

P85/9 Trades Unions - organisation

COUNCIL OF UNIONS OF SOUTH AFRICA

CONSTITUTION
OF THE
COUNCIL OF UNIONS OF SOUTH AFRICA

1. PREAMBLE.

- 1.1 WHEREAS the Council of Unions of South Africa believes -
- 1.1.1 that the establishment of a non-racial, non-exploitative democratic society depends on the emergence of Blacks in leadership;
- 1.1.2 in meeting the aspirations of workers;
- 1.1.3 in workers uniting and developing themselves so that they may control their own destiny;
- 1.1.4 in the development of a strong and responsible working force which is vital for the future of South Africa;
- 1.1.5 in working together with individuals and organisations who support the principle of equal opportunities for all workers of South Africa.
- 1.2 Therefore, the Council Of Unions Of South Africa hereby resolves to adopt this constitution with the determination to realise worker aspirations as set out herein.

2. NAME.

The name of the federation shall be THE COUNCIL OF UNIONS OF SOUTH AFRICA ("CUSA").

3. DEFINITIONS.

3.1 "bona fide union" means a union which has -

3.1.1 a constitution; and

3.1.2 not less than 100 members; and

3.1.3 is controlled by its members.

3.2 "general secretary" means the general secretary of CUSA elected in terms of clause 12.1.3.

3.3 "good standing" means a Member which is not more than days in arrears in respect of its subscriptions to CUSA.

3.4 "Member" means a union whose application for membership of CUSA has been accepted by the Joint Executive Council in terms of clause 7.4.

3.5 "NEC" means the National Executive Committee of CUSA elected in terms of clause 11.

3.6 "Standing Rules" means the rules adopted by CUSA from time to time and which shall be observed by the Members.

4. STATUS.

CUSA shall be a corporate body having perpetual succession and legal existence independent of its Members, no Member having any right to any of its assets, and shall be entitled to sue and be sued in its own name.

5. HEADQUARTERS.

The headquarters of CUSA shall be in Johannesburg or at such a place as may be decided by the National Conference from time to time.

6. AIMS AND OBJECTS.

6.1 The objects of CUSA shall be -

6.1.1 to strive for the building of a united labour force in the Republic of South Africa;

6.1.2 to encourage all eligible working men and women to join trade unions;

6.1.3 to improve the economic and social conditions of all workers;

6.1.4 to raise and acquire funds by donations, subscriptions or by any other legal means to further the aims of CUSA;

- 6.1.5 to co-operate with employers and/or unions or federations in order to deal with matters affecting workers;
- 6.1.6 to endeavour, on request, to settle disputes and differences which arise between unions and within Members;
- 6.1.7 to promote the principle of free and democratic unionism and to ensure its acceptance by the community and society as a whole;
- 6.1.8 to monitor the implementation of codes of conduct in all economic sectors and to monitor the effectiveness thereof;
- 6.1.9 to assist in the enforcement of worker rights, the protection of their interests and human dignity in terms of the International Labour Organisation's conventions and recommendations;
- 6.1.10 to advance the economic well-being, social interests and working conditions of all workers;
- 6.1.11 to establish legal funds and operate legal services in accordance with the aims and objects of CUSA.
- 6.1.12 to set up commissions of inquiry into legislation which affect workers;
- 6.1.13 to conduct and co-ordinate research into matters affecting workers and publish the relevant findings;

- 6.1.14 to collect, collate, publish and distribute information concerning services provided to Members;
- 6.1.15 to arrange seminars and courses to educate Members and their members as to their rights and responsibilities both as trade unionists and as members of their communities;
- 6.1.16 to encourage and assist in the development of independent leaders in the Black community;
- 6.1.17 to purchase, lease, hire or acquire any movable or immovable property and rights which CUSA may deem necessary;
- 6.1.18 to assist Members to establish workplace units to promote industrial democracy;
- 6.1.19 to do such lawful things as may appear to be in the interests of CUSA and its Members and which are not inconsistent with the objects or any matters specifically provided for in this constitution.

7. MEMBERSHIP.

- 7.1 The Unions which, at a meeting held on the day of September 1980, established CUSA, shall be members of CUSA, namely the:-

- 7.1.1 Building Construction And Allied Workers Union.
- 7.1.2 Food Beverage And Allied Workers Union.
- 7.1.3 Transport And Allied Workers Union.
- 7.1.4 Laundry, Dry Cleaning And Dying Workers Union.

- 7.1.5 Steel, Engineering And Allied Workers Union.
 - 7.1.6 South African Chemical Workers Union.
 - 7.1.7 Commercial Catering and Allied Workers Union of South Africa.
- 7.2 All bona fide unions which subscribe to the aims and objects of CUSA shall be eligible to become members of CUSA.
- 7.3 Applications for membership shall be lodged in writing with the general secretary and shall be accompanied in each case by the entrance fee prescribed in clause 8. An application for membership shall be in the form and shall contain such information as the NEC may, from time to time, prescribe.
- 7.4 Applications for membership shall be considered by the NEC within 2 months of receipt thereof by the general secretary. The NEC shall make a recommendation to the Joint Executive Council which will accept or reject the application for membership. The next National Conference of CUSA shall either approve or reject the decision of the Joint Executive Council.
- 7.5 From the date of admission by the Joint Executive Council, the applicant shall enjoy all the rights and obligations of a Member. Should the next National Conference of CUSA reject the decision of the Joint Executive Council, the general secretary shall immediately inform the Member in writing and the Member shall cease to be a Member upon receipt thereof.
- 7.6 An applicant to whom admission to membership is refused shall be entitled to a refund of the entrance fee paid by it on application.

- 7.7 Every Member shall be provided with a membership certificate by the general secretary.
- 7.8 Every Member shall notify the general secretary, in writing, of its postal address and any change thereof within 14 days of the date on which the change took place.
- 7.9 A Union which has either been granted membership of CUSA or which has been expelled from CUSA but which remains eligible for membership, may re-apply for membership after the expiry of 12 months from the date of such refusal or expulsion and the provisions of this clause shall, mutatis mutandis, apply to such re-applications.

8. ENTRANCE FEES AND SUBSCRIPTIONS.

- 8.1 An entrance fee of R10,00 shall be payable on application for membership of CUSA.
- 8.2 A subscription calculated as set out hereunder shall be paid monthly by each Member to the general secretary or to such other person as may be authorised by CUSA to receive it. The subscription shall be calculated as follows:
- 5 cents per each member in good standing from 1 August 1982 until 31 July 1983 and thereafter 10 cents per each member in good standing from 1 August 1983 until 31 July 1984 and thereafter the latter amount until this provision is amended.
- 8.3 Subscriptions shall be payable by the 15th of each month and may be adjusted pro-rata by CUSA should Members join CUSA during the course of a month.

- 8.4 In addition to the aforementioned subscriptions, a Member shall also be liable for such other fees and levies payable in terms of the Rules governing any fund established by the Joint Executive Council in terms of the objects of the constitution. The National Conference may furthermore determine a levy and impose such levy on each Member. The National Conference may decide the rules governing the payment of such levy.

9. NATIONAL CONFERENCE.

- 9.1 The authority of CUSA shall be vested in the following organs in order of supremacy :-

- 9.1.1 National Conference.
- 9.1.2 Joint Executive Council
- 9.1.3 National Executive Committee
- 9.1.4 Secretariat.

- 9.2 A National Conference of Members shall ordinarily be held once every 24 months, on a date fixed by the NEC. The National Conference shall be held during March, or as soon as possible thereafter, but not later than the month of July in the same year.

- 9.3 Special National Conferences shall be held whenever desired by a majority of the NEC or upon a requisition signed by not less than 30 per cent of the members of CUSA in good standing. Such special National Conference shall be held within 1 month of such decision by the NEC or the date of receipt of the requisition by the general secretary.

- 9.4 Notices of National Conferences showing the business to be conducted thereat shall be given to Members in writing by the general secretary not less than 14 days before the dates of such conferences, provided that in the case of special National Conferences shorter written notice, being not less than 24 hours, as may be decided by the President or the NEC, may be given.
- 9.5 The business of a National Conference shall be -
- 9.5.1 to receive the address of the President;
 - 9.5.2 to consider the reports of the general secretary;
 - 9.5.3 to receive any other special reports;
 - 9.5.4 to consider and pass resolutions;
 - 9.5.5 to elect NEC members and all office-bearers;
 - 9.5.6 to confirm the appointment of the general secretary;
 - 9.5.7 to consider such matters as may be decided by a resolution of the majority of Members.
- 9.6 All resolutions to be moved at a National Conference shall be submitted in writing and delivered to the general secretary not less than 30 days before the National Conference is held.
- 9.7 The delegates who attend the National Conference on behalf of each Member shall consist of not more than 15 delegates, a minimum of 10 being Union members and the remaining delegates shall be officials of the Member. Only Union members may vote and whether the voting on any issue shall be en bloc or individually shall be determined by the National Conference. The NEC may make provision for observers when it issues any additional standing rules for a National Conference.

9.8 Every member shall appoint not less than one delegate to represent it at National Conferences and shall also appoint alternate delegates to act in the place of such delegates during their absence or inability to act.

9.9 Every member shall give notice to the general secretary of the names of the delegates as set out in the Standing Rules. No member shall be entitled to be represented at a National Conference except by the delegates or alternates whose appointment was last notified to the general secretary in accordance with the procedure stated in the Standing Rules.

9.10 The National Conference shall distinguish between the following types of resolutions:-

9.10.1 Binding resolutions being resolutions passed unanimously and which therefore become part of CUSA's policy. Such resolutions shall be observed by all Members and be enforceable against all existing and future Members.

9.10.2 Policy directives being resolutions not passed unanimously and will therefore only have the effect of a recommendation to Members. Members shall be expected to take the recommendation into consideration but not necessarily to follow it.

10. JOINT EXECUTIVE COUNCIL.

10.1 The Joint Executive Council shall consist of the union members of the supreme executive organs of Members. Union officials may attend and speak at meetings of the Joint Executive Council but shall not be entitled to vote thereat.

10.2 The Joint Executive Council shall meet not less than 3 times each year or as otherwise agreed by the NEC and may make decisions regarding -

10.2.1 the policy issues and the joint action of Members between National Conferences;

10.2.2 the election of a President and/or Vice-President in the case of a vacancy between National Conferences;

10.2.3 the confirmation of the appointment of a general secretary between National Conferences;

10.2.4 issues of a regional nature between National Conferences;

10.2.5 particular problems facing CUSA and/or its Members;

10.2.6 the establishment of working committees.

10.3 The Joint Executive Council may establish its own procedures should such procedures not be set out in this constitution.

11. NATIONAL EXECUTIVE COMMITTEE ("the NEC").

11.1 The management of the affairs of CUSA between National Conferences shall be vested in the NEC. The NEC shall consist of the President and the Vice-President of CUSA who shall be elected at the National Conference on nomination duly seconded and voted upon by ballot. In addition, two representatives of each Member shall be represented on the NEC. Each Member shall have only one vote on the NEC.

- 11.2 The President and the Vice-President shall hold office until the next National Conference and shall be eligible for re-election on termination of their period of office, provided that no person shall hold either office for more than 3 consecutive terms.
- 11.3 The President and Vice-President shall, ipso facto, be President and Vice-President of CUSA and the Joint Executive Council.
- 11.4 Nomination for membership of the NEC subject to the provisions of clause 11.2, shall be lodged in writing with the general secretary, not less than 14 days before the date of the National Conference.
- 11.5 A member of the NEC shall vacate his seat in any of the following circumstances:
- 11.5.1 on the resignation, suspension or expulsion of the Member which he represents from membership of CUSA.
 - 11.5.2 on such person absenting himself from 3 consecutive meetings of the NEC without permission of the NEC;
 - 11.5.3 on such person resigning by giving 14 day's written notice to the general secretary;
 - 11.5.4 on such person being removed from office in terms of clause 18 hereof.
- 11.6 The NEC shall, subject to the directives and control of National Conferences the Joint Executive Council and to the provisions of this Constitution, have power -

- 11.6.1 to establish service departments to assist Members;
- 11.6.2 to engage and dismiss employees of CUSA, to fix their conditions of employment and to define their duties;
- 11.6.3 to appoint, from time to time, such sub-committees as it may deem fit for the purpose of investigating and reporting on any matter referred to them by the NEC or a National Conference;
- 11.6.4 to institute or defend legal proceedings by or against CUSA or on behalf of, or against Members;
- 11.6.5 to acquire, either by purchase, lease or otherwise, any movable or immovable property on behalf of CUSA, and to sell, let, mortgage, or otherwise deal with or dispose of any movable or immovable property belonging to CUSA, provided that no immovable property shall be acquired or sold, nor shall it be mortgaged, let or leased for a period longer than 5 years, unless at least 14 days' written notice of intention to do so has been given to each member of CUSA by the general secretary. If, during this period, not less than 30% of the members demand in writing that a ballot be taken on a proposed action, such ballot shall be taken;
- 11.6.6 to deal with disputes between Members and their members and between Members, inter se;
- 11.6.7 to provide legal assistance to Members;

- 11.6.8 to open and operate banking accounts in the name of CUSA and invest any surplus funds as the NEC or Joint Executive Council may decide;
- 11.6.9 to make and enforce by-laws relating to procedural, administrative and disciplinary matters which are not inconsistent with the provisions of this Constitution;
- 11.6.10 To apply for affiliation to national and international organisations which subscribe to the aims and objects of CUSA.
- 11.6.11 to do all such other lawful things as, in the opinion of the NEC, appear to be in the interests of CUSA or its Members and which are not inconsistent with the ambit of this constitution.

12. OFFICE BEARERS.

12.1 The office bearers and their duties are as follows :

12.1.1 PRESIDENT.

The President shall preside at all meetings at which he is present, enforce observance of this constitution, sign minutes of meetings after confirmation thereof and perform such other duties as by usage and custom pertain to the office. He shall not have a deliberate vote, but shall, in the event of equality of voting, have a casting vote.

12.1.2 VICE-PRESIDENT.

The Vice-President shall exercise the powers and perform the duties of the President in the absence of the latter.

12.1.3 GENERAL SECRETARY.

12.1.3.1 The position of general secretary shall be confirmed at each conference. The general secretary shall hold office until the next National Conference and shall be eligible for re-appointment. The general secretary may resign on giving 30 days' notice in writing to the NEC and his services may, subject to the provisions of clause 18, be terminated by the NEC after a like period of notice has been given to him, provided that he may be summarily discharged by the NEC for serious neglect of duty or misconduct. In the event of the office of general secretary becoming vacant, the NEC shall recommend the appointment of a general secretary. The Joint Executive Council shall appoint the general secretary. The next National Conference shall either confirm or reject such appointment as general secretary.

12.1.3.2 The general secretary shall receive requisitions for National Conferences; issue notices therefor; conduct all correspondence of CUSA, keep originals of letters received and copies of those despatched; at each meeting of the NEC, read the correspondence which has taken place since the previous meeting; attend all meetings and

National Conferences and record minutes of proceedings; collect membership fees, subscriptions, fines and levies; issue official receipts for all monies received; bank all monies within 3 days of receipt; submit reports with regard to the financial position of CUSA to the NEC not less than once every 3 months; and perform such other duties as the NEC or an ordinary National Conference may direct.

12.1.3.3 The general secretary shall attend all meetings of the NEC and all National Conferences but shall have no voting power.

12.1.3.4 The general secretary shall take the necessary steps to ensure the maintenance of a register of members, the keeping of proper books of account, the auditing of such books and the preparation of a Balance Sheet and a statement of income and expenditure and the submission or making available thereof to members.

12.1.4 ACTING PRESIDENT

In the event of both the President and the Vice-President being unable, either temporarily or permanently, to perform their duties, the NEC shall appoint a member of the NEC to assume the functions of the President until the President or Vice-President are able to resume their duties. In the event of the President and Vice-President being permanently unable to perform their duties, the Joint Executive Council shall elect a new President and Vice-President by ballot of Members. The persons so elected shall, subject to the provisions of clauses 9 and 18 hold

office until the next election takes place in terms of clause 11.

12.1.5 INDEMNITY OF OFFICERS

The officials of CUSA, provided that they have observed the provisions of this Constitution and have not acted in a manner which would constitute misconduct, shall be indemnified by CUSA against all proceedings, costs and expenses incurred by reason of any omission, negligence of other act done in performance of their duties on behalf of CUSA or its Members and they shall not be personally liable for any of the liabilities of CUSA or any of its Members.

13. FINANCE.

- 13.1 All amounts due to or collected on behalf of CUSA shall be paid to the general secretary who shall deposit them in such bank as may be decided upon by the NEC.
- 13.2 The funds of CUSA shall be applied to the payment of expenses, the acquisition of property and the objects specified in clause 5 and such other lawful purposes as may be decided upon by a National Conference or the Joint Executive Council or by the NEC or by Members voting by ballot.
- 13.3 The funds of CUSA shall be administered by at least two of the following all of whom shall however be signatories: The President, the Vice-President and the general secretary.

- 13.4 Ordinary payments shall not require the approval of the NEC. Extraordinary payments shall require the permission of the NEC. The petty cash amount will be fixed by the NEC from time to time.
- 13.5 Funds required for a petty cash account, which shall be kept in such form as the NEC may determine, shall be provided by the drawing of cheques signed by any 2 of the above persons. In the absence of either of them the NEC shall appoint one of its members for that purpose.
- 13.6 A National Conference may at any time, with a view to securing funds for any particular purpose, impose a levy not exceeding R100,00 per month on each Member for a period not exceeding 6 months in any calendar year, provided that notice of the proposed levy appeared on the agenda for the National Conference.
- 13.7 The general secretary shall prepare a statement of income and expenditure and a Balance Sheet in respect of each financial year ending on the 31st December, which statement and Balance Sheet shall be audited and approved by the Joint Executive Council in between National Conferences.
- 13.8 A member who resigns or is expelled from membership shall have no claim on the funds of CUSA.

14. BALLOTS.

- 14.1 In addition to those matters in respect of which the taking of a ballot is compulsory in terms of this constitution, a ballot on any question shall be taken if a National Conference or the Joint Executive Council or the NEC so

19.

decide, and shall also be taken if demanded in writing by a simple majority of the Members in good standing.

14.2 Ballots shall be conducted in accordance with the Standing Rules.

14.3 Should a National Conference or the NEC decide that a postal ballot of Members be taken, the ballot shall be conducted in the manner set out in the Standing Rules.

15. FINES.

Wherever in this Constitution provision is made for the imposition of a fine on a Member, such fine shall not exceed R200,00 in the case of a first offence, and R400,00 in respect of every further offence.

16. DISCIPLINE.

16.1 A Member may be suspended, fined or expelled as may be determined by the NEC, the Joint Executive Council or the National Conference -

16.1.1 if the Member fails, within 30 days of demand in writing by the general secretary, to pay subscriptions, fines or levies which are more than 3 months in arrear;

16.1.2 if the Member infringes any of the provisions of this constitution or acts in a manner which is detrimental to the interests of CUSA or its Members;

- 16.2 A Member may appeal against the action taken against it by lodging a Notice of Appeal at the next National Conference. Notice of any such appeal shall be given to the general secretary in writing within 14 days of the date on which the decision of the NEC was communicated to the Member concerned and the Notice of Appeal shall state the grounds of appeal.
- 16.3 No Member may be suspended, fined or expelled unless the Member has been afforded an opportunity to state its case at a meeting of the NEC or the Joint Executive Council. The Member shall receive not less than 14 days notice in writing from the general secretary of the matter with which the Member is charged.
- 16.4 A Member who has appeared before the NEC in accordance with the provisions of this clause shall, if the Member is dissatisfied with the decision of the NEC and has lodged an appeal in the manner herein provided, have the right to restate its case to the Joint Executive Council.
- 16.5 A Member shall be entitled to call witnesses in support of its case, when appearing before the NEC or the Joint Executive Council or a National Conference as the case may be.
- 16.6 Any decision taken by the NEC or the Joint Executive Council in terms of this clause shall, when an appeal has been lodged, be subject to ratification or otherwise by a National Conference.
- 16.7 Upon expulsion of a Member, all monies due to CUSA by such Member shall become due and payable. If payment thereof is not made within 14 days, the NEC or the Joint Executive

Council may take such steps as it deems necessary to secure a settlement.

- 16.8 A Member shall cease to be entitled to any of the benefits of membership, including the right to vote, and shall be deemed to be out of good standing -
 - 16.8.1 if the subscriptions, or other charges due by the Member to CUSA, are more than 3 months in arrear;
 - 16.8.2 during any period while the Member is under suspension in terms of this Constitution.
- 16.9 In the event of the subscriptions or other charges due to CUSA by a Member being more than 3 months in arrear, the Member shall continue to be subject to the disabilities imposed until all arrears have been paid.

17. RESIGNATIONS.

A Member may resign by giving 30 day's notice in writing to the general secretary, provided that no resignation shall take effect until all monies due and payable to CUSA by the Member concerned have been extinguished.

18. REMOVAL AND RE-INSTATEMENT OF OFFICE-BEARERS AND OFFICIALS.

- 18.1 If at any time not less than 30% of the Members in good standing submit a written request to the NEC for the taking of a ballot of Members in order to determine whether an office-bearer or official named in such request should be removed from office, such a ballot shall be conducted

within 30 days of the receipt of the request by the NEC. If at the resultant ballot the majority of the Members in good standing vote in favour of his removal, the office-bearer or official concerned shall vacate his office as from the date on which he is advised of the result of the ballot. Any vacancy resulting from such removal shall be filled in the manner set out in this Constitution.

- 18.2 Whenever an office-bearer or elected official has been removed from office in terms of this Constitution but otherwise than under clause 18.1, not less than 30% of the Members in good standing may not later than 30 days after the date of such removal, submit a written request to the NEC for the taking of a ballot of Members in order to determine whether the office-bearer or official so removed from office shall be re-instated and such ballot shall be conducted within 30 days after the receipt of the request by the NEC. The office-bearer or official concerned shall be re-instated if the majority of the Members in good standing vote in favour thereof.

19. WINDING-UP.

- 19.1 CUSA shall be wound up if at a ballot, conducted in the manner prescribed in the Standing Rules, not less than three-fourths of members of CUSA in good standing vote in favour of a resolution that CUSA be wound up, or if for any reason CUSA is unable to function.
- 19.2 If a resolution for the winding-up of CUSA has been passed, as provided in clause 19.1, or if for any reason CUSA is unable to continue to function, the following provisions shall apply:

- 19.2.1 The available members of CUSA's last appointed NEC shall appoint a liquidator to carry out the winding-up. The liquidator shall not be a Member and shall be paid such fees as may be agreed upon between him and the Members the last appointed NEC, who were in good standing as at the date of dissolution.
- 19.2.2 The Liquidator so appointed shall call upon the last appointed office-bearers and officials of CUSA to deliver to him CUSA's books of account showing CUSA's assets and liabilities, together with the register of Members showing, for the twelve-months prior to the date on which the Resolution for winding-up was passed or the date as from which CUSA was unable to continue to function, as the case may be, hereinafter referred to as "the date of dissolution", the subscriptions paid by each Member and its address as at the said date.
- 19.2.3 The Liquidator shall also call upon the said office-bearers and officials of CUSA to hand over to him all unexpended funds of CUSA and to deliver to him CUSA's assets and the documents necessary in order to liquidate the assets.
- 19.2.4 The liquidator shall take the necessary steps to liquidate the debts of CUSA from its unexpended funds and any other monies realised from any assets of CUSA, and if the said funds and monies are insufficient to pay all creditors after the liquidator's fees and the expenses of winding up have been met, the order in which creditors shall be paid shall, subject to the provisions of clause 19.2.3 be the same as that prescribed in any law for the time being in force

relating to the distribution of the assets of an insolvent estate and the liquidator's fees and the expenses of winding-up shall rank in order of preference as if though he were a liquidator of an insolvent estate and as if though the expenses were the costs of sequestration of an insolvent estate.

19.2.5 After the payment of all debts in accordance with clause 19.2.4, the remaining funds, if any, shall be distributed by the Liquidator amongst the Members who were in good standing as at the date of dissolution and each Member shall be awarded a share in proportion to the subscriptions actually paid by it in respect of the twelve months immediately preceding the said date.

19.2.6 The liability of Members shall, for the purpose of this clause, be limited to the amount of subscriptions due by them to CUSA in terms of this Constitution as at the date of dissolution.

20. AMENDMENTS.

Any of the provisions of this Constitution may be amended in any manner by resolution of a National Conference provided that at least 14 day's notice of any proposed amendment shall have been given to Members. If, within that period, Members demand in writing that a ballot of Members be taken on the matter, such a

ballot shall be taken. If a majority of the Members in good standing in the resultant ballot vote in favour of the proposal, the amendment shall become effective.

PRESIDENT OF CUSA

DATE

GENERAL SECRETARY OF CUSA

STANDING RULES OF COUNCIL OF UNIONS OF SOUTH AFRICA
("CUSA")

1. PROCEDURE AT MEETINGS/CONFERENCES ESTABLISHED IN TERMS OF THE
CONSTITUTION

1.1 Definitions

1.1.1 Any reference in these Standing Rules to the word -

1.1.1.1 "delegate" means a person entitled to vote on a resolution in terms of the constitution of CUSA.

1.1.1.2 "member" means a person elected to a committee in terms of the constitution of CUSA.

1.1.1.3 "NEC" means the National Executive Committee of CUSA elected in terms of the constitution of CUSA.

1.1.1.4 "Union" means a member of CUSA in terms of the constitution of CUSA.

1.2 Resolutions

1.2.1 No resolution proposed at a meeting/conference shall be considered unless seconded. All matters forming the subject of resolutions shall, unless otherwise provided herein, be voted upon by a show of hands and shall be decided by the votes of a majority of the delegates present, except in the case of elections, when the candidates up to the required number receiving the highest number of votes of the delegates present shall be declared elected.

1.2.2 A delegate shall not speak for longer than 15 minutes on any matter unless another delegate proposes an extension of time of not more than 5 minutes, and such a motion, shall be seconded and be agreed to by the majority of the delegates present without debate.

- 1.2.3 The mover of a resolution shall have the right to reply to any debate thereon and such reply shall not exceed 15 minutes.
- 1.2.4 No subject shall be debated for longer than one and a half hours. An extension of time may be allowed by the chairman if a delegate proposes an extension of time and it is seconded and agreed to by a two-thirds majority of the delegates present.
- 1.2.5 A mover may withdraw or amend the resolution proposed by him.
- 1.2.6 A person wishing to address the meeting/conference on a resolution shall, before commencing, inform the meeting/conference whether he is for or against the resolution.

1.3 RE-OPENING

No question which has been debated and finalised shall be re-opened at the same meeting/conference, except on a resolution put without debate and carried by a two-thirds majority of the delegates present.

1.4 MISCONDUCT/SUSPENSION

A person who refuses to obey the ruling of the chairman shall withdraw from the meeting/conference should a resolution of the majority of delegates present at the meeting/conference declare him to be guilty of misconduct. The delegates present at a meeting/conference shall have the right, by majority vote, to suspend a delegate for any period of time decided by them.

1.5 REVIEW OF RULING

A resolution to review the chairman's ruling on any question may be moved and seconded. Five minutes shall be allowed for the mover and the chairman to state their reasons. Such a resolution shall be carried by the majority vote of the delegates present.

1.6 QUORUMS

1.6.1 The quorum of any National Conference and Joint Executive Council meeting shall be two thirds of the Unions in good standing.

1.6.2 The quorum of any NEC meeting shall be 50% of the members of the NEC in good standing.

1.6.3 If, within 60 minutes of the time fixed for any meeting/conference, a quorum is not present, the meeting/conference shall stand adjourned to the same time, day and place in the week following unless that day is a public holiday, in which event it shall be adjourned until the next working day. At such adjourned meeting for which written notice shall be given to Unions/members, the Unions/members present shall constitute a quorum.

1.7 MINUTES

At every meeting/conference the minutes of the last preceeding meeting/conference shall be read by the general secretary and shall be signed by the President after confirmation.

1.8 NON-RECEIPT OF NOTICE

The proceedings of any meeting/conference shall not be

invalidated by reason of the non-receipt by a Union/member of notice of the meeting/conference.

1.9 CASTING VOTE

In addition to the vote which the President may exercise as a delegate, he shall have a casting vote in the event of there being equality of votes on a resolution.

2. BALLOTS

2.1 Ballots at Meetings

2.1.1 Any ballot taken in terms of the constitution of CUSA or in terms of a decision of a National Conference or the Joint Executive Council or the NEC, or following a written demand by a simple majority of the Unions in good standing shall be conducted in the manner set out in this sub-clause.

2.1.2 Notices of a ballot shall be given to each Union/member in writing by the general secretary at least 3 days before the ballot is to be taken, provided that a ballot may be taken without notice at any National Conference on the decision of a majority of the delegates present.

2.1.3 Two scrutineers shall be appointed by the National Conference or the Joint Executive Council or the NEC to supervise any ballot and to ascertain the result thereof.

2.1.4 Except in the case of postal ballots, ballots shall be conducted at the place, on the date and during the hours as may be specified in the notice referred to in clause 2.1.

2.1.5 Ballot papers shall be provided by the general secretary. The issue to be voted upon shall be set forth clearly on the ballot papers and such papers shall not contain any

information which would make it possible to identify the voters.

2.1.6 The ballot boxes shall be inspected by the scrutineers and shall be sealed by the general secretary in their presence, prior to the issue of ballot papers.

2.1.7 A single ballot paper shall be issued at the place and during the hours fixed for the taking of the ballot to each Union/member or delegate.

2.1.8 Each voter shall, in the presence of the scrutineers, be issued with one ballot paper which he shall thereupon complete, fold and deposit in a container provided for that purpose.

2.1.9 Ballot papers shall not be signed or marked in any way apart from the mark required to be made by the voter. Ballot papers bearing any other mark shall be regarded as spoilt and shall not be counted.

2.1.10 On completion of the ballot or so soon thereafter as possible, the result thereof shall be ascertained by the scrutineers in the presence of the general secretary, and made known through him. In the case of elections, the candidates up to the required number receiving the highest number of votes, shall be declared elected.

2.1.11 Ballot papers, including spoilt papers, after the counting of the votes shall be placed in the ballot boxes again by the general secretary and shall be retained by the general secretary for not less than 3 years.

2.2 POSTAL BALLOTS

2.2.1 Should a National Conference or the NEC decide that a

postal ballot of Union/members be taken, the ballot shall be conducted in the manner set out in this sub-clause.

2.2.2 The general secretary shall send by post to each Union/member a ballot paper and a stamped and addressed envelope marked "Ballot". The ballot paper shall, on completion, be inserted in the envelope provided for that purpose and posted, so as to reach the general secretary within 21 days from the date of despatch from CUSA's office to such Union/member. On receipt of such envelopes, the general secretary shall immediately place such envelopes in a sealed ballot box.

3.2 Two scrutineers shall be appointed by the NEC to ascertain the result of the ballot. The ballot box shall be opened and the ballot papers counted by the scrutineers in the presence of the general secretary, who shall within 7 days advise the NEC in writing of the result of the ballot.

3.3 The provisions of clauses 2.1.9 and 2.1.11 shall apply in the case of a postal ballot.

4. CONSTITUTION SILENT

All matters of procedure on which either the constitution of CUSA or these Standing Rules are silent shall be decided on resolution by a majority vote of the delegates present, consistent with accepted meeting procedures.