may not vote or be elected to office, hold office or be entitled to the benefits of the Union.

5.4.2 Such a worker may rejoin the Union by paying the outstanding subscriptions owing or any other such amount that the Provincial Executive Committee may determine.

5.4.3 Any member may, at any time resign from the Union by submitting a written resignation to the appropriate Branch Secretary after giving one month's notice to this effect. Upon resigning, that member shall forfeit any right to receive or continue to receive benefits or privileges of membership and shall further

forfeit all that he/she has paid to the Union by way of subscriptions.

5.5 SUSPENSIONS

5.5.1 The Branch Committee shall have the power in exceptional circumstances, to suspend a member for a period of not more than 60 days unless such a period is extended by agreement between the parties. If a member faces disciplinary charges and the Branch Committee considers it appropriate and in the interests of the Union and its members that he/she should be suspended until the charges are determined.

5.5.2 The member may appeal against the decision of the Branch Committee to the Provincial Executive Committee. The appeal shall be lodged with the Provincial Secretary in writing at least seven (7) days before the next meeting of the Provincial Executive Committee. The member shall be entitled to appear personally at the meeting for purposes of making representations in support of his/her appeal. A member may be assisted by a fellow member appointed by him/her at such hearings or appeal.

5.6 EXPULSION

A member may be expelled from membership in accordance with the disciplinary procedure. In such a case the member will forfeit any right to receive or to continue to receive the benefits or privileges of membership. Should such an expelled member wish to rejoin the Union he/she may do so by means of a special application addressed to the Provincial Executive Committee. The Provincial Executive Committee shall have the discretion to decide on whether such a member may rejoin the Union and its decision will be final and binding.

5.7 TERMINATION OF EMPLOYMENT OF A MEMBER

A member whose contract of employment has been terminated by his/her employer, and where such termination is the subject of a labour dispute between the parties, or in circumstances which the Branch Committee is of the view that it renders his/her termination unfair, such member shall remain a full member of the Union and as such a member shall be exempted from payment of subscriptions until such time as the Branch Committee may determine.

5.8 CODE OF CONDUCT

All members, including office bearers shall be subject to a POPCRU Code of Conduct, which shall be determined by the National Executive Committee (NEC) from time to time, and also to any disciplinary process or sanctions defined in such a code.

5.9 DISCIPLINARY COMMITTEE

The NEC, the Provincial Executive Committee or Branch Committee shall consider all written disciplinary complaints.

Composition

5.9.1 The Disciplinary Committee shall include:

5.9.1.1 The General Secretary

5.9.1.2 The Vice-president

5.9.1.3 Two others can be appointed by the respective executive committee

In the event of one of the above-mentioned members being a party to the disciplinary inquiry, the respective executive will replace that member/s with another.

5.9.2 The laws of natural justice shall be used to decide whether the member concerned has breached the aims and objectives of the union, or has acted in a way which undermines the functioning of the union.

5.9.3 The disciplinary committee shall submit a written report to the appropriate executive committee and recommend an appropriate sanction. Such sanction shall include suspension, termination of membership, a caution, reprimand or any other reasonable sanction.

5.9.4 A member of the union in respect of whom a disciplinary inquiry is held, shall have a right of appeal. The right of appeal shall be firstly to the NEC, and thereafter to the CEC. The decision by the CEC is final and binding.

6 STRUCTURE OF THE UNION

6.1 The structure of the Union shall comprise of the following bodies:

- 6.1.1 National Congress
- 6.1.2 Central Executive Committee
- 6.1.3 National Executive Committee
- 6.1.4 National Office Bearers
- 6.1.5 Provincial Congress
- 6.1.6 Provincial Executive Committee
- 6.1.7 Provincial Office Bearers
- 6.1.8 Branch Executive Committee
- 6.1.9 Branch Office Bearers
- 6.1.10 Local Committees
- 6.1.11 Institutional Committees

6.2 PROFESSIONALISING POPCRU

At a National level the following secretariats will fall directly under the supervision of the General-secretary:

- 6.2.1 Department of Correctional Services ✓
- 6.2.2 South African Police Services ✓
- 6.2.3 Traffic
- 6.2.4 Gender ✓
- 6.2.5 Education and Training ✓
- 6.2.6 Organising ✓
- 6.2.7 Legal ✓
- 6.2.8 Media, Publicity and Research
- 6.2.9 Finance ✓
- 6.2.10 Administration ✓
- 6.2.11 Membership ✓

These secretariats will be driven by skilled staff who will report directly to the General Secretary. The impetus for the formation of these secretariats is based on the need to specialise and professionalise the services of the union. This process will ensure that all issues raised in any of the departments are tended to adequately and professionally.

7. NATIONAL CONGRESS

The National Congress shall be the supreme governing body of the Union.

7.1 Composition

- 7.1.1 The National Congress shall be composed of the National Office Bearers and representatives appointed by each Branch Committee of the Union. Each province will be entitled to one (1) representative for every two hundred and fifty (250) paid up members of the province.
- 7.1.2 All officials of the Union, whether at a National, Provincial or Branch level shall have speaking rights but no voting rights.
- 7.1.3 A National Congress shall be convened on a date and a place to be decided by the Central Executive Committee (CEC) and shall be held once every three (3) years.
- 7.1.4 A special National Congress may be convened by the Central Executive Committee on grounds of urgency. The NEC shall notify the CEC and the Provincial Committee of the convocation and agenda of the Special National Congress Meeting as soon as is reasonably possible.
- 7.1.5 Notice of every Congress shall be provided to each Branch and Province not less than six (6) weeks before the date of the Congress.
- 7.1.6 Branches and Provinces wishing to send resolutions to the National Congress shall send these to the National Executive Committee not later than four (4) weeks before the date of the Congress.
- 7.1.7 The National Executive Committee shall send copies of all such Congress documents to be used at the Congress to each delegate of the Congress not less than two (2) weeks before the date of the Congress. Copies of such documents shall likewise be provided to each Branch Official.
- 7.1.8 An agenda for the Congress, together with all the resolutions that have been submitted and any other necessary documents shall be

sent to each delegate of the Congress and the officials of each Branch not less than two (2) weeks before the date of the Congress.

7.2 Quorum

7.2.1 A quorum for the National Congress shall be the majority of the delegates eligible to be present provided that at least two thirds of the Provinces are represented. In the event of there not being a quorum the meeting shall stand adjourned and shall be reconvened within a period of eight (8) weeks. At such adjourned meeting the delegates present shall form a quorum. At least four (4) weeks written notice of such adjourned meeting shall be given to the Branches and Provinces.

7.2.2 The minutes of the National Congress shall be sent to each Branch and Province by the National Executive Committee within one (1) month of the Congress and shall be read and approved at the next National Congress.

7.3 Powers and Duties

7.3.1 The National Congress shall adopt general and specific policy measures by means of resolution in the furtherance of the aims and objects of the Union and will consider and/or decide upon the following:

7.3.1.1 All matters submitted to it for consideration

7.3.1.2 Amendments to the Constitution

7.3.1.3 Reports from the NEC

7.3.1.4 Reports from the National Office Bearers

7.3.1.5 A financial Report and the approval of the auditors report and the Unions financial statements

7.3.1.6 All resolutions submitted to it by the Provincial representatives

7.3.1.7 The nominations of the Unions Office Bearers on the NEC

7.3.1.8 Any such matter that may be deemed in the interest of the Union

7.3.1.9 Election of National Office Bearers

7.4 RESOLUTIONS

Resolutions to be moved at the National Congress shall be submitted in writing and delivered by the Provincial Committees to the National Congress not less than ten (10) days before the National Congress is held

provided that the National Congress shall have the right to consider special resolutions.

Unless otherwise provided herein, every matter for consideration by the National Congress shall be on motion duly seconded and shall be decided by the majority of members present.

7.5 POWERS AND DUTIES OF THE NATIONAL OFFICE BEARERS

7.5.1 PRESIDENCY

7.5.1.1 *President*

- 7.5.1.1.1 President may act as an executive full time President.
- 7.5.1.1.2 The President shall preside over all meetings of the NC, Central Executive Committee and National Executive Committee, in which he/she is present and to conduct such meetings in accordance with the Constitution.
- 7.5.1.1.3 The President shall enforce observance of the rules and orders of this constitution.
- 7.5.1.1.4 Exercise supervision over the work of the general-secretary and the assistant general-secretary and generally over the affairs of the union.
- 7.5.1.1.5 Co-signatory to the national banking account of the Union and sign minutes of the NC, CEC and NEC.
- 7.5.1.1.6 The President shall have speaking rights, voting rights and veto powers.
- 7.5.1.1.7 Shall be eligible for re-election
- 7.5.1.1.8 Perform such duties as by usage and custom pertain to the office of the President
- 7.5.1.1.9 Shall be elected by the delegates at the Congress and shall hold office until the next Congress.

7.5.1.2 *First and Second vice-president*

- 7.5.1.2.1 Shall assist the President in performing his/her duties and perform such duties of the President as are delegated to him/her.
- 7.5.1.2.2 Perform duties of the President as the President may temporarily or permanently be unable to perform.
- 7.5.1.2.3 Shall be eligible for re-election
- 7.5.1.2.4 Shall be elected by the delegates at Congress and shall hold office until the next Congress.

7.5.1.3 *Treasurer*

- 7.5.1.3.1 Supervise Financial affairs of the Union
- 7.5.1.3.2 Endorse all accounts for payment and sign cheques of the National Banking accounts of the Union and perform other duties as by usage and custom pertain to the office.
- 7.5.1.3.3 Submit present statements of the Union's National accounts in respect of each month to the NEC, CEC and in respect of each annual period to the NC.
- 7.5.1.3.4 Such other duties as are reasonably required of the treasurer from time to time by the NC, CEC and/or NEC.
- 7.5.1.3.5 Shall have both speaking and voting rights
- 7.5.1.3.6 Shall be eligible for re-election

7.5.1.4 SECRETARIAT

General Secretary

- 7.5.1.4.1 The GS shall be responsible for the keeping of such books and accounts of the union as may be required by the NEC and assist the Treasurer to submit statements of income and expenditure of the union to each meeting of the CEC and NC.
- 7.5.1.4.2 The conducting of correspondence of the union and shall table such correspondence at the ensuing NEC meetings.
- 7.5.1.4.3 Supervise the work of the regional secretaries and all officials of the union.

- 7.5.1.4.4 Sending out notices and minutes of all NC, CEC, NEC and any other committees as may from time to time be appointed.
- 7.5.1.4.5 The preparation and circulation of an annual report of the activities of the union, which shall include statements of income and expenditure and the balance sheet, certified by the union's auditors together with the auditors report, to the CEC, NEC and NC.
- 7.5.1.4.6 The general organising and coordination of the work of the union
- 7.5.1.4.7 General office work and administration of the affairs and activities of the union.
- 7.5.1.4.8 Chief negotiator acting on behalf of the Union
- 7.5.1.4.9 The general secretary shall undertake such and other duties as may become necessary from time to time or as may be decided by the NC, CEC and/or NEC.
- 7.5.1.4.10 Shall supervise, direct and monitor the tasks carried out by the secretariats.
- 7.5.1.4.11 Shall have speaking rights but no voting rights at any meeting of the constituted bodies of the union if employed full time by the union.
- 7.5.1.4.12 Shall be elected by the delegates attending the National Congress and shall hold office until the next election at the next National Congress.
- 7.5.1.4.13 Shall be eligible for re-election

7.5.1.5 Assistant General Secretary

- 7.5.1.5.1 The Assistant General Secretary may be a full time employee and official of the Union elected in terms of the Constitution.
- 7.5.1.5.2 The Assistant General Secretary shall assist the General Secretary in all his/her duties and in the

event of the General Secretary not being able to fulfill such duties, ensure that they are carried out.

- 7.5.1.5.3 Shall have speaking right but no voting rights at any meeting of the constituted bodies of the union if employed full time by the union.
- 7.5.1.5.4 Shall be elected by the delegates attending the National Congress and shall hold office until the next election at the next National Congress.
- 7.5.1.5.5 Shall be eligible for re-election.

7.6

POWER TO ACT BETWEEN MEETINGS

- 7.6.1 The General Secretary, in consultation with the President, shall have the power to act on behalf of the NEC and its committee between meetings. The General Secretary shall seek the endorsement of the National Executive Committee upon any exercise of their power
- 7.6.2 The Treasurer and the General Secretary shall have the power to act on behalf of the NEC and its Committees between meetings in any matter related to the union's finances. The Treasurer and the General Secretary shall seek the endorsement of the NEC upon any exercise of their power.
- 7.6.3 The President shall have the power to act on behalf of the NEC and its committees between meetings.

8 CENTRAL EXECUTIVE COMMITTEE

8.1 Composition

The CEC shall compose of:

- 8.1.1 The National Office Bearers,
- 8.1.2 The Provincial Chairperson and Secretary
- 8.1.3 The Chairperson and Secretary of every Branch

8.1.4 The heads of organising, education, finance, national administrator, media and publicity, gender, DCS, SAPS, Traffic, membership and legal.

8.2 Powers and Duties of the Central Executive Committee

8.2.1 The CEC is the highest organ of the union between the National Congress and the National Executive Committee.

8.2.2 The management of the affairs of the union shall be vested in the Central Executive Committee (hereafter referred to as the CEC), between meetings of the NC. The CEC shall have all such powers and duties which customarily are vested in such an executive body and shall include the following powers and duties:

8.2.2.1 To give broad direction covering organisational political, educational and policy issues within the union.

8.2.2.2 To set up sub-committees and determine their nature, membership and scope.

8.2.2.3 To ratify decisions of the NEC as may from time to time be referred to it by the NEC.

8.2.2.4 To appoint an education secretary who shall in conjunction with the general secretary be responsible for the education and policy development of the union.

8.2.2.5 To appoint an organising secretary who shall be responsible, in conjunction with the general secretary for organising growth of the union including development of regions and campaign work of the union.

8.2.2.6 To approve the annual audited financial statement and balance sheet of the union and to approve and submit these documents to the NC.

8.2.2.7 To determine budget guidelines

8.2.2.8 To establish or dissolve regions of the union and demarcate the jurisdiction of such regions and to further delegate such powers to the Regional Congress and Regional Executive Committee.

8.2.2.9 To fill vacancies occurring in the position of president, first vice president, second vice president, treasurer, general secretary and assistant general secretary.

8.2.2.10 To generally give effect to the aims and objectives of the union and to assume such powers as are necessitated by this constitution.

8.3 OFFICIALS

The following are considered to be officials of the Union:
All persons employed by the union on a full-time or part-time basis, and for which services they are being paid.

8.3.1 The CEC shall have the right to suspend or dismiss the general secretary, assistant general secretary and any other official of the Union should that official, in the opinion of the CEC have committed misconduct, neglect of duties or acted in a manner detrimental to the interest of the Union or in conflict with the Constitution, any decision of the NC or CEC, or for any reason which the CEC may deem sufficient for termination of services, provided that the official shall have the right to appeal to the next NC against such suspension or dismissal.

8.3.2 The general secretary and any other official shall have the right to resign on giving three (3) months notice to the CEC in a case of general secretary and other officials of the Union may submit their resignation to the NEC.

8.3.3 The CEC may appoint a general secretary only in an acting capacity, subject to election of the new incumbent by the NC.

8.3.4 Officials of the union attending meetings of the Union shall have full speaking rights but no voting rights.

8.4 MEETINGS

8.4.1 A quorum at meetings of the CEC shall be two thirds of the regions and majority of the delegates shall be members in good standing.

- 8.4.2 In the event of a meeting of the CEC not being quorate two (2) hours after time for its commencement, the meeting shall stand adjourned and may be reconvened not earlier than fourteen (14) days thereafter and not later than twenty four (24) days thereafter. At such an adjourned meeting the delegates present shall constitute a quorum.
- 8.4.3 Special meetings of the CEC shall be held at the request of the NEC or on a requisition by not less than a third of the regions. Not less than seven (7) days notice of such special meeting shall be given to regions and branches. At such meetings only those issues which occasioned the necessity for such special meeting will be discussed.
- 8.4.4 All questions shall be decided on a motion duly seconded by a two third majority of the votes by show of hands, unless such meetings decides on a ballot. In the event of there being less than two third majority vote the motion shall lapse.
- 8.4.5 In the event of the CEC being prevented from meeting by any circumstances beyond its control, any resolution signed by not less than two thirds of the regions and branches shall be of full force and effect and shall be binding as if such a resolution was adopted at a meeting of the CEC.
- 8.4.6 The CEC shall sit not less than three (3) times per calendar year at four monthly intervals.

9. NATIONAL EXECUTIVE COMMITTEE

9.1 Powers and Duties

The National Executive Committee (hereinafter referred to as NEC), shall not have the power to make or amend any policy decision of the union. It shall:

- 9.1.1 Execute union policy as determined by the NC and the CEC
- 9.1.2 Carry out day to day running of the union
- 9.1.3 Consider a report from the secretariat on activities of each department and all regions and give direction where necessary.
- 9.1.4 Decide what employment posts should be created, maintained or terminated for the effective running of the union.

- 9.1.5 To engage, determine employment terms and conditions of employment and discharge any employee of the union other than the general secretary and assistant general secretary.
- 9.1.6 To open, operate and close banking accounts on behalf of the union and generally control the funds and finances of the union.
- 9.1.7 To borrow, raise and invest monies and funds
- 9.1.8 To allocate float amounts and other funds to respective regions
- 9.1.9 To institute and/or defend legal proceedings in the name of the union, appoint attorneys to act on behalf of the union and appoint any person to sign any document in connection with or on behalf of the union, provided that in urgent arrangements the general secretary may institute or defend such proceedings.
- 9.1.10 Acquire either by purchase, lease or otherwise any movable or immovable property on behalf of the union and sell, let, mortgage or otherwise deal with or dispose of any movable or immovable property belonging to the union.
- 9.1.11 To make awards and appeal by-laws not inconsistent with this constitution to regulate union affairs, including but not limited to matters such as:
- 9.1.11.1 Election procedure
 - 9.1.11.2 Balloting procedures
 - 9.1.11.3 Inquiry procedures
 - 9.1.11.4 Meeting procedures
 - 9.1.11.5 Union Discipline
- 9.1.12 Deal with such matters as are specifically delegated to it by the CEC, provided that no decision is inconsistent with a decision taken by the NC, CEC or the provisions of this constitution and all such decisions are subject to confirmation of the CEC.

9.2.1 Composition

The NEC shall consist of:

- 9.2.1.1 The president, first vice president, second vice president, treasurer, general secretary assistant general secretary

9.2.1.2 The Provincial Chairpersons and secretaries

9.2.1.3 The heads of organising, education, finance and administration, international affairs, media and publicity, gender, membership and legal

9.2.2 A member of the NEC shall vacate his seat in any of the following circumstances:

9.2.2.1 On resignation, expulsion or suspension from membership of the union.

9.2.2.2 On absenting him/her self without the permission of the NEC from three consecutive meetings of the NEC.

9.2.2.3 On resignation from the NEC by giving one months written notice to the general secretary.

9.2.2.4 On ceasing to be a member in good standing.

9.2.2.5 In consequence of ballot to remove an office bearer as provided for in the provisions of this constitution.

9.3 Meetings

9.3.1 The NEC shall meet at least 4 times a year and shall be convened by the general secretary in consultation with the President.

9.3.2 The general secretary shall give at least fourteen days notice of NEC meetings, save in the case of special urgent meetings when not less than three days notice shall be given. To every notice of meeting an agenda shall be attached. The minutes of all NEC meetings shall be circulated to all regions.

9.3.3 A quorum of the NEC shall be at least one third of the regions with at least half their representation and at least half the national office bearers provided a majority of the delegates shall be members in good standing.

9.3.4 In the event of a meeting of the NEC not being quorate 15/12 hours after the time for its commencement the meeting shall stand adjourned and may be reconvened not earlier than seven (7) days

thereafter and not later than fourteen (14) days thereafter. At such adjourned meeting the delegates present shall constitute a quorum.

- 9.3.5 All provisions of the meetings of the CEC shall serve as a guideline to the meetings of the NEC and all lower structures of the union save in a case of where specifics are dealt with in this constitution.

9.4 STAFF MANAGEMENT COMMITTEE

Composition

- 9.4.1 Vice-president in charge of staff liaison
- 9.4.2 General Secretary
- 9.4.3 Assistant General Secretary
- 9.4.4 Three Provincial chairpersons

9.5 Duties and functions

- 9.5.1 To administer, supervise, direct and monitor the progress and production of staff.
- 9.5.2 To address grievances of staff.

- 9.6 The staff management committee shall meet at least once every four months.

- 9.7 The staff (from both provinces and national office) will meet once a year.

10. DEMARCATION

POPCRU will be divided into nine provinces as per the South African Constitution.

- 10.1 Gauteng
- 10.2 Northern Cape
- 10.3 Western Cape
- 10.4 Eastern Cape
- 10.5 OFS
- 10.6 Northern Transvaal
- 10.7 Eastern Transvaal
- 10.8 North West
- 10.9 KwaZulu Natal

11. PROVINCIAL CONGRESS

11.1 Powers and Duties

11.1.1 The Provincial Congress (hereinafter referred to as PC), shall have such powers and duties as may be assigned to it by the CEC and NEC, which shall include the following powers and duties:

11.1.2 To implement and give effect to decisions of the NC, CEC and NEC.

11.1.3 To annually elect a provincial chairperson, vice provincial chairperson and treasurer and assistant secretary from amongst its members.

11.1.4 To annually elect a provincial secretary subject to the provisions of the NEC to determine the conditions of employment and subject to the powers of the CEC

11.1.5 To consider reports of the activities of branches in the region.

11.1.6 To consider reports of the activities of the provincial executive committee and the Provincial office bearers.

11.1.7 To formulate policies for the province provided that such policies will not be inconsistent with the decisions of the NC, CEC, NEC or provisions of this constitution.

11.1.8 To generally carry out the aims and objectives of the union with regard to the organisation of workers in the region.

11.2 Composition

11.2.1 The PC shall consist of the Provincial chairperson, provincial vice-chairperson, treasurer, provincial secretary and assistant secretary, branch chairpersons and branch secretaries, shop stewards and delegates elected as follows:

11.2.2 One delegate in institution per fifty (50) members.

11.2.3 One delegate in institution for every hundred (100) members thereafter up to one thousand (1000) members and

11.2.4 One delegate for every five hundred (500) members thereafter

11.2.5 All provincial and branch officials shall attend regional congress except that they shall not have voting rights.

11.3. PROVINCIAL OFFICE BEARERS AND OFFICIALS

11.3.1 The election, removal of office bearers, the powers and duties shall be the same as those of the office bearers on the NC and they shall liaise with their respective national counterparts and keep them informed generally about affairs of the province.

11.3.2 The treasurer shall present a financial statement to each ordinary meeting of the provincial congress and shall generally exercise supervision over the financial affairs of the province and together with the provincial secretary present the annual budget of the province.

11.3.3 The PC shall liaise with the NEC on the employment of full-time or part-time officials, subject to the powers of the NEC to determine the terms of employment of such officials and subject to the powers of the CEC to ratify these terms and conditions of service.

11.4 Meetings

11.4.1 Generally the PC shall meet at least once every six months and may be convened by the Provincial Executive Committee, whenever necessary on thirty days written notice to all branches in the region. A special PC may be called on fourteen days notice to such branches. Such notice shall state the agenda for the meeting, as well as the venue, date and time.

11.4.2 The quorum for meetings of a provincial congress shall be the majority of the branches provided that:

11.4.3 Each branch is represented by the majority of its delegates

11.4.4 Each such delegation shall consist of a majority of members of the branch in good standing.

11.5 PROVINCIAL EXECUTIVE COMMITTEE

The management of the affairs of the province between PC meetings shall be vested in the provincial executive committee (hereinafter referred to as PEC).

11.6 Powers and Duties

The powers and duties of the PEC shall be:

11.6.1 To manage the affairs of the province between meetings of the PC

11.6.2 To approve monthly financial statements

11.6.3 To open, operate and close banking accounts in the name of the province subject to the approval, direction and ultimate control of the NEC.

11.6.4 To acquire either by purchase, lease or otherwise any movable or immovable property of the union within a particular provincial area and to sell, let, mortgage or otherwise deal with or dispose of any movable or immovable property belonging to the union.

11.6.5 To recruit members in a province and to promote their interest generally.

11.6.6 To supervise the affairs of the branches.

11.6.7 To ensure that proper communication takes place between branches, provinces and head office.

11.6.8 To do all such lawful things as in the opinion of the PEC, appear to be in the interest of the union and which are not in conflict with the decisions and policy of the NC, CEC, NEC and any PC, nor inconsistent with the provisions of this constitution or its by-laws.

11.7 Composition

The PEC shall be composed of:

11.7.1 Provincial chairperson, provincial vice-chairperson, treasurer and provincial secretary and assistant secretary, branch chairperson and secretaries.

11.7.2 Chairperson and secretary of each branch executive committee.

11.7.3 Provincial officials

11.7.4 A member of the PEC shall vacate their seat in circumstances as laid out in 9.2.2 where those circumstances are applicable to the province.

11.8 Meetings

11.8.1 The last PEC meeting in each calendar year shall set dates for the normal meetings of the PEC for the following year which shall be monthly meetings.

11.8.2 Such dates may be changed only in a PEC meeting on good cause provided that this may be waived with prior consent of the majority of the branches.

11.8.3 Notice of normal meeting together with agendas, minutes of previous meetings and other relevant documentation shall be circulated by the Provincial secretary ten days before the meeting is due to take place.

11.8.4 The provincial secretary shall give all PEC members fourteen (14) days notice of any change of date of a normal PEC meeting and shall likewise give forty eight (48) hours written notice of any special urgent meeting of the PEC together with a written agenda specifying the issues requiring such a meeting, provided such period of notice and/or written agenda may be waived with prior consent of the majority of the branches.

11.8.5 Only such business occasioned by the calling of a special urgent meeting of the PEC shall be discussed at such meeting.

11.8.6 No decision of a special PEC shall be valid if it is proved to detrimentally affect any delegate of the PEC who did not receive notification of such meeting.

11.8.7 The PEC shall quorate when at least one delegate of each of the majority of the branches entitled to representation are present, and provided these shall be a majority of members in good standing in the meetings.

If there is no quorum present within sixty (60) minutes of the time of the meeting, the meeting shall stand adjourned for seven days. At such an adjourned meeting the delegates present shall form a quorum.

11.9 ESTABLISHMENT OF BRANCHES

The PEC may establish and demarcate a branch of the union subject to ratification by the PC and subject to the following conditions:

- 11.9.1 A branch must consist of all locals within a radius of 60km and with a membership of 1000, except in rural areas where places are far apart.
- 11.9.2 There should be no more than one branch in a town/city provided that such a branch has more than ten thousand members or subject to the approval of the PC.
- 11.9.3 In any town/city with less than (500) members its members shall be a local of the nearest branch.
- 11.9.4 The PEC may open branches where necessary, even if the branch does not meet the required criterion.

12 BRANCH SHOP STEWARDS COUNCIL

12.1 Powers and Duties

- 12.1.1 To implement and give effect to decisions of the NC, NEC, CEC, PC and PEC.
- 12.1.2 To recruit members in a particular branch and to generally promote their interests.
- 12.1.3 To supervise the affairs of the Branch Executive Committee
- 12.1.4 To annually elect the branch chairperson, vice-chairperson, treasurer and branch secretary.
- 12.1.5 To receive and consider reports of the Branch Executive Committee activities.

12.7.2 Branch Chairperson, vice-chairperson, treasurer, secretary and assistant secretary

12.7.3 Chairperson and secretary of each institution of that branch

12.7.4 Branch officials

12.7.5 A member of the BEC shall vacate their seat in circumstances as laid out in clause 9.2.2 as such circumstances are applicable in the branch.

12.8 Meetings

12.8.1 The BEC shall meet at least once a month and may be convened by the branch secretary in consultation with the branch chairperson whenever necessary on seven days notice to all institutions with the branch. A special BEC may be called on not less than twenty four (24) hours notice to such institutions. Such notice should state the agenda for the meeting, as well as venue, date and time.

12.8.2 The quorum for a meeting of the BEC shall be at least the presence of the majority of the institutions in the branches provided, there shall be a majority of members in good standing.

12.9 INSTITUTIONS

12.9.1 SHOP STEWARDS COUNCILS

12.9.1.1 At every institution when the union has a minimum of fifty members a shop stewards committee shall be elected.

12.9.1.2 A shop stewards committee shall consist of not less than three (3) shop stewards representing various work sections in which the union has members at a particular institution. The shop stewards committee shall meet at least once (1) a week.

- 12.9.1.3 A shop stewards committee shall be elected from amongst the shop stewards at the institution in accordance with clause 13.4 above. shop stewards elections shall be held once every year and the functions of the shop stewards committee shall be the following:
- 12.9.1.4 To conduct the affairs of the union in relation to members at institutions level.
- 12.9.1.5 To receive and attend to complaints affecting members concerning their employment and where necessary to report such complaints to the BEC.
- 12.9.1.6 To report any counterrevolution of status or improper employment practices to the BEC.
- 12.9.1.7 To defend the individual and collective membership interests at the institution.

12.9.2 GENERAL MEMBERSHIP MEETING

- 12.9.2.1 Each institution must hold members meetings from time to time, but in any event not less than once every two months.
- 12.9.2.2 The composition of the meeting shall be the shop stewards and the members of the union at the institution.
- 12.9.2.3 A quorum for such a meeting shall be the majority of shop stewards on the shop stewards committee and at least one third of the members at the institution. If after a period of thirty minutes the meeting is not quorate it will stand adjourned. A further meeting must be called no earlier than two (2) days from the date of the adjourned meeting, but no later than seven (7) days. At such an adjourned meeting the members present shall form a quorum.

12.9.3

SHOP STEWARDS

- 12.9.3.1 The union members in good standing in each institution shall elect by ballot from amongst themselves shop stewards who shall hold office until elections in the following year whereupon they shall be eligible for re-election.
- 12.9.3.2 The BEC shall regulate the election of such shop stewards
- 12.9.3.3 The shop stewards committee shall have meetings at least once a month with members.

13. STANDING ORDERS AND RULES OF PROCEDURE AT POPCRU MEETINGS

- 13.1 The chair shall be taken by the president, or in his/her absence by the first vice-president, in his/her absence, the second vice-president, or in their absence as the quorate meeting may decide.
- 13.2 Business shall be proceeded in accordance with the agenda, unless otherwise decided by the meeting.
- 13.3 No questions other than those appearing on the agenda shall be debated, provided that the meeting may by resolution agree to discuss a matter not included on the agenda.
- 13.4 Except as otherwise provided all questions shall be decided on motion duly seconded by a majority of votes by show of hands, unless such meeting decides on a ballot. In the event of a motion not being carried the motion shall lapse.
- 13.5 No motion that has already been debated and determined shall be considered, debated, altered, added to, varied or rescinded at that meeting, unless the meeting should decide otherwise.
- 13.6 A ruling given by the chairperson shall be final, provided that it shall be in order to move and second a motion to overrule 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 over-rule 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.

- 13.7 The mover of the motion shall have the right to speak for ten minutes, provided that any delegates other than the mover may propose an extension of time not longer than five minutes.
- 13.8 All other speakers, except with the permission of the meeting, shall speak no longer than five minutes.
- 13.9 No subject shall be debated for longer than one and half hours, provided that any delegate shall have the right to propose an extension of time, and such motion if seconded shall be put without debate and shall not have effect unless carried out by a two thirds majority.
- 13.10 Any delegate who refuse to obey the chairperson's ruling with the exception of the case of section 14.6 below, or who is deemed guilty of misconduct shall upon a vote being taken to the effect, withdraw from the meeting, and the meeting shall have the right to suspend any such member for such period as it may deem fit.
- 13.11 At all meetings at which more than fifty 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.

14. FINANCES

- 14.1 The funds of the union shall be made up of all monies received by means of subscription fees, levies, donations, functions and in any other manner within the framework of this Constitution, funds received by the General-secretary on behalf of the union shall be deposited to its credit within three (3) days of receipt. Such funds may be used for the payment of expenditure relating to the acquisition of property and for other purposes as may be decided upon by the NC, or the CEC.

- 14.2 Funds contributed by members of the union for any specific purpose shall not be used for any other purpose save with the written consent of such members.
- 14.3 The unions financial year shall be from February 28 to February 28
- 14.4 A Finance Committee (FINCOM) shall be composed of the national Treasurer, all provincial treasurers, General-secretary and financial administrator, and shall meet once on monthly intervals, before meetings of the CEC. The national treasurer shall act as chairperson of FINCOM. FINCOM shall report directly to the national executive Committee and shall be responsible for:
 - 14.4.1 Assisting the national treasurer
 - 14.4.2 Preparing financial reports for the national executive committee
 - 14.4.3 Recommending amendments or additions to financial policy
 - 14.4.4 Monitoring the union's accounts and querying unusual expenditure
 - 14.4.5 Making recommendations regarding financial requests from provinces
 - 14.4.6 Proposing ways of making the union self-sufficient
 - 14.4.7 Preparatory work regarding the union's budget
 - 14.4.8 All income and expenditure shall be reported to each meeting of the NEC, such reports shall include a clear statement of any unbudgeted expenditure.
- 14.5 The NEC shall have responsibility for rectification of all expenditure by the union provided that expenditure on immovable property and vehicles shall be subject to the approval of the CEC.
- 14.6 There shall be four (4) signatories to the National Banking accounts. They are:
 - 14.6.1 President
 - 14.6.2 General secretary
 - 14.6.3 Treasurer
 - 14.6.4 Financial administrator

Provided that there shall always be two signatories to all cheques issued.

14.7 PROVINCIAL FINANCE

14.7.1 All provincial income and expenditure shall be reported to each meeting of the PEC, for ratification. Such reports shall include a clear statement of any unbudgeted expenditure.

14.7.2 Cheques of the province shall be signed by the provincial secretary and two of the following treasurer, chairperson or vice-chairpersons.

14.8 BRANCH FINANCES

The branch shall have such financial duties and responsibilities as delegated to them by the PEC or NEC.

14.9 GENERAL PROVISIONS

14.9.1 No account shall be opened by any bank in the name of POPCRU, Police and Prisons Civil Rights Union, or any other similar name without the explicit authority of a resolution of the NEC on an official union letterhead and subsequent verbal confirmation by either the National Treasurer or General Secretary. Such written authority shall be signed by at least three of the following: the President, First vice-president, National Treasurer, General Secretary or Assistant General Secretary.

14.9.2 No profits or gains will be distributed to any person and the funds of the union shall be utilised solely for investment or the achievement of the aim and objective of the union.

15. STATUS OF THE UNION

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

16. INDEMNIFICATION OF OFFICIALS, OFFICE BEARERS AND COMMITTEE MEMBERS.

The officials, office bearers and committee members of the union, provided that they have not acted in a manner which could constitute misconduct shall be indemnified by the union against all proceedings, costs and expenses incurred by reasons 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.

17. DISSOLUTION

- 17.1 The union may be dissolved by resolution of the NC carried by not less than three quarters majority of the quorate NC meeting.
- 17.2 In the event of a resolution being adopted as provided above, the NC shall appoint a liquidator to wind up the affairs of the union.
- 17.3 The liquidator shall take the necessary steps to liquidate the debts of the union from its unexpected funds and any other monies realised from any asset of the union. The liquidators fees and expenses shall rank in order of preference as though he/she were a trustee of an insolvent and as though the expenses were the costs of sequestration of an insolvent estate.
- 17.4 After payment of all debts the remaining assets, if any shall be given or transferred to another non-profit, tax-exempt organisation/s with objectives similar to those of the union.

18. AMENDMENTS TO CONSTITUTION

The provisions of the constitution may be repealed, amended or added to or new provisions inserted by a resolution passed by two thirds majority at a quorate meeting of the NC or CEC, provided that notice of the proposed amendment shall have been sent to the General Secretary and circulated finally on the agenda for such meeting to all provinces and to the members of the NC or CEC.

19. RESIGNATION AND DISCIPLINE

- 19.1 A member may resign from the union by giving one months written notice and shall present his/her reasons for resigning to the NEC which may at its discretion waive the notice period.

19.2 A member may be suspended or expelled by the NEC or CEC for:

19.2.1 Acting against the interest of the union

19.2.2 Failing to attend more than two consecutive BEC, PEC, NEC or CEC meetings without an apology acceptable to the BEC, PEC, NEC or CEC.

19.2.3 Failing to pay his/her subscription fees

19.3 No such suspension or expulsion shall have effect unless the NEC has notified the member in writing of the reasons for such suspension or expulsion and granted the member permission to present his/her case.

19.4 Appeals against suspension or expulsion by the CEC may be made to the NC and the decision of the NC shall be final and binding. Notice of Intention to appeal should be lodged with the General Secretary within thirty (30) days of notification of the decision having been taken by the CEC.

19.5 Members who resign or are expelled shall have no claim on the assets of the union, the CEC shall be empowered to recover all monies owing to the union.

20. INTERPRETATION

Whenever any doubt arises as to the interpretation of any of the provisions of this constitution, the NC shall make a ruling on the matter and such ruling (by majority vote) shall be the only final interpretation of the constitution, provided that the CEC shall be empowered to make an interim ruling on interpretation prior to the NC's final decision.