

NATIONAL UNION OF PUBLIC SERVICE AND ALLIED WORKERS

CONSTITUTION

Amended 21-22 February 2025

I HEREBY CERTIFY IN TERMS OF SECTION 101 (3) (a) OF THE ACT THAT THE AMENDMENT TO / REPLACEMENT OF THE CONSTITUTION HAS BEEN REGISTERED ON:

DATE: 23 / 12 / 20XX

REGISTRAR OF LABOUR RELATIONS

OUR VISION AND MISSION

STATEMENT

VISION

NUPSAW'S VISION IS TO BECOME THE BIGGEST AND MOST PROGRESSIVE TRADE UNION IN THE PUBLIC AND PRIVATE SECTORS.

OUR MISSION

1. To create structures and infrastructures to serve the best interest of its members.

2. To use these structures to defend, at all times, the job security of members and to use all resources at our disposal to fight unfair dismissal, retrenchments, redeployment and other mechanisms used by employers that could affect job security.

3. To endeavour at all times to have worker participation in decision making.

4. To ensure a culture of democratic decision making and accountability at all levels.

5. To eradicate all forms of oppression, exploitation and discrimination of workers.

6. To ensure a living and just wage for all workers.

7. To ensure that all conditions of service such as hours of work, leave, pension, homeowners' allowances, and other benefits are in the best interest of members.

8. To provide the best and most competitive benefits, medical aid, loan schemes, and discount benefits for members.

9. To create an organisational structure free of racism, tribalism, ethnicism, sexism, gender, disability and class discrimination.

10. To promote unity among workers and the working class irrespective of party political affiliations.

11. To fight political injustice, corruption and nepotism at all levels and to ensure the proper distribution of social and economic resources in a just, equitable and humane manner

CONTENTS

Clause Page

PREAMBLE: 4
1. NAME 5
2. SITUATION AND AREA OF OPERATION 5
3. STATUS OF THE UNION 5
4. DEFINITIONS 6
5. OBJECTS 6
6. MEMBERSHIP 7
7. ENTRANCE AND MEMBERSHIP FEES 8
8. DISCIPLINE: 8
9. TERMINATION OF MEMBERSHIP 13
10. MEETINGS 14
10.1 NATIONAL CONGRESS 14
10.2 Business of National Congress 15
10.3 SPECIAL NATIONAL CONGRESS 15
11. ELECTIONS 16
12. NATIONAL EXECUTIVE COUNCIL 18
13. DUTIES AND POWERS OF THE NATIONAL EXECUTIVE COUNCIL 19
14. THE MANAGEMENT COMMITTEE 20
15. NATIONAL FINANCE COMMITTEE 20
16. NATIONAL GENERAL COUNCIL (NGC) 21
17. NATIONAL OFFICE BEARERS AS A STRUCTURE 22
17.1 President 22
17.2 1st Deputy President 22
17.3 2nd Deputy President 22
17.4 Acting President 22
17.5 National Treasurer 23
17.6 Deputy General Secretary 23
18. OFFICIALS OF THE UNION 24
18.1 The General Secretary 24
18.2 Other Officials 24
19. PROVINCIAL CONGRESS 25
20. PROVINCIAL EXECUTIVE COUNCIL 25
21. PROVINCIAL MANAGEMENT COMMITTEE 27
22. PROVINCIAL FINANCE COMMITTEE 27
23. PROVINCIAL GENERAL COUNCIL 28
24 REGIONAL CONGRESS 28
24. REGIONAL EXECUTIVE COMMITTEE 29
25. DUTIES OF OFFICE BEARERS OF PROVINCIAL EXECUTIVE COUNCILS 30

25.1 The Chairperson: 30
25.2 The Deputy Chairperson: 30
25.3 The Provincial Secretary: 31
25.4 The Deputy Provincial Secretary: 31
25.5 The Provincial Treasurer: 31
26. DUTIES OF OFFICE-BEARERS OF REGIONAL EXECUTIVE COMMITTEE31
26.1 The Regional Chairperson: 31
26.2 The Regional Deputy Chairperson: 31
26.3 The Regional Secretary: 32
26.4 The Deputy Regional Secretary: 32
26.5 The Regional Treasurer: 32
27. ESTABLISHMENT AND CONTROL OF BRANCHES 32
28. BRANCH OFFICE BEARERS 33
29. SHOPSTEWARDS COMMITTEES 34
30. TRADE UNION REPRESENTATIVE 34
31. BALLOTS 36
32. FINANCE 38
32.1 Head Office 38
32.2 Provinces 39
32.3 General 39
33. REPRESENTATION 40
34. REVIEW AND RESCISSION OF DECISIONS 41
35. CHANGING OF THE CONSTITUTION 41
36. INDEMNITY 41
37. WINDING-UP 42
38. Summary of abbreviations 44

CONSTITUTION OF THE NATIONAL UNION OF PUBLIC SERVICE AND ALLIED WORKERS (NUPSAW)

PREAMBLE:

THE TRADE UNION BELIEVES IN:

a) the establishment of a democratic society depending on the unity of the workers directed at the eradication of all forms of oppression, exploitation and discrimination;

b) the establishment of a single, united, non-sexist, non-racial and non-partisan union, as well as the promotion and development of the workers;

c) not aligning itself with any political party and or government;

d) the creation of the ultimate goal of a society where workers shall be involved in both the production and management and shall receive a salary/wage commensurate with their services bearing in mind that worker's interest shall be paramount.

1. NAME

The name of the Union shall be the NATIONAL UNION OF PUBLIC SERVICE AND ALLIED WORKERS (NUPSAW) hereinafter referred to as the TRADE UNION, or the UNION.

2. SITUATION AND AREA OF OPERATION

2.1 The Head Office of the Union shall be at such place as may be decided by the National Executive Council of the Trade Union.
2.2 The Trade Union shall operate throughout the territory of the Republic of South Africa.
2.3 The Provinces shall be constituted according to the political boundaries of the Republic of South Africa.
2.4 The establishment of a Province shall be subject to a threshold of one thousand (1000) members.
2.5 The Regions shall be constituted according to the district municipalities or metropolitan municipalities as demarcated by the Municipal or Metro Demarcation Board from time to time
2.6 The branch shall be as constituted according to the local municipality as demarcated by the Municipal Demarcation Board from time to time,

3. STATUS OF THE UNION

3.1 This Trade Union shall be;

a) as defined in the Labour Relations Act, 1995.
b) a body corporate with perpetual succession capable of entering into contractual relations and of suing and being sued in its own name and shall be an organisation not for gain.

4. DEFINITIONS

4.1 General

a) Any expression used in this constitution and which is defined in the Labour Relations Act, 1995 (Act No 66 of 1995) shall have the same meaning as in the Act.
b) Any reference to male gender shall include reference to female gender and vice versa.
c) "majority" shall mean for the purpose of this constitution, 50% + 1
d) An official is defined as a person in full-time employment of the union.
e) SUSPENSION: Any member who is under suspension by the trade union shall not be allowed to attend any meeting of the trade union nor stand for elections during the period of such suspension.

5. OBJECTS

The objects of the Union shall be:

a) to regulate relations between members and their employers, including any employer's organisation and to protect and further the interests of members in relation to their employers;
b) to promote the interests of members;
c) to encourage the settlement of disputes between employees and employers and/or employers' organisation(s) by conciliation, mediation and arbitration;
d) to promote, support, or oppose as may be deemed expedient, any proposed legislation, or other measures affecting the interests of members;
e) to use every legitimate means to induce employees to become members;
f) to bargain for members to obtain permanent employment in the work place;
g) to provide legal assistance to members in connection with their employment;
h) to participate with organisations of employers and/or employees on any bargaining forum which may be established to deal with matters which affect members;

i) to establish and administer funds for the benefit of its members and/or their dependants, provided that such fund or funds shall be administered in terms of the rules or any amendments thereto which have been adopted at a duly constituted National Congress of the Trade Union;
j) to do such lawful things as may appear to be in the interests of the Trade Union and/or its members and which are not inconsistent with the objects or any matter specifically provided for in this constitution;
k) to borrow, invest, raise, lend, subscribe or donate money for the furtherance of the objects of the Trade Union;
l) to plan and organise its administration and other activities;
m) to affiliate with and participate in affairs of any like-minded national, international workers' organisations or international labour organisations.

6. MEMBERSHIP

6.1 Membership of the Trade Union is open to all workers in the Republic South Africa.

6.2 Every application for membership shall be submitted to the Provincial Office within one (1) month of receipt thereof by the Provincial Secretary.

6.3 Every member shall be provided with a membership card.

6.4 Every member shall notify the Branch Secretary in writing of his postal address and any change thereof within fourteen (14) days of such change taking place.

6.5 A member and/or office bearer who has resigned or been expelled from the Union may be readmitted to membership on such conditions as may be determined by the Provincial Executive Council.

6.6 Membership fee shall be determined by the National Executive Council from time to time.

6.7 A member who has retired from employment may retain membership of the Union in the form of Associate Membership, provided that membership of the Union had been continuous before retirement for a period of not less than five (5) consecutive years, and provided further that such member will have no voting rights and consequently cannot hold office. Such member is to pay a monthly subscription fee equal to 1/3 of the current monthly subscription fee.

7. ENTRANCE AND MEMBERSHIP FEES.

7.1 Entrance and membership fee shall be determined by the National Executive Council from time to time but shall not exceed 1% of the member's basic salary.

7.2 In addition to the aforementioned membership fee, a member shall also be liable for the payment in the same manner of such other fees as may be prescribed in terms of the rules governing a fund established in terms of clause 5(i) of the constitution.

7.3 A member shall be exempt from the payment of the aforesaid membership fees and in respect of payment of fund fees in respect of any particular month during which she is: -

a) unemployed or suspended without emoluments for 30 or more days or until finalisation of unfair dismissal, appeal or litigation: or
b) unable to work due to illness and has not received her salary for 30 or more days provided, he/she is still an employee, qualifies for trade union membership, and that the General Secretary has been informed of such circumstances.

8. DISCIPLINE: CODE AND PROCESS FOR MEMBERS AND OFFICE BEARERS

8.1 PURPOSE OF THE CODE AND PROCEDURE

The purpose of the code and procedure is to;

a) ensure that discipline is applied in a prompt, fair and consistent manner.
b) manage discipline efficiently and effectively.
c) ensure that disciplinary process is never used to silence or suppress the opposing views but only when it is genuinely necessary.
d) ensure that discipline is correctively measured and not punitive.

8.2 SCOPE OF APPLICABILITY

This code and procedure is applicable to all the members and office-bearers of the Union.

8.3 LEGAL PRESCRIPTS

- Labour Relations Act (66 of 1995)
- Promotion of Administrative Justice Act (3 of 2000)
- Constitution of the Republic of South Africa (of 1996)
- Disclosure of Information Act (26 of 2000)
- NUPSAW Constitution

8.4 NON EXHAUSTIVE ACTS OF MISCONDUCT

8.4.1 Any member or Office Bearer shall be guilty of misconduct if he/she: -
8.4.2 Fails to represent, encourage or compel others not to represent a member.
8.4.3 Encourages or causes division within the Union.
8.4.4 Fails to co-operate with the higher structure/s.
8.4.5 Engages in corrupt or theft activities within the union.
8.4.6 Connives with the rival organization/s to discredit this Union.
8.4.7 Works against the decisions of the official union structure.
8.4.8 Fails to carry out a lawful or official mandate by his/her valid structure to which she/he belongs.
8.4.9 Conducts him/herself in a manner that brings the union into disrepute.

8.4.10 Assaults, attempts or threatens to assault other members.
8.4.11 Endangers the safety of fellow members.
8.4.12 While on union duties, conducts himself/herself in an improper or disgraceful manner or at any time behaves or acts in a manner detrimental to the image or interests of Union.
8.4.13 Without the written consent of union, directly or indirectly accepts any benefits or compensation, in cash or otherwise, resulting from his/her association, engagement of duties with the union.

8.5 COMPOSITION OF THE DISCIPLINARY COMMITTEE

8.5.1 There shall be a disciplinary committee appointed on ad-hoc basis comprised of 2 members as follows:
8.5.2 Presiding officer (preferably someone with a sound legal or labour relations knowledge or experience)
8.5.3 Investigating officer/ Prosecutor

8.5.4 The function of the presiding officer may be outsourced

8.6 PROCEDURE

8.6.1 Precautionary suspension

8.6.1.1 An ordinary member shall not be subjected to a precautionary suspension before any disciplinary process.

8.6.1.2 An Office Bearer from any level may be subjected to a precautionary suspension depending on the severity of misconduct and any possible interference with the investigation.

8.6.1.3 The precautionary suspension shall not exceed 60 days before the investigation is finalized and the accused charged accordingly.

8.6.1.4 If the accused is charged, then the suspension shall continue until the case is finalized within a further 60 days.

8.6.1.5 A letter of suspension shall be served in writing and be acknowledged accordingly, or be sent via email or any other mode that will have a proof of delivery.

8.6.1.6 The office bearer should be allowed to make representation as to why the office bearer should not be suspended.

8.7 INVESTIGATING AND PRESIDING OF THE CASE

8.7.1 All the allegations shall be thoroughly investigated by collecting the facts from various witnesses and evidence.

8.7.2 The Investigating officer and Presiding Officer shall be appointed in writing by the General Secretary or President whatever the case may be.

8.7.3 He/she shall interview any witness required to provide information.

8.7.4 He/she shall be authorized to enter into any NUPSAW office to get information or records.

8.7.5 No member or employee shall refuse to release any required information by the Investigation officer.

8.7.6 He/she shall compile an investigation report and submit to the General Secretary.

8.7.7 He/she shall present the evidence at the hearing when the matter is set down.

8.8 THE PRESIDING OFFICER'S RESPONSIBILITIES

8.8.1 The central reason that a presiding officer (PO) attends a disciplinary hearing is to hear and understand the evidence from both sides.

8.8.2 The PO must hear this evidence properly in order to be able to consider it once the hearing is adjourned for purposes of a verdict.

8.8.3 The PO then assesses evidence adduced at the hearing in order to decide whether the member is guilty or not guilty of the charges.

8.8.4 The PO shall then give the accused an opportunity to present the mitigating circumstances and then give the complainant to present the aggravating circumstances before deciding on the appropriate sanction which will range as follows: -

8.8.4.1 Written reprimand
8.8.4.2 Suspension in months – up to years.
8.8.4.3 Expulsion

8.8.5 If the verdict is guilty, the PO must decide on the corrective action most appropriate to the circumstances. But this key task is more difficult to achieve if the PO's collecting of evidence is hampered. Such obstacles could, for example, include the absence of key participants, unjustified objections, unnecessary adjournments and disruptive behaviour by the parties at the disciplinary hearing.

8.8.6 The Presiding officer will then recommend the appropriate sanction and then submit a report to the General secretary or President; whichever the case maybe.

8.8.7 The General Secretary or President will submit a report to the

National Executive Council for consideration and necessary decision.

8.9 DISCIPLINARY ENQUIRY

8.9.1 Process of enquiry

a) the accused shall be given a 7 days' notice before the hearing.
b) the accused must acknowledge receipt of the notice thereof. If the accused refuses to sign receipt of the notice, at least two witnesses must indicate the refusal and sign the document accordingly, and return a signed copy to the Investigating officer.
c) the General Secretary/President/Provincial Secretary whichever the case maybe, shall organize a suitable venue and equipment for the hearing:
   - Boardroom
   - Voice recorder
   - A scribe

8.9.2 Conducting the disciplinary hearing

8.9.2.1 the disciplinary hearing shall be held on the date and time specified on the notice letter. If not possible on the specified date, then a formal postponement shall be proposed to the Presiding Officer and be granted and rescheduled accordingly.

8.9.2.2 the hearing may be attended by:
a) the Presiding Officer as appointed by the General Secretary or President.
b) the Investigating Officer who will present the evidence and also prosecute in the case.
c) the accused and his/her representative who may be a fellow Comrade.
d) an Interpreter, if required.
e) a Secretary or Scribe to take minutes.

8.9.3 The disciplinary panel consisting of the Presiding Officer and the Investigating officer shall then submit their final report separately to the General Secretary/President; whichever the case maybe.

8.9.4 The General Secretary / President shall then present a report to the National Executive Council for consideration and decision making.

8.9.5 The outcome or decision of the National Executive Council shall then be communicated in writing to the relevant structure and the member of Office-Bearer concerned.

8.10 RIGHT OF APPEAL

8.10.1 A member or Office-Bearer concerned shall have a right to appeal an NEC decision if not satisfied. The appeal should be launched within 14 days of communication of the decision to:

8.10.2 The National General Council, or the National Congress, whichever comes first, either of them shall also have powers to delegate such function to the ad hoc committee.

8.10.3 If the NEC decision is overturned by the higher structure, then the member or office bearer shall revert back to the original position except if the term of office has expired and elections conducted constitutionally. In case of a member, all membership rights shall be restored accordingly.

9. TERMINATION OF MEMBERSHIP.

9.1 A member may resign by giving three months' notice in writing, to the Provincial Secretary, (or the General Secretary where no Provincial Secretary operates) provided that no resignation shall take effect until all monies due to the Union by the member have been paid.

9.2 A member whose membership fees are more than three (3) months in arrears shall automatically cease to be a member of the Trade Union. Such person shall however be liable for all monies due to the Union as at the date that she ceases to be a member of the Union.

10. MEETINGS

10.1 NATIONAL CONGRESS

10.1.1 National Congress shall be the highest decision making body in the Union that consists of the National Executive Council and delegate shop stewards nominated by Provinces (in good standing).

10.1.2 The National Congress shall be held once in every 5 (five) years in the month of September but not later than 30 November of that year. Notice of its convocation shall be communicated to all Provinces at least two (2) months before it is held.

10.1.3 The National Congress shall be held over two days, Thursday shall be for travelling to the venue, start the congress on Friday till Saturday and check out on Sunday.

10.1.4 The draft agenda and audited financial statements shall accompany such notice to all Provinces for purposes of its delegates.

10.1.5 Resolutions from Provinces shall be sent to the General Secretary and shall reach the National Office not later than two (2) months prior to the National Congress. Copies of such resolutions shall be distributed to all provinces together with the documents stipulated in 10.1.4 above.

10.1.6 DELEGATES

a) National Congress should be attended by shop stewards
b) Each Province shall be entitled to be represented at all National Congresses by not more than 1,0% of its members who are shop stewards, which will be proportional to the membership.

c) The delegates representing their Provinces shall exercise voting powers to which they are entitled. The voting strength of a Province shall be equal to the number of delegates allocated to the particular Province to be conducted on the basis of block voting.

d) The majority of voting delegates nominated shall form the quorum for the national congresses.

e) Should a quorum not be present within thirty (30) minutes of the time of the meeting, the meeting will adjourn for a period of seven (7) days and the members present at the adjourned meeting will constitute a quorum. The provisions of this clause shall mutatis mutandis apply to Special National Congresses.

10.2 BUSINESS OF NATIONAL CONGRESS

The business of the National Congress shall be:

a) to receive and confirm the credentials of delegates.

b) to receive and otherwise deal with the minute of the previous National Congress and any Special National Congress.

c) to consider the report from the General Secretary.

d) to receive and confirm the audited Financial Statements of the Union.

e) to elect office bearers of the National Executive Council.

f) to appoint auditors.

g) to formulate Trade Union policy.

h) to transact general business of which at least fourteen (14) days prior notice has been given, which the National Executive Council considers to be urgent for the attention of Congress.

i) to consider any proposed additions, alterations, or amendments to the constitution of which due notice has been given.

j) To decide the venue for the next congress.

10.3 SPECIAL NATIONAL CONGRESS

10.3.1 A Special National Congress shall be called on:

a) a resolution of the majority of the National Executive Council.
b) a requisition signed by at least five (5) Provinces.

10.3.2 The date of the meeting shall be determined by the National Executive Council but shall be held as early as practicably possible and not later than twenty-one (21) days subsequent to receipt of the requisition. The General Secretary shall give notice of the business to be transacted there at least fourteen (14) days prior to the date of such meeting. Only business specified in the agenda shall be considered at such congress.

11. ELECTIONS

11.1 Only shop stewards in good standing shall;

11.1.1 be entitled to submit nominations and

11.1.2 be eligible for nomination as an office-bearer.

11.2 The General Secretary shall distribute nomination forms to Provinces sixty (60) days prior to the National Congress. The closing date and time shall be stipulated in a circular accompanying the nomination forms.

11.3 Provinces shall submit the original nomination forms to the Returning Officer (Electoral Officer) such that they are received thirty (30) days prior to the date of the National Congress.

11.4 The Chairperson and Secretary of the Province shall sign the nomination form prior to submission.

11.5 The nominee shall indicate in writing acceptance of his/her nomination on the nomination form.

11.6 Within seven (7) days after the closing of the nominations, the Electoral Officer (Returning Officer) shall submit a list of the nominees duly nominated for vacant positions, to the General Secretary. The original nomination forms shall be retained by the Returning Officer (Electoral Officer).

11.7 The General Secretary shall send the list of nominations as received from the Electoral Officer (Returning Officer) to all Provinces along with the final agenda for the National Congress within seven (7) days of receipt thereof.

11.8 The National Executive Council shall appoint the Electoral Officer (Returning Officer) and at least two (2) other persons who are not candidates for any office to conduct the elections.

11.9 Should a dispute arise during or relating to the elections the Electoral Officer (Returning Officer) shall rule thereon. This ruling shall be final and binding.

11.10 The Office-bearers shall be elected by block voting at the National Congress and shall retain office until successors have been elected.

11.11 Should the office of any of the elected positions on the National Executive Council or their constitutional structure become vacant, the remaining members in that structure shall co-opt an interim office-bearer in his/her place.

11.12 A vacancy in any office of the National Executive Council or Provincial Executive Council shall occur

a) upon the death of a member.
b) if a member is absent from three (3) consecutive meetings of the National Executive Council or any other Committee he/she is a member of without prior permission of the Committee concerned.
c) If a member has been found guilty of having conducted himself in a manner likely to prejudice the objects or activities of the Union.
d) On the resignation of a member.

11.13 On election, the National Office Bearers shall relinquish their Provincial Executive Council positions with immediate effect, and be replaced in their Provinces in the manner provided for in the constitution.

11.13.1 Notwithstanding clause 11.1 above, eligibility for nomination as an office bearer shall be as follows:

11.13.1(A) For Provincial Office Bearer, the shop steward must have been a member in good standing and serving on a leadership structure example, Provincial, Regional, Branch or Shop steward, at least a minimum of 2 years;

11.13.1(B) For Regional Office-Bearer, the shop steward must have been a member in good standing for at least a minimum of twelve (12) months;

11.13.1(C) For Branch Office-Bearer, the shop steward must have been a member in good standing for at least a minimum of six (6) months;

11.13.1(D) For a shops steward, the member must have been a member in good standing for at least a minimum of thirty (30) days for a new institution but ninety (90) days for an existing institution;

11.13.1(E) Further to the above, spouses must not hold office in the same structure in the union.

12. NATIONAL EXECUTIVE COUNCIL

12.1 The National Executive Council (NEC) shall consists of the President, First Deputy President, Second Deputy President, National Treasurer, Deputy General Secretary and two members of each Province, who shall be the Provincial Chairperson and the Provincial Secretary.

12.2 The affairs of the Union shall, subject to the provisions of this constitution be vested in the NATIONAL EXECUTIVE COUNCIL.

12.3 Should a delegate for some reason become unavailable to hold office it will be the duty of the Province to provide a substitute through co-option

12.4 No motion shall be considered unless seconded. All matters forming the subject of motions shall be voted upon by show of hands unless otherwise provided for and shall be decided upon by the majority present and voting.

12.5 Voting in the NATIONAL EXECUTIVE COUNCIL shall be by show of hands and shall be weighted in the following manner:

(i) Majority (50+1) of NEC members in line with clause 4.1(iii) of the union constitution.

(ii) The President, First Deputy President, Second Deputy President, National Treasurer and Deputy General Secretary shall have one (1) vote each, with the President having a casting vote in addition to his deliberative vote.

12.6 The General Secretary shall form part of the NATIONAL EXECUTIVE COUNCIL but shall have no voting rights.

12.7 The National Executive Council shall meet quarterly unless otherwise demanded by circumstances.

13. DUTIES AND POWERS OF THE NATIONAL EXECUTIVE COUNCIL

13.1 To approve the Union's participation in and the establishment of any forum legally constituted for the purpose of collective bargaining, and subject to the constitution of such forum, to determine the Union's representation thereon.

13.2 To engage or dismiss, except where otherwise provided for in the constitution, any union member, employees of the Union, including a General Secretary, to fix their remuneration and to define their duties.

13.3 To appoint, from time to time such committees as it may deem necessary for the purpose of investigation and reporting on any matter referred to them by the National Congress and any other appropriate Union structures.

13.4 To institute legal proceedings on behalf of or to defend proceedings against the Trade Union.

13.5 To acquire either by purchase, lease or otherwise, any movable or immovable property on behalf of the Union, and to sell, let, mortgage or otherwise deal with or dispose of any movable or immovable property belonging to the Union.

13.6 To provide legal assistance to members on matters affecting their employment.

13.7 To open a banking account in the name of the Trade Union.

13.8 To establish Provincial Structures/Region/Branches (Where there are no Provincial structures) in any area, and to define the jurisdiction of its area.

13.9 To suspend any Provincial Executive Council for action taken contrary to the terms of this constitution or to instructions issued by the National Executive Council, and to take over the management of the affairs of the Province until another Provincial Executive Council is elected.

13.10 To devise and propose as well as enforce regulations relating to procedural, administrative and disciplinary matters which are not inconsistent with the provisions of this Constitution, the Labour Relations Act, 1995, or any other law.

13.11 To decide on all matters of procedure on which this Constitution is silent.

13.12 To do such other lawful things as, in the opinion of the National Executive Council, appear to be in the interest of the Union or its members and which are not inconsistent with the objects as set out in clause 5 or any matter specifically provided for in the constitution.

14. THE MANAGEMENT COMMITTEE

14.1 The Management Committee (Manco) of the Union shall consists of the President, First Deputy President, Second Deputy President, National Treasurer, Deputy General Secretary and two (2) of the NATIONAL EXECUTIVE COUNCIL members elected by the National Executive Council.

14.2 The General Secretary shall form part of the Management Committee but shall have no voting rights.

14.3 The Management Committee shall conduct all affairs other than policy matters of the Trade Union in terms of the delegated powers given to it by the NATIONAL EXECUTIVE COUNCIL and carry out all duties in terms of its mandate.

14.4 A quorum of the Management Committee shall be in line with the constitution 50+1.

15. NATIONAL FINANCE COMMITTEE

15.1 The Finance Committee (Fincom) of the Union shall consists of the National Treasurer as Chairperson, President as Ex-officio, First Deputy President, Second Deputy President, Deputy General Secretary and all Provincial Treasurers.

15.2 For eligibility as National Treasurer, the candidate must at least 14 days before the National Congress submit a CV or documents (letters of motivation) which demonstrate that he/she is competent to handle finances and is eligible to be recommended.

15.3 The General Secretary shall form part of the Finance Committee but shall have no voting rights.

15.4 The Finance Committee shall: -

a) Formulate financial policies and procedures;
b) Recommend practical ways of implementing these policies;
c) Review budgets and recommend to NEC;
d) Review financial statements and ensure that financial policies and procedures are adhered to;
e) Discuss the audited financial statement and management report with the auditors;
f) Discuss and manage the expenditure of the special projects;
g) Cash flow management (including treasury functions);
h) Recommend investments;
i) Consider and recommend the acquisition of capital expenditure items within the budget;
j) Advice on closing & opening of bank accounts;
k) Make recommendations of staff salary increases.

15.5 A quorum of the Finance Committee shall be in line with the constitution: 50+1.

16. NATIONAL GENERAL COUNCIL (NGC)

16.1. The National General Council of the Union shall consist of National Executive Council and Provincial Executive Councils,

16.2. The business of the NGC shall be: -

a) to receive and confirm the credentials of delegates.
b) to receive and otherwise deal with minutes of the previous National Congress and any Special National Congress.
c) to consider the report from the General Secretary.
d) to receive and confirm the audited Financial Statements of the Union.
e) to formulate Trade Union policy.
f) to transact general business of which at least fourteen (14) days prior notice has been given, which the National Executive Council considers to be urgent for the attention of Congress.

16.3. The NCG shall meet on the third year after the National Congress.

16.4. The majority of the members' present shall form the quorum.

17. NATIONAL OFFICE BEARERS AS A STRUCTURE

The duties of National Office-bearers as a structure shall be: -

17.1 President

The President shall preside at all meetings at which he/she is present, enforce observance of the constitution, be responsible for strategic interventions in consultation with the First Deputy President and Second Deputy President, sign minutes of meetings after confirmation, endorse all accounts for payment after approval by the National Executive Council, supervise on the banking account of the Union, generally exercise supervision over the affairs of the Union and perform such other duties as by usage and custom pertain to the office. The President shall have both a deliberative and a casting vote.

17.2 First Deputy President

The First Deputy President shall exercise the powers and perform the duties of the President in the absence of the latter. He/she shall co-ordinate and oversee all activities aimed at identifying and addressing training and developmental needs of the organization in all spheres. He/she shall receive and review reports submitted by Union's representative at federation(s) to which the union may be affiliated. He/she shall perform any other duties entrusted to him/her by the President and or the National Executive Council.

17.3 Second Deputy President

The second Deputy President shall exercise the power and perform the duties of the President or the First Deputy President in their absence. He/she shall perform any other duties entrusted on him/her by the President And or the National Executive Council

17.4 Acting President

In the event of both the President and the Deputy Presidents being either temporarily or permanently unable to perform their duties, the National Executive Council shall appoint a member of the National Executive Council to act as President, who shall hold office until the President or Deputy Presidents are able to resume their duties or in the event of them being permanently unable to perform their duties, until a new President is elected

at the National Congress or a Special National Congress convened for such purpose.

17.5 National Treasurer

17.5.1 The National Treasurer shall administer the funds of the Union and deal with a specific bank chosen by the National Executive Council. He/she shall supervise the financial affairs of the Union. Shall endorse and co-authorise on the national banking account of the Union and shall perform other duties that by usage and custom pertain to such office. He/she shall coordinate the financial system of the Union from Provincial level to National Office through the Treasurers and Secretaries of the Provinces. He/she in consultation with the National Finance Committee recommends the budget of all Provinces for approval by the National Executive Council.

17.5.2 Issue official receipts for all monies received; submit reports with regard to the financial position of the Union to the National Congress and every four (4) months, to the National Executive Council.

17.5.3 Shall perform the duties imposed on him/her by Section 98, and 100 of the Labour Relations Act, 1995, relating to the retention of records and supply of information to the Registrar.

17.5.4 Shall also take the necessary steps to maintain a register of members, to keep proper books of account, to ensure that 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 are complied with.

17.6 Deputy General Secretary

The Deputy General Secretary shall in the absence of the General Secretary invite agenda items from members of the National Executive Council and Management Committee. He/she shall in the absence of the General Secretary draft the agenda of the National Executive Council, Management Committee and Fincom meetings in consultation with the President. He/she shall to take minutes during National Executive Council, Management Committee and Fincom meetings and circulate such minutes to members within 7(seven) days after a meeting. He/she shall follow up with the General Secretary on matters arising from the minutes and assist him in this regard. He shall stand in as a substitute negotiator.

18. OFFICIALS OF THE UNION

18.1 The General Secretary

18.1.1 The General Secretary shall be the Chief Executive Officer of the Union and employed on a full-time basis.

18.1.2 The General Secretary shall be responsible for the efficient administration of the Union, receive requisitions of meetings from the National Executive Council, issue notice of meetings, conduct all head office correspondence of the Union, keep originals of correspondence received as well as copies of correspondence dispatched and at subsequent meetings present such correspondence. The General Secretary is to attend all National Congresses, the National Executive Council meetings and Management Committee meetings. He/she will perform such duties as are imposed on her by National Executive Council under the direct supervision of the President. He/she shall have no voting power at such congresses/meetings. He/she shall meet with the Provincial Executive Councils as and when required to do so in order to explain policy positions of the Trade Union. He/she shall be a Union Chief Negotiator.

18.1.3 In addition to the duties laid down in clause 18.1.2, the General Secretary shall perform the duties imposed on him/her by section 99 of the Labour Relations Act, 1995, relating to the retention of records and the supply of information to the Registrar.

18.1.4 The General Secretary may resign on giving three (3) months' notice in writing to the National Executive Council and his/her services may be terminated on a similar period of notice being given to him/her by the National Executive Council. The contract of service of the General Secretary shall be in writing.

18.2 Other Officials

18.2.1There shall be personnel employed at both the National and Provincial offices.

18.2.2 The number of staff and their duties shall be determined by the National Executive Council, depending on a needs analysis requisitioned by the National Executive Council.

19 PROVINCIAL CONGRESS

19.1 The Provincial Congress shall be the highest decision making body in the Province and shall consist of the Provincial Executive Council (PEC) and shop stewards nominated by the Regions.

19.1.1 The Provincial Congress shall be held once in every 5(five) years in the year where the National Congress will be held. Notice of its convocation shall be communicated at least 2 (two) months before it is held.

19.1.2 The Provincial Congress shall be held as follows: Friday shall be for travelling to the venue for registration and credentials, start the congress on Saturday and check out on Sunday morning.

19.1.3 The draft agenda and Audited Financial Statement shall accompany such notice to all Regions for purposes of its delegates.

19.1.4 Resolutions from Regions shall be sent to the Provincial Secretary and shall reach the Provincial Office not later than 30 days prior to the Provincial Congress. Copies of such resolutions shall be distributed to all regions together with documents stipulated in clause 19.1.3 above.

19.2 Attendance at Provincial Congress shall be on the following basis:

19.2.1 The number of attendance at a Provincial congress shall be determined by the NEC.

19.3 The voting procedure adopted for the election of office-bearers shall be by block vote.

20. PROVINCIAL EXECUTIVE COUNCIL

20.1 The management of the affairs of the Trade Union in the Province shall be vested in the Provincial Executive Council subject to the general control of the National Executive Council as well as resolutions adopted at the National and Provincial Congresses.

20.2 The Provincial Executive Council shall consist of the Provincial Chairperson, the Deputy Provincial Chairperson, the Provincial Secretary, the Deputy Provincial Secretary, the Provincial Treasurer and in addition, the Chairpersons and Secretaries of each of the Region. The office-bearers of the Provinces shall be elected and shall hold office for a period of 5 (five) years.

20.3 Each Provincial Executive Council, shall meet at least once every three months or at any other time at the instance of the Provincial Chairperson or the Provincial Deputy Chairperson in consultation with the Provincial Secretary or on receipt of a written requisition of at least three (3) members of the Provincial Executive Council in which event a meeting shall be called within seven working days of receipt of the requisition by the Provincial Secretary.
Deputies perform the duties of the secretary and those of the chairperson in their absentia save that it shall be confined to their respective provincial structure.

20.4 To the extent that it has not been provided for in the constitution, the procedures prescribed for a quorum, the calling, conduct and times, as well as the keeping of minutes of the proceedings of meetings of the National Executive Council shall apply mutatis mutandis to the Provincial Executive Council.

20.5 In the event of a Regional or Branch office-bearer, becoming an office-bearer of the Province she shall with immediate effect relinquish her position as Regional or Branch office-bearer.

20.6 Qualification to serve on the Provincial Executive Council shall be the same as for the National Executive Council except that: -

a) For eligibility for election as Provincial Treasurer the candidate/nominee must submit a CV or document (letter of motivation) which demonstrate that he is competent to handle finances and thus eligible to be elected as a treasurer in the Union.

b) The National Treasurer shall evaluate the CV and make a determination of those nominees who are eligible to be elected for the Provincial Congress vote on.

21. PROVINCIAL MANAGEMENT COMMITTEE (PMANCO)

21.1 The Provincial Management Committee (PManco) of the Union shall consists of the Chairperson, Deputy Chairperson, Provincial Treasurer, Provincial Secretary, Provincial Deputy Secretary and two (2) other Regional Chairpersons elected by the Provincial Executive Council.

21.2 The Management Committee shall conduct all affairs other than policy matters of the Trade Union in terms of the delegated powers given to it by the PEC and carry out all duties in terms of its mandate.

21.3 The PManco shall meet at least once per quarter.

21.4 A quorum of the Management Committee shall be 50+1

22. PROVINCIAL FINANCE COMMITTEE (PFINCOM)

22.1 The Provincial Finance Committee (PFincom) of the Union shall consists of the, Provincial Treasurer as -Chairperson, Chairperson as Ex-officio, -Deputy Chairperson, Provincial Secretary, Deputy Provincial Secretary, a Regional Treasurer from each Region one of which shall the elected by the Provincial Executive Council who will also act as a recording secretary.

22.2 The Provincial Finance Committee shall: -

a) Oversee the implementation of the financial policies and procedures
b) Recommend practical ways of implementing these policies;
c) Review budgets and recommend to PEC;
d) Review financial statements and ensure that financial policies and procedures are adhered to;
e) Discuss the audited financial statement and management report with the auditors;
f) Discuss and manage the expenditure of the special projects;
g) Cash flow management (including treasury functions)
h) Recommend investments consistent with the objects of this constitution and general directive of the National Executive Council

i) Consider and recommend the acquisition of capital expenditure items within the budget;

22.3 The PFincom shall meet twice a year, last meeting must consider performance against the current budget and strategic plan.

22.4 A quorum of the Provincial Finance Committee shall be the majority of members' present

23. PROVINCIAL GENERAL COUNCIL

23.1 The Provincial Executive Council of the Union shall consist of the Provincial Executive Councils and the Regional Executive Councils in respective province.

23.2 The business of the PGC shall be: -

a) to receive and confirm the credentials of delegates.

b) to receive and otherwise deal with the minute of the previous Provincial Congress and any Special Provincial Congress

c) to consider the report from the Provincial Secretary

d) to receive and confirm the audited Financial Statement of the province.

e) to recommend Union policy.

f) to transact general business of which at least fourteen (14) days prior notice has been given, which the PEC considers to be urgent for the attention of PGC

23.3. The PGC shall meet on the third year after the Provincial Congress of respective province.

23.4 The majority of the members' present shall form the quorum.

24. REGIONAL CONGRESS

24.1 The Regional Congress shall be the highest decision making body in the Region and shall consist of the Regional Executive Council (REC) and shop stewards.

24.1.1 The Regional Congress shall be held once in every 5(five) years in the year where the Provincial Congress will be held. Notice of its convocation shall be communicated at least 2 (two) months before it is held.

24.1.2 The Regional Congress shall be held in one day: in the morning travelling to the venue for registration and credentials, start the congress, conclude it and delegates return to their respective homes.

24.1.3 The draft agenda shall accompany such notice to all Branches for purposes of its delegates.

24.1.4 Resolutions from Branches shall be sent to the Regional Secretary and shall reach the Provincial Office not later than 30 days prior to the Regional Congress. Copies of such resolutions shall be distributed to all regions together with documents stipulated in clause 24.1.3 above.

24.1.5 Attendance at Regional Congress shall be on the following basis:

24.1.6 The number of attendance at a Regional congress shall be determined by the NEC.

24.1.7 The voting procedure adopted for the election of office-bearers shall be by block vote.

25. REGIONAL EXECUTIVE COMMITTEE

25.1 The management of the affairs of the Trade Union in the Region shall be vested in the Regional Executive Committee subject to the general control of the National Executive Council, Provincial Executive Council as well as resolutions adopted at the National and Provincial Congresses including the Regional General Meetings.

25.2 The Regional Executive Committee shall consist of the Regional Chairperson, the Deputy Regional Chairperson, the Regional Secretary, the Deputy Regional Secretary, the Regional Treasurer and in addition, the chairpersons and Secretaries of each of the Branches. The office-bearers of the Region shall be elected and shall hold office for a period of 5 (five) years.

25.3 Each Regional Executive Committee, shall meet at least once every three months or at any other time at the instance of the Regional Chairperson or the Regional Deputy Chairperson in consultation with the Regional Secretary or on receipt of a written requisition of at least three (3) members of the Regional Executive Committee in which event a meeting shall be called within seven working days of receipt of the requisition by the Regional Secretary.

25.4 To the extent that it has not been provided for in the constitution, the procedures prescribed for a quorum, the calling, conduct and times, as well as the keeping of minutes of the proceedings of meetings of the National Executive Council shall apply mutatis mutandis to the Regional Executive Council.

25.5 In the event of a Branch office-bearer, becoming an office-bearer of the Region she shall with immediate effect relinquish her position as Branch office-bearer.

25.6 Qualification to serve on the Regional Executive Council shall be the same as for the National Executive Council except that: -

a) For eligibility for election as Regional Treasurer the candidate/nominee must at least within 14 days before the Regional Congress submit a CV or document (letter of motivation) which demonstrate that he is competent to handle finances and thus eligible to be elected as a treasurer in the Union. All documents requested should be vetted.

The Provincial Treasurer shall evaluate the CV and make a determination of those nominees who are eligible to be elected for the Regional General Meeting vote on.

26. DUTIES OF OFFICE-BEARERS OF PROVINCIAL EXECUTIVE COUNCILS

26.1 The Chairperson:

The duties of the Chairperson shall be the same as that of the National President, save that it would be confined to the respective Provincial.

26.2 The Deputy Chairperson:

The Deputy Chairperson shall in the absence of the Chairperson perform duties and exercise powers of the latter save that it would be confined to the respective provincial structure.

26.3 The Provincial Secretary:

The Provincial Secretary is responsible for effective delegation and supervision of the Union duties (not inconsistent with the terms of the constitution) to ensure the effective administration organisation of members in the Province and perform such other duties as by usage and custom pertain to her office.

26.4 The Deputy Provincial Secretary:

The Assistant Provincial Secretary shall perform such duties as delegated to her by the Provincial Secretary. She shall in the absence of the Provincial Secretary perform and exercise powers of the latter, save that it shall be confined to respective provincial structure.

26.5 The Provincial Treasurer:

26.5.1 The Provincial Treasurer shall administer the funds of the Province and deal with a specific bank chosen by the National Executive Council. He/she shall supervise the financial affairs of the Province. Shall endorse and co-sign cheques on the provincial banking account of the Union and shall perform other duties as by usage and custom that pertains to such office.

26.5.2 Issue official receipts for all monies received; submit reports with regard to the financial position of the Province to the Provincial Congress and every three (3) months, to the Provincial Executive Council.

27. DUTIES OF OFFICE-BEARERS OF REGIONAL EXECUTIVE COMMITTEE

27.1 The Regional Chairperson:

The duties of the Chairperson shall be the same as that of the National President, save that it would be confined to the respective Region.

27.2 The Regional Deputy Chairperson:

The Deputy Chairperson shall in the absence of the Chairperson perform duties and exercise powers of the latter, save that shall be confined to the respective regional structure.

27.3 The Regional Secretary:

The Regional Secretary is responsible for effective delegation and supervision of the Union duties (not inconsistent with the terms of the constitution) to ensure the effective organisation of members in the Region and perform such other duties as by usage and custom pertain to her office.

27.4 The Deputy Regional Secretary:

The Deputy Regional Secretary shall perform such duties as delegated to her by the Provincial Secretary. She shall in the absence of the Provincial Secretary perform and exercise powers of the latter, save that it shall be confined to the respective regional structure.

27.5 The Regional Treasurer:

27.5.1 The Regional Treasurer shall monitor the financial affairs of the region and cost in line with the finance policy, S&T and present financial reports to the REC.

28 ESTABLISHMENT AND CONTROL OF BRANCHES.

28.1 A branch of the Union may be established in any local municipality where there are no less than thirty (30) members of the Union.

28.2 Application for the establishment of a branch should be made in writing to the PROVINCIAL EXECUTIVE COUNCIL by no less than 50% of members in the area concerned.

28.3 If the Provincial EXECUTIVE COUNCIL approves the application, the Provincial Secretary will inform the members accordingly and arrange for one of the PROVINCIAL EXECUTIVE COUNCIL members to be present at the inaugural meeting of the branch.

28.4 The PROVINCIAL EXECUTIVE COUNCIL shall have the right to examine the affairs of any branch, at any time, on reasonable cause shown and by giving notice of intent thereof. The examining delegation shall have access to all the records of the branch and have the authority to take such records into custody.

28.5 When a member leaves the jurisdiction of any branch, she is entitled to be transferred as a member to another branch by producing her membership card.

29 BRANCH OFFICE BEARERS

29.1 The management of the affairs of the Branch shall be vested in the Branch Executive Committee consisting of the Branch Chairperson, Deputy Chairperson, the Secretary, Deputy Secretary and Organiser. The executive members of the branch shall be elected on nomination duly seconded and voted upon by ballot at the Annual General Meeting (AGM) of the Branch. They shall hold office until the following AGM where they may be eligible for re-election for a further term of office. The Chairperson and Deputy Chairperson of the executive committee shall ipso facto be chairperson and Deputy chairperson of the branch.

29. Nominations for Branch Office-bearers shall be lodged with the Branch Executive fourteen days (14) before the annual general meeting of the branch.

29.3 Vacancies occurring on a Branch Executive Committee shall be filled at the first ensuing branch general meeting, after being duly nominated, seconded and voted upon. Nominations for vacancies shall be submitted to the Branch Secretary in writing fourteen (14) days before such meeting taking place.

29.4 A Branch Executive Committee shall, subject to the general direction and control of Branch general meetings and to the provisions of this constitution have power: -

a) to deal with disputes between members and their employers and endeavour to settle disputes;
b) to appoint, from time to time, such sub-committees as it may deem fit for the purpose of investigating and reporting on matters referred to them by the executive committee;
c) to do such other lawful things as, in the opinion of the Branch Executive committee, appear to be in the interest of the Union or its members and which are not inconsistent with the objects set out in clause 5 or any matter provided for in this constitution.

29.5 Branch office-bearers shall perform the same duties mutatis mutandis in respect of the Branch as are imposed on office-bearers of the Union confined to their respective branches.

29.6 A Branch Secretary may resign giving one-month's notice in writing to the Branch executive and his services may be terminated after due notice of one month. He may be summarily dismissed for serious misconduct or dereliction of duty. In the event, the office becoming vacant the Branch Executive may appoint a temporary incumbent who shall hold office until the next ensuing Branch general meeting.

30. SHOP-STEWARDS COMMITTEES

30.1 The Shop-stewards Committee will run the affairs of the Union in the company or institution where they are employed and shall represent members generally in dealings with management.

30.2 A shop-steward committee may be established in any workplace where there are no less than ten (10) members.

30.3 A shop steward committee shall be established in any work place where there is a minimum of 5 shop stewards

30.4 Application for the establishment of a shop-steward committee shall be made in writing to the Branch Executive Committee by no less than five (5) members in the workplace concerned.

30.5 If a Branch Executive Committee approves of the establishment of Shop steward Committee the Branch Secretary shall notify the members from whom the application has been received and arrange for the inaugural meeting. At this meeting nomination for elections for the Shop-stewards Committee shall be called. The elections shall take place by ballot. The Executive Committee shall consist of the Chairperson, the Vice-Chairperson, the Secretary and additional members as may be decided by the meeting.

31. TRADE UNION REPRESENTATIVE

31.1 Shop stewards shall hold office for two (2) years.

31.2 Shop stewards will over and above the duties prescribed by the Labour Relation Act 65 of 1995, have the following duties:

a) at the request of an employee in the workplace, assist and represent the employee in grievance and disciplinary proceedings;

b) monitor the employers' compliance with any law regulating terms and conditions of employment;
c) report any alleged contravention of any law regulating terms and conditions of employment to the employer, Trade Union or any responsible authority or agency; and
d) prepare herself adequately for meetings, studying minutes, contributing relevant items for the agenda on issues they may discuss;
e) attend meetings in the institution as required, representing the views of the members frankly and accurately;
f) to report back to members, he/she represents;
g) to acquire an adequate degree of knowledge of the company's or department's policies, rules, regulations, structures, procedures, practices and conditions of employment, so that they may effectively fulfil their functions, duties and responsibilities;
h) to report regularly to the Shop-steward Committee or Branch Executive Council or Provincial Executive Council as may be the case, any disputes or grievances of members.
i) to attend all Shop-steward Committee general meetings, Branch Shop-steward Committee meetings, and any other meetings to which they may have been requested to attend.
j) to convey decisions and policies of the Union and other reports to the members in the company or institution;
k) to obtain mandates on any issue arising from the members, affecting decisions and policies of the Union and convey these to the Committee or any other body to which he is elected;
l) negotiate and enter into agreements with the employer covering any issue concerning working conditions which were authorised by a general meeting of members of the institution and by the Provincial or National Executive Council;
m) to try to settle disputes by conciliatory method where management makes conciliation possible;
n) to enrol new members and use every means consistent with the Union constitution to ensure that all workers at the company or institution become members;
o) to collect levies or membership fees due to the Union where such may be necessary and where these have been specifically authorised by the National Executive Council;
p) perform any function as the National Executive Council may direct.

32 BALLOTS

32.1 In addition to those cases in respect of which taking a ballot of members of the whole Union or of a Province/Region/Branch is compulsory in terms of this constitution a ballot on any question shall be taken if the National Executive Council so decides, and shall also be taken

a) if demanded by a Province;
b) on any proposal to declare or take part in any strike.

32.2 Ballots shall be conducted in the following manner: -

32.2.1 Notice of a ballot shall be given to each member of the branch in writing by the Branch Secretary, at least three days before the ballot is to be taken, provided that a ballot may be taken without any notice at any general meeting on the decision of the majority of the members present.

32.2.2 Two scrutineers shall be appointed by each Branch Executive Committee or general meeting to supervise any ballot and to ascertain the result thereof.

32.2.3 Except in the case of postal ballots taken at a general meeting on the decision by the majority of members present, ballots shall be conducted at the various Branch offices of the Union or at such other places as may be specified in the notice referred to in clause 32.2.1 on the date and during the hours specified in the said notice.

32.2.4 The General Secretary shall supply ballot papers to the Branch Secretaries. The issue to be voted upon shall be set forth clearly on the ballot paper and such ballot paper shall not contain any information by means of which it will be possible to identify the voter.

32.2.5 Ballot boxes shall be inspected by the scrutineers and sealed by the Branch Secretary in their presence prior to the issuing of ballot papers.

32.2.6 One ballot paper only shall be issued at the place and during the hours fixed for the taking of the ballot to each member of the Branch who is entitled to vote.

32.2.7 Each voter shall, in the presence of the scrutineers, be issued with one paper, which shall thereupon be completed by the member, folded and deposited in a container provided for the purpose.

32.2.8 Ballot papers shall not be signed or marked in any way apart from the mark required to be made by a member in recording his vote. Papers bearing any other marks shall be regarded as spoilt and shall not be counted.

32.2.9 On completion of a ballot or as soon as possible thereafter the result of each Branch shall be ascertained by the scrutineers appointed for such Branch in the presence of the Branch Secretary and made known to the Branch Executive Committee which shall immediately advise the National Executive Council. Ballot papers, including spoilt papers, shall be placed in a container that shall be sealed after the votes have been counted and retained by the Branch Secretaries for not less than three (3) years.

32.3 The National Executive Council may decide that a postal ballot of members may be taken in which event the ballot shall be conducted in the following manner: -

32.3.1 The General Secretary shall send by registered post to each member of the Union, a ballot paper, and a stamp-addressed envelope marked, "BALLOT". The ballot paper shall on completion be inserted in the envelope provided for the purpose that shall be sealed and posted so as to reach the General Secretary within three (3) weeks from the date of despatch from head office to such member. On receipt of such envelopes, the General Secretary shall immediately place such envelopes in a sealed ballot box.

32.3.2 Two scrutineers shall be appointed by the National Executive Council to ascertain the result of the ballot. The ballot boxes shall be opened and the ballot papers counted by the scrutineers in the presence of the General Secretary who shall immediately advise the National Executive Council of the result of the ballot.

32.3.3 The same procedure shall mutatis mutandis apply to a postal ballot confined to members of the National Executive Council or any branch of the Union.

32.4 The National Executive Council may confine a ballot to the members of a particular Branch or Branches in respect of matters affecting the members of such Branch or Branches only and may, on application of not less than two thirds of the members of any Branch authorise the taking of such ballot in respect of such branch. Ballots of members of particular Branches shall be conducted, mutatis mutandis in the same way as ballots of the total membership of the Union.

32.5 The National Congress, the National and Provincial Executive Councils or the Branch Executive Committee shall be bound to take action according to the decision of the majority of members voting in a ballot.

32.6 The Trade Union shall, before calling a strike, conduct a ballot of those of its members in respect of whom it intends to call a strike.

32.6.1 Notwithstanding anything to the contrary contained in this constitution, members of the Trade Union, shall not be disciplined or have their membership terminated for failure or refusal to participate in a strike if,

a) no ballot was held about the strike, or
b) a ballot was held but a majority of the members that voted did not vote in favour of the strike.

33. FINANCE

33.1 Head Office

33.1.1 The funds of the Union shall be applied to payment of expenses; the acquisition of property and towards the attainment of the objects specified in clause 5 and any other lawful purpose as may be decided by the National Executive Council.

33.1.2 The funds received by the General Secretary on behalf of the Union shall be deposited to its credit forthwith at a bank held in its name, decided by the National Executive Council.

33.1.3 Payments shall require prior approval of the National Executive Council and shall be made by cheque signed by the National Treasurer and any other member of the Council appointed for that purpose, except when the amount in question is less than R500,00 when payment may be made by petty cash.

33.1.4 Funds required for the petty cash account shall be kept in such a form as the National Executive Council may from time to time determine. Supplementing of the petty cash account shall be done through electronic funds transfer duly authorised as in 32.1.3 above. The National Executive Council shall determine the amount of petty cash per month.

33.2 Provinces

33.2.1 The Provincial Secretaries or such persons empowered to do so shall collect membership fees and fines.

33.2.2 All monies collected on behalf of the Union shall be deposited in the Trade Union's banking account.

33.2.3 Details of such deposits accompanied by a list showing the names of members from whom monies were collected, the amount paid in by each member, the names of those in arrears and the amounts due, shall be submitted to the General Secretary.

33.2.4 Provinces may apply the funds belonging to them to the payment of expenses towards the attainment of the objects specified in clause 5 as may be determined by the Executive Committee/council.

33.2.5 If any Province incurs expenditure except as provided for in the constitution, the members present at that meeting at which such expenditure was agreed to, shall jointly and severally be liable for refunding the amount in question, provided that no liability shall rest on the members who at the time specifically requested that their protest against the incurring of such expenditure be recorded in the minutes of a meeting.

33.2.6 If any Province or Region ceases to exist, its assets and liabilities shall devolve on the Union.

33.3 General

33.3.1 Statements of Income and Expenditure and the financial position of the Province shall be prepared quarterly by each Provincial Treasurer and submitted to the Provincial Executive Council/Committee and to the National Executive Council.

33.3.2 In accordance with the provisions of section 98(1)(b) of the Labour Relations Act, 1995, the National Treasurer shall prepare a statement of Income and Expenditure and a Balance Sheet in respect of each Financial Year ending 31 March. Such statements and balance sheets shall be audited and dealt with as required by the said section of the Act.

33.3.3 No single item of expenditure in excess of one (1) percent of the total monthly income (other than remuneration of employees of the Trade Union) shall be met from the funds of the Trade Union, unless such expenditure is approved by the National Executive Council.

33.3.4 Legal and other professional expenses shall be borne by the Trade Union.

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

33.3.6 The National Executive Council shall subject to confirmation by the National Congress, have the power to invest surplus monies in such a manner that the Union stands to benefit from such investments.

34 REPRESENTATION

34.1 The National Executive Council may at any time recommend that the Trade Union shall become a party to a Bargaining or Statutory Council established in terms of the Labour Relations Act, 1995.

34.1.1 Representatives and their alternates shall be appointed by the National Executive or Provincial Executive Council for a National or Provincial Bargaining/Statutory Council respectively.

34.1.2 Representatives and their alternates on a Bargaining or Statutory Council may be removed by the National or Provincial Executive Councils or their Congresses. The Representatives or their alternates may in turn, resign, giving one (1) month's notice of such intention to the National or Provincial Executive Councils or such notice as may be prescribed in the constitution of the council concerned.

34.1.3 In the event of the resignation or death of a representative or her alternate or on the removal by the National or Provincial Council concerned or its Congress, the vacancy shall be filled by the National or Provincial Executive Council.

34.1.4 Representatives or their alternates in any structure shall act only with the express mandate from the relevant constituency.

35. REVIEW AND RESCISSION OF DECISIONS

Any relevant Committee or Council or the National or Provincial Congresses may review any decision provided that a two-thirds majority of those members present and voting agree to such review, after which a simple majority would be needed to rescind the decision.

36. CHANGING OF THE CONSTITUTION

36.1 Any of the provisions of the constitution may be considered for repeal, amendment or addition, or change in any manner, on a proposal of the National Executive Council or the Provincial Executive Council or their respective Congresses provided that at least sixty (60) days written notice to the General Secretary of such alteration shall have been given. The General Secretary is to circularise such proposal for change(s) to all Provinces within seven (7) days of receiving such proposal. Only the National Congress may approve such change(s), alterations, or amendments by way of a two-thirds majority of those present and voting.

36.2 No amendment or alteration shall have any force or effect until certified in terms of section 101(3) of the Labour Relations Act, 1995.

37. INDEMNITY

All Office-bearers, Officials and Shop-stewards shall be indemnified against all legal proceedings and costs incurred by reason of the performance of such person's duties for and on behalf of the Trade Union provided that such acts or omissions were done:

a) in good faith and
b) in pursuance of the objects of the Trade Union.

38. WINDING-UP

38.1 The Trade Union shall be wound-up if in a ballot conducted in a manner prescribed in the constitution, not less than three-quarters of the total number of members of the Union vote in favour of a resolution that the Union be wound-up.

38.1.1 If a resolution for the winding-up has been passed or if for any reason the Union is unable to continue to function, the following provisions shall apply: -

a) The last appointed President of the Union or if he/she is not available, the available members of the last appointed National Executive Council shall forthwith transmit to the Labour Court, a statement signed by her or them setting forth the resolution adopted or reason for the Union's inability to continue to function, as the case may be, and request the Labour Court to grand an order in terms of section 103 of the Labour Relations Act of 1995.

b) (i) The liquidator appointed by the Labour Court shall call upon the last-appointed office bearers and officials of the Union to deliver to him Union's books of account showing the Union's assets and liabilities together with the register of members showing for twelve (12) months prior to the date of which the resolution for the winding-up was passed or the date from which the Union was unable to or the date from which the Union was unable to function, as the case may be, (hereinafter referred to as the date of dissolution), the membership fees paid by each member and his address as at the said date.

(ii) The liquidator shall also call upon the said office bearers and officials of the Trade Union to hand over to him all unexpended fund of the Trade Union and deliver to him the Union's assets and documents necessary to liquidate the assets.

c) The liquidator shall take all necessary steps to liquidate the debts of the Trade Union from its unexpended funds and any other monies realised from assets from the union, and if the said funds and monies are insufficient to pay all creditors after

the fees of the liquidator and expenses of winding-up have been met, the order in which creditors shall be paid, shall, be the same as prescribed in any law for the time being in force relating to the distribution of the assets of an insolvent estate and fees of the liquidator and fees for the winding-up shall rank in order of preference as though the expenses were costs of sequestration of an insolvent estate.

d) After the payment of all debts in accordance with clause (c), the remaining fund, if any, shall be distributed by the liquidator amongst the remaining members of the union. Member shall be awarded a share in proportion to the membership fee actually paid by him in respect of the twelve (12) months immediately preceding the said date.

e) After the payment of all liabilities, any assets that cannot be disposed of in accordance with the provision of this clause shall be realised by the liquidator and all proceeds paid the Commission for Conciliation, Mediation and Arbitration in accordance with section 103(5) of the Labour Relations Act, 1995.

38.Summary of Abbreviations

PO	Presiding Officer
NEC	National Executive Council
PEC	Provincial Executive Council
REC	Regional Executive Council
BEC	Branch Executive Council
MANCO	Management Committee
Fincom	Finance Committee
NGC	National General Council
PGC	Provincial General Council
PMANCO	Provincial Management committee
PFincom	Provincial Finance Committee

SIGNED AT PRETORIA ON THE 12 DAY OF December 2025





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PRESIDENT

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GENERAL SECRETARY