

South African Postal Allied Workers Union



SAPAWU

mintirho ya vulavula

CONSTITUTION

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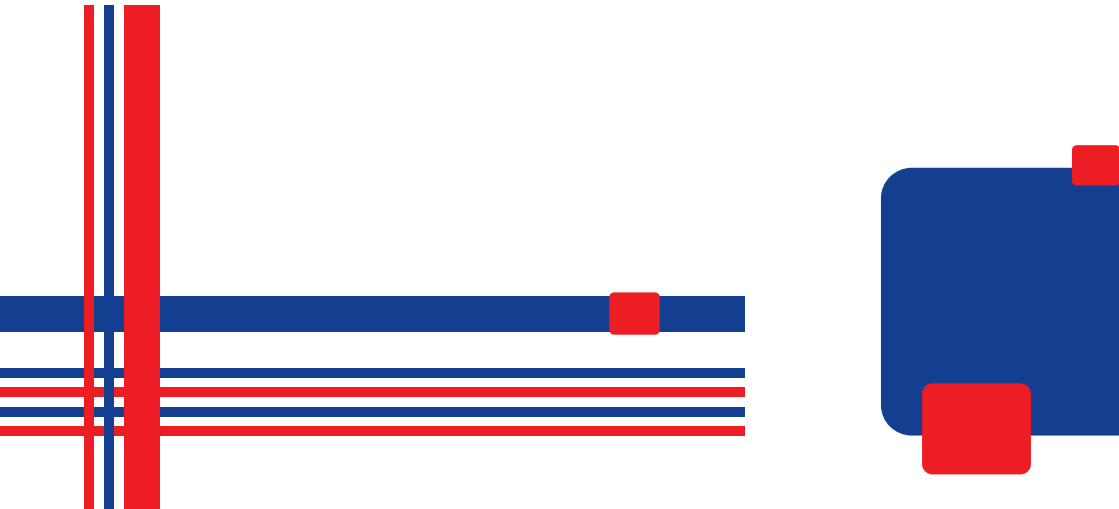


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1 CHARACTER OF THE UNION

1.1 Name

1.1.1 The name of the Union shall be the South African Postal and Allied Workers Union (referred to as the "Union").

1.2 Colors

1.2.1 The colors of the union shall be blue, red and white

1.3 Scope

1.3.1 The scope of the Union shall be the Postal and Courier Freight Industry.

1.4 Legal Status

1.4.1 The union shall be a corporate body having perpetual succession and is an organization not for gain.

1.5 Location Of The Head Office

1.5.1 The national office of the union shall be located in Tshwane, Gauteng.

2 ABBREVIATIONS

2.1	BOB	Branch Office Bearers
2.2	BEC	Branch Executive Committee
2.3	BC	Branch Congress
2.4	CEC	Central Executive Committee
2.5	ELECTED OFFICIAL	Is an official who has been elected to hold an Office in the Union
2.6	FINCOM	Finance Committee Of The NEC
2.7	He	Refers to both sexes, i.e. he, she, him, her, etc.
2.8	LRA	Labour Relations Act 66 of 1995
2.9	MANAGEMENT	Is any person who has the authority to employ Or dismiss workers
2.10	NC	National Congress
2.11	NEC	National Executive Committee
2.12	NOB	National Office Bearer
2.13	OFFICE BEARER	Is a member of the Union who is elected to hold Office in the Union
2.14	RC	Regional Congress
2.15	REC	Regional Executive Committee
2.16	ROB	Regional Office Bearer
2.17	SNC	Special National Congress
2.18	SS	Shop Steward
2.19	SSC	Shop Steward Committee

- 2.20 **SAPAWU** South African Postal And Allied Workers Union
- 2.21 **STAFF MEMBER** Is all other employees of the Union
- 2.22 **STOP ORDER DEDUCTION** Is any written authorization by a member of the Union to the Employer to deduct subscription charges or levies to the Union from the member's salary.
- 2.3 Any expression used in this Constitution and which is defined in the Labour Relations Act 66 of 1995 (as amended) shall have the same meaning as in the Act.

3 AIMS AND OBJECTIVES

- 3.1 The aims and objectives of the Union shall be:
 - 3.1.1 To regulate relations between members and their employers and to protect and further the interest of members in relation thereto.
 - 3.1.2 To strive for economic and social justice for all workers by means of, regulating relations, negotiating and setting disputes between workers and employers.
 - 3.1.3 To oppose any discrimination in employment and fight for the rights of all workers to do any facet of work.
 - 3.1.4 To advance the democratic right of every worker.
 - 3.1.5 To encourage the settlement of dispute by conciliatory methods.
 - 3.1.6 To promote support or oppose, as may be deemed expedient, any existing or proposed legislation or other measure affecting the interests of members.
 - 3.1.7 To use every legitimate means possible to convince all persons who are eligible for membership to become members.
 - 3.1.8 To encourage and unite into a single organization all workers employed in the industry in South Africa who are eligible to become members of the Union and or to enhance their economic and social welfare.
 - 3.1.9 To protect the job security of members, to advance their employment prospects and generally to do all things that will be in the interest of members in their individual and collective capabilities.
 - 3.1.10 To improve the wages, salaries and terms and conditions of employment of members through collective bargaining and other lawful means.
 - 3.1.11 To provide when deemed necessary, legal assistance to members in connection with their employment and related matters.
 - 3.1.12 To inculcate a spirit of unity and solidarity amongst all members and workers in the industry and educate members of the Union in the true spirit of family unity, oneness and solidarity based on the philosophy of individuality of the workers and their families.
 - 3.1.13 To co-operate with National and International Organization and thereby improve general standard of living of the workers.

- 3.1.14 To perform other lawful acts as may appear to be in the interest of the Union and its members and oppose acts, which are not consistent with the objective of any other matter specifically provided for in this constitution.
- 3.1.15 To act, oppose and negotiate in the matters concerning Unfair Labour Practice.
- 3.1.16 To operate in the name of the Union generally such that a role may be played in the social, economic and political upliftment of the community at large and
- 3.1.17 To observe and act in accordance with the spirit and principle of democracy in all Union activities.

4 CONTROL OF THE UNION

- 4.1 The Union's decision making structures comprise the following bodies, no individual will make decision on his own:
- 4.1.1 Shop steward Committees at the workplace
 - 4.1.2 **BOB** Branch Office Bearer
 - 4.1.3 **BEC** Branch Executive Committee
 - 4.1.4 **BC** Branch Congress
 - 4.1.5 **ROB** Regional Office Bearer
 - 4.1.6 **REC** Regional Executive Committee
 - 4.1.7 **RC** Regional Congress
 - 4.1.8 **NOB** National Office Bearer
 - 4.1.9 **NEC** National Executive Committee
 - 4.1.10 **CEC** Central Executive Committee
 - 4.1.11 **NC** National Congress
- 4.2 The powers of these structures are defined in this Constitution. Subject to this constitution, a decision of a higher structure is binding on all lower structures falling under its jurisdiction.
- 4.3 A lower structure may not decide anything that conflicts with the policies or decisions of higher structure.

5 AUTHORITY TO CONCLUDE AGREEMENTS

- 5.1 Only National and Regional Office Bearers and Officials authorized by the President or General Secretary, CEC may enter into or sign agreements, including Collective Agreements on behalf of the Union and its members. (Authorization should be in writing if it is from President or General Secretary).
- 5.2 Only Agreements consistent with this Constitution and the policies and resolutions of the Union may be concluded.

6 REPRESENTING THE UNION

- 6.1 Only the General Secretary or President may represent the Union or act as spokespersons of the Union or any member delegated by them. They must act in accordance with this Constitution, the policies of the Union and the mandate they have received from the Union and Members.

7 THE STRUCTURES OF THE UNION SHALL COMPRISE OF:

- 7.1 Shop Steward Committees.
- 7.2 Branch Structures.
 - 7.2.1 Branch Executive Committee.
 - 7.2.2 Branch Congress.
- 7.3 Regional Structures.
 - 7.3.1 Regional Executive Committee.
 - 7.3.2 Regional Congress.
 - 7.3.3 National Structures
 - 7.3.4 Central Executive Committee.
 - 7.3.5 National Executive Committee.
 - 7.3.6 National Congress.

8 MEMBERSHIP

8.1 Eligibility

- 8.1.1 Subject to the approval of the Branch Executive Committee, which has jurisdiction, membership of the union is open to all workers who are:
 - 8.1.1.1 Employed in the postal, courier freight group and Allied Companies.
- 8.1.2 About to enter employment in such industries.
- 8.1.3 Former members in such industries who are temporarily without work and
- 8.1.4 Elected office bearers of the union.

8.2 Rights And Obligations Of Members

- 8.2.1 Members' rights and obligations are as set out in this constitution and as determined by the constitutional structures of the union from time to time.
- 8.2.2 The union may not unfairly discriminate against any member or applicant for membership.
- 8.2.3 Every member must observe the provisions of this Constitution and lawful decisions of any structure of the Union and any Federation to which the Union belongs and must not act in a way that is detrimental or prejudicial to the interests of the Union and its members.

8.3 Entitlement To Benefits

- 8.3.1 Only members in good standing are entitled to the benefits of and rights associated with membership.
- 8.3.2 Members in good standing are members whose subscriptions are up to date.
- 8.3.3 Members who are between 3 and 6 months in arrears with their subscription fees remain members of the union subject to the approval of the branch but are not entitled to the benefits of membership.
- 8.3.4 Members who are more than 6 months in arrears lose their membership.

8.4 Application Procedure

- 8.4.1 Workers must apply for Union membership to the Branch Executive committee with jurisdiction over the area where they are employed.
- 8.4.2 The Branch Executive Committee may reject any application if it is of the opinion that the worker is not a fit and proper person to be a member of the union.
- 8.4.3 If there is no functioning Branch Executive Committee then the application must be directly sent to the Regional Secretary/General Secretary.

8.5 Appeal Procedure against refusal of membership

- 8.5.1 If the Branch Committee rejects an application for membership, the worker may appeal against the decision at the next meeting of the Regional Committee.
- 8.5.2 The worker must lodge the appeal with the Regional Secretary In writing, at least 7 days before the meeting.
- 8.5.3 The worker may appear personally at the meeting to argue the appeal.
- 8.5.4 The decision of the Regional Committee is final, for a period of 12 months.
- 8.5.5 After 12 months an unsuccessful applicant for membership may apply again to the Branch Committee.

8.6 Termination Of Membership Shall Be By

- 8.6.1 Resignation by member.
 - 8.6.1.1 Any member may resign from the union after giving one month written notice to the Branch Executive Committee.
 - 8.6.1.2 The member must pay all amounts owing to the Union.
- 8.6.2 Suspension or Expulsion by Branch Executive Committee under the following conditions.
 - 8.6.2.1 If a Branch Executive Committee is of the opinion that a member has conducted himself in a manner which is harmful to the interests of the Union or its members then the Branch Executive Committee must hold an inquiry into that member's conduct.

- 8.6.2.2 The member must be given an opportunity to present his case at such an inquiry.
- 8.6.2.3 The Branch Executive Committee may therefore decide:
 - 8.6.2.3.1 To excuse the member.
 - 8.6.2.3.2 To suspend the member for a fixed period on such conditions as they deem fit and or
 - 8.6.2.3.3 To expel the member.
- 8.6.2.4 Within 7 days of the Branch Executive Committee notifying the member of the disciplinary action they have chosen the member may lodge an appeal to the Regional Executive Committee with jurisdiction.
- 8.6.2.5 The union may suspend or expel a member provided it follows the procedures it set out in this constitution.
- 8.6.2.6 Members may not be disciplined or have their membership terminated for failure or refusal to participate in a strike if:
 - 8.6.2.6.1 No ballot was held about the strike.
 - 8.6.2.6.2 A ballot was held, and the majority of the members who voted did not vote in favour of the strike.
- 8.6.3 Labour Disputes or Unfair Dismissals
 - 8.6.3.1 If an employer terminates a member's contract employment as a result of a labour dispute or under circumstances which the Branch Executive Committee believes are unfair, that member remains a member of the union:
 - 8.6.3.1.1 For a period of 6 months from the date of termination until legal proceedings challenging the dismissal has been finalized.
 - 8.6.3.1.2 The member is exempt from paying subscription fees until he or she is re-employed or reinstated, or until the Branch Executive Committee so determines.

8.7 Re-admission

- 8.7.1 Any member who has resigned or who has been expelled from membership may be re-admitted to the union if that member complies with the conditions determined by the Branch or Regional Executive Committees.

8.8 Honorary Membership

- 8.8.1 Honorary membership or status may be conferred on any person by the National Congress in recognition of a special or valued contribution made by that person to the union, its members, and the working class or to the country.

9 SUBSCRIPTIONS

- 9.1 The NC or SNC or CEC sets the subscription fees from time to time.
- 9.2 Subscription fees shall be R60-00 and will be deducted from a Member's monthly salary.
- 9.3 Collection and Banking of Subscriptions
 - 9.3.1 Members including elected office bearers must pay their subscription fees monthly to the union.
 - 9.3.2 The union must issue receipts immediately for these fees unless stop order facilities are in operation.
 - 9.3.3 The union must keep a record of the contributions of each member.
 - 9.3.4 All amounts received for membership subscriptions and other amounts due to the union from members must be deposited in a national banking account not later than 5 days after receipt thereof.
- 9.4 Exemptions From Subscriptions
 - 9.4.1 The Branch Executive Committee may exempt a member from paying subscriptions if that member has been unable to work on account of illness for a continuous period of 3 months with no income.

10 SHOP STEWARD COMMITTEE

10.1 Election of Shop stewards

- 10.1.1 Union members in good standing may elect shop stewards from amongst themselves to hold office for 3 years.
- 10.1.2 Only members who are committed to the union, its constitution and its aims and objectives may be elected as shop stewards.
- 10.1.3 The Branch Executive Committee oversees the election of the shop stewards.

10.2 Election Procedure

- 10.2.1 Members in good standing shall nominate and second nominees for positions of shop stewards.
- 10.2.2 If a nominee is the only nomination for a position the nominee automatically assumes the responsibility of the position.
- 10.2.3 If there is more than one nominee for the position, then the Members must vote by show of hands, and the nominee who receives the most votes will be duly elected.
- 10.2.4 Shop stewards must hold office until the next elections, when they will be eligible for re-elections.

10.3 Composition of Shop Steward Committees Shall Be As Follows:

- 10.3.1 At every workplace where the union has more than 10 members, the members may elect a shop steward committee. The Branch Executive Committee will supervise the elections.
- 10.3.2 The Committee should consist of 3 or more shop stewards representing the various work sections in which the Union has members.
- 10.3.3 The yard or workplace with 10 or less members will elect a shop steward who will represent their interest; the branch with jurisdiction will conduct and supervise the elections.

10.4 Meetings

- 10.4.1 The Shop steward Committee should meet at least once a month, unless a need arises.
- 10.4.2 To hold meetings at least once a month with members in a general meeting at their workplace.
- 10.4.3 The chairperson of the committee should conduct the proceedings of the meeting or by any senior member available.

10.5 Functions Of Shop Stewards Committees

- 10.5.1 To manage the affairs of the union.
- 10.5.2 To implement the policies and decisions of the National, Regional and Branch structures of the Union.
- 10.5.3 To convene monthly general meetings in the workplace.
- 10.5.4 To report to members in the general meetings on the progress of the Union.
- 10.5.5 To seek mandates from members and not to impose their will.
- 10.5.6 To settle disputes in the workplace.
- 10.5.7 To represent members in disciplinary hearings and grievance meetings.
- 10.5.8 To build and maintain unity, harmony and discipline amongst members of the union in the workplace.
- 10.5.9 To recruit and service members.
- 10.5.10 To do anything else that is delegated to and consistent with this constitution and union policies.
- 10.5.11 To receive and attend to complaints affecting members concerning their employment. And where necessary to report to the Branch Executive Committee.
- 10.5.12 To report any improper employment practice, or contravention by employers of statutes, to the Branch Executive Committee, and
- 10.5.13 To send monthly reports to the Branch Secretary regarding matters that requires intervention and follow-ups.

11 BRANCH STRUCTURES

11.1 Branch Congress

- 11.1.1 A branch may be established by the REC, in areas where it is necessary and possible, and in conjunction with the NEC, under the following conditions:
 - 11.1.1.1 As soon as two or more workplaces in a particular geographical area exist, with more than 100 members, the REC shall convene the first conference for such a branch.
 - 11.1.1.2 Where there are less than 100 members made up of different Workplaces, if the Regional Executive Committee directs that a branch be established. A Regional Executive Committee may establish a Branch or direct members to join an existing branch.
- 11.1.2 The Branch Congress shall be convened thereafter by the BEC once every three years, preceding the regional congress.
- 11.1.3 The Branch Congress shall be attended by the BOBs and a number of delegates determined by the BEC of the shop stewards within that that branch, wherein these delegates shall be eligible for election as branch office bearers.
- 11.1.4 The Branch Office Bearers shall be elected by ballot at the Branch Congress and shall consist of;
 - 11.1.4.1 Chairperson.
 - 11.1.4.2 Deputy Chairperson.
 - 11.1.4.3 Secretary.
 - 11.1.4.4 Deputy Secretary.
 - 11.1.4.5 Treasurer, and
 - 11.1.4.6 Educator.
 - 11.1.4.7 Branch Coordinator
- 11.2 Only members from workplaces in good standing may attend and stand for election to the positions of Branch Office Bearers.
- 11.3 Nominations of BOB's must be submitted to ROB's as the responsible structure for receiving such nominations.

- 11.4 Nominations to these positions must be duly seconded, and voting at the Branch Congress shall be by secret ballot.
- 11.5 If only one candidate is nominated for a position, no ballot is necessary and that candidate must be declared duly elected.

11.6 Duties of the Branch Congress

- 11.6.1 The consideration of reports from the BOB's and other special reports as may be provided by the ROB's.
- 11.6.2 The assessment of union's progress in the branch.
- 11.6.3 The formulation of recommendations on possible constitutional amendments, policies and passing of resolutions.
- 11.6.4 The Branch Chairperson or his deputy, in his absence, shall preside over the proceeding at the Branch Congress meetings. Voting on resolutions shall be by show of hands unless the Branch Congress decides otherwise. The Branch chairperson shall have a casting vote and not a deliberate vote.
- 11.6.5 The Branch Congress shall quorate when 50% plus one (1) of the expected delegates are present in the congress.

11.7 Branch Executive Committee

- 11.7.1 The Branch Executive Committee shall be constituted by:
 - 11.7.1.1 The Branch Office Bearers.
 - 11.7.1.2 The chairperson of each workplace of that Branch,
 - 11.7.1.3 The secretary of each workplace of that Branch

11.8 Meetings Of The BEC

- 11.8.1 The BEC shall meet at least four times per annum, 50% plus 1 of the BEC members shall constitute a quorum, unless under extra ordinary circumstances render it impossible or impractical for such a quorum, members present shall constitute a quorum. Decisions shall be taken by a majority vote and minutes shall be kept by the branch secretary.
- 11.8.2 If within one hour of the time fixed for any meeting a quorum is not present, the meeting must stand adjourned The Secretary must notify in writing, members who were absent, about the adjourned meeting.
- 11.8.3 The Branch shall not resolve to do anything which is inconsistent with the policies of the Union or with the decision of the NC, CEC, NEC, and

REC or with the provisions of this constitution.

- 11.8.4 Members of the BEC shall be notified in writing of the date, time and place of the meeting 14 days before such meeting by the Branch secretary. Shorter notice should not be less than 24 hours and may be at the discretion of the Branch chairperson in respect of special meetings.
- 11.8.5 An agenda shall be attached to every notice of the BEC meeting.

11.9 The Powers And Functions Of The BEC Shall Be To:

- 11.9.1 Manage the affairs of the union under their jurisdiction.
- 11.9.2 Deal with labour disputes.
- 11.9.3 Deal with members' grievances so as to protect their job security, and employment prospects.
- 11.9.4 Generally promote the interest of members.
- 11.9.5 Ensure that proper communication takes place between itself and organizational structures of the union.
- 11.9.6 Do all lawful things which in the opinion of the Branch Committee.
 - 11.9.6.1 Do all things that are in the interest of the Union and members.
 - 11.9.6.2 Not do things that are in conflict with the decisions of the Regional Executive Committee with jurisdiction and the Union at large.
 - 11.9.6.3 Further the aims and objectives of this Constitution.
 - 11.9.6.4 Carry out its functions at all times.

11.10 Duties Of The Branch Office Bearers

- 11.10.1 The Branch Chairperson shall;
 - 11.10.1.1 Chair all branch congresses, BEC's and BOBs meetings;
 - 11.10.1.2 Sign minutes of all meetings after confirmation;
 - 11.10.1.3 Perform such other duties as may be delegated by the BEC;
 - 11.10.1.4 Not have deliberate vote, but shall in the event of an equality of votes, have a casting vote

11.10.2 The Branch Deputy Chairperson Shall:

- 11.10.2.1 Exercise powers and perform the duties of the chairperson in his absence and assist the chairperson in the discharge of his duties.
- 11.10.2.2 Perform any other duties as may be delegated to him by the Branch Chairperson/ BOBs/ BEC.

11.10.3 The Branch Secretary Shall

- 11.10.3.1 Attend all BEC and BC and shall be responsible for the taking of proper minutes at these meetings.
- 11.10.3.2 Submit reports to the BC and BEC as well as monthly reports to the Branch secretary.

11.10.4 The Deputy Branch Secretary Shall

- 11.10.4.1 Assist the Branch Secretary and exercise the same powers in his absence.
- 11.10.4.2 Perform any other duties as may be delegated to him by the Branch Secretary.

11.10.5 The Branch Treasurer Shall

- 11.10.5.1 Be responsible for all finances of the branch.
- 11.10.5.2 Ensure that the financial policy is properly followed in the branch.
- 11.10.5.3 Submit financial reports to the Branch treasurer on a monthly basis and during BC's and BEC's.

11.10.6 The Branch Educator Shall

- 11.10.6.1 Coordinate education and training activities within the Branch, in consultation with BOB's.
- 11.10.6.2 Ensure participation of union members in education and training programs of the Branch, Region and province.
- 11.10.6.3 Carry his duties within the guidelines of the education policy.
- 11.10.6.4 Perform any other duties directed by the BEC or REC from time to time.

12 REGIONAL STRUCTURES

- 12.1 The NC/ CEC/ NEC shall determine the formation of regions and their boundaries. The union shall be composed of a number of geographical regions, the boundaries of which shall be determined by the NC/ CEC/ NEC from time to time.

12.2 Regional Congress

- 12.2.1 As soon as two or more branches are established in a region, the NEC shall convene a first regional congress for such a region.
- 12.2.2 A regional congress shall be convened by the REC once every four years thereafter and before the National Congress.
- 12.2.3 The regional congress shall be attended by Regional Office Bearers, Branch Office Bearers and one delegate for every 150 members within branch wherein these delegates shall be members in good standing and will be eligible for election for election as office bearers.
- 12.2.4 The Regional Congress shall quorate when 50% of its expected branches are present and further 50% plus one (1) of the total number of the expected delegates is present.
- 12.2.5 The Regional Office Bearers shall hold office for a period of four years or as otherwise decided by the Regional Congress in line with the constitution. The Provincial Office Bearers shall be eligible for reelection on termination of their period of office.

12.3 Planning For The Regional Congress

- 12.3.1 Three months prior to the holding of a regional congress, the regional executive committee must determine the total number of delegates as per clause 13.2.3.
- 12.3.2 The regional secretariat must inform Branches about the convening of the Regional Conference at least three months before it is held.
- 12.3.3 The branches must:
- 12.3.3.1 One month before the Regional Congress send branch reports and branch resolutions to the regional secretary.
- 12.3.3.2 The Regional Secretary must send to all Branch Committees at least 10 days before the Regional Conference:
- 12.3.3.2.1 Copies of the resolutions

12.3.3.2.2 The Regional Congress Agenda, and

12.3.3.2.3 Regional Congress report.

12.4 The Business Of The Regional Congress Shall Be:

12.4.1 The nomination and election by ballot of members of the Regional Office Bearers, which shall comprise of;

12.4.1.1 Chairperson.

12.4.1.2 Deputy Chairperson.

12.4.1.3 Secretary.

12.4.1.4 Deputy Secretary.

12.4.1.5 Treasurer, and

12.4.1.6 Educator.

12.4.1.7 Coordinator

12.4.2 Only members from Branches in good standing may stand for election to the positions of Regional Office Bearers.

12.4.3 Nominations for ROB's must be submitted to the NOB's as a structure responsible for receiving such nominations.

12.4.4 Nominations to these positions must be duly seconded by another Branch and the voting at Regional Congress shall be by secret ballot.

12.4.5 The ballot must be held in accordance with the procedures prescribed in this Constitution.

12.4.6 If only one candidate is nominated for a position, then no ballot is necessary and that candidate must be declared duly elected.

12.4.7 The consideration of reports from the ROB's and other special reports as may be provided by Head Office or NEC.

12.4.8 The assessment of the union's progress in the Region.

12.4.9 The formulation of recommendations on possible constitutional amendments, policies and passing of resolutions.

12.4.10 The regional chairperson, or in his absence, the deputy regional chairperson shall preside over the proceeding at the regional congress meetings. Voting on resolution shall be by show of hands unless the regional congress decides otherwise. The regional chairperson shall have a casting vote and not a deliberate vote.

12.4.11 The Regional Secretary must keep minutes of the conference.

12.5 Regional Executive Committee

12.5.1 The REC shall be constituted by;

12.5.2 The Regional Office Bearers.

12.5.3 Chairperson of each and every branch.

12.5.4 Secretary of each and every branch

12.6 Meetings Of The REC

12.6.1 The REC shall meet at least 12 times per annum.

12.6.2 A majority of committee members present constitute a quorum.

12.6.3 If within one hour of the time fixed for any meeting a quorum is not present, the meeting must stand adjourned.

12.6.4 Members of the REC shall be notified in writing, of the date, time and place of the meeting by the regional secretary at least fourteen days before the date of such meeting. Shorter notice not less than twenty four hours, may in the discretion of the regional chairperson, be given in respect of special meetings. An agenda shall be attached to every notice of the REC meeting.

12.6.5 Decisions must be taken by majority of delegates and where there are different motions, delegates will vote by show of hands and the Chairperson shall not have a deliberative vote but in the event of an equality of votes, shall have a casting vote.

12.6.6 If within one hour of the time fixed for any meeting a quorum is not present, the meeting must stand adjourned.

12.6.7 The Regional Secretary must notify in writing members of the REC who were absent about the adjourned meeting.

12.6.8 The Functions And Powers Of The Regional Executive Committee are:

- 12.6.8.1 To recruit members in a particular area and to promote their Interest generally.
- 12.6.8.2 To organize regional congresses.
- 12.6.8.3 To prepare the regional delegation to the National Congress.
- 12.6.8.4 To organize regional events with regard to trade union education and training.
- 12.6.8.5 To supervise the affairs of branch committees, and all other ad-hoc committees.
- 12.6.8.6 To ensure that proper communication takes place between branches, Regional and Head Office.
- 12.6.8.7 To open, operate and close banking accounts in the name of the region subject to the approval, and ultimate control of the NEC.
- 12.6.8.8 To acquire either by purchase or lease or otherwise any movable or immovable property within the region's area on behalf of the union with approval from national office.
- 12.6.8.9 To do all lawful things which, in the opinion of the Regional Committee appears to be in the interest of the union and which are.
- 12.6.8.10 Not in conflict with the decisions and policies of the National Congress, CEC and NEC.
- 12.6.8.11 Not inconsistent with the provisions of this Constitution or its by-laws, and
- 12.6.8.12 Necessary to perform its functions.

12.7 Duties Of Regional Office Bearers

- 12.7.1 The Regional Chairperson Shall:
 - 12.7.1.1 Preside over all RC and REC meetings.
 - 12.7.1.2 Ensure that this Constitution is upheld at all times, in the region.
 - 12.7.1.3 Be a co-signatory to all regional accounts.
 - 12.7.1.4 Endorse all accounts for payment after approval by the REC.
 - 12.7.1.5 Generally exercise supervision over the affairs of the union in the region.

12.7.1.6 Not have a deliberate vote, but in the event of equality of votes, shall have a casting vote.

12.7.2 The Deputy Regional Chairperson Shall:

12.7.2.1 Exercise the power and perform the duties of the chairperson in the latter's absence.

12.7.2.2 Assist the Chairperson in the discharge of his or her duties.

12.7.3 The Regional Secretary Shall:

12.7.3.1 Deal with all regional correspondences.

12.7.3.2 Issue official receipts for all monies received.

12.7.3.3 Submit financial reports to the Regional Congress.

12.7.3.4 Ensure that proper books of accounts are kept and that they are audited annually.

12.7.3.5 Ensure in general that all legal requirements and controls in respect of the financial matters are adhere to.

12.7.3.5.1 Supervise the employees of the union.

12.7.3.5.2 Ensure that a register of members is maintained, and

12.7.3.5.3 To be a signatory to all regional accounts.

12.7.4 The Deputy Regional Secretary Shall:

12.7.4.1 Assist the Regional Secretary in the discharge of his duties, and

12.7.4.2 Exercise the powers and perform the duties of the Regional Secretary in the latter's absence.

12.8 The Regional Treasurer Shall:

12.8.1 Ensure that proper books of accounts of the region are kept.

12.8.2 Have a right to inspect all records relating to the finances, books and assets of the union, at all reasonable times, and

12.8.3 Be co-signatory on all regional banking accounts.

12.9 The Regional Educator Shall:

- 12.9.1 Co-ordinate education and training activities within the region, in consultation with the ROB's.
- 12.9.2 Ensure participation of the Union members in education and training programs of the Region and Branches under the Region.
- 12.9.3 Carry out his functions within the broad policy guidelines of the Union.
- 12.9.4 Perform any other functions directed by the NEC or REC from time to time.
- 12.10 Regional Coordinator
- 12.10.1. Co-ordinate the activities of the region in consultation with other ROB's

13 THE NATIONAL STRUCTURES

- 13.1 The national structure shall comprise of the National Congress, Central Executive Committee, National Executive Committee and its sub- committees.

14 NATIONAL CONGRESS

- 14.1.1 The National Congress is the supreme governing body of the union.
- 14.1.2 The National Congress shall be convened after every 5 years at such venue as shall be decided on by the NEC. The NEC may, at its own discretion postpone the National Congress up to a period of not more than six (6) months after the five (5) year period has expired.
- 14.1.3 In the event that the congress fails to sit after extension of up to six (6) months, the NEC shall dissolve the NOB's and appoint an interim structure to prepare for congress.
- 14.1.4 The national Congress shall be attended by the National Office Bearers, Regional Office Bearers and one (1) delegate for every 100 members in each region, wherein these delegates shall be eligible for election as Office Bearers.

14.2 Notice Of The National Congress

- 14.2.1 The General Secretary shall at least thirty (30) days before such meeting, issue a notice to each and every Region. The notice shall inform the members that if they wish to submit any resolution/s so that the congress can discuss it, they must give notice of such resolution to the Head Office at least fourteen (14) days the Congress. The notice shall also set out the agenda. In addition, the notice must invite members to nominate persons standing for various Office Bearers positions and such nominations must be submitted fourteen (14) days before the said Congress, to the Independent Electoral body.
- 14.2.2 The National Congress shall quorate when 50% of its expected Regions is present and further 50% plus one (1) of the total number of delegates to the National Congress are present.
- 14.2.3 Should reasons of urgency be given in the notice, the President shall authorize a Special National Congress meeting at short notice, being not less than seven (7) days. The National and Regional Office Bearers shall be notified of the convocation and the agenda of the Special National Congress and shall be sent to Regions as soon as possible and by any possible means.

14.3 The Duties Of The National Congress Shall Be

- 14.3.1 The nomination and elections by ballot members of the National Office Bearers, which shall comprise of;

- 14.3.1.1 President.
- 14.3.1.2 Deputy President.
- 14.3.1.3 General Secretary.
- 14.3.1.4 Deputy General Secretary, and
- 14.3.1.5 Treasurer General.
- 14.3.2 The National Office Bearers shall hold office for a period of five (5) years or as otherwise decided by the National Congress. The National Office Bearers shall be eligible for re-election on termination of their term of office.
- 14.3.3 Only members in good standing for a continuous period will have full participation rights.
- 14.3.4 Only officials who have been members of the Union are eligible for nomination and election to the positions of the General Secretary and Deputy General Secretary.
- 14.3.5 Nominations of NOB's positions have to be submitted to an independent body appointed by the NEC for the purposes of receiving nominations and conducting elections.
- 14.3.6 Nominations for these positions must be duly seconded by another region, and voting at the National Congress shall be by secret ballot.
- 14.3.7 If only one nominee is nominated for a position, then balloting is not necessary and that candidate must be regarded as duly elected.
- 14.3.8 An office bearer or shop steward shall not hold more than one position in the structures of the Union, which means that any person occupying a higher position will not accept/ hold position at the lower structures without vacating the old position.
- 14.3.9 If an office Bearer is elected in a congress in a structure higher than the position he previously held, the position in the lower structure becomes vacant immediately.
- 14.3.10 The National Congress shall consider reports from the NOB's of the audited financial statements, the President's address to the Congress, Secretariat report and other special reports.
- 14.3.11 Assessment of the Union's progress.

- 14.3.12 The amendments of the constitution.
- 14.3.13 The formulation of policies and the passing of resolutions.
- 14.3.14 The President, or in his absence, the Deputy President, or in the latter's absence, a person appointed by the NC, shall preside over the proceedings at the National Congress. Voting on a resolution shall be by show of hands unless the National Congress decides otherwise. The president shall have a casting vote and not a deliberate vote.

14.4 DUTIES OF THE NATIONAL OFFICE BEARERS AND OFFICIALS

14.4.1 The President Shall:

- 14.4.1.1 Preside at all meetings of the NC, CEC and NEC meetings.
- 14.4.1.2 Ensure that this Constitution is upheld at all times.
- 14.4.1.3 Sign minutes of the meetings after confirmation.
- 14.4.1.4 Endorse all accounts for payments after endorsement by the NEC.
- 14.4.1.5 Be a co-signatory on all the Union's national banking accounts.
- 14.4.1.6 Generally exercise supervision over the affairs of the Union.
- 14.4.1.7 Perform such other duties as by usage and custom pertain to the office.
- 14.4.1.8 Not have a deliberate vote, but shall, in the event of an equality of votes, have a casting vote.
- 14.4.2 The Deputy President Shall;
 - 14.4.2.1 Assist the President in his duties in ensuring the smooth running of the Union.
 - 14.4.2.2 Exercise the powers and perform the duties of the president in the latter's absences.
- 14.4.3 The General Secretary Shall;
 - 14.4.3.1 Attend all NC, CEC, NEC meetings and shall be responsible for the taking of proper minutes at these meetings. In addition, he shall conduct all Head Office correspondences and perform other duties which are imposed or delegated by this constitution, NC, CEC, NEC and by laws.
 - 14.4.3.2 Have no rights to vote at any meetings of the constituent bodies of the Union if he is an Official of the Union.

- 14.4.3.3 Ensure that a register of members is maintained, and assist the Treasurer General in ensuring that proper books of accounts are kept and audited annually.
- 14.4.3.4 Be responsible for the supervision of the employees of the Union.
- 14.4.3.5 Perform the duties set out in sections 98, 99 and 100 of the LRA 66 of 1995, relating to the retention of records and supply of information to the register of Labour Relations.
- 14.4.3.6 Be co-signatory to all National Banking Accounts.
- 14.4.3.7 Be eligible for re-election.
- 14.4.3.8 Speak at meetings.
- 14.4.3.9 Submit financial reports to the National Congress.
- 14.4.3.10 Ensure in general that all legal requirements and controls in respect of the financial matters are adhered to in consultation with the President.
- 14.4.3.11 Perform such duties as delegated by the President.

14.5 The Deputy General Secretary Shall:

- 14.5.1 Perform the same duties and exercise the same powers as the General Secretary provided he is delegated by the General Secretary, NOB's or NEC and in the absence of the General Secretary.
- 14.5.2 Have no right to vote at any meetings of the constituent bodies of the Union if he is the Official of the Union.
- 14.6 The Treasurer General Shall;
 - 14.6.1 Ensure that proper books of accounts are kept and audited annually.
 - 14.6.2 Have a right to inspect all records relating to the finances and books of accounts of the Union at all reasonable times.
 - 14.6.3 Give financial reports to the NOB's, NEC and NC.
 - 14.6.4 Be a co-signatory on all National Banking accounts of the Union.

15 CENTRAL EXECUTIVE COMMITTEE

- 15.1 The Central Executive Committee shall consist of the National Office Bearers, Regional Office Bearers and one delegate for every 400 (four-hundred) in each region.
- 15.2 The CEC shall quorate if 50% plus one (1) of its expected delegation is present.
- 15.3 In case where another meeting is convened due to the non-quoration of the CEC, the General Secretary shall notify in writing, all CEC members about the adjourned meeting and its reconversion and state that the delegates who will be present shall form a quorum irrespective of the number of delegates present.
- 15.4 The function of the Central Committee shall be to consider and decide upon constitution and policy amendments or any other matter of major importance.
- 15.5 The NEC shall finalize the delegation to the CEC.
- 15.6 The meeting of the CEC shall be held once (1) in two years but may be convened by the President whenever.
- 15.7 The General Secretary shall notify the Regions three (3) months before the sitting of the CEC in writing, subject to the provisions of this constitution.
- 15.8 The notice must include the proposed agenda.
- 15.9 In case of special CEC requested by either the NOB's or REC's, the General secretary shall convey the requisition to the President who shall consider the reasons and motivations supplied in the request and shall present such and his decision to the next NEC for consideration.
- 15.10 The President or, in his or her absence, the Deputy President or, in their absence a person appointed by the CEC must preside over the Central Executive Committee meeting. The President shall not have a deliberate vote but in the event of equality of votes, he shall have a casting vote.
- 15.11 The General Secretary must keep minutes of the meeting.
- 15.12 Decisions shall be made by majority votes and voting shall be by show of hands.

16 NATIONAL EXECUTIVE COMMITTEE (NEC)

16.1 The NEC shall manage the affairs of the Union.

16.2 The NEC shall consist of;

16.2.1 NOB's.

16.2.2 Regional Chairpersons, and

16.2.3 Regional Secretaries.

16.3 THE POWERS OF THE NATIONAL EXECUTIVE COMMITTEE SHALL BE TO:

16.3.1 Execute Union policies as determined by the National Congress and the Central Executive Committee.

16.3.2 Carry out the day-to-day running of the Union.

16.3.3 Do such lawful things which in its own opinion further the interests of the union and its members and are consistent with the provisions of this Constitution.

16.3.4 Decide what employment posts should be created, maintained or terminated for the effective running of the union. And determine terms and conditions of employment.

16.3.5 Employ and dismiss any employee of the union subject to its disciplinary code and procedure; and

16.3.6 Generally control the funds and finances of the union in a manner consistent with the union's aims and objectives.

16.3.7 Open, operate and close banking accounts on behalf of the union.

16.3.8 Borrow or raise funds.

16.3.9 Invest, spend or otherwise use monies and funds in a manner which furthers the union's aims and objectives, and to take decisions on the retention of the services of specialists who advise the NEC on these financial matters.

16.3.10 Allocate float amounts and other funds to the respective regions.

16.3.11 Approve the establishment of distinct legal entities and to allocate funds (through loans or otherwise) to such entities.

- 16.3.12 Ensure that any separate legal entity established by the union which receives union funds, is audited annually by a public accountant and that such audit is presented to the NEC and made available to members for inspection.
- 16.3.13 Take all appropriate steps to form, operate and terminate funds, schemes and trusts which serve the interest of the union or its members.
- 16.3.14 Acquire either by purchase or lease or otherwise any movable or immovable property on behalf of the union.
- 16.3.15 Sell, let/ lease, exchange mortgage or dispose or otherwise deal with any movable or immovable property belonging to the union including dispositions of funds to a Provident fund, Pension Scheme or Trust which serves the interest of the union and its members.
- 16.3.16 Impose special levies on members.
- 16.3.17 Deal with fraudulent behavior, theft and members who bring the union into disrepute.
- 16.3.18 Take disciplinary actions in respect of members, office-bearers and elected officials are by implementing the disciplinary code and procedure.
- 16.3.19 Institute on behalf of or defend legal proceedings against the Union and its members, provided that in urgent circumstances the General Secretary or in his absence the Deputy General Secretary may institute or defend such proceedings.
- 16.3.20 Make, amend and repeal by-laws, the by-laws must be consistent with this constitution.
- 16.3.21 Manage Union affairs, including but not limited to matters such as subscriptions, election procedures, ballot, meeting procedures, duties of NOB's and Union Officials, etc.

16.4 MEETINGS OF THE NEC

- 16.4.1 The NEC shall meet at least 4 times per annum on the date fixed by the President. Special meetings of the NEC shall be called by the President, whenever he deems it advisable.
- 16.4.2 Where necessary an NEC teleconference can be convened at the discretion of the President and it shall have the same status as the normal NEC.
- 16.4.3 Members of the NEC shall be notified in writing of the time and place of the NEC meeting by the General Secretary, at least fourteen (14)

days before the date of such meeting, provided that shorter notice being not less than twenty four (24) hours may in the discretion of the President, be given in respect of special meetings. Unless the NEC decides otherwise, any matter for consideration by the NEC shall be decided on a motion duly seconded or voted upon.

- 16.4.4 The quorum of the NEC shall be formed by 50% plus one (1) of total number of NEC delegates present in the meeting.
- 16.4.5 If within one hour of the time fixed for any meeting a quorum is not present, the meeting must stand adjourned to the same day, time and place in the following week (and if that day is a public holiday then to the next succeeding working day) and the members present at the adjourned meeting form a quorum.
- 16.4.6 The General Secretary must notify members in writing who were absent about the adjourned meeting and its reconversion as per this constitution.
- 16.4.7 Decisions are made by a majority vote and the President shall not have a deliberative vote, but in the event of an equality of votes he shall have a casting vote.

17 NON-ELECTED OFFICIALS

- 17.1 The NEC may appoint non-elected officials from time to time.
- 17.1.1 In general non-elected officials are responsible for the recruitment and consolidation of the union's membership.
- 17.1.2 Non-elected officials may attend Branch, Regional and National Executive Committee meetings as well as the National Congress.
- 17.1.3 Non-elected officials may speak but do not have the right to vote at meetings and congresses.

18 NEC SUB-COMMITTEES

- 18.1 The NEC shall constitute the following sub-committees
 - 18.1.1 Finance Committee and
 - 18.1.2 Disciplinary Committee.
- 18.2 These committees shall sit as sub-committees of the National Executive Committee and report to it.
- 18.3 The sub-committee members shall hold office for a period determine by the NEC.
- 18.4 The NEC shall appoint and determine the terms of reference and the timeframes for these committees.

18.5 THE FINANCE COMMITTEE

- 18.5.1 The Finance Committee shall consist of the following;
 - 18.5.1.1 The NOB's and
 - 18.5.1.2 Regional Treasurers.
- 18.5.2 The Finance Committee shall meet at least twice a year and in between the NEC meetings.
- 18.5.3 The functions of the Financial Committee shall be;
 - 18.5.3.1 To carry out half yearly reviews of the financial affairs of the Union.
 - 18.5.3.2 Prepare the annual budget of the Union.
 - 18.5.3.3 Prepare a document to be approved by the NEC, setting out guidelines for the financial administration of the Union. The document will be reviewed from time to time by the NEC, CEC or NC, whichever comes first.

18.5.4 Establishment and Powers of Disciplinary Committees

- 18.5.4.1 The NEC and REC must establish Disciplinary Committees.
- 18.5.4.2 The Disciplinary Committee of all structures of the Union shall consist of at least three members of such Executive Committee.
- 18.5.4.3 The Disciplinary Committee shall act upon all written disciplinary

complaints made to it or any reported ill-conduct of any member or any person holding a position in the Union.

- 18.5.4.4 The Disciplinary Committee shall where necessary appoint a Board of Enquiry to conduct disciplinary enquiries into any complain made to it. The Board of Enquiry shall consist of at least three members of the Union.
- 18.5.4.5 The Disciplinary Committee of all structures shall when need arise, appoint appeal committees at their respective levels.
- 18.5.4.6 The laws of natural justice shall apply at Disciplinary Enquiries.
- 18.5.4.7 The Board of Enquiry shall decide whether the member concerned has breached the aims and objectives of the Union or has acted in a manner which undermines the operations of the Union.
- 18.5.4.8 The Board of Enquiry shall submit a written report to the Disciplinary Committee and recommend appropriate sanction.
- 18.5.4.9 The relevant REC's (in area of jurisdiction) disciplinary committee shall disciplines members, shop stewards, elected officials and branch office bearers within their region.
- 18.5.4.10 The NEC's disciplinary committee shall discipline Regional and National office bearers and members where necessary.
- 18.5.4.11 If the disciplinary committee believes that the charge has been satisfactory proven it may:
 - 18.5.4.11.1 Remove the person from his or her office in the union, and or
 - 18.5.4.11.2 Expel the person concerned from the union or dismiss such person from his or her employment in the union, and or
 - 18.5.4.11.3 Suspend him or her from membership or position in the union or his or her employment in the union, and or
 - 18.5.4.11.4 Suspend him or her for a definite period from his or her position, or employment, in the union, and or
 - 18.5.4.11.5 Impose a fine or suspend him or her from membership, position in the union or his /her employment in the union pending payment of the fine, and or
 - 18.5.4.11.6 Impose any other fair and appropriate penalty.
 - 18.5.4.11.7 In disciplining members or shop stewards or elected officials or office bearers the relevant Disciplinary Committee must follow the disciplinary procedure as set out in paragraph 22.

19 DISCIPLINE OF MEMBERS

- 19.1 A member may be suspended, fined or expelled by the REC Disciplinary Committee under the following circumstances;
 - 19.1.1 If he fails within thirty (30) days of demand in writing by the Branch or Regional secretary, fail to pay subscriptions, fines or levies which are more than three months in arrears.
 - 19.1.2 If he fringes any of the terms of this Constitution or acts in a manner which is detrimental to the interest of the Union.
 - 19.1.3 No member of the Union may be disciplined or have their membership terminated for failure or refusal to participate in a strike if;
 - 19.1.3.1 No ballot was held about the strike;
 - 19.1.3.2 A ballot was held about the strike but members voted against the strike.
 - 19.1.4 If a member has lodged an appeal in the manner herein provided, he shall have the right to reinstate his case personally to the relevant Branch.
 - 19.1.5 A member shall be entitled to call witnesses in support of his case before the relevant Disciplinary Committee in terms of this Constitution.
 - 19.1.6 Upon expulsion of a member, all monies due to the Union by such a member shall become payable. If payment thereof is not made within thirty (30) days, the REC Disciplinary Committee may take such steps as it deem necessary to secure a settlement.

20 DISCIPLINE OF OFFICE BEARERS

- 20.1 Where a shop steward or Branch or Regional National Office Bearers or Elected Official fails to comply with the terms of this Constitution, or act in a manner which is detrimental to the interests of the Union and its members, or is found guilty of misconduct, he may be disciplined, in case of;
- 20.1.1 Shop steward, by the REC;
- 20.1.2 Branch Office Bearer, by the REC;
- 20.1.3 Regional Office Bearer, by the REC;
- 20.1.4 National Office Bearer, by the NEC.
- 20.2 The relevant Disciplinary Committee is required to follow the disciplinary procedure in terms of this Constitution.

21 DISCIPLINARY PROCEDURE FOR:

- 21.1 National Office Bearers;
- 21.2 Regional Office Bearers;
- 21.3 Branch Office Bearers;
- 21.4 Elected Officials and
- 21.5 Shop stewards.
- 21.6 The NEC, and REC Disciplinary Committees as the case may be, shall advise the person concerned in writing, giving not less than seven (7) days' notice of the charges against him, the date, time and place of his hearing. This notice may be sent by registered mail to the last known address of the person charged, domicilium citandi et extecutandi or hand delivered.
- 21.7 At the enquiry, the charged person concerned shall have the opportunity to state his case personally and to call witnesses in support of his case.
- 21.8 If the NEC or REC Disciplinary Committee as the case may be, is satisfied that;
 - 21.8.1 The person charged has although absent received a notice; or
 - 21.8.2 The person charged is present; or
 - 21.8.3 The NEC or REC Disciplinary Committee as the case may be, may proceed to hear and determine the charge.
- 21.9 If in its opinion , the charged has been satisfactory proven, it may;
 - 21.9.1 Remove the Shop steward or Office Bearer (as the case may be) from the office in the Union.
 - 21.9.2 Expel the Shop steward or Office Bearer from the Union.
 - 21.9.3 Suspend him for a definite period from holding office in the Union.
 - 21.9.4 Impose a fine and may suspend a person from membership until such fine is paid.

22 APPEAL PROCEDURE

- 22.1 Any person found guilty has a right of appeal, which must be submitted in writing to the Regional/General Secretary within 7 days of the notice of the decision.
- 22.2 Appeals against decisions of the relevant Disciplinary Committee must be heard by the relevant higher authority structure.
- 22.3 The higher authority structure may confirm, vary or reverse the decision appealed against.

23 REMOVAL OF OFFICE BEARERS AND ELECTED OFFICIALS FROM OFFICE.

- 23.1 Removal of members and Officials who hold office;
- 23.1.1 Any member or Shop steward or Office Bearer or Official holding any position in the Union shall no longer hold that position if;
 - 23.1.1.1 They are no longer employed in the company where he was elected from.
 - 23.1.1.2 They fail to attend three (3) consecutive meetings, unless excused by the appropriate structure on reasonable ground having been shown.
 - 23.1.1.3 They fail to be in good standing with the Union.
 - 23.1.1.4 They resign.
 - 23.1.1.5 The Union suspends or expels them.
 - 23.1.1.6 They are not reelected in any leadership position of the Union.

24 VACANCIES ARISING FROM REMOVAL

- 24.1 The NEC may fill a vacancy of any NOB in an acting capacity for the unexpired period of that person's predecessor.

25 REMOVAL OR REINSTATEMENT BY BALLOT

25.1 NEC Member or Office Bearer.

- 25.1.1 If the majority of members request the General Secretary in writing, for a ballot of members to determine whether or not an NEC member or office bearer should be removed from office, or reinstated (if such person has been removed), then the NEC must arrange to hold that ballot.

25.2 Office Bearer

- 25.2.1 If the majority of members request the General Secretary in writing for a ballot of members to determine whether or not an Office Bearer of a Regional, Branch or Workplace Committee should be removed from office or reinstated (if such person has been removed), then the NEC must arrange to hold that ballot.
- 25.2.2 If the Office Bearer serves or has served in a Regional, Branch or Workplace Committee then the ballot must be conducted amongst members in that particular region, branch or shop floor (as the case may be).

26 FINANCES

- 26.1 The funds of the union must be applied solely in furtherance of the union's aims and objectives.
- 26.2 The NEC controls the union's finances.
- 26.3 The funds received for the union by the General Secretary or other agents of the union, must be deposited within 5 days of receipt in a National banking account.
- 26.4 The cheque of the National account, must be co-signed by any 2 of the following persons: The President, Treasurer General and or General Secretary.
- 26.5 The cheque for a Regional account must be co-signed by any 2 of the following persons: the Regional Chairperson, Regional Treasurer and or Regional Secretary.
- 26.6 The NEC can allocate float amounts and other funds to a region from time to time.
- 26.7 The date of the union's financial year end is 31 March of each year.

27 REPRESENTATION ON THE BARGAINING OR STATUTORY COUNCILS.

- 27.1 The Central Executive Committee may resolve that the union shall become a party to a bargaining council within the Postal and Courier Freight industries or ICT. In such event, the NEC must appoint members to represent the union at the bargaining council.
- 27.2 The NEC may resolve to apply for the establishment of a statutory Bargaining Council as provided for in the Labour Relations Act 66 of 1995.

28 AUTHORISATION FOR LEGAL DISPUTES

- 28.1 The NEC may initiate or defend any legal proceedings concerning labour disputes involving the union or its members at National, Regional or Branch level.
- 28.2 The NEC may authorize the persons in sub-clause 20.4, 20.5 to take all necessary steps and sign all documentations in connection with any legal proceedings.
- 28.3 The NEC may authorize at a National level.
- 28.4 Any of its committee members; and or
- 28.5 Two officials or office bearers who may be the General Secretary, Deputy General Secretary or the President (or any person acting in one of those capacities); Legal officer, or a legal representative of the union.

28.6 The NEC may authorize at a regional level:

- 28.6.1 Any two persons mentioned in sub-clause 20.3 above,
- 28.6.2 The Regional Chairperson and the Regional Secretary.

28.7 The NEC may authorize at a branch level:

- 28.7.1 Any two persons mentioned in sub-clause 20.3 and 20.4 above.
- 28.7.2 The Branch Chairperson and the Branch Secretary.
- 28.7.3 Any steps contemplated or taken concerning disputes shall be subject to the decisions of the NEC.

29 STRIKES

- 29.1 Before calling a strike the union's NEC must conduct a ballot of those of its members in respect of whom it intends to call the strike.
- 29.2 If at least 20% of members involved in any strike request the NEC hold a ballot to determine whether the strike should be terminated, then the NEC must do so.
- 29.3 If the majority of affected members in the ballot vote to terminate the strike, the NEC may resolve to terminate the strike.
- 29.4 The Union will not be responsible for the lost wages of members as a result of the Employers implementing the principle of "no work, no pay".

30 BALLOTS

30.1 Ballot Requirements

- 30.1.1.1 Whenever a ballot is required in terms of this Constitution it must be conducted as contemplated.

30.2 With Notice

- 30.2.1 The Branch Secretary or the Regional Secretary or the General Secretary (as the case may be) must give notice in writing at least 3 days before the ballot is to be taken to;
 - 30.2.1.1 Each member of the Union body involved in the ballot and or
 - 30.2.1.2 Members of the Union generally, by placing the notice at the places of work or accommodation which shall constitute proper notice, and it shall not be necessary to supply each member individually with a written notice.

30.3 Without Notice

- 30.3.1 A ballot may be taken without notice at any general meeting on the decision of the majority of the members present.

30.4 Observers

- 30.4.1 Two observers must be appointed by each Branch or Regional or National Executive Committee or the general meeting concerned (as the case may be) to supervise any ballot and to ascertain the result thereof.

30.5 Ballot Papers

- 30.5.1 The General Secretary must send ballot papers to Branch and Regional Secretaries.
- 30.5.2 The issue to be voted upon must be written clearly on the ballot papers.
- 30.5.3 Ballot papers must not contain any information by means of which it will be possible to identify the voter.
- 30.5.4 One ballot paper only shall be issued to each delegate who is entitled to vote, in the presence of the observers, at the time and place for the taking of the ballot.

31 Voting

- 31.1 Each member must complete, fold and deposit the ballot paper in a container provided for that purpose.
- 31.2 Members must not sign or mark the ballot papers in anyway apart from the mark required to be made to record the vote. Papers bearing any other marks must be regarded as spoilt and must not be counted.
- 31.3 The observers must on completion of a ballot or as soon as possible thereafter count the ballot papers and ascertain the results in the presence of the Branch, Regional or General Secretaries (as the case may be).
- 31.4 The observers must communicate the results to the relevant executive committee meeting which must immediately advise the NEC.
- 31.5 Observers must place ballot papers including spoilt papers, in a container which must be sealed and retained by the Branch, Regional or General Secretaries (as the case may be) for not less than five (5) years.
- 31.6 The ballot box must be inspected by observers and sealed by the Branch, Regional or General Secretaries for not less than three years.

32 DISPUTE IN THE INDUSTRY

- 32.1 In the event of a Branch being involved in any dispute with Employers, the NEC or in urgent circumstances the General Secretary or Deputy General Secretary in the latter's absence, shall on the facts being reported to him, take such steps as he deems advisable to bring about a settlement of the dispute.
- 32.2 Should the NEC decide to invoke the procedures set out in the Labour Relations Act 66 of 1995, it shall take the necessary steps to do so. It shall appoint a person to represent the Union in any proceedings relating to the dispute.

33 STAFF MEMBERS

- 33.1 Union staff members shall execute administrative and other functions expected of them, including the growth of the Union and consolidation of Union membership.
- 33.2 They shall attend meetings of the constituent bodies of the Union as per invitation.
- 33.3 Staff members shall be appointed by the NEC from time to time and NOB's shall play an active role in identifying appropriate candidates.

34 AMALGAMATION AND MERGER

- 34.1 If a National Congress, by majority votes (two thirds majority) in favour thereof, resolves that the aims and objectives as described in this Constitution will be better achieved by an amalgamation or merger with any other Trade Union or Trade Unions, such amalgamation or merger shall be affected.
- 34.2 The union may amalgamate with another union in the postal and courier freight industries if at least two thirds of the delegates of the National Congress vote in favour of such amalgamation.
- 34.3 Provided that terms and conditions of any amalgamation or merger shall be negotiated with other parties and shall only be binding if so decided by a majority of the members of the Central Executive Committee and ratified by two-thirds majority of National Congress.
- 34.4 All members of merging Unions for all intents and purpose shall be deemed to be members of a new Union.
- 34.5 The Union may only be dissolved by a resolution of the National Congress provided at least three quarters of the delegates vote in favour thereof.
- 34.6 Once the dissolution decision has become final the available members of the National Congress shall appoint a liquidator to effect the dissolution. The liquidator shall not be a member or employee of the Union and shall be paid such fees as may be agreed upon between him and the National Executive Committee. He shall be responsible for paying Union debts, disposing of its assets and winding up of the Union's affair and shall be vested with all necessary powers in this regard.
- None of the assets of the Union shall be distributed to members upon dissolution, other than to discharge any indebtedness to a Labour Organization with similar aims to those of the Union or to a workers' insurance , provident or benefit fund at the discussion of the National Congress.

35 AMENDMENTS

- 35.1 Subject to the provisions of any law, any of the provisions of this Constitution may be repealed or amended by resolution of the National Congress provided two thirds of the delegates attending Congress vote in favor of the amendments. Notice of any proposed amendments must be reflected in the duly circulated agenda for Congress.
- 35.2 The Central Committee is empowered to amend the provisions of the constitution, delineating the scope of the union, provided that;
 - 35.2.1 Two thirds of its members vote in favor of the amendments and
 - 35.2.2 The amendments are ratified by the next National Congress.
- 35.3 The NEC may amend the provisions of the Constitution provided they will be ratified by the next National Congress.
- 35.4 No changes or additions shall have any force or effect until they are certified in terms of section 101(3) of the Labour Relations Act 66 of 1995.

36 DISSOLUTION

- 36.1 The Union may be dissolved, subject to:
 - 36.1.1 The requirements of the law;
 - 36.1.2 A resolution of the National Congress provided that at least three quarters of the delegates vote in favor thereof; and
 - 36.1.3 Subject to sub-clause 38.2 below.
- 36.2 If the National Congress resolves to dissolve the union, a Special National Congress may be requested.
- 36.3 If no Special Congress is requested within one month of the dissolution decision, such a decision becomes final.
- 36.4 Once the dissolution decision becomes final, the available members of the NEC must appoint a liquidator to effect the dissolution.
- 36.5 The liquidator must be appointed by the Labour Court.
- 36.6 The liquidator is vested with all necessary powers to:
 - 36.6.1 Pay the union's debts;
 - 36.6.2 Dispose of its assets; and
 - 36.6.3 Generally wind up the union's affairs.
- 36.7 The liquidator must distribute any remaining assets at the election of the NEC:
 - 36.7.1 To a Labour Organization with aims similar to those of the union, or
 - 36.7.2 To a workers' insurance, provident or benefit fund.
- 36.8 The NEC must pay the liquidator's fees.
- 36.9 After the payout of all liabilities, any assets that cannot be disposed of in accordance with the provisions of this clause shall be released by the liquidator and the proceeds paid to the Commission for Conciliation Mediation and Arbitration(in accordance with section 103(5) of the Labour Relations Act 1995)

37 INTERPRETATION

- 37.1 The National Congress must interpret the Constitution if a dispute arises and its decision shall be final and binding.
- 37.2 If there is a dispute in a structure about the interpretation of any clause in this Constitution that structure must refer the dispute to the next higher structure for its decision.

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Andrew Sithole
President

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David Mangena
General Secretary

