DEMOCRATISED TRANSPORT LOGISTICS AND ALLIED WORKERS UNION
The Most Democratic and Revolutionary Union

CONSTITUTION
CONSTITUTION OF THE DEMOCRATISED TRANSPORT LOGISTICS AND ALLIED WORKERS UNION (DETAWU) AS ADOPTED AT FIRST NATIONAL CONGRESS 2015.

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Appendix 1: Scope of the Union
Chapter A : Character of the Union

1. Preamble

1.1 We, the trade union representatives present firmly commit ourselves to a unified South Africa, free of oppression and economic exploitation

1.2 We believe that this can only be achieved under the leadership of a united working class. Our history has taught us that in order to achieve this goal we will have to carry out the following tasks:

   1.2.1 Organise the unorganised workers and build effective trade unions based on the democratic organization of workers;

   1.2.2 Organise the national, provincial and local structures financed and controlled by the workers through democratically elected committees;

   1.2.3 Unify all transport, security and cleaning workers under DETAWU banner,

   1.2.4 Combat the divisions amongst the workers of South Africa and unite them into a strong and confident working class

   1.2.5 Encourage democratic worker organization and leadership in all spheres of our society together with other progressive sectors of the community; and

   1.2.6 Reinforce and encourage progressive international worker contact and solidarity so as to assist one another in our struggles

1.3 DETAWU calls on all those who identify with commitment to join the workers and us we represent, as comrades in the struggle ahead. We call on all trade unions to strive to unite their members in their ranks without discrimination and prejudice. We seek to protect and further the interest of all workers.
2. Name

2.1 The name of the Trade Union is Democratised Transport Logistics and Allied Workers Union Shortened form of its name is DETAWU.

2.2 In this constitution it will be referred to as “the union “or DETAWU

3. Logo

3.1 The logo of the union will be determined by the National Congress and will appear on all official documents of the union.

4. Legal Status

4.1 The union is a corporate body having a perpetual succession and is an association not for gain

5. Location of Head Office, Provincial and local offices

5.1 The NC must determine the location of the head office of the union. The NOBC must decide upon the premises and the address of the head office.

5.2 The CEC must determine the location and premises of the provincial and local offices where there is no CEC the NOBC must perform this task.

6 Definitions

6.1 CEC means the Central Executive Committee,

6.2 Fincom means the Finance Committee if the CEC

6.4 LOB means Local Office Bearers;

6.5 LOBC means Local Office Bearers Committee;

6.6 LRA means Labour Relations Act No 66 of 1995 as amended
6.7 LSSC means Local Shop Stewards Council;

6.8 Office Bearer means a member of the union who is elected in accordance with this constitution to hold office in the union;

6.9 Elected Official means the General Secretary, Deputy General Secretary, Provincial Secretary, who are elected in accordance with this constitution;

6.10 Official means an organizer of the union;

6.11 Management means any person who has authority to employ or dismiss workers;

6.12 Staff means all other employees of the Union;

6.13 NC means National Congress;

6.15 NOB means National Office Bearer;

6.16 NOBC means National Office Bearers Committee;

6.17 PEC means Provincial Executive Committee;

6.18 PC means Provincial Congress;

6.19 POB means Provincial Office Bearer

6.20 POBC means Provincial Office Bearers Committee;

6.21 SETA means Sector Education and Training Authority;

6.22 SSC means Shop Stewards Committee

6.23 Stop order deduction means any written authorization by a member of the union to the employer to deduct subscriptions charges or levies payable to the union from the member’s wage/salary and by the union in terms of clause 44.9
7. Scope

7.1 The scope of the union is set out Appendix 1

7.2 The NC may amend the scope of the Union

8. Aims and Objectives

The aims and objectives of the union are:

8.1 To advance and defend the interest of the workers in respect of all matters of mutual interest between workers and their employers in order to improve the standard of living of the union’s member, workers and the working class in general;

8.2 To advance and defend the unions member and workers employment and socio-economic interest a and rights including struggling to improve –

8.2.1 Workers wages salary and benefits to fair decent and living wage / salary level;

8.2.2 Workers hours of work and leave provisions

8.2.3 The skills and capabilities of workers through effective education and training programmes;

8.2.4 Other terms and conditions of employment for workers;

8.2.5 The health and safety conditions in the workplace and

8.2.6 The social benefits, including unemployment insurance, retirement and medical funds and the provision of housing.

8.3 To promote and defend the socio-economic interest of the union’s members, Workers and the working class in general;
8.4 To resist and defend the union’s members and workers against unfair labour practice, including dismissal;

8.5 To promote the job security of workers and the union’s members by struggling for job creation programmes and resisting dismissal for operational reasons,

8.6 to eradicate all forms of unfair discrimination in the workplace and society that are based upon arbitrary grounds including, but not limited to race, gender, sex, ethnic or social origin, colour, birth, socio-economic status, sexual orientation, age, disability, HIV status, religion, conscience, belief, political opinion, culture, language, marital status, pregnancy or family responsibility;

8.7 To build and maintain a democratic worker controlled union based on the principles of non-racialism, non-tribalism, non-sexism, non-homophobia and non-xenophobia;

8.8 To promote democracy and worker control in the union by encouraging members, shop stewards, officials and office-bearers to work in an accountable and responsible fashion by amongst other things,

8.8.1 Seeking the appropriate mandates and reporting back to the relevant structures of the union and its members;

8.8.2 Accepting and offering constructive criticism that builds the union;

8.8.3 Providing information about the union and its work to members and other workers in a manner and language that is easy understood;

8.8.4 Fostering the democratic participation of members in the union especially the participation of women and;

8.8.5 Building strong and active shop stewards structures;
8.9 To advance and defend the cause of democracy and socialism in the workplace, the economy, the country and internationally;

8.10 To join forces with workers and the working class everywhere in the struggle against all forms of exploitation and oppression;

8.11 To build solidarity and foster unity, co-operation and comradeship amongst all workers and the working class, And to this end, the union will:

8.12 Recruit and unite workers in order to pursue their economic and social interest and welfare;

8.13 Defend and assist union members in their struggle against their employers;

8.14 Represent members of the union in grievance disciplinary proceedings and disputes declared on behalf of the union members in terms of any relevant law or agreement;

8.15 Institute legal proceedings, where this is possible and the union deems it appropriate, on behalf of the union, its members or workers in order to advance or defend their interest;

8.16 Try to resolve the dispute and grievance of the union members, workers or the working class by the way of –

   8.16.1 Making representation and reporting any alleged contravention of the law or agreements including collective agreements to the employer or the relevant authorities, and;

   8.16.2 Negotiating, conciliation, mediation, arbitration referrals to courts, strikes or protest action;

8.17 Participate in and establish collective bargaining forums and councils;

8.18 Promote and defend bargaining councils, especially national industrial or sector bargaining councils and collective forums dealing with education and training;
8.19 Negotiate and conclude agreements (including collective agreements) with employers, employer’s organizations, the State or their representatives;

8.20. Promote or oppose as the case may be, any law administrative measures or policies, that affect the union, its members and the working class;

8.21 Participate in statutory or equal statutory structures that deal with matters that affect the union’s members, staff, workers and the working class;

8.22 Co-operate with affiliate to or join workers or civil society organizations that are committed to similar democratic principle, aims and objectives as the union;

8.23 Participate in international trade union activities and foster international relations with foreign or international trade union organization;

8.24 Provide and promote projects such as education and training courses for members and staff in order to:

8.24.1 Assist them to fulfill the aims objectives of the unions and to become more effective unionist; and

8.24.2 Enable them to participate more effectively in the struggle for economic freedom and social justice

8.25 Regulate the relations between the union and its members and settle through negotiation, mediation, arbitration or inquiries, disputes between the union and any of its members or between any members, office bearers, officials or structures of the union;

8.26 Raise and invest funds in any lawful that the NC, CEC or NOBC agrees to;

8.27 Establish and administer funds for the benefit of the union members and their dependents;
8.28 Develop and where desirable, participate in schemes to provide employment related to non-employment related benefits to members in accordance with the guidelines and policies determined by the NC and CEC;

8.29 Buy, take on, lease, hire or otherwise acquire or sell pledge or mortgage any movable or immovable property;

8.30 Shall ensure the participation and development of women in all union structures and activities; and;

8.31 Do any other lawful thing that it is consistent with the spirit and provision of this Constitution and the policies of the union and that may advance or defend the interest of the union, its members, workers and the working class.

9. Membership

9.1 Eligibility

9.1.1 Subject to the approval of the PEC that has jurisdiction, membership of that the union is open to all workers that work in any sector that falls within the scope of the union (Appendix 1)

9.1.2 Unless determined otherwise by the CEC a worker whose membership has been rejected or a member who has been expelled from the union is not entitled to apply for membership of the union for 12 months after the rejection of the previous application or expulsion. Members whose membership has terminated for any reason other than explosion may re-apply for the membership at any time.

9.1.3 Upon the acceptance of the application, the applicant will cease to be a member of any union

9.2 Rights and Obligation of Members

9.2.1 Members rights and obligations are as set out in this constitution and as determined by the CEC from time to time.
9.2.2 The union may not unfairly discriminate against any member or applicant for membership.

9.2.3 Every member must observe the provisions of this constitution and the 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 interest of the union and its membership.

9.2.4 On joining the union every member must notify the Provincial Secretary in writing of his or her postal address. Every member must notify the Provincial Secretary of any change of address within 14 days, the provided address to the Provincial Secretary will be the member’s chosen address for the service of all the official documents (i.e. the member’s domicilium citandi et executandi)

9.3 Membership Application

9.3.1 Application for membership shall be made on the prescribe form to the LOBC or where there is no functioning LOBC, the POBC and where there is no functioning POBC to the NOBC.

9.3.2 Within 30 days of receipt of the application, the LOBC, POBC or NOBC must determine whether to grant or refuse membership and must advice the applicant of its decision failing which the LOBC or POBC is deemed to have granted the membership to the applicant.

9.3.3 The LOBC, POBC or NOBC may, within the aforementioned 30 days, reject an application for membership if: (a) the applicant is not eligible for membership, (b) there is reason to believe that the applicant will not be bona fide member, (c) there is reason to believe that the applicant will bring the union into disrepute or his or her membership or conduct will be against the interests policies of the union.
9.3.4 If the LOBC, POBC or NOBC refuse membership, the worker may appeal to the CEC. No membership benefits accrue to the affected worker during the appeal process.

9.4 Membership Card

The Provincial Secretary will endeavor to provide every member with the union membership card. The membership card must contain the information that the CEC or NOBC determines.

9.5 Members in good standing

9.5.1 Subject to paragraph 9.5.2, only members in good standing are entitled to the benefits of and rights associated with membership.

9.5.2 The NOBC may grant a member who is not in good standing the benefits of membership if there are good reasons for doing so.

9.5.3 A member is not in good standing if:

9.5.3.1 The subscriptions and other charges or levies due by the member are more than 3 months in arrears (Once the arrears are paid, the members will be in good standing);

9.5.3.2 The members cancel the stop order deduction (Once the stop order deduction is re-instated, the member will be in good standing);

9.5.3.3 The member is expelled from the union;

9.5.3.4 The member is suspended in terms of paragraph 40.2 (after the period of suspension the member will be in good standing) subject to the outcome of the disciplinary hearing; and

9.5.3.5 Subject to paragraph 9.5.4 the member ceases to be employed.
9.5.4 A member, whose contract of employment has been terminated under circumstances the PEC, CEC or NOBC the union believe to render the dismissal unfair, remain a member in good standing for the period from the date of the termination of the employment contract to the date on which the legal proceedings are finalised or the union withdraws as the member’s legal representative.

9.5.5 Despite paragraph 9.5.4 members may resign from the union in accordance with the provisions of paragraph 9.6

9.5.6 The benefits of membership include, but not limited to:

9.5.6.1 Attending and participating in meetings of the union;

9.5.6.2 Participating in union activities and in decision making processes of the union including the right to elect and eligible for election; and

9.5.6.3 Enjoying the rights and benefits conferred on members by law.

9.5.7 Despite paragraph 9.5.4 members may not stand for any elected position during the period contemplated in that paragraph.

9.6 Termination of Membership

9.6.1 By resignation

9.6.1.1 A member may resign by giving 4 weeks written notice to the Provincial Secretary if there is no Provincial Secretary to the General Secretary.

9.6.1.2 In the notice of the resignation the member must state the reasons for resignation.

9.6.1.3 The resignation will only take effect when all moneys due to the union by the member concerned have been paid.
9.6.1.4 No resignation will take effect if the resignation is received through the agency of the employer and/or the employer.

9.6.1.5 The CEC or NOBC may waive the requirements for the resignation.

9.6.2 By termination of Employment

9.6.2.1 Subject to this Constitution, a member’s membership terminates when the member’s contract of employment terminates.

9.6.3 By Expulsion

9.6.3.1 Following the disciplinary procedures set out in paragraph 9.2 a member may be expelled from the union.

9.6.3.2 After a member is expelled that member must not participate in the union nor receive any benefits or funds from the union. Subscription or moneys paid by the expelled member are not refundable.

9.6.4 By failure to pay subscriptions

9.6.4.1 Subject to this Constitution, if a member fails to pay subscriptions for more than 26 weeks the member’s membership of the union will lapse unless the NOBC decide otherwise in the light of the reasons for member’s failure to pay subscriptions.

9.6.4.2 Fincom will determine the terms upon which the union may terminate the membership of associate members (if the CEC requires them to pay subscription); seafarers and non-permanent employees of these members fail to pay subscriptions.
9.7 The effect of termination of membership

9.7.1 When a person’s membership is terminated by any of the means set in this constitution:

9.7.2 The person remains liable to the union for any money, assets and property that the person owes to the union at the time of the termination:

9.7.3 The person is not entitled to the benefits of membership unless the Constitution provides otherwise,

9.7.4 The person had no further claim on any assets of the union; and

9.7.5 The NOB must ensure that appropriate steps are taken to recover any money, assets or property that the member might owe to the union;

9.8 Associate membership

9.8.1 A person may apply for associate membership of the union if the person was a member of the union for at least two years or more and has retired due to ill health or member’s age. For the purpose of this paragraph, membership of any of the unions that merged to form this union will amount to membership of this union.

9.8.2 The applicant for associate membership must apply in writing to the General Secretary. The NOBC must consider the application for association membership. If the application is refused the applicant may appeal to the CEC through the General Secretary whose decision will be final and binding.

9.8.3 Associate members are not required to pay subscriptions.
9.8.4 Associate members are not entitled to vote or partake in the decision making processes of the union.

9.8.5 Associate members’ membership is terminated upon resignation, expulsion or death.

9.8.6 The provisions of the rest of paragraph 9, read with the changes required by the context, apply to associate members except insofar as they conflict with that stated in paragraph 9.8

9.9 Honorary membership

9.9.1 Honorary membership or status may be conferred on any person by NC 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.

10. Subscriptions

10.1.1 Subject to paragraph 10.3 and 10.4 members must pay weekly or monthly subscriptions. This amount will be 1.5% of their basic wage subject to a minimum of R30.00 per month and maximum of R90.00 per month.

10.1.2 The amount of member’s subscription may be determined or amended by two thirds majority of the CEC. The CEC may not increase subscriptions beyond 3% of member’s basic wage.

10.2 Collection and banking of Subscriptions

10.2.1 Subscriptions are payable to the General Secretary by way of a cheque or a deposit into the union’s national banking account.

10.2.2 Members must sign a stop order deduction forms.
10.2.3 All amounts received by way of membership subscription must be deposited into the union’s national banking account within 7 days of receipt of subscriptions.

10.3 Exemptions from Subscriptions

10.3.1 A member is exempted from paying subscriptions in any month during which:

10.3.1.1 The member, who is not permanent worker, is unemployed for 14 days or more in any one month;

10.3.1.2 The member is unable to work 14 days or more on account of illness and the member receives no remuneration during that period; or

10.3.1.3 Any other reason the PEC having jurisdiction or the CEC agrees to.

10.3.2 Members who have had their service terminated are not required to pay subscriptions if the union is challenging their dismissal. Their exemption last until the union completes or terminates the applicable dispute resolution procedure or withdraws representative of the members.

10.4 Non payments workers

10.4.1 Owing to the specify nature of employment in some of the occupations, undertakings or services within the union’s scope the following applies to seafarers and non-permanent workers.10.4.2 None permanent workers

10.4.2 if a member is not in permanent employment, but works on a regular casual or contract basis for a single employer or within a single sector, then that member must pay subscriptions at appropriate intervals for the weeks or months that the member was employed.
10.4.3 For those periods that the member is not working the member is not required to pay subscriptions. However, if the period of unemployment and failure to pay subscriptions is longer than 3 months then the member will not be entitled to the benefits of membership.

10.4.4 Fincom determines policies and guidelines to give effect to these provisions.

Chapter B: Structure and Control of the Union

11. Structure and control of the Union

11.1 The union’s decision-making structure comprise the following bodies in descending order:

11.1.1 Shop Steward’s Committee at the workplace and at an enterprise; and

11.1.2 LSSC;

11.1.3 LOBC;

11.1.4 POBC;

11.1.5 PEC;

11.1.6 PC;

11.1.7 NOBC;

11.1.8 CEC;

11.1.10 NC;
11.1.11 Sector Council, including national, provincial and local council.

11.2 The powers of those structures are defined in this Constitution. Subject of this Constitution, a decision of a higher structure is binding on a lower structure falling under its jurisdiction. A lower structure may not decide anything that conflicts with the policies or decisions of a higher structure.

12 Authority to conclude agreement

12.1 Only National or Provincial officials or office bearers authorized by the CEC or the General Secretary on behalf of the NOBC may enter into or sign agreement, including collective agreements, on behalf of the union and its members.

12.2 Agreements signed by Provincial and National office bearers must be ratified by the Provincial Secretary on behalf of the POBC and the General Secretary on behalf of the NOBC as the case may be.

13 Representations in the Union

13.1 Only National or Provincial Officials office bearers or delegated person/s may represent the union or act as spokesperson of the union, they must act in accordance with this constitution, the policies, decision and the mandate they receive from the union and such must be authorized by the General Secretary on behalf of the union.

Chapter C: Organisation at Workplace

14 General Meetings of members at a workplace

14.1 Members must be notified of general meetings by posting the notice on the notice board of the workplace at least 7 days before meeting.
14.1.2 General meetings of members should take place at least once per month.

14.2 Powers and duties of the General Meeting:

14.2.1 To evaluate and monitor the implementation of the policies, decisions and campaigns of the union structures by the shop stewards.

14.2.2 To receive reports and progress on business of the union at the workplace

14.2.3 To receive and discuss complaints and grievance referred to shop stewards.

14.2.4 To receive reports on the payment of subscriptions fees by the employer.

14.2.5 To receive reports on the organizing and recruitment.

14.2.6 To receive reports on collective agreements at the workplace and industry level.

14.2.7 To elect shop stewards every five (5) years in the year of the Provincial Congress.

14.2.8 To fill shop steward vacancies arising at the workplace.

14.2.9 To do anything lawful and in accordance with this constitution which is deemed in the best interest of the union and its members at the workplace.

15. Shop stewards

15.1 In every workplace members must elect from amongst themselves shop stewards, including one or more full time shop stewards, to represent them in a LSSC.
15.2 The number of shop stewards will depend on the nature of employment, the nature of the workplace and the number of members in that workplace. The members must decide on the number of shop stewards and their distribution in each workplace in accordance with the policies of the union. The union will negotiate the number of shop stewards to be recognized by the employer in that workplace.

15.3 Every member who is not in management is eligible for election as a shop steward.

15.4 A shop steward must be elected following a vote by way of ballot of members at workplace.

15.5 Shop stewards hold office for a period of not more than 4 years from the date of their election. They may be re-elected once their term of office is complete.

15.6 Shop stewards must vacate their position in any of the following circumstances:

15.6.1 If the shop steward ceases to be employed in the workplace in which he or she was elected;

15.6.2 If the shop steward fails to attend (3) consecutive meetings of the SSC at the workplace, LSSC, PEC or (2) consecutive CECs without providing an apology acceptable to the SSC, LSSC, PEC, or the CEC;

15.6.3 If the shop steward resigns from the union or from being a shop steward, is suspended from the union or unable to perform the duties of a shop steward;

15.6.4 If a shop steward ceases to be member in good standing;
15.6.5 If the Secretary of the Local, Provincial Secretary or General Secretary receives a petition demanding that the shop steward vacate his or her position and the petition is signed by a majority of the members of the workplace at which the shop steward was elected; or

15.6.6 If the members in the workplace at which the shop steward was elected hold a ballot and as a consequence more than 50% of the members in the workplace vote to remove the shop steward.

15.7 If a shop steward has vacated his or her position for any of the reasons stated in paragraphs 15.6 then that shop steward is not eligible for re-election during any ensuing bi-election.

15.8 The CEC must strive to ensure as far as possible that all shop stewards elections are conducted in January in the year that the Provincial Congress is held.

15.9 Where shop stewards are suspended or temporarily unable to perform their duties, members may elect interim shop stewards to act in their place pending the lifting of the suspension or otherwise.

15.10 A shop steward who have been dismissed by the employer may not stand for re-election following the expiry of their term of office, unless they have subsequently been reinstated by a competent body or been employed by another employer within a sector that falls within the scope of the union.

16 Shop stewards Committees (SSC’S)

16.1 The SSC’s at a workplace is comprises of the elected shop stewards at the workplace.
16.2 Office Bearers of the SSC.

16.2.1 The SSC’s must elect from amongst themselves a Chairperson, a Deputy-Chairperson, Treasurer and a Secretary. The election must be held at the meeting of the SSC’s and be a way of ballot.

16.3 Meetings for the SSC’s

16.3.1 The shop stewards committee must meet as regularly as possible but at least once per month.

16.3.2 Any shop stewards committee that has not met once in 3 month shall be deemed to be non-existent unless it is otherwise decided by LSSC.

16.4 Notice of Meetings of the SSC

16.4.1 Shop stewards must be given at least 7 days’ notice of a meeting unless the issues to be discussed are urgent in which case meetings may be convened at any time provided that all reasonable efforts have been made to notify the shop stewards.

16.4.2 A proposed agenda for the meeting, drafted by the SSC Secretary, must accompany the notice.

16.5 Quorum of the SSC

16.5.1 The quorum of the SSC’s meetings is 50% plus 1 of the total number of shop stewards in that workplace, provided that there are at least 3 shop stewards present.

16.5.2 In a workplace where there are only 2 shop stewards, the quorum for SSC meeting will be 2 shop stewards.
16.6 Minutes of SSC’s

16.6.1 The Secretary of the SSC or, in his or her absence, a shop stewards appointed by the SSC, must take the minutes.

16.6.2 The Secretary of the SSC shall distribute the minutes of the SSC meeting to the SSC office bearers and the Secretary of the LOBC, within 10 days of the SSC meeting.

16.7 Vacancies on the SSC

16.7.1 The chairperson, Deputy – Chairperson, Treasure and the Secretary of the SSC’s must vacate of their position if:

16.7.1.1 They cease to be shop stewards

16.7.1.2 They vacate their positions on the LSSC;

16.7.1.3 They resign the position; and

16.7.1.4 The SSC’s resolves to remove the person which resolution must be by majority vote conducted by way of a ballot.

16.7.2 A shop steward who vacates one of the offices – bearer positions in a SSC may not stand for the position during the ensuring bi- election.

17. The power and duties of shop stewards and the SSC’s

17.1 The SSC’s must manage the affairs of the union at the workplace

17.2 The power and duties of the shop stewards and the SSC’s are:

17.2.1 To implement the policies and decisions of the national, provincial and local structures of the union members;
17.2.2 To convene monthly general meetings in the workplace, including an Annual General meeting for all members in a workplace, which meetings should take place in January of each year;

17.2.3 To report to members in the general meeting and the LSSC on progress and business of the union at the workplace;

17.2.4 To seek mandate from members at the workplace;

17.2.5 To discussion decision, campaigns and polices of the union with membership in the workplace;

17.2.6 To try settle dispute in the workplace;

17.2.7 To take up the complaints or grievance of members;

17.2.8 To build and maintain unity, harmony and discipline amongst members in the workplace

17.2.9 To recruit new members into the union;

17.2.10 to monitor the employer about the payment of subscriptions, if necessary, correct any errors and to report to the Provincial Secretary or General Secretary

17.2.11 To negotiate agreements, including collective agreements with the employer in the workplace. These agreements may only be concluded and signed if the members have provided a mandate for this and the Provincial Secretary on behalf of the PEC or General Secretary on behalf of the CEC has authorized the conclusion of the agreement;

17.2.12 to do anything else that is delegated to it; and
17.2.13 to do all further things as it deems are in the interest of the union and which are neither in conflicts with the policies and decisions of the NC, CEC, NOBC, PEC, PC, POBC and LSSC, nor inconsistent with the provisions of this constitution.

17.2.14 To recommend to the POBC that local office bearers, shop stewards or members be disciplined.

17.2.15 To represent members in the event of disciplinary cases.

18 Enterprise Shop steward Committees

18.1 The CEC may establish enterprise shop steward committee if the employer has more than one workplace or the employer has a national structure.

18.2 The nature, powers and functions and rules governing each of the enterprise shop steward committees must be determined by the CEC.

Chapter D: Local Organisation

19. Local Office Bearers (LOBs)

19.1 In each local, the office bearers are the Local Chairperson, The Local Deputy Chairperson, Local Secretary and the local Treasurer.

19.2 LOB’s must be elected by the LSSC and serve a term of office of 5 years. The person elected must be a member in good standing with the union.

19.3 The LOB’s must be elected by the LSSC from amongst the members of the LSSC. The election must be held by the way of a ballot. The POBC or NOBC must conduct the election of LOBS.

19.4 The LOBC must meet at least once a month to attend the day to day functioning of the union at local level.
19.2 Vacancies

19.2.1 A LOB must vacate his or her position if;

19.2.1.1 He or She ceases to be a shop steward;

19.2.1.2 He or She resigns from the position; and

19.2.1.3 The LSSC resolves to remove the person, which resolution must be by majority vote conducted by way of a ballot.

19.2.2 A shop steward who vacates one of the local office bearer position should not stand for election during the ensure bi-election.

19.3 Powers and Duties of LOBC

19.3.1 The powers and duties of the local office- bearers are:

19.3.1.1 To encourage all workers at the local who are eligible for membership to be become members;

19.3.1.2 To enroll new members;

19.3.1.3 To assist in the representation of members in the event of disciplinary cases.

19.3.1.4 To attend meeting of the LSSC or any other meetings as delegated by the members of the union and convey resolutions of the members to the union;

19.3.1.5 To convey decisions of the union to become members in the local;

19.3.1.6 to attempt to settle disputes in the local by lawful methods;
19.3.1.7 To report to the POBC through the Provincial Secretary or PEC any dispute arising at the workplace, or any grievances of the members which the SSC has not been able to resolve;

19.3.1.8 To ensure that all members pay subscriptions;

19.3.1.9 To monitor the performance and work of local officials, staff and shop stewards.

19.3.1.10 to recommend to the POBC the disciplining of local officials, staff and shop stewards;

19.3.1.11 to recommend to the PEC that a local general meeting be convened to consider matters appropriate to the interest of the union at local level, and;

19.3.1.12 to maintain order, discipline and harmony amongst members of the union within the area of the local;

19.3.1.13 the local office – bearers must liaise with other respective provincial counterparts and keeps them generally informed about the affairs of the local

20. Local Shop steward Councils (LSSC)

20.1 The management of the union in local will vest in the LSSC subject to the direction, policies and decisions of the national and provincial structures of the union.

20.1.1 The threshold required to establishing a local shall be 2 000 paid up members.

20.2 Composition of the LSSC

20.2.1 The LSSC is composed of all shop stewards in the area of the local. This includes the LOB’s.
20.2.2 All local officials and staff must attend the LSSC in their ex officio capacities i.e. they have speaking rights but not voting rights.

20.3 Meetings of the LSSC

20.3.1 The LSSC must meet at least once in every two months period (starting on 1 January of each year), at the place, date and time fixed by the LOBC or POBC or NOBC in the vent the meeting is convened by the POBC or NOBC.

20.3.2 A special meeting of the LSSC must be called if requested by not less than one third of the SSC’s within the local or convened by the NOBC, POBC or the PEC.

20.3.3 Subject to paragraphs 26.4.2 notice of a LSSC meeting, along with the agenda for the meeting, must be circulated to each workplace within the local by the Local Secretary within 7 days before an ordinary meeting and at least 4 days before a special meeting.

20.4 Quorum of the LSSC

20.4.1 The quorum of the LSSC is determined as follows:

20.4.1.1 Shop stewards from at least 50% plus 1 of the workplace in the local must be present; and

20.4.1.2 50% plus 1 of the total number of shop in the jurisdiction of the local stewards must be present

20.4.1.3 Majority of the shop stewards present must be members in good standing.
20.4.1.4 If there is no quorum within 1 hour after the time fixed for the meeting to begin, or such time as is determined by the LOBC or POBC or NOBC. The LOBC or POBC or NOBC must fix a new time and date for the meeting, which must not be more than 7 days later. All the reconvened meeting the delegates present will constitute a quorum.

20.5 Powers and duties of the LSSC

20.5.1 The powers and duties of the LSSC are:

20.5.1.1 To implement the policies and decisions of the NC, CEC, NOBC, PC, PEC and POBC;

20.5.1.2 To recruit members in a particular local and generally promote their interests;

20.5.1.3 To supervise the affairs of the union in workplaces within its area of jurisdiction;

20.5.1.4 To elect the Local Chairperson, Local Deputy Chairperson, Local Treasure and Local Secretary, all who must be members in good standing,

20.5.1.5 To appoint ad-hoc committees to assist the LSSC to carry out its functions;

20.5.1.6 To establish local gender, education and employment equity committees;

20.5.1.7 To recommend the disciplinary of any staff, official, shop steward and LOB.

20.5.1.8 to do all further things as it deems are in the interest of the union and which are neither in conflict with the policies and decisions of the NC, CEC, NOBC, PC, PEC and POBC nor inconsistent with the provisions of this constitution.
Chapter E: Provincial Organization

21. Provincial Office Bearers (POB’s)

21.1 The POB’s are the Provincial Chairperson, Deputy Chairperson, Provincial Treasure and Provincial Secretary. Their duties are similar to that of the President, Deputy President, National Treasure and General Secretary, read with the changes required by the context.

21.1.2 The threshold required to establish a province shall be 6 000 paid up members and 3 locals subject to the NOBC having power to waive the threshold on good grounds shown.

22. Provincial Office Bearers Committee (POBC)

22.1 Between meetings of the PEC, management of the union will vest in the POBC subject to the direction and decisions of the PC, PEC, CEC, NC and the NOBC.

22.1.2 The POBC must work on a collective basis when determining the allocation of tasks and their implementation.

22.1 Composition of the POBC

22.1.1 The POBC is composed of the Provincial Chairperson, Provincial Deputy Chairperson, Provincial Treasure and Provincial Secretary.

22.2 Powers and Functions of the POBC

22.2.1 Subject to the policies and decisions of the NC, CEC, NOBC, PC and PEC, the powers and functions of the POBC are:

22.2.1.1 To receive reports and make decisions on matters arising from the sector councils;
22.2.1.2 To receive reports and make decisions on any matters delegated to the POB;

22.2.1.3 To discuss and provide mandates for negotiations on collective bargaining issues;

22.2.1.4 To co-ordinate and implement the campaigns and policies of the union

22.2.1.5 To monitor progress and growth of the union in each of the sectors;

22.2.1.6 Where appropriate to determine delegate to bargaining forums and councils;

22.2.1.7 To implement strategies for growth and progress in each of the sectors;

22.2.1.8 To supervise the election of LOBs, shop stewards and sector office bearers;

22.2.1.9 To keep all records required to be kept by the union in terms of any law and that pertain to that province;

22.2.1.10 To institute disciplinary action against any staff member or official other than elected officials, LOB’s and Sector Office Bearers and Shop stewards, in accordance with the policies and procedures of the union;

22.2.1.11 To perform any other function that the POBC is empowered or required to perform in terms of this Constitution; and

22.2.1.12 To do all lawful things that promotes the interests of the union, its aims and objectives and policies.
22.3 Meeting of the POBC

22.3.1 The POBC must meet at least once a month. The POBC have speaking and voting rights in the POBC, PEC and PC.

22.3.2 Its quorum is 3 out of 4 of the members of the committee.

22.3.3 Members of the POBC must be given 7 days written notice of a meeting. A proposed agenda for the meeting must accompany the notice. The Provincial Secretary must issue such a notice.

23. Provincial Executive Committee (PEC)

23.1 Between meetings of the PC, the management of the union in the province will vest in the PEC subject to the direction and decisions of the PC and subject to the policies and decisions of the national structures.

23.2 Composition of the PEC

23.2.1 The PEC is composed of:

23.2.1.1 The POBC;

23.2.1.2 Chairpersons and Secretaries of the Provincial Sector Councils;

23.2.1.3 The LOBC; and

23.2.1.4 Two office bearers of the Provincial Gender and Provincial Education Committee if any.

23.2.1.5 All officials and staff of the province and any other officials or staff that the PEC may require may attend the PEC in their Ex–officio capacity i.e. they will have speaking rights but no voting rights.
23.3 Vacancies on the PEC

23.3.1 A member of the PEC must vacate his or her seat in the PEC if he/she is absent for three consecutive meeting without sending an apology acceptable to the PEC or for any other reason specified in paragraph 28.3, read with the changes required by the context.

23.3.2 Vacancies on the PEC must be filled as follows;

23.3.2.1 In the case of the POB the PEC must, elect new person/s to these positions pending the PC, this must be monitored by the NOBC.

23.3.2.2 In the case of LOB and representative from sector councils, the LSSC and relevant sector council structures must elect new delegates.

23.3.2.3 Vacancies on the PEC are filled until the following PC when re-elections for the positions on the PEC must take place.

23.4 Meeting of the PEC

23.4.1 The PEC must meet three times in a year. The Provincial Secretary, in consultation with the POB’S, must issue a notice for the meeting, together with proposed agenda for that meeting at least 7 days prior to the meeting, including the previous minutes. The notice must be sent to the LSSC and where possible each of the members of the PEC.

23.4.2 The POBC, through its Provincial Secretary may convene a special PEC by giving each LSSC and where possible each of the members of the PEC at least 48 hours written notice of such meeting.

23.4.3 LOBC may direct the POBC to convene a special PEC, if 50% plus 1 of the PEC members requests the POBC to do so.
23.5 Quorum of the PEC

23.5.1 The quorum of the meeting is 50% plus 1 of the delegates required to attend.

23.5.2 If within 2 hours of the time fixed for a meeting a quorum is not present, the meeting will stand adjourned until further meeting can be arranged within 14 days of the adjourned meeting.

23.5.3 At the adjourned meeting the members present will form a quorum.

23.6 Powers and Functions of the PEC

23.6.1 Subject to the policies and decisions of the NC, CEC, NOBC and PC, the powers and functions of the PEC are:

23.6.1.1 To implement the policies and the decisions of the NC, CEC, NOBC and PC that is referred to it;

23.6.1.2 To consult and get authorization with the NOB about hiring of staff.

23.6.1.3 To establish appropriate disciplinary committees to execute discipline;

23.6.1.4 To consider and decide upon applications for membership;

23.6.1.5 To monitor the performance of officials and office bearers in the province;

23.6.1.6. To appoint sub- committees for the purpose of investigating and reporting on any matter;

23.6.1.7 To establish Provincial disciplinary committee, gender, education committee and employment equity.
23.6.1.8 To establish and ensure the effective functioning of the locals and other structures of the union in the province;

23.6.1.9 To implement and monitor campaigns of the union.

23.6.1.10 To ensure effective communication in the union between the National, Provincial, Local, and workplace structures of the union;

23.6.1.11 To deal with grievance lodged by members, office bearers, officials or staff and disputes between members;

23.6.1.12 To determine the annual budget of the province, subject to the approval by Fincom and the CEC;

23.6.1.13 To approve the Provincial monthly annual statements;

23.6.1.14 To open, operate and close banking accounts in the name of the province, subject to the approval, direction and control of the CEC and NOBC.

23.6.1.15 To raise funds for the province and the local in that province, subject to the approval and guidelines of the CEC and NOBC;

23.6.1.16 To ensure the efficient management of finances of the union in the province and to ensure compliance with all financial policies and this Constitution;

23.6.1.17 To delegate powers, tasks and duties to any other union structure, official or office bearer in the province;

23.6.1.18 To perform any other function that the PEC is empowered or required to perform in terms of this Constitution; and

23.6.4.6 To do all lawful things that promotes the interests of the union, its aims and objectives and policies.
24 Provincial Congress

24.1 Subject to this Constitution the National policies and decisions of the union, the PC may make decision with regard to its province, The PC is the supreme governing body in the province.

24.2 Composition of PC

24.2.1 A PC is composed of:

24.2.1.1 The POBC if any,

24.2.1.2 PEC if any,

24.2.1.3 Delegates who are not PEC members and who are elected by their locals in accordance with the criteria for electing delegates to the PC.

24.3 The criteria for the election of delegates to the PC are:

24.3.1 The delegates must be a shop steward and a member in good standing;

24.3.2 Each local is entitled to one delegate for every 200 members not the part thereof, but each local must not have more than 35 delegates.

24.4 All officials and staff of that Province and Provincial Sector co- Coordinators must attend the PC in their ex-officio capacity i.e. they will have speaking rights but no voting rights.

24.5 Powers and duties of the PC

24.5.1 The powers and duties of the PC are:

24.5.1.1 To consider and decide on any matters arising from any issues referred to the PC by the national structures;
24.5.1.2 To implement the policies and decisions of the NC, CEC and NOBC.

24.5.1.3 To consider and decide on any matters arising from the reports of any of the POBC and locals;

24.5.1.4 To monitor the progress of the union in that province

24.5.1.5 To adopt resolutions affecting the union and its members in the province and adopt resolutions for consideration by the union at the NC, CEC and the NOBC;

24.5.1.6 To elect the POB’s who must be members in good standing with the union.

24.6 Meetings of the PC

24.6.1 After consulting with NOBC the PEC must decide on the time, date and place for the PC. The PC must be convened once in every 5 years.

24.7 Notice of the PC

24.7.1 Each LSSC and Provincial Sector Council must be given at least 30 Days’ notice of the PC. The Provincial Secretary or the General Secretary if there is no Provincial Secretary must give this notice.

24.7.2 At the same time as distributing the notice the Provincial Secretary or the General Secretary must submit the proposed agenda for the PC and attach the previous minutes.

24.8 Special PC

24.8.1 A special PC may be called by the PEC if;
24.8.1.1 Not less than one third of the LSSC’s in a province resolve to call a PC and make such request in writing to the PEC and NOBC.

24.8.1.2 If more than 50% of the POBC have to be replaced. This provision will apply in the same context to all other structures below the PC.

24.8.1.3 Each LSSC and Provincial Sector Council must be given at least 14 days’ notice of a special PC. The Provincial Secretary must issue this notice and attach it to the proposed agenda of the Special PC.

24.8.1.4 The provisions of this Constitution with respect to the PC apply to the Special PC unless provided otherwise.

24.9 Quorum of the PC

24.9.1 The quorum for the PC is at least 50% plus 1 of the number of delegates and office bearers that are eligible to attend.

24.9.2 In the event that there is no a quorum within 5 hours of the scheduled start of the PC, or such time as may be determined by the PEC, the Congress will be adjourned until the POBC, after consulting the PEC, convenes a further meeting. The reconvened PC must take place not later than 6 months after the date on which the PC was adjourned. At least 14 days’ notice of the reconvened PC must be given to the LSSC and Provincial Sector Councils, delegates present at the adjourned congress will constitute a quorum.

Chapter F: National Organisation

25 National Office Bearers (NOBC)

25.1 The NOB’s are the President, Deputy President, National Treasure, General Secretary and Deputy General Secretary.
25.2 The President, Deputy President and National Treasure should where possible be fulltime. The union must negotiate with their employers for adequate time off to execute their functions where applicable.

25.3 The NOBC have speaking and voting rights in the NOBC, FINCOM, CEC and NC.

25.4 President

25.4.1 The powers and duties of the President include:

25.4.1.1 To preside over all meetings of the NC, CEC and NOBC in which he or she is present and conduct those meetings in accordance with this Constitution;

25.4.1.2 To enforce observance of the rules of the Constitution;

25.4.1.3 To be responsible for the political oversight of the union; and

25.4.1.4 To perform such duties that are contained elsewhere in this Constitution and that by usage and custom pertain to the office of the President

25.4.1.5 The President must be a worker, shop steward and a member in good standing of the union.

25.4.1.6 The President may be re-elected to serve another term of office. The President must be elected at the NC and will hold office until the next Congress unless he or she resigns or is removed from the office in accordance with this Constitution.
25.5 Deputy President

25.5.1 The Deputy President must assist the President in the performance of his or her duties. He/she must also perform the duties that the President delegates to him/her and that are contained elsewhere in this Constitution.

25.5.2 The Deputy President must perform the duties of the President when the President is temporarily or permanently unable to perform his or her duties.

25.5.3 The Deputy President must be elected at the NC and will hold office until the next Congress unless he/she resigns is removed from the office in accordance with this Constitution.

25.5.4 The Deputy President must be worker, shop steward and a member in good standing.

25.6 National Treasurer

25.6.1 The National Treasurer must supervise the financial affairs of the union in conjunction with the General Secretary.

25.6.2 The National Treasurer must ensure that proper books of account are kept and that these books are audited, this must be done in conjunction with the General Secretary.

25.6.3 The National Treasurer must submit quarterly statements of the union’s national bank account to the NOBC and in respect of each annual period to the CEC and NC.

25.6.4 The National Treasurer must perform all other duties that are contained elsewhere in this Constitution that by usage and custom related to the office of the National Treasurer and all other duties that are reasonably required of or delegates to the National Treasurer by the NC, CEC, NOBC or Fincom.
25.6.5 The National Treasurer must chair meetings of the CEC sub-committee on finance.

25.6.6 The National Treasurer must be elected at the NC and will hold office until the next congress unless he or she resigns or is removed from the office in accordance with the Constitution. The National Treasurer may be re-elected after his or her term of office comes to an end.

25.6.7 The National Treasurer must be a worker, a shop steward and a member in good standing of union.

25.7 General Secretary

25.7.1 The NC or the CEC where required will elect the General Secretary who must be the full time employee of the union.

25.7.2 The General Secretary shall be responsible for proper administration of the union and the general co-ordination of its activities, including employment of staff, and institution of disciplinary hearings for any staff members and officials.

25.7.3 The General Secretary is the principal negotiator on behalf of the union and co-ordinates collective bargaining negotiations.

25.7.4 The General Secretary must supervise the work of the Provincial Secretaries, officials and staff of the union.

25.7.5 The General Secretary must attend and report fully to each NC, CEC and NOBC meetings on all aspect of the union’s activities.

25.7.6 The General Secretary must deal with all the correspondence at the head office of the union, including coordination of fund raising on behalf of the union.
25.7.7 The General Secretary must undertake all other duties as contained elsewhere in this Constitution as may become necessary from time to time and as may be delegated by the NC and CEC.

25.7.8 The General Secretary must report to the registrar of Labour Relations as required by the Labour Relation Act.

25.7.9 To appoint attorneys to act for the union in any particular matter and appoint any person to sign documents on behalf of the union and its members, such a decision being subject to the ratification of the NOBC and CEC.

25.7.10 The General Secretary’s services may be terminated for misconduct after all due processes have been followed in accordance with this constitution on matters of discipline.

25.8 Deputy General Secretary

25.8.1 The Deputy General Secretary must assist the General Secretary in all his or her duties and in the event that the General Secretary is not able to fulfill these duties, the Deputy General Secretary must ensure that they are carried out.

25.8.2 The provisions of this Constitution pertaining to the General Secretary, also applies to the Deputy General Secretary, read by the changes required by the context.

26. Termination of NOB

26.1 If one of the posts of the NOB becomes vacant, the CEC may elect the replacement until the next NC.

26.2 The NOB may resign from office upon giving 3 months written notice and such a resignation must be sent to the General Secretary.
27. National Office Bearers Committee (NOBC)

27.1 Between meetings of the CEC management of the union will vest in the NOBC subject to the direction and decisions of the NC, and CEC.

27.2 The NOBC must work on a collective basis when determining the allocation of tasks and their implementation.

27.3 Composition and Functions of the NOBC

27.3.1 The NOBC is composed of the President, Deputy President, National Treasurer, General Secretary and Deputy General Secretary.

27.4 Powers and Functions of the NOBC

27.4.1 Subject to the policies and decisions of the NC, and CEC, the powers and functions of the NOBC are:

27.4.1.1 To receive reports and make decisions on matters arising from the Sector Council.

27.4.1.2 To discuss and provide mandates on matters pertaining to one or more sectors;

27.4.1.3 To receive reports and make decisions on any matters delegated to the NOBC by the NC, or CEC;

27.4.1.4 To review decisions of the sector councils and confirm, rectify, revoke or amend these decisions;

27.4.1.5 To discuss and provide mandates for negotiations on collective bargaining issues;

27.4.1.6 To co-ordinate and implement the campaigns and policies of the unions;
27.4.1.7 To monitor progress and growth of the union in each of the sectors;

27.4.1.8 To implement strategies for growth and progress in each of the sectors;

27.4.1.9 To determine delegates to bargaining forums and councils, international bodies and to monitor such delegates;

27.4.1.10 To supervise the elected National, Provincial, Local office bearers, shop stewards and elected officials;

27.4.1.11 To authorize or veto the employment of any staff or official;

27.4.1.12 Within the policies set by the CEC, to acquire by purchase, lease or otherwise, any movable property on behalf of the union and to sell, let mortgage or dispose of or otherwise deal with any moveable or immovable property belonging to the union;

27.4.1.13 To institute and defend legal proceedings in the name of the union and on behalf of the union and its members and against any person including members of the union.

27.4.1.14 To keep all records required to be kept by the union in terms of any law;

27.4.1.15 To institute disciplinary action against elected and non-elected officials and staff in accordance with the policies and procedures of the union;

27.4.1.16 To perform any other function that the NOBC is empowered or required to perform in terms of its Constitution;

27.4.1.17 To do all lawful things that promotes the interests of the union, its aims and objectives and policies.
27.5 Meetings of the NOBC

27.5.1 The NOBC must meet on a monthly basis and the special meeting may be convened when requested by the majority of the NOBC members. Such requests should be sent to the General Secretary.

27.5.2 Its quorum is 50% plus 1 of the members of the committee.

27.5.3 Members of the NOBC must be given 7 days written notice of a meeting. A proposed agenda for the meeting must accompany the notice. The General Secretary must give the notice including in the special meeting. The notice period may be waived on good course shown.

27.5.4 If within 3 hours of the time fixed for the meeting a quorum is not present, the meeting will stand adjourned until a further meeting can be arranged. At the adjourned meeting the members present will form a quorum. The General Secretary must give at least 7 days’ notice of the adjourned meeting to each of the NOBC members. This will also apply to the special meeting mentioned in clause 27.5.1 above.

28. Central Executive Committee (CEC)

28.1 Between meetings of the NC the management of the union will vest in the CEC subject to the direction and decisions of the NC.

28.2 Composition of the CEC

28.2.1 The CEC consist of:

28.2.2 The NOBC;

28.2.3 Chairpersons and secretaries of the national sector councils if any;
28.2.4 The chairperson and the secretary of the Education and Gender Committees of the CEC if any;

28.2.5 The POBC;

28.2.6 The heads of departments and National Sector Coordinators must attend in their Ex officio capacity i.e. they have speaking but not voting rights.

28.3 Vacancies of the CEC

28.3.1 A member of the CEC must vacate his or her seat on the CEC if the member:

28.3.1.1 Resigns in writing from the CEC;

28.3.1.2 Resigns or its suspended or expelled from the union;

28.3.1.3 Ceases to be a member in good standing as per this constitution;

28.3.1.4 Ceases to be a shop stewards; or

28.3.1.5 Represent a province and is withdrawn from the CEC by the members of the PEC, which decision must be ratified by the PC.

28.3.1.6 Is absent for 2 consecutive meetings without sending apology acceptable to the CEC.

28.3.1.7 The same context in clause 28.3.1.6 will apply to all other meetings save for 3 consecutive meetings with regards to being without an acceptable apology.

28.3.2 Vacancies on the CEC must be filled as follows:

28.3.2.1 In the case of the NOB the CEC must elect new person/s to those positions; and
28.3.2.2 In the case of the POB the relevant PEC must elect new persons to those positions.

28.3.2.3 Vacancies on the CEC are filled until the following NC or relevant PC when re-election must take place.

28.4 Powers and Functions of the CEC

24.4.1 Subject to the policies and decisions of the NC the powers and functions of the CEC are:

24.4.1.1 To manage the affairs of the union between meetings of the NC;

28.4.1.2 To implement the policies of the union;

28.4.1.3 To interpret the constitution;

28.4.1.4 To give direction on and develop organisational, political, educational and other policy issues;

28.4.1.5 To consider and make decisions on matters arising from reports received from the structures and office bearers of the union;

28.4.1.6 To ratify decisions of the NOBC as may from time to time be referred to it.

28.4.1.7 To set up committees and determine their nature, membership, and scope;

28.4.1.8 To establish Disciplinary, Finance, Education and Gender and Employment Equity Committees. The Disciplinary Committee is in respect of members, shop stewards, elected officials and office bearer;
28.4.1.9 To establish an appeals sub-committee to consider and decide upon appeals relating to the suspension or expulsion of members or the discipline and removal of shop stewards and office bearers;

28.4.1.10 To determine the procedures and rules regulating the elections, balloting, enquiry and meeting procedures and union discipline;

28.4.1.11 To approve the annual audited financial statements and reports of the union and to approve and submit these documents to the NC;

28.4.1.12 To adopt the annual budget;

28.4.1.13 To open, operate and close bank accounts of the union and to generally control the funds and finances of the union;

28.4.1.14 To borrow or raise money and invest the funds of the union;

28.4.1.15 To determine policies and guidelines for raising funds, investments and sponsorship at national, provincial and local levels;

28.4.1.16 To establish and dissolve projects, structures, organisations or vehicles for union investment;

28.4.1.17 Determine policies about accountability and remuneration of union appointed representative, directors or trustees on union-related investment bodies and other statutory, non-statutory, public or private bodies.

28.4.1.18 To establish policies and guidelines in respect of the union’s involvement in the provision of non-employment related benefits to members such as educational, bursaries, financial loans, legal aid schemes, etc. and to approve the union’s involvement in such schemes;
28.4.1.19 Allocates funds to the various structures of the union;

28.4.1.20 To acquire by purchase, lease or otherwise, any moveable or immovable property on behalf of the union and to sell, let, mortgage, dispose of or otherwise deal with any moveable or immovable property belonging to the union;

28.4.1.21 To bind the union in terms of surety ship;

28.4.1.22 To institute and defend legal proceedings in the name of the union on behalf of the union and its members and against any person, including members of the union;

28.4.1.23 To appoint attorneys to act for the union and appoint any other person to sign documents on behalf of the union and its members;

28.4.1.24 To establish or dissolve sector, provincial and local structures and demarcate the jurisdiction of sectors, province and locals;

28.4.1.25 To fill vacancies occurring in the positions of the NOBC and the National chairpersons of the Gender and Education Committees.

28.4.1.26 To determine terms and conditions of employment for staff and officials of the union;

28.4.1.27 To determine the creation, maintenance and determination and termination of employment posts for the effective running of the union;

28.4.1.28 To determine the remuneration and define the job descriptions of all officials and staff;

28.4.1.29 To establish national employment policies and codes, performance standards and criteria for officials and staff;
28.4.1.30 To delegate powers, task and duties to any other union structure, official or office bearers, and

28.4.1.31 To set aside and replace any decision taken by any structures of the union expects the NC.

28.4.1.32 To amend this Constitution, where mandated by the NC;

28.4.1.33 To take disciplinary actions which may lead to dismissal or suspension for and CEC member whom the CEC finds guilty of misconduct or who brings union into disrepute;

28.4.1.34 To perform any other function that the CEC is empowered or required to perform in terms of this Constitution; and

28.4.1.35 To do all lawful things that in the opinion of the CEC promotes the interest of the union, its aim and objectives and policies.

28.5 Meeting of the CEC

28.5.1 The CEC must meet at least twice a year.

28.5.2 The NOBC through the General Secretary must convene a special CEC meeting upon 48 hours written notice.

28.5.3 The NOBC must convene the CEC consistent with the provisions of the constitution.

28.5.4 50% plus 1 of the members of the CEC may request in writing that a CEC meeting be convened, in which event the meeting must be called within 14 days of the date of the request being sent to the General Secretary.
28.6 Notice of Meetings of the CEC

28.6.1 The NOBC must give not less than 30 days written notice of the CEC meeting subject to the provision of this Constitution.

28.6.2 The General Secretary must give the notice of the CEC.

28.6.3 The notice must include the proposed agenda.

28.6.4 Notice of CEC meetings must be sent to the provincial office, national sector co-coordinators (NSC) and head of departments (HOD).

28.6.5 The Provincial Secretary, NSC’s and HOD’s must distribute the notice to all the CEC delegates at Provincial or National level

28.7 Quorum of the CEC

28.7.1 The quorum of meetings of the CEC is 50% plus 1 the delegates, office bearers and elected officials required to attend.

28.7.2 If within 3 hours of the time fixed for the meeting a quorum is not present, the meeting will stand adjourned until a further meeting can be arranged. At the adjourned meeting the members present will form a quorum. The General Secretary must give at least 14 days’ notice of the adjourned meeting to each of the CEC members.

28.8 Committees of the CEC

28.8.1 The CEC will have at least four committees, namely the Finance, Gender, Disciplinary, Education and Employment Equity Committees. The CEC may constitute other committees where necessary.
28.8.2 Subject to the Constitution the CEC must determine the nature, scope, composition, powers and functions of these committees.

28.9 Minutes of the CEC

28.9.1 The General Secretary must submit copies of the minutes of the CEC meeting to each Province within 30 days of the next CEC meeting and he/she must further ensure that minutes are available in the CEC.

29. National Congress (NC)

29.1.1 After consulting with the CEC the NOBC must decide on the time, date and place for the NC.

29.1.2 The NC should be convened in every 5 years.

29.2 Notice of a NC

29.2.1 Each PEC must be given at least 60 days written of the NC.

29.2.2 The General Secretary must give this notice.

29.2.3 At the same time as distributing the notice the General Secretary must submit the proposed agenda of the NC.

29.3 Special NC

29.3.1 A special NC may be called by the CEC;

29.3.2 If the two-third of the CEC are in favour of the calling of a special NC.

29.3.3 If more than 50% of the NOBC have to be replaced. This provision will apply in the structures below the NC.
29.3.4 Each PEC must be given at least 30 days written notice of a Special NC. The General Secretary must issue this notice and attach to it the proposed agenda of the Special NC.

29.3.5 The provisions of this Constitution with respect to the NC apply to the Special NC unless provided otherwise.

29.4 Composition of the NC

29.4.1 The NC is composed of:

29.4.1.1 The NOBC

29.4.1.2 CEC,

29.4.1.2 Provincial delegates, who are not members of the CEC and who are elected by their provinces in accordance with the criteria for appointing delegates to the NC.

29.4.1.3 The criteria for the election of Provincial delegates to the NC are:

29.4.1.4 The delegates must be a shop steward and a member in good standing;

29.4.1.5 Each Province is entitled to one delegate for every 300 members and not part thereof in that Province;

29.4.1.6 The Province delegation must include at least one office bearer from each local and two office bearers from each sector;

29.4.1.7 The Provincial delegation must endeavor as far as possible to have one delegate from each workplace and no workplace may have more than 3 delegates; and
29.4.1.8 The number of delegates from each sector should be generally proportional to the number of members in each sector of that province.

29.5 Quorum of the NC

29.5.1 The quorum for the NC is at least 50% plus 1 of the number of delegates and office bearers that are eligible to attend.

29.5.2 In the event that there is no quorum within 5 hours of the scheduled start of the Congress, or such time as may be determined by the CEC or NOBC and the Congress will be adjourned until the NOBC after consulting the CEC convenes a further meeting. The re-convene Congress must take place not sooner than 3 months and not later than 6 month after the date on which the Congress was adjourned. At least 30 days’ notice of the reconvened Congress must be given to the PEC’s and the General Secretary must issue the notice

29.5.3 At the reconvened Congress the delegates present will constitute a quorum.

29.6 Powers of the NC

29.6.1 Powers and duties of the NC are:

29.6.1.1 To confirm the agenda;

29.6.1.2 To confirm the credentials of the delegates and the congress;

29.6.1.3 To elect the NOBs.

29.6.1.4 To consider and make decisions about matters arising from the reports submitted to it by the NOBC and various structures of the union;
29.6.1.5 To consider and make decisions about matters arising from audited reports financial statements and financial reports of the National Treasurer

29.6.1.6 To assess the union’s progress;

29.6.1.7 To determine the policies of the union;

29.6.1.8 To amend this Constitution;

29.6.1.9 To delegate any of its powers to any structure of the union, and;

29.6.1.10 To consider and deal with any other matters that merit the attention of the NC.

29.7 Minutes of the NC

29.7.1 The General Secretary must keep the minutes of the NC.

29.7.1.1 The minutes should be distributed to all Provinces within 2 months of the next NC.

29.7.2 The CEC must provisionally confirm the minutes of the NC.

Chapter G: Sector Councils

30. Establishment of sector and sub sector councils

30.1 The CEC may demarcate the industries falling within the scope of the union into sectors. The CEC must establish sector councils for each designated sector.

30.2 The CEC may also demarcate sub- sectors falling within a sector in order to ensure a fair representation of special interests or needs in sector structures.
30.3 Sectors and Sub-sectors do not have decision making powers. The CEC and NOBC must ratify the decisions of national sector councils (and their sun sectors). The union’s provincial and local structures must ratify the decision of the respective provincial and local sector councils.

30.4 Sector councils may be established at provincial level by the PEC and at the local level by the LSSC.

30.5 Local, Provincial or National committees established for gender, education and employment equity matters shall have decision making powers expect insofar as such powers have been delegated to them in writing by the LSSC, PEC or CEC. Where such local, provincial and national committees do not exercise delegated powers their decisions must be ratified by the LSSC, PEC or CEC as the case may be.

31 Local Sector Councils

31.1 Where there is more than one workplace in a Local and within a sector which have members of the union, the LSSC must establish a Local Sector Council.

31.2 The Local Sector Council’s composition is:

31.2.1 All officials and office bearers allocated by the PEC or the LSSC to the Local Sector Council for the purpose of building and strengthening the structure;

31.2.2 At least 2 delegates from each workplace that is within the scope of the sector and within the local, and

31.2.3 The local sector office bearers;

31.3 Powers and Functions of the Local Sector Councils

31.3.1 The powers and functions of the Local Sector Council are:
31.3.1.1 To receive and consider reports from workplaces and the other structures of the union on matters in which the sector has an interest.

31.3.1.2 To discuss and provide man dates on all matters in which the sector has an interest;

31.3.1.3 to co-ordinate and implement in the sector union’s campaigns and policies;

31.3.1.4 To submit written reports to the Provincial Sector Council;

31.3.1.5 To monitor progress and growth of the union in the sector;

31.3.1.6 To implement strategies for growth and progress of the union in the sector;

31.3.1.7 Where appropriate, to elect and appoint delegates to bargaining forums;

31.3.1.8 To elect Local Sector Council Office Bearers and replace Local Sector Council Office Bearers if any positions become vacant. The election of these office bearers should take place, where possible every 5 years and in the same year as the PC.

31.4 Local Sector Council Office Bearers

31.4.1 Each Local Sector Council may not elect more than 4 Local Sector Council Office Bearers, one of whom must perform of the function of secretary.

32. Provincial Sector Council

32.1 Where more than one workplace in a province and within a sector has members of the union, the PEC must establish a Provincial Sector Council.
32.2 Composition

32.2.1 The Provincial Sector Council’s Composition is:

32.2.1.1 All officials and office bearers allocated by the PEC to the Provincial Sector Council for the purpose of building and strengthening the structure;

32.2.1.2 Two office bearers from each Local Sector Council;

32.2.1.3 one delegate from each workplace that falls within the sector that has union members and that does not fall under the jurisdiction of any Local Sector Council; and

32.2.1.4 The provincial sector council office bearers.

32.3 Powers and Functions of the Provincial Sector Council

32.3.1 The powers and functions of the Provincial Sector Council are the same as powers and functions of the Local Sector Council, read with the changes required by the context. In addition Provincial Sector Council may review, confirm or revoke the decisions of the Local Sector Councils.

32.4 Provincial Sector Council Office Bearers

32.4.1 Each Provincial Sector Council may not elect more than 4 Provincial Sector Council, office bearers, one of whom must perform of the function of secretary.

33 National Sector Councils

33.1 The CEC must establish for each sector a National Sector Council.

33.2 Composition

33.2.1 The National Sector Council’s Composition is:
33.2.1.1 All officials and office- bearers allocated by the NOBC to the National Sector Council for the purpose of building and strengthening the structure;

33.2.1.2 Two office bearers from each Provincial Sector Council;

33.2.1.3 One organizer from each province allocated in that sector; and

33.2.1.4 The National sector council office bearers;

33.3 Powers and Functions of the National Sector Council

33.3.1 The powers and functions of the National Sector Council are the same as the powers and functions of the Local and Provincial Sector Council, read with changes required by the context. In addition the National Sector Council may review, confirm or revoke the decisions of the Local and Provincial Sector Councils.

33.4 National Sector Council Office Bearers

33.4.1 Each National Sector Council may not elect more than 4 National Sector Council Office Bearers, one of whom must perform the function of secretary.

34 Meetings of the National, Provincial and Local Sector Councils

34.1 These councils will meet as and when necessary or as prescribed by the CEC or the NOBC,

34.2 Officials, including national, provincial and local organizers may attend the respective National, Provincial and Local Sector Councils in their ex- officio capacity i.e. they have speaking but not voting rights.

34.3 The CEC may determine guidelines for the calling of meeting and quorums of these councils.
Chapter H: General Provisions

35. Enhancing the participation of woman in affairs of the union

35.1 When appointing or electing any other office – bearer of nay structure of the union or nay member to a committee or other organ of the union, or when determining the representative or alternatives to any meeting, due regard must be given to enhancing the participation and development of woman in the affairs of the union.

35.2 The structures of the union must, by resolution; determine the manner in which the participation of woman affairs of the union may be enhanced.

36 Demarcation of provincial and local structures and sector councils

36.1 The NC or NOBC must demarcate the provinces, local and sectors

37 Interim Structures

37.1 If provincial structures or sector council are being established or have been dissolved and are being re-established the CEC may establish interim provincial structures or an interim national sector council in order to fulfill the functions of the structure that is to be established.

37.2 If local structures or a local sector council are being established or have been dissolved and are being established, the CEC or relevant PEC may appoint an interim committee to fulfill the functions of the local structures or local sector council.

37.3 If workplace structures are being established, or have been dissolved and are being re-established, the CEC, relevant PEC or LSSC may appoint an interim committee to fulfill the functions of the workplace structures.

37.4 These interim structures must dissolved upon establishment of relevant structure,
38. Representation on bargaining or statutory councils and Industry structures, such as Bargaining Forums.

38.1 Bargaining and statutory councils and SETA’s

38.1.1 The relevant National Sector Council must elect the union’s representative to national bargaining or statutory councils and SETA’s. This decision must be ratified by the NOBC.

38.1.2 The relevant Provincial Sector Council must elect the union’s representatives to provincial bargaining or statutory councils and SETA’s. This decision must be ratified by the National Sector Council and the PEC.

38.1.3 The relevant Local Sector Council must elect the union’s representative to local bargaining or statutory councils or SETA’s. This decision must be ratified by the National Provincial Sector Council, the PEC and LSSC.

38.2 Statutory or other Industry Forums

38.2.1 The provisions of paragraph 41.1 apply, with changes required by the context, to the appointment of representatives to statutory or other industry forums within a sector.

38.2.2 Where a statutory or industry forum covers the scope of more than one sector, the CEC must choose the union’s representatives in consultation with the relevant sector councils.

38.3 Dispute Resolution Forums

38.3.1 Unless otherwise determined by the CEC the appointment of representative to any statutory or privately established dispute resolution forum is as follows.
38.3.2 In the case of dispute at a bargaining or statutory council, the union representatives will be the representative appointed to represent the union at that council.

38.3.3 In case of a dispute at a sector level, but not involving a dispute at bargaining or statutory council, the relevant National Sector Council will appoint the union representative. The NOB may appoint any official or office bearer to this delegation; and

38.3.4 In the case of a dispute at a workplace, the union representative will be appointed by the SSC’s or a general meeting of members at that workplace. The PEC may appoint any official or office bearer to this delegation; and

38.3.5 In the case of a dispute at an employer with more than one workplace, the union representatives will be appointed by the relevant enterprise Shop steward Committee. The NOBC may appoint any official or office bearer to this delegation.

39. Rules for the conduct of meetings

39.1 Unless stated otherwise in this Constitution, all union meetings must be conducted in the manner set out below.

39.2 Chairperson

39.2.1 The President, or the most senior office-bearer present, must chair all National meetings.

39.2.2 The Provincial Chairperson, or the most senior office-bearer present, must chair all Provincial meetings.

39.2.3 The Local Chairperson, or the next most senior office bearer present, must chair all Local meetings.

39.2.4 The Chairperson of the SSC, or the most senior office bearer present, must chair all meetings of the SSC’s
39.3 Quorum

39.3.1 Unless stated otherwise in this Constitution the quorum of any meeting must be at least 50% plus 1 of the delegates that are entitled to attend the meeting.

39.3.2 The meeting must determine whether there is sufficient quorum of the meeting subject to close 39.3.1 of this constitution.

39.4 Agenda

39.4.1 Only issue on the agenda may be debated unless the majority present at the meeting agrees otherwise.

39.4.2 Any proposal to change the agenda must be debated at the start of the meeting. If there is no agreement on the agenda after 20 minutes of debate, the matter must be determined by a vote through a show of hands.

39.5 Decision Making

39.5.1 In the normal course of events all decisions in the union will be made by way of a show of hands of the members entitled to vote on such a matter. The relevant structure shall be bound to take action according to the decision of a majority of members voting by show of hands.

39.5.2 All matters requiring a decision must be proposed and seconded.

39.5.3 Except where otherwise provided officials and staff of the union may not vote on any matter.

39.5.4 Decisions must be taken by the vote of the majority of members or delegates present at the meeting and entitled to vote.
39.5.5 Voting must be by the show of hands, unless a ballot is prescribed by this Constitution or agreed by the meeting.

39.6 Standing Orders

39.6.1 Any delegate or member at a meeting who wishes to speak must address the Chairperson and may do so only with the permission of the Chairperson.

39.6.2 Any delegate or member present at a meeting who proposes a motion may motivate that motion for at least 10 minutes and may reply to any debate for up to 5 minutes.

39.6.3 Except with the permission of the chairperson, or as provided for in paragraph 39.6.2 above, no delegate or member present at the meeting may speak on any issue for longer than 5 minutes.

39.6.4 Decisions made may not be re-opened at the same meeting.

39.6.5 The Chairperson may make rulings on matters of meeting procedure, to the extent that such matters are regulated in this paragraph.

39.6.6 Unless this Constitution provides otherwise, the majority of members or delegates present at any meeting may decide on rules of procedure not specifically regulated in this constitution.

39.6.7 The meeting must appoint at least 2 scrutinizers for every ballot.

39.6.8 In any meeting where there are more than 50 delegates or members present the meeting must appoint two scrutininers to count votes on all matters determined by show of hands.
39.7 Minutes of Meetings

39.7.1 The meeting must appoint a minute taker for every meeting in the event that there is no secretary or prescribe person to take minutes.

39.7.2 Minutes must be confirmed at every subsequent meeting, with amendments or deletions agreed to by the majority of those present at the meeting.

39.7.3 The Secretary of the LSSC or LOBC, PEC or POBC, CEC or NOBC or NC must keep minutes and a register of all resolutions and decisions taken at such meetings.

40. Code of Conduct

40.1 The CEC or NOBC if there is no CEC will adopt a code of conduct for all members, office bearers, elected officials, officials and staff members of the union. Breaches of code of conduct must be dealt with in terms of the disciplinary procedures contained in this Constitution.

40.2 The General Secretary on behalf of the NOBC or the provincial secretary on behalf of the POBC must institute a disciplinary enquiry against any CEC member or office bearer for any alleged breach of the code of conduct including the violation of this constitution. This may include precautionary suspension if such is warranted.

41 Discipline of members, office bearers, elected officials and shop stewards

41.1 Any member, shop steward, office bearer or elected official may be discipline by the union, in terms of this paragraph for:

41.1.1 Acting in a manner contrary to this constitution;

41.1.2 Acting contrary to the interest of the union and its members or any federation of unions to which the union belongs;
41.1.3 Falling to attend 2 consecutive meetings of the CEC or 3 consecutive meetings of any other constitutional bodies which the person is required to attend.

41.1.4 Failing to be in good standing with the union, or

41.1.5 Committing any other act of misconduct.

41.2 Members may not be disciplined or have their membership terminated for failure or refusal to participate in a strike or lock-out if:

41.2.1 No ballot was held about the strike or lockout

41.2.2 A ballot was held but a majority of the members who voted did not vote in favor of the strike or lock-out.

41.3 Establishment and Powers of Disciplinary Committees

41.3.1 The CEC and PEC’s must establish Disciplinary Committees.

41.3.2 The relevant PEC Disciplinary Committee disciplines members, shop stewards. LOBC, Sector Office Bearers

41.3.3 The CEC Disciplinary Committee disciplines provincial elected officials, Provincial Office Bearers, and CEC members.

41.3.4 If the Disciplinary Committee believes that the charge has been satisfactory proven it may:

41.3.4.1 Remove the person concerned from his or her office in the union;

41.3.4.2 Expel the person concerned from the union or dismissal such person from his or her employment in the union as the case may be;
41.3.4.3 Impose a fine or suspend him or her from membership. Position in the union or his or her employment in the union pending of the fine; or

41.3.4.4 Impose any other fair and appropriate penalty.

41.4 In disciplining members, shop stewards, elected officials or office bearers the relevant Disciplinary Committee must follow the disciplinary procedure set out in paragraph 42 below

42. Disciplinary Procedure

42.1 The member, shop stewards, elected office bearer to be disciplined must be given at least 7 days, written notice of the charges against him/her, the time and place of the disciplinary hearing

42.2 The notice of the charges may be sent to the person by registered post to his or her last known address, or it may be delivered by hand.

42.3 The relevant Disciplinary Committee, as the case may be, may proceed to hear and determine the charges if satisfied that:

42.3.1 The person charged is present; or

42.3.2 Although absent from the hearing, it is reasonable to assume that the person charged has received the notice and does not have an acceptable reason for not attending.

42.4 At the hearing of the charges the person must have the opportunity to state his or her case personally and to call and question witnesses.

42.5 The person charged must receive written notice of the decision with a reasonable time period.
43. Appeal Procedure

43.1 Any person found guilty has a right of appeal, which must be submitted in writing to the General Secretary within 7 days of the notice of the decision.

43.2 Appeals against decisions of the relevant Disciplinary Committee must be heard by CEC appeal committee appointed in accordance with this constitution.

43.3 On appeal the member, shop steward, elected official or office bearer may state his or her case personally, question and call witnesses.

43.4 The CEC may confirm, vary or reverse the decision appealed against.

44. Removal of office – bearers, elected officials and shop stewards from office

44.1 Despite of any other provision in the Constitution, shop stewards, office bearers and elected officials may be removed from office in accordance with this paragraph.

44.2 A ballot, as set out in this paragraph must be held at the written request of at least 50% plus 1 of the members, in good standing, in the constituency in which the affected person was elected or appointed or that constitutional structure immediate below it.

44.3 The committee to whom the request in addressed must arranged for a ballot of all members in good standing in the relevant constituency.

44.4 The person concerned may be removed from office if the majority voted in favour of the removal of the person concerned.

44.5 For the purpose of the paragraph the relevant constituencies are as follows:

44.5.1 For shop stewards and office bearers the members in good standing within the area of the local;
44.5.2 For provincial elected official and office bearers the member in good standing within the geographical area of the province or PC; and

44.5.3 For National elected officials and office bearers a NC.

45. Ballots

45.1 Decisions in the union may be made in the following manner,

45.1.1 by show of hands

45.1.2 by ballot

45.2 ‘Ballot’ is a method of voting in secret by marking a paper and putting it in a sealed box.

45.3 Ballot may be taken

45.3.1 A ballot on any question shall be taken if the CEC so decide.

45.3.2 If demanded in writing by not less than 50 plus 1 of the members of the union or any recognised structure of the union or

45.3.3 On any proposal to declare or take part in any strike in which event a strike ballot shall be held.

45.3.4 Of those members in respect of whom the union intends to call for a strike.

45.4 Ballots must be taken:

45.4.1 When it is compulsory in terms of the Constitution;

45.4.1.1 Nationally, Provincially and locally if called by the NC or CEC; or
45.4.1.2 Nationally, Provincially or locally if called for by the CEC, upon a petition of at least 50% plus 1 of the unions’ members in good standing.

45.5 A local ballot must be taken if called for:

45.5.1 By at least 50% plus 1 of the member in good standing within the local; or

45.5.2 by members of the LSSC, PEC or PC

45.6 A ballot of members in a particular workplace must be taken if called for by:

45.6.1 At least 50% plus 1 of the members in good standing at a general member’s meeting; or

45.6.2 At least 50% plus 1 of the member of any SSC.

45.7 Ballot Procedure

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

45.7.2 Ballots shall be taken at any general meeting on the decision of a majority of the eligible members present in the meeting. Ballot shall be conducted at any office of the trade union or at such other venue as may be specified in the notice referred to in clause 43.5.1 of this constitution on the date and time specified in the said notice.
45.7.3 Ballot papers shall be prepared and supplied by the officials of the union appointed for such purpose by the General Secretary or any other delegated person. The issue to be voted for shall be set forth clearly on the ballot papers and such papers shall not contain any information by means of which it will be possible to identify the voter.

45.7.4 Ballot shall be inspected by the scrutineers and sealed by the General Secretary or any other delegated person in their presence prior to the issuing of ballot papers.

45.7.5 One ballot paper only may be issued to a member who is entitled to vote. The ballot paper shall be issued on demand at the place and during the time fixed for the taking of the ballot.

45.7.6 Each voter shall in the presence of the scrutineers be issued with one ballot paper which she/he shall thereupon in secret complete fold and deposit the ballot paper in a ballot box provided for the purpose.

45.7.7 The relevant body structure calling for the ballot must determine an appropriate place for the holding of the ballot and take adequate steps to ensure that the members, who are entitled to vote, are aware of the ballot.

45.7.8 Each voter must, in the presence of scrutinizer, be issued with a ballot paper that describes the issue.

45.7.9 The ballot paper must make it impossible to identity the vote of any particular individual.

44.7.10 No voter may be compelled to disclose the nature of his or her vote or intended vote in a ballot.

45.7.11 Each vote must mark on the ballot paper in secrete and deposit the ballot paper into a ballot box,
45.7.12 In completion of the ballot the scrutineer must count the votes.

45.7.13 If there is an election the candidate for election may observe the counting. The candidates receiving the highest number of votes shall be declared elected.

45.7.14 The scrutineers must inform the most senior office bearer and officials present of the results of the ballot. They must then inform the meeting or committee.

45.7.15 The structures that called for the ballot, must act upon the results of the decision of the majority voting in the ballot subject to;

45.7.16 The provisions of this constitution; or

45.7.17 The resolutions, policies or decisions of the union structures that are binding on that structure.

45.7.18 Ballot paper must be kept for three years, by the Provincial Secretary in respect of a provincial or local ballot, and in the case of a national ballot by the General Secretary.

46 Finances

46.1 General

46.1.1 The union may not operate any other account other than those provided for in this Constitution, unless specifically authorized by the CEC OR NOBC.

46.1.2 All funds received from agency or close shops must be deposited into separate bank accounts at a bank determined by the CEC or NOBC.
46.1.3 A person whose membership has been terminated has no claim whatsoever on the funds of the union.

46.1.4 The CEC or NOBC may at any time, authorize an inspection, audit or suspension of any union’s accounts.

46.2 Union funds may only be used for:

46.2.1 The administration of union affairs;

46.2.2 The acquisition of property or assets;

46.2.3 Investments on behalf of the union that are in the interest of members;

46.2.4 The implementation of union policies and decisions;

46.2.5 Any lawful purpose agreed to by the NC, CEC, NOBC, PC and PEC

46.2.6 The achievement of the objects of the union, as set out in this Constitution.

46.3 Fincom

46.3.1 Fincom, which is a committee of the CEC is composed of the Provincial Treasurers, Provincial Secretaries, National Treasurer, General Secretary and Deputy General Secretary and may co-opt to its structure a maximum of 2 officials or staff that are involved in the financial affairs of the union.

46.3.2 Fincom must ensure that;

46.3.2.1 Proper books of account are maintained at the union’s head office and provincial offices according to accepted accounting policies;
46.3.2.2 Approve and scrutinize all payments made by the union;

46.3.2.3 Meet at least quarterly on a date fixed by the National Treasurer in consultation with the General Secretary;

46.3.2.4 Keep detailed minutes of every meeting it holds

46.3.2.5 Report to on a regular basis;

46.3.2.6 It proposes ways of making the union self-sufficient;

46.3.2.7 Does preparatory work regarding the union’s budget;

46.3.2.8 Takes decisions on matters that are in compliance with the union budget;

46.3.2.9 Consider extraordinary requests for funds from the province or head office; and

46.3.2.10 make recommendations to the CEC on all financial matters, including auditing, budget allocations, operational expense, investments and financial policies;

46.4 Banking Authority

46.4.1 No person is authorized to open a national or provincial account in any bank in the name of “Democratised Transport Logistics and Allied Workers Union” or any other similar name:

46.4.2 Without the explicit written authority of a resolution of the CEC on official union letterhead signed by General Secretary; and

46.4.4 The General Secretary must take reasonable steps to draw this provision to the attention of financial institutions.
46.5 National Bank Account

46.5.1 All monies payable to the union, including subscriptions, levies, fines and other payments must be made in to the CEC account.

46.5.2 The General Secretary or any other authorized person must deposit all monies within 7 days of receipt into an account in the name of the union at a bank decided on by the CEC.

46.5.3 The bank account must be called “Democratised Transport Logistics and Allied Workers Union”: National Account”

46.5.4 All National office bearers may act as signatories to the union’s national account, the General Secretary or Deputy General Secretary must counter sign all the cheques.

46.6 Budget Allocations

46.6.1 The CEC must determine by majority vote the size of annual budget allocations for the unions head office and each provincial account.

46.6.2 Fincom must approve all monthly allocations made from the national account to provinces. The signature of the two signatories of the national account must reflect authorization to reflect transfer of monies

46.6.3 All cheques drawn in the union’s national account must be signed by at least two of the five authorized signatories

46.7 Provincial Account

46.7.1 Funds transferred to the provincial accounts must be sent to the Provincial Secretary, who must deposit the monies within 7 days of receipt.
46.7.2 The POBC will serve as authorized signatories to the provincial bank account; cheques must be signed by at least two signatories of which one of them must be the Provincial Secretary.

46.8 Annual Audit

46.8.1 The financial year is from the last day of October each year to the first day of November the following year.

46.8.2 All accounts of the union must be audited annually by a person registered as an accountant and auditor under section 23 of the Public Accountant and Auditors Act. 1951. This person must be appointed by the CEC.

46.8.3 Copies of the consolidated audited account of the union and the auditors’ report must be kept and made available to the union members at all union offices upon request.

46.8.4 The NC or CEC must confirm the consolidated audited financial statement, the balance sheet and auditors report.

46.8.5 The consolidated audited financial statement must be presented at the CEC meetings.

46.8.6 The auditor’s report must state whether the auditors:

46.8.6.1 Has examined all the books of accounts and records of the union.

46.8.6.2 Is satisfied with the existence of the securities;

46.8.6.3 Is satisfied that the union has kept proper books of accounts;

46.8.6.4 Has obtained all the information and explanations required;
46.8.6.5 Is satisfied that the statement of income and expenditure and balance sheet accurately reflect the union’s financial affairs, and

46.8.6.6 Is satisfied that the financial provisions of the constitution have been fully compiled with

46.9 Levies and other charges

46.9.1 The CEC may at any time impose a levy to raise funds for the union activities, provided that this may not exceed 3% of the monthly or weekly basic wage or salary of a member.

46.10 Unauthorized Expenditure

46.10.1 If any member/s at a union structure or meeting of the union incur expenses that have not been properly authorized, those members may be held jointly and severally liable for refunding such monies to the union.

46.10.2 Any member, who protest against an unauthorized expenditure is recorded in the minutes of that meeting, may not be held liable in terms of paragraph 44.10.1 above.

47. Indemnification

47.1 The officials, office bearers and committee members of the union are indemnified by the union against all proceedings, costs and expenses incurred by reason of any omission, negligence or any other act done in performance of their duties on behalf of the union provided that the officials, Office bearer or committee member acted in good faith and not act in a manner that constitutes misconduct.
48. Dissolution

48.1 The union may be dissolved if a two-third majority of members at the CEC resolve such provided that no such resolution may be taken unless a ballot of members of the union has been conducted in a manner prescribed in this Constitution and more than 60% of the member in good standing and participate in the ballot have approved the dissolution.

48.2 If a resolution for the dissolution or winding up of the union had been passed or if for any reason the union is unable to continue to function the following will apply:

48.2.1 The available members of the last appointed CEC of the union must deliver to the Labour Court a statement signed by them setting forth:

48.2.2 The resolution adopted; or

48.2.3 The reasons for the trade union inability to continue to function; and

48.2.4 Requesting the Labour Court to grant an order in terms of section 103 of the LRA;

48.2.5 The liquidator appointed by the Labour Court may call upon the last- appointed office bearers of the union to deliver to him or her the union’s books of accounts showing assets and liabilities together with the register of members showing for the 12 Months prior to the date on which the resolution of winding up was passed or the date from which the union was unable to continue to function, as the case may be (“the date of the dissolution”), the membership fees paid by each member and his or her address as at the date of dissolution.
48.2.6 The liquidator may also call upon the last appointed office bearers to hand over to him or her all unexpended funds of the union and deliver to him or her the union’s assets and the documents necessary to liquidate the assets;

48.2.7 The liquidator must take the necessary steps to liquidate the debts of the union from its unexpended funds and any other moneys realized from any assets of the union. If these funds and moneys are insufficient to pay all creditors after the liquidator’s fees and the expenses of winding-up have been met, the order in which creditors will be paid must be the same as that prescribed in any law for the time being in force relating to the distributing of the assets of an insolvent estate and as though the expenses were the cost of sequestration of an insolvent estate.

48.2.8 After the payment of all debts in accordance with paragraph 46.2.7, the available members who are appointed by the CEC may decide to distribute the remaining funds, if any by:

48.2.9 Transferring all or part of the assets or money to another trade union;

48.2.10 entrusting the money with the Register of Labour Relations (the Register) until another union is formed and once it is formed transferring all or part of the assets or money to that trade union;

48.2.11 transferring the money or assets to any insurance, pension, provident or benefit funds established in the interest of union’s members; or

48.2.12 distributing the money or assets amongst members in good standing at the date of dissolution on the basis of membership fees actually paid during the 12 months prior to the date of dissolution.
48.2.13 After the payment of all the liabilities, any assets that cannot be disposed of in accordance with the provisions of this paragraph must be realized by the liquidator and the proceeds paid to the Commission for Conciliation, Mediation and Arbitration (in accordance with section 103(5) of the LRA)

48.2.14 The liability of members will for the purpose of this paragraph be limited to the amount of the membership fees due by them to the union in terms of this Constitution as at the date of dissolution.

49 Amalgamation and merger

49.1 The union may amalgamate or merge with one or more other unions if at least two third of the delegates at a NC or CEC vote in favour of the amalgamation or merger.

49.2 The CEC has the authority to negotiate the terms and conditions of the amalgamation or merger

49.3 Upon the amalgamation or merger, the assets of the union will be transferred to the new union subject to the provisions of Section 102 of the LRA

50. Amendments of the Constitution

50.1 The NC or the CEC (where mandated by the NC) may repeal, amend or add to the provisions of this Constitution by way of a resolution that carries a 50% plus 1 majority provided that at least 14 days’ notice has been given to the provinces, locals and Sector councils, subject to the certification of any changes by the Registrar.

50.2 No changes or additions to this Constitution will have any force or affect until certified in terms of section 101 (3) of the LRA
51. Interpretation of the Constitution

51.1 Whenever there is a dispute about the interpretation of any of the provisions of this Constitution, the NC may make a ruling on the matter and that ruling will be the final interpretation of the Constitution.

51.2 Pending the NC, the CEC may make an interim ruling, which will be binding until the NC has decided upon the issues.

Vusi Ntshangase
General Secretary
Appendix 1 Scope of the union

The union will be open to all workers employed in any of the following public or private industries, trades, occupants or undertakings in the Republic of South Africa:

1.1 Transport Services, which includes:

   1.1.1 Passenger transport services and storage, including by road, rail, air, river and sea

   1.1.2 Freight or goods transport and storage, including by road, rail, air, river, sea, pipelines;

1.2 Maritime transport which includes:

   1.2.1 Storing and cargo-handling

   1.2.2 Shipping

   1.2.3 Repairs to maritime equipment;

   1.2.4 Clearing and forwarding

   1.2.5 Seafaring and berthing; and

   1.2.6 Ship, supplies and chandelling services

1.3 Civil Aviation which includes:

   1.3.1 Passenger, cargo and technical services in both domestic and foreign airlines
1.3.2 Operations at airports;  
1.3.3 Operation at civil aviation authorities or offices;  
1.3.4 Air traffic navigation services; and  
1.3.5 Ground and ramp handling services  

1.4 Transport infrastructure services, which includes:  
1.4.1 Tollgates and road management and operation;  
1.4.2 Car parking; and  
1.4.3 The operation of transport terminals  
1.4.4 Travel agencies and transport rental services, including motor vehicles, rental services;  

1.5 Property Services, which includes:  
1.5.1 Contract cleaning;  
1.5.2 Contract Security;  
1.5.3 Sport and Recreation clubs;  
1.5.4 Hospitality  
1.5.5 Construction  
1.5.6 Retail  

1.6 General cleaning services (other than property services);  

1.7 Laundry and Dry Cleaning.
1.8 Funeral undertaking.

1.9 Temporary employment agencies and independent and sub contract that provide employees to employers operating in any above sectors; and

1.10 General support services incidental to or associated with the above.

1.11 The union will be open to all workers, including a typical workers, who include but are not limited to casual, part time and temporary, fixed term or seasonal workers.
DEMOCRATISED TRANSPORT LOGISTICS AND ALLIED WORKERS UNION

The Most Democratic and Revolutionary Union

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