



The General Secretary
PAWUSA, PO BOX 2759
Cape Town, 8000

National Office: 5 Buiten Street
3rd Floor, Graphic Centre
Cape Town, 8001

Tele: (+27) 021 424 2055

Fax: (+27) 021 424 6804

(+27) 021 424 6806

Share Call: 0860 109 426

Email: gensec@pawusa.org.za

Website: www.pawusa.org.za

RESOLUTION AND CERTIFICATE

This is to certify that the Special congress Meeting held in Durban on the 9 April 2001, it was resolved to amend the constitution

The amendments are submitted as a whole new constitution:

It is further certified that all the provisions of the constitution relating to the adoption of the amendments have been complied with

.....
SECRETARY

DATE..... 29 OCTOBER 2013

CONSTITUTION OF PLUBLIC & ALLIED WORKERS UNION OF SOUTH AFRICA

PREAMBLE

Workers organize trade unions primarily to secure better wages and better working conditions. we hold that they also organize in order to participate in the decisions, which affect them at work. One of the fundamental tenants of democratic government is the consent of the governed Unions are an extension of that idea.

Union members are both workers and citizens. Collective bargaining is the expression of citizenship in employment. Participation in the political life of the nation is but another aspect of the citizenship.

In the same way that unions are dedicated to the improvement of terms and conditions of employment, we are equally dedicated to exert ourselves, individually and collectively, to fulfil the promise of South Africa life. Amidst unparalleled abundance, there should be no want. Surrounded by agricultural surpluses of all descriptions, there be no hunger. With advanced science and medical research, sickness should not go untreated. A country that can produce pioneers in so many fields can provide adequate education for all its children.

For unions, the workplace and the election halls are inseparable. The exercise of the awesome rights and responsibilities of citizenship is equally required at both.

Unions are under a solemn obligation: to represent members forcefully and effectively in negotiations with the employer/management and to conduct internal union according to democratic standards.

Therefore, we the members of The Public and Allied Workers' Union of South Africa (PAWUSA), assembled in Congress, adopt this Constitution.

1. NAME

The name of the organisation is the Public and Allied Workers' Union of South Africa (PAWUSA) (hereinafter referred to as 'the Union').

2 . LEGAL STATUS

2.1. The Union is a non-profit organization which has not been established for gain, registered with the Department of Labour n terms of the Labour Relations Act No.66 of 1995.

2.2. The Union is a corporate body with separate legal existence and the right to sue and be sued in its own name.

2.3. All assets of the Union vests in the Union and its members do not have right to its assets.

3. AIMS AND OBJECTIVES

The union's objectives are:

- 3.1. To recruit workers who support its aims and objectives;
- 3.2. To advance the interest of its members, individually and collectively with the employer and to enter into negotiations for the purpose of collective agreement;
- 3.3. To eliminate in the workplace all types of discrimination including but not limited to discrimination based on gender, race and creed;
- 3.4. To ensure full participation of women in the Union structures and the workplace;
 - 3.4.1. When appointing and office-bearer of official of any structure of union or any member to a committee or other organ of the union, or when determining the representatives or alternatives to any meeting of the union, due regard must be given to enhancing the participation of women in the affairs of the union;
 - 3.4.2. The structures of the union must, by resolution, determine the manner in which the participation of women in the affairs of the union maybe perpetually enhanced.
- 3.5. To support or oppose any law that may affect its members;
- 3.6. To pursue any action which may be in the interests of the Union and/or its members and which are consistent with this Constitution.
- 3.7. To incorporate, merge or amalgamate with organizations wit aims and objectives similar or identical to the aims and objectives of the Union;
- 3.8. To secure social and economic justice for its members;
- 3.9. To secure just standards of living and living and fair condition of work for all its members;
- 3.10. To unite all workers and form one union within the federation to which it may be affiliated
- 3.11. To manage its finances and assets by:
 - 3.11.1. Raising and acquiring funds by any legal means in order to further theses aims and objectives; and
 - 3.11.2. Purchasing, leasing, hiring or acquiring any movable and immovable property which the Union deems necessary;
 - 3.11.3. To sell, let, mortgage or otherwise deal with or dispose of any movable of immovable property belonging to the Union provided that no immovable property shall be acquired or sold, nor shall it be mortgaged let or leased for a period longer than 10(Ten) years unless properly mandated thereto by the relevant structure of the Union.

4. LOCATION OF HEAD OFFICE:

- 4.1. The National Executive Committee (hereinafter the NEC) shall determine the location and address of the Union head office.

5. MEMBERSHIP:

Scope All state officials and employees of semi – state institutions and employees of sectors approved by the NEC, are eligible for membership.

5.1. Qualification for Membership

5.1.1. No person otherwise eligible for membership in this Union shall be denied membership on the basis of race, creed, colour, national origin, sex, age, sexual orientation, disability or political belief or on any other basis.

5.1.2 Membership shall be open to any person who is eligible for such membership and who subscribes to the aims and objectives of the Union.

5.2. Application for Membership

5.2.1. Any application for membership submitted on the prescribed application form will be subject to approval of the NEC who are workers leaders.

5.2.2 The applicant have the right to appeal to the appeal committee consisting of the President, the 1st Deputy President and the 2nd Deputy President, if an application for membership is rejected.

5.2.3. Membership of similar organizations. The principle of Freedom of Association will apply.

5.2.4. A member of the Union will automatically become a member of the region and/or branch in the area in which he/she is employed, unless the NEC determines otherwise.

5.3. Membership Fees (Subscriptions)

5.3.1.1. Amount and payment

5.3.1.2. A membership fee of R60 per month and not more than T80 per / month shall be payable by each member of the trade union.

5.3.1.3. Membership fees shall be determined from time to time by at least two-thirds (2/3) majority vote of the National Council and shall be paid monthly in advance or annually by each member of the Union by way of a stop order on the salary of the member or debit order on a banking account of the member or by any other method that the NEC may decide upon.

5.3.1.4. In addition to the membership fee, a member shall also be liable for payment in the same manner of such fees as may be prescribed in terms of the rules governing any fund established in terms of clause 95(5)(f) of the Labour Relations Act.

5.3.2. Non-payment of Membership fees

Membership of the Union shall lapse in the event of any membership fees being outstanding for a period of three months. The member shall during the period of non-payment have no claim to any benefits of the Union before the period of three months has expired since the arrear membership fees been paid and/or for any dispute or cause of action which arose while the membership fees been paid and/or for any dispute of cause of action which arose while the member's membership fees were in arrears of his/her membership had lapsed.

5.3.3. Exemptions in respect of non-payment of Membership Fees

A member shall be exempted from the payment of the aforesaid membership fees in respect of any particular month during which he/she is: -

5.3.3.1. Unemployed for 3 months; or

5.3.3.2. Unable to work for 3 months on account of illness; or

5.3.3.3. In the event of the circumstances as contemplated by clauses 5.7.2 above having arisen.

5.3.4. Refunds on Membership Fess

An applicant for membership shall not be entitled to a refund of the membership fee paid by him/her on the application and in respect of the period prior to the application having been considered by the NEC.

5.3.5. Banking and Utilisation of Membership Fees

5.3.5.1. The funds received by the General Secretary on behalf of the trade union shall be deposited to its credit within 15 days of receipt of such funds at a bank upon by the National Executive Committee.

5.3.5.2. the funds of the trade union shall be applied to the payment of expenses, to the acquisition of property, towards the attainment of the objectives as set out in the Union's mission statement specified in clause 3 and for such other lawful purpose as may be decided upon by the NEC from time to time.

5.4. Resignation and Termination of Membership

5.4.1. A member wishing to terminate membership with the union must give 3 months written notice thereof to the Branch Executive Committee and/or Regional Executive Committee under whose jurisdiction the member falls. The Branch of Regional Executive Committee shall forthwith communicate receipt of this resignation letter to the Union's head office. The actual termination will take effect 3 month after receipt of the resignation letter by the Union.

5.4.2. Any member whose service has been terminated has been terminated as a result of an unfair labour practice or dispute shall remain a member of the Union for a period of 12 months subsequent to his/her dismissal and shall during this period be exempt from paying subscriptions to the Union until he/she is reinstated or until such time as may be determined by the NEC of its duly authorised agent or representative.

5.5. Termination of membership for failure to participate in strikes.

5.5.1. No Union member may be disciplined or have their membership terminated for failure or refusal to participate in a strike or lock-out, if:-

5.5.1.1. No ballot was held in respect of the strike or lock-out; or

5.5.1.2. A ballot was held but the majority of members who voted did not vote in favour of the strike of lock-out.

5.6. Dual Membership

5.6.1. A member of the Union may be a member of another Union or organisation, which has similar objectives. To protect the interest of the Union, such a member will not be allowed to hold office in the Union or participate in any management structures or committees established with a specific mandate where a conflict of interest may arise or be perceived.

5.6.2. The membership status of all shop stewards elected on Regional, Provincial and National structures must be verified within 7 days after the relevant elections to give effect to clauses 5.7.1.

5.7. Associated Membership on Retirement or Retrenchment.

5.7.1. Associate membership may be granted by the NEC to appropriated members on retirement or retrenchment. Membership would be without charge if the candidate has retired at the age of fifty-five (55) years and who had been a member of the Union for more that 10 (ten) years. Associate membership may be granted on written application by a member to the NEC who may grant associated membership within ninety (90) days of receipt of such wt=written application to appropriate members on retirement, retrenchment or termination of service from the institutions at which they were employed.

5.7.2. Such a member may participate and be co-opted in the structures of the Union, but shall not have the right to occupy a post or have a vote within the NEC or the National Council.

5.7.3. A decision of the NEC affecting any individual's associate membership will be final.

5.8. Senior Membership

5.8.1. Members retiring or retrenched after September 2002 shall be known as senior members.

5.8.2. Senior members shall be paying members of the Union but a lesser membership fee shall be applicable to them as determined from time to time by the NEC.

5.8.3. Such a member may participate and be co-opted in the structures of the Union, but shall not have right to occupy a post or have vote within the NEC or the National Council.

5.8.4. Honorary life members are not eligible to hold a position in the structure of the Union and will have no voting rights at any level within the Union.

5.9. Honorary Life Membership

5.9.1. No honorary life membership shall be granted by the NEC, unless upon the recommendation of the relevant Provinces,

5.9.2. Honorary life members shall not pay a monthly membership fee and shall not be eligible for payment of normal Union benefits.

5.9.3. Honorary life members are not eligible to hold a position in the structure of the Union and will have no voting rights at any level within the Union.

6. UNION FINANCES.

6.1. Receipt and Use of Union Funds.

6.1.1. Union funds consist of all money received by means of subscription fees, levies, donations, functions and in any other manner within the framework of this constitution.

6.1.2. Union funds received by the General Secretary must be deposited to the Union's credit account within five () days of receipt.

6.1.3. Funds may be used for investment payment of expenditure relating to the acquisition of property and for other purposes as may be decided by the National Council or the NEC for the achievement of the aims and objectives of the Union, but no profits or gains will be distributed to any person.

6.1.4. Funds contribute by members of the Union for a specific purpose must not be used for any other purpose expect with the written consent of the contributing member.

6.1.5. Float amounts and other funds must be allocated to each PEC, by te NEC from time to time.

6.1.6. All membership subscriptions and other amounts due to the Union collected from members must be deposited into a national banking account as soon as possible, but in any event within five (5) days of receipt.

Management of Finances

6.2.1. All income and expenditure must be reported to each meeting of the NEC and such reports must include a clear statement of any unbudgeted expenditure.

6.2.2. The NEC is responsible for ratification of all expenditure including immovable property and vehicles.

6.2.3. There must be four (4) signatories to the National banking account, which will be appointed by the NEC and any cheques issued by the Union must be signed by two of the signatories of which one must be a worker leader. (office bearer).

6.3. Banking Authority

6.3.1. No person is authorised to open an account in any bank in the name of “ Public & Allied Workers Union of South Africa”, “ PAWUSA” or any other similar name without:

6.3.1.1. The explicit written authority of a resolution of the NEC on an official Union letterhead signed by at least three (3) of either the President, Deputy President, National Treasurer and/or the General Secretary;

6.3.1.2. Subsequent verbal confirmation by either the National Treasurer or General Secretary.

6.3.2. The General Secretary must take reasonable steps to draw this provision to the attention of financial institution.

6.4. Signing of Cheques

All Union cheques must be signed by any of the following:

6.4.1. Any two members of the NEC authorised thereof by the NEC:

6.4.2. Any one of the aforesaid two members of the NEC together with the General Secretary;

6.4.3. The General Secretary (office bearer) and any other permanent official of the Union who is duly authorised thereof by the NEC.

7. RIGHTS OF MEMBERS

7.1. Members shall suffer no impairment of freedom of speech concerning operations of the Union. Active discussion of union affairs shall be encouraged and protected within the Union.

7.2. Members shall have the right to conduct the internal affairs of the Union free from Employer/Management domination.

7.3. Members shall have the right to fair and democratic elections, at all levels of the Union. This includes due notice of nominations and elections, equal opportunity for competing candidates and proper election procedures which shall be constitutionally specified. This enforces the right that the Union shall be controlled by democratically elected worker representatives at all levels.

7.4. Members shall have an equal right to run and hold office, subject only to constitutionally specified qualification, uniformly accepted.

- 7.5. Members shall have right to a full and clear accounting of all union funds at all levels, such accounting shall include, but not be limited to, periodic reports to specific structures of the Union by the appropriate officers and periodic audits by independent auditors.
- 7.6. Members shall have the right to full participation, through discussion and voting, in the decision-making process of the Union, and to pertinent information needed for the exercise of this right. This right shall specifically include decisions concerning the acceptance or rejection of collective bargaining agreements, memoranda of understanding, or any other agreement affecting their wages, hours, or other terms and conditions of employment.
- 7.7. All members shall have an equal right to vote and each vote cast shall be of equal weight.
- 7.8. A member shall have the right to a fair disciplinary and grievance procedure.
- 7.9. Every member is entitled to a copy of the constitution and any amendment made thereto.
- 7.10. Every member is entitled to the official PROCEDO magazine which shall be provided to all members two (2) times a year and any other newsletter or publications, whenever published.

8. PUBLICATIONS.

The NEC shall ensure the publication of the official Procedo magazine at least two (2) times per year.

9. OBLIGATIONS OF MEMBERS AND OFFICER BEARERS.

- 9.1. It is the responsibility of every member;
- 9.1.1. To ensure that his/her membership fees are paid and stopped when he/she is no longer a member; and
- 9.1.2. To ensure that the Secretary of his/her Region and/or Branch, whichever is applicable, as well as the General Secretary of the Union, are notified of any change of address.
- 9.1.3. To conduct themselves in a manner which is at all times in the best interest of the Union in the furtherance of the Union's aims and objectives; and
- 9.1.4. To ensure that their conduct does not expose the image of the Union to possible harm and/or does not bring the Union into disrepute.
- 9.2. It is the responsibility of every elected official:
- 9.2.1. To act in the best interest of the Union and to carry out his/her duties and responsibilities with the utmost good faith;
- 9.2.2. To conduct themselves in a manner which is at all times in the best interest of the Union in the furtherance of the Union's aims and objectives; and
- 9.2.3. To ensure that their conduct does not expose the image of the Union to possible harm and/or does not bring the Union into disrepute.
- 9.3. All members and officials (officer bearers) shall behave and conduct themselves in a manner that does not offend the principles of the Union or prejudice the reputation of the Union.
- 9.4. All gift, donations or benefits over Five Hundred Rand (R 500.00) or any other amount as may be determined by the NEC from time to time, which may have been received as a result of the official duties of a member or official must be declared to the NEC in writing within Thirty (30) days of receipt of the gift, donation or benefit. Failure by any member or official to comply with this provision will result in disciplinary action which may include civil action, being instituted against such member or official.
- 9.5. The latter part and spirit of clause 9.4 shall also be applicable to all staff of the Union.

10. UNION STRUCTURES.

10.1 Hierarchy

The union shall consist of:

- 10.1.1. National Congress
- 10.1.2. National Executive Committee (NEC)
- 10.1.3. National Council
- 10.1.4. Provincial Congress
- 10.1.5. PEC (PEC)
- 10.1.6. Regional Congress
- 10.1.7. REC (REC)
- 10.1.8. Branch Congress
- 10.1.9. Branch Executive Committee (BEC)
- 10.1.10. Sub Branches
- 10.1.11. Shop Stewards

10.2. Election and Tenure.

No person may be elected to a position of office within the Union unless that person, at the time of his election is a member of the Union in good standing.

10.2.1. The President, Deputy President, Chairperson and Deputy-Chairperson of anybody mentioned in clause 10.1 above, shall serve for a period of three (3) years from date of election, and shall be eligible for re-election.

10.2.2. No employee of the Union is eligible to serve as an elected official.

10.3. Election Procedure

10.3.1. Nomination for position to elected office to be occupied from PEC member to shop steward in the Union shall be done on prescribed nomination forms or by means of a letter.

10.3.2. Election of Shop Stewards, Branch Executive Committee Members, Regional Executive Committee Members and Provincial Executive committee Members.

A nomination form or letter must be signed by the candidate and co-signed by:

10.3.2.1. In the case of the election of a Shop Steward by any two (2) members of the relevant Sub Branch;

10.3.2.2. In the case of the election of a Branch Executive Committee (hereinafter referred to as the REC) by any two Regional delegates to the Regional Congress;

10.3.2.4. In the case of the election of a Provincial Executive Committee (hereinafter referred to as the PEC) member by any two delegates to the Provincial Congress.

10.3.3. Election of a President and 1st and 2nd Deputy-President.

The candidate, who must be an elected PEC member, along with an two other members of relevant PEC, must sign the nomination form.

11. BRANCHES

11.1. Establishment of Branches

11.1.1. The REC may at its discretion from time to time establish a branch of the Union which may be made up of sub-branches.

11.1.2. The area of jurisdiction of such branch shall be clearly demarcated and defined.

11.1.3. A sub-branch shall consist of organized members at an institution, state department, interest group or other group.

11.2. Group Interests.

Branch shall organize and encourage activities aimed at promotion group interested.

11.3. Election of Branch Executive Committees (BEC)

11.3.1. Elected shop stewards from a branch will meet and elect a Branch Executive Committee at a Branch Congress.

11.3.2. The BEC shall consist of a Chairperson, Deputy Chairperson, Secretary, Assistant Secretary, Treasurer and at least two (2) other members (office bearers).

11.3.3. Such committee shall be elected every three (3) years at the Branch Congress.

11.4. Branch Congress Meeting.

The Annual General Meeting of a branch shall be constituted by the number of the nominated delegates and shop steward of the sub-branches by the REC.

11.5. Branch Funds.

11.5.1. A Branch shall be funded by:

11.5.1.1. Allocation of funds by the Region in whose jurisdiction the branch falls; and

11.5.1.2. Fund-Raising.

11.5.2. Each BEC shall via their relevant REC submit a comprehensive budget for the forthcoming financial year to the relevant REC, at least thirty (30) days before their REC's Annual General Meeting.

11.5.3. Comprehensive annual audited financial statements in respect of the previous financial year shall be submitted to the Branch's REC not later than sixty (60) days after the end of the financial year of the Branch.

11.5.4. The REC shall provide general guidelines for fundraising campaigns which requires its approval, on the understanding that the REC in consultation with the branch may determine what percentage of such funds raised should be paid over to the Region concerned.

11.5.5. These provisions will apply *mutatis mutandis* to Regional Committee (hereinafter referred to as the RC) funds.

11.6. Power and Responsibilities of the Branch Congress

11.6.1. To recruit members in the jurisdiction of the branch.

11.6.2 To elect members of the BEC.

11.6.3. To attend all matters which affect the interest of members at branch level and to discuss and decide on matter at the institutions within its area of jurisdiction

11.6.4. To represent members at the institution within its area of jurisdiction;

11.6.5. To convey the decisions and policies of the Union to its members;

11.6.6. To report regularly to the REC.

11.6.7. To elect representative(s) for the REC at a Regional Congress.

12. SHOP STEWARDS

12.1. The members of the union in good standing in each workplace must elect, by ballot and from among themselves at least one shop steward for every 10 members in terms of the Labour Relations Act.

12.2. The term of office will be three (3) years and the shop stewards may be re-elected;

12.3. The REC must regulate the election of the shop stewards in each workplace, including specifying the number of shop stewards to be elected.

12.4. The shop steward shall have meetings at least once a month with members.

13. REGIONS

13.1. Establishment of Regions.

13.1.1. The PEC may if it deems fit, by incorporating and amalgamating existing structures, establish new Regions which fall in the demarcated area of the province.

13.1.2. The Provincial Secretary is obligated in such instance to take immediate steps to arrange and election of a REC.

13.1.3. To be represented on the NC a Region must consist of at least Three Hundred (300) paid up members.

13.2. Membership.

All members of the Union are automatically members of the Region within their place of employment falls.

13.3. Regional Congress.

13.3.1. Each Region shall have a Regional Congress which shall comprise of such number of representatives per Branch as may be determined by the approved internal rules of the Provinces.

13.3.2. The Regional Congress are held every Three (3) years elect members of the REC.

13.4. Internal Rules

Each Region shall be obligated to conform to internal rules for the management of the region as determined by the PEC.

13.5. The Regional Executive Committee (REC)

13.5.1. Elected BEC members within a region will meet and elect the Regional Executive Committee at the Regional Congress every three (3) years.

13.5.2. The REC shall consist of a Chairperson, Deputy Chairperson, Treasurer, Secretary and Assistant Secretary together with two additional members. The REC shall consist of worker leaders.

13.5.3. The REC shall be elected for a Three (3) year period of office.

13.6. Rights and Functions

13.6.1. Regions have the right to be represented in the Union by sending two delegates to the National Congress.

13.6.2. Regions shall elect one person for every three (3) hundred registered members of the Region as its representatives, who shall serve as mandated delegate(s) to the National Council.

13.6.3. The REC shall only address matters, which affects the interest of members at regional level, as put forward by the Branches. The Region shall also discuss any other matter which is referred to it by the PEC. The outcome of such discussions shall be reported to the Provincial Secretary with delay.

13.6.4. Regions do not have the authority in any circumstances to take independent steps on an issue, which concerns the policy of the union,

13.6.5. Regions may from time to time co-operate with the relevant PEC establish forums and or sub-committees to organise and encourage activities aimed at promoting Union business/interest at regional level and gauge the options of members at Branch and Shop Steward level.

13.6.6. Regions shall discuss and submit motions to the National Congress and the NC via the PEC.

13.6.7. The REC shall determine the number of Branches delegates to the Regional Congress.

13.7. Regional Office.

The regional office shall be within the jurisdiction of the Region.

13.8. Regional Funds.

13.8.1. The PEC shall allocate funds to Regions.

13.8.2. All Regions shall inform the Provincial Secretary of its banking account numbers within thirty (30) days of opening such accounts.

13.8.3. Subject to the provisions of clause 13.8.4 to 13.8.6. Each region shall manage its own funds and shall be responsible for expenses incurred by the regions.

13.8.4. The REC shall furnish the Provincial Secretary with a comprehensive Budget for the forthcoming financial year at least thirty (30) days prior to the Region's Annual General Meeting.

13.8.5. Comprehensive yearly financial statements in respect of the previous financial year shall be lodged with Provincial Secretary not later than ninety (90) days after the end of the regional financial year.

13.8.7. Regions must allocate funds to branches within their jurisdiction as determined by relevant PEC.

13.9. Dissolution and Amalgamation.

The PEC may, after investigation and consultation with the affected REC, dissolve or amalgamate a Region and arrange transfer of assets.

13.10. Regional Executive Committee Meetings.

REC meetings shall be held once every second month.

14. PROVINCES.

14.1. Establishment

For the purpose of establishing Provincial structures, the Union accepts the Provincial demarcation of South Africa as entrenched in the Republic of South Africa Constitution Act 108 of 1996.

14.2. Membership.

All members of the Union are automatically members of the Province within they are demarcated according to Provincial boundaries.

14.3. Provincial Structure.

14.3.1. Provincial Congress

14.3.1.1. A Provincial Congress will be established on the basis that every registered REC within the demarcated area of a Province will be entitled to send delegates to the Congress.

14.3.2.2. To be held every three (3) years

14.3.2. The purpose of Provincial Congress

14.3.2.1. Elect members of the PEC once every three (3) years.

14.3.2.2. To report back to members within their Province on matters / decisions taken/ to submit progress reports on outstanding matters.

14.3.2.3. To serve as a platform where members may meet to discuss matters and formulate mandates pertaining to the business of their Province and the Union in general; and

14.3.2.4. Each Province shall be entitled to be represented at a National Congress by its seven PEC members.

14.3.2.5. Provincial Congresses shall take place every three (3) years during the month of March or as soon as reasonably possible thereafter.

14.3.3. Provincial Executive Committee (PEC)

14.3.3.1. All Shop Stewards duly elected as REC members will be eligible to be elected as PEC members of a Provincial Congress. The REC members who are worker leaders with a province shall meet in the Provincial Congress to elect the PEC from among them.

14.3.3.2. The Provincial Congress shall elect the member of the PEC (office bearer) which will be constituted as follows:

14.3.3.2.1. Provincial Chairperson.

14.3.3.2.2. Provincial Deputy Chairperson.

14.3.3.2.3. Provincial Secretary

14.3.3.2.4. Provincial Assistant Secretary

14.3.3.2.5. Provincial Treasurer

14.3.3.2.6. Two Additional Members.

14.3.4. Establishment and Powers of PEC

- 14.3.4.1. To manage the business of the Province between Provincial Congress meetings
- 14.3.4.2. Each PEC is obliged, as soon as possible after its election, to develop, amend or add to internal rules for the management of the Province, with the proviso that such rules are not inconsistent with any provision of this constitution
- 14.3.4.3. To address and decide on matters which affect the interest of members at Provincial and Regional level.
- 14.3.4.4. To discuss any other matters which are referred to it by the NEC The outcome of such discussion shall be reported to the General Secretary without delay.
- 14.3.4.5. To elect the representative(s) to the National Council and NEC where a replacement for a NEC member who has been elected as a National Office Bearer.

14.3.5. Role and Functions of PEC.

- 14.3.5.1. To exercise the management of the affairs of the Union between meetings of the Provincial Congress within the provincial sphere and has the necessary powers usual for such an executive body to give effect to the aims and objectives of the Union as follows:
- 14.3.5.2. To approve monthly financial statement;
- 14.3.5.3. To manage and control the finances allocated by the NEC to the province:
- 14.3.5.4. To recruit members in the province and generally promote the interest of members and the Union.
- 14.3.5.5. To supervise the affairs of the regions and branches;
- 14.3.5.6. To ensure that proper communication occurs between the province, its branches and the national office.
- 14.3.5.7. To do all further things as it consider are in the interest of the Union and which are not in conflict with the decisions and policy of the NC and any PC, nor inconsistent with the provisions of this constitution;
- 14.3.5.8. To consider and evaluate the reports of the regions.

14.3.6. Tenure.

The Provincial Office of a Province must be situated within the area of jurisdiction of that Province.

14.4. Provincial Office.

The Provincial Office of a Province must be situated within the area of jurisdiction of that Province.

14.5. Provincial Finances.

- 14.5.1. All Provinces shall advise the General Secretary of all bank account numbers with any commercial banking institution within thirty (90) days of opening such account.
- 14.5.2. Each Province shall manage its own funds and shall be responsible for expenses incurred by the Province.

14.5.3. The PEC shall furnish the General Secretary with a comprehensive Budget for the forthcoming financial year at least thirty (30) days prior to the Province's Annual General Meeting.

14.5.4. Comprehensive yearly financial statement in respect of the previous financial year shall be lodged with the General Secretary not later than ninety (90) days after the end of the Province's financial year.

14.5.5. Provinces shall allocate funds to Regions within their jurisdiction in accordance with its approved budget.

14.6. Provincial Meetings.

14.6.1. A Provincial Annual General Meeting will be held every three (3) years during the month of March or as soon as reasonably possible thereafter.

14.6.2. PEC meetings will be held in accordance with the rules as established by the Province, but shall not exceed four meetings per year.

14.6.3. Special Provincial Meetings Procedure.

14.6.3.1. The PEC must meet at least four (4) times per annum, at the place and on the date and time fixed by the PEC at its previous normal meeting.

14.6.3.2. The date of the meeting may be changed only with the prior consent of the majority of the regions and the Provincial Secretary must give all PEC member 14 days notice of any change of date of a normal meeting.

14.6.3.3. Subject to subsection (4), notice of a PEC meeting must be circulated to each region by the Provincial Secretary.

14.6.4. At least 10 days prior to a scheduled meeting, along with the agenda and minutes of the previous meeting and any other relevant documentation.

14.6.4.1. At least 48 hours before a special meeting, together with a written agenda specifying the issues requiring such a meeting.

14.6.5. The notice and Agenda meeting requirements of a special meeting may be waived with prior consent of the majority of the branches, except that no decision of a special meeting is valid if it is proved to detrimentally affect to any delegate who did receive notice of the meeting.

14.6.6. A special meeting of the PEC may consider only that special business which necessitated the meeting.

14.7. Provincial Congress.

The PEC will at its own discretion decide on the numbers of Provincial Congresses that will be held within its term of office but not less than once every three (3) years.

15. NATIONAL COUNCIL.

15.1. Status of National Council.

The National Council is the representative body of the Provinces and Regions of the Union and is accountable to all its members.

15.2. Composition of National Council

The National Council shall be constituted by one(1) delegate from every three hundred (300) registered members within a region one delegate from every PEC and all the members of the NEC.

15.3. Establishment and Powers of National Council.

15.3.1. To give direction to the NEC on the implementation of the Union's policies.

15.3.2. To develop and review policies of the Union based on inputs made by the NEC, PEC's and REC's.

15.3.3. Perform such other functions as are stipulated in this Constitution.

15.4. Meetings.

The National Council shall meet at least once a year at times and venues as determined by the Chairperson of the NEC.

16. NATIONAL EXECUTIVE COMMITTEE.

16.1. Composition of NEC.

16.1.1. NEC members are duly elected shop stewards in their provinces who are elected at their respective Provincial Congress from their PEC members.

16.1.2. The NEC shall consist of fifteen (15) workers leaders namely the President, First Deputy President, Second Deputy President, General Secretary, Deputy General Secretary, the National Treasurer and the nine (9) PEC chairpersons (1 from each province) and confirmed at National Congress.

16.2. Notice of NEC Meetings

16.3. Meetings of the National Executive Committee.

16.3.1. The NEC must meet at least three (3) times a year at the place and on the date and time fixed by the General Secretary in consultation with the NOB's.

16.3.2. A special meeting of the NEC may be called at any time by the General Secretary or at the request of the 2/3 of the provincial executive committees submitting in writing to the General Secretary such a request.

16.3.3. The General Secretary must give notice of an NEC meeting in writing, with an agenda attached, to each Provincial Secretary:

16.3.3.1. At least 14 Days before a general NEC meeting: or

16.3.3.2. At least three (3) days before a special NEC meeting.

16.3.4. For purposes of commencing a meeting of the NEC and, in order for the meeting to continue:

16.3.4.1. At least half of the national office-bearer must be present.

16.3.4.2. At least half of the delegates or their alternates, from each of at least two - third of the provincial delegation must be present; and

16.3.4.3. A majority of the delegates present must be members in good standing.

16.3.4.4. If, in terms of subsection (4), a meeting cannot be commenced within two (2) hours after the time fixed for it to begin:

16.3.4.4.1. The General Secretary in consultation with the NOB's must fix a new time and date for the meeting, which must no less than 7 days, and no more than 14 days. After the original date for that meeting; and

16.3.4.4.2. The General Secretary must give written notice in writing to each Provincial Secretary of the new date for the meeting.

16.4. Powers of the National Executive Council (NEC).

Subject to this Constitution, the NEC shall have the power to:

16.4.1 Approve the budget as compiled by the General Secretary once such budgets have been presented to the National Congress for scrutiny.

16.4.2. Institute or defend any legal action taken against the Union or its members and/or any individual in relations to their employment, provided that they are not inconsistent with any matter specifically provided for in this Constitution.

16.4.3. Decide on the admission of new members and the maintenance of discipline.

16.4.4. Report to Provinces, Regions and Branches via the representatives of the Provinces on the NEC.

16.4.5. Open and operate banking accounts on behalf of the Union, to control funds and the finances of the Union and to allocate funds to the Provinces, Regions and Branches.

16.4.6. Provide legal assistance to any member in relation to their employment, provided that their requests are not inconsistent with any matter specifically provided for in this Constitution.

16.4.7. Appoint and dismiss employees of the Union.

16.4.8. Decide on all matters of procedure on which the Constitution is silent.

16.4.9. Discuss and decide on the motions to be submitted to the National Congress or National Council.

16.4.10. Manage the business of the union as stipulated in this constitution.

16.4.11. The NEC has the authority to:

16.4.11.1. Consider reports from the National Office Bearer and officials on activities of each department and union operations in the provinces and give directions if necessary;

16.4.11.2. Determine the creation, maintenance and termination of employment post for the effective running of the union;

16.4.11.3. Hire, determine employment terms and conditions for, and discharge, employees and officials of the union;

16.4.11.4. Open, operate and close bank accounts of the union;

16.4.11.5. Generally control the funds and finances of the union.

16.4.11.6. Allocate attorneys to act for the union and appoint any person to sign a document in connection with or on behalf of the union.

16.4.11.7. Institute and defend legal proceedings in the name of the union;

16.4.11.8. Appoint attorneys to act for the union and appoint any person to sign a document in connection with or on behalf of the union;

16.4.11.9. The NEC must establish policies for the acquisition, maintenance, insurance, management, use and disposal of property of the Union.

16.4.11.10. Make awards and determine procedures consistent with this constitution to regulate union affairs such as:

16.4.11.10.1. Election, balloting, injury or meeting procedures or union discipline and appeals;

- 16.4.11.10.2. Consider any changes or improvements in conditions of service of personnel;
- 16.4.11.11. To deal with any matter delegated to it by the Congress of National Council.
- 16.4.11.12. Every decision of the NEC:
 - 16.4.11.12.1. Must be consistent with this constitution and with any relevant decision of the National Congress of National Council;
 - 16.4.11.12.2. The National Council must receive regular updates on the execution of their mandates.
- 16.4.11.13. The NEC is the sole authority who could in consultation with Provinces, Regions and Branches commit the Union or any other part of the Union structures to a protected strike or lock-out in terms of the provisions of the Labour Relations Act No.66 of 1995.

17. NATIONAL CONGRESS.

17.1. Date and Place.

There shall be held a National Congress once every third (3rd) year during the month of September. The NEC in consultation with the NC shall determine the place for such Congress.

17.2. Composition.

The National Congress shall be constituted by the members of the NEC, the PEC's and two delegates elected by each Region.

17.3. Powers of National Congress.

17.4. The National Congress is the highest governing body of the union and therefore authorized and obliged to:

- 17.4.1. Determine national policy to timber the political, socio-economic and organizational policy framework of the union;
- 17.4.2. Elect the President, First Deputy President, Second Deputy President, General Secretary, Deputy General Secretary and the National Treasurer from the properly nominated provincial members of the PEC. The relevant provinces from which the National Office Bearers are elected, may elect new NEC members from the members of the PEC's at the Congress, and that they are duly confirmed at Congress.
- 17.4.3. Confirm the appointments of the provincially elected members of the NEC.
- 17.4.4. Receive and decide on reports from the President in respect of the activities of the NEC, National Council, the General Secretary and the audited financial statement.
- 17.4.5. To pass (adopt) amendments to the constitution.

17.5. Request for a Special National Congress.

The General Secretary in consultation with the NEC is obliged to convene a Special National Congress, if requested to do so in writing by 50% of the members of the National Council, on a date not later than sixty (60) calendar days after receipt of such request.

17.6. Business of Special National Congress.

Only the matter(s) in respect of which this Special National Congress has been convened may be dealt with at the Special National Congress

17.7. Delegates

All paid-up members of the Union are eligible to attend National Congresses and shall enjoy equal status in participation in all proceedings at congress subjected to the proviso that voting rights will be limited to those members who are elected delegates and constitute the National Congress as contemplated in clause 17.2.

18. NATIONAL OFFICE BEARERS

18.1. The National Office Bearer (NOB) are duly elected shop stewards nominated by the PEC who are elected at National Congress.

18.2. NOB (worker leaders) consists of 6 members namely.

- 18.2.1. The President.
- 18.2.2. The First Deputy President.
- 18.2.3. The Second Deputy President.
- 18.2.4. The National Treasurer.
- 18.2.5. The General Secretary.
- 18.2.6. The Deputy General Secretary.

18.3. Each National Officer-Bearer.

- 18.3.1. Must be elected for a term of three (3) years by the National Congress, in accordance with the provisions of subsection (18.3);
- 18.3.2. Assume their term of office on the first working day following the close of the Congress meeting at which they were elected; and
- 18.3.3. Hold office until the earliest of the date on which.
 - 18.3.3.1. The office-bearer resigns or dies.
 - 18.3.3.2. The office-bearer is removed from office in terms of section 64; or
 - 18.3.3.3. Their successor assumes office after being elected by the Congress.

18.4. Organizational Function and Powers of the NOB's

18.4.1. The President must;

- 18.4.1.1. Preside over meetings of Congress, National Council and NEC and conduct those meetings in accordance with this constitution.
- 18.4.1.2. Performs such other duties as by usage and custom pertains to the office.
- 18.4.1.3. In the event of an equal vote, except in the election of office bearers, he/she shall have a casting vote.

18.4.1.4. In consultation with NOB's ensure enforcement and observance of the rules and orders of this constitution.

18.4.1.5. After consultation with the National Treasurer and / or NOB's collective co-sign the national banking accounts and sign minutes of meetings of the National Council and NEC;

18.4.1.6. Together with other NOB's, generally supervise the affairs of the union and perform duties incidental to the office subject to the resolution of the NEC or Congress and more importantly in compliance with the constitution of the Union.

18.4.2. First and Second Deputy President.

18.4.2.1. Assist the President and perform any duties of the President that are delegated to him/her.

18.4.2.2. Perform the duties of the President if for any reason the President is unable to perform, them.

18.4.2.3. If neither President nor First or Second Deputy President's are unable to perform the duties of the President, NEC must appoint someone from the NEC to act as President Until;

18.4.2.4. The President or one of the Deputy President's are able to perform the duties of the President;

18.4.2.5. A new President of Deputy President is elected.

18.4.3. National Treasurer.

18.4.3.1. Supervise the financial affairs of the Union.

18.4.3.2. Endorse all accounts for payments and sign cheque's on the national banking accounts of the Union;

18.4.3.3. Submit and present statements of the national accounts for each month to the NEC, and for each annual period to the National Council.

18.4.3.4. Perform duties usual to the office of the Treasurer, or as reasonably required by the National Council or NEC.

18.4.4. The General Secretary.

18.4.4.1. The General Secretary is the Administrative head of the Union and shall perform the duties imposed on him/her by Section 98, 99 and 100 of the Labour Relations Act, 1995 which relates to the keeping of records and the furnishing of information to the Registrar.

The General Secretary is also responsible to perform the following duties namely:

18.4.4.1. Record keeping of books and accounts of the union as required in terms of the LRA and by the NEC;

18.4.4.3. Must assist the National Treasurer in submitting statement of income and expenditure of the union to each meeting of the Congress, NEC and National Council;

18.4.4.4. Preparing and circulating to the NEC, the annual report of activities of the union, including;

18.4.4.4.1. Statement of income and expenditure, and a balance sheet, all certified by the unions auditors and,

18.4.4.4.2. The auditor's report;

18.4.4.4.3. For the correspondence of the union and for tabling it at meetings of the NEC;

18.4.4.4. For sending out notices and minutes of all meetings of the National Congress, NEC and National Council and any other committee meeting;

18.4.4.4.5. To supervise the work of the provincial secretaries and all officials of the union;

18.4.4.4.6. For the general organizing and co-coordinating of work of the union and for the general office work and administration of the affairs and activities of the union;

18.4.4.5. The General Secretary must Institute and defend legal proceedings in the name of the union in urgent circumstances;

18.4.4.6. The General Secretary must undertake any other duty that is necessary or requested by Congress, NEC or National Council;

18.4.4.7. The General Secretary is responsible to maintain a current inventory of the Property of the Union, and attach a summary of that inventory to the report.

18.4.4.8. The General Secretary shall from time to time re-evaluate and re-determine the conditions of service of all Union personnel and make recommendation for changes or improvements to the NEC for their consideration;

18.4.5. The Deputy General Secretary must:

18.4.5.1. Assist the performance of the duties of the General Secretary; and

18.4.5.2. Perform those duties if the General Secretary is unable to perform them.

18.5. Suspension of President and 1st and 2nd Deputy President.

18.5.1. In the event that the President or 1st or 2nd Deputy President acts contrary to the provision of clause 9.2.2. and 9.2.3. or conducts himself/herself in manner which may bring the Union into disrepute, or for any other reason as may be determined by the NEC to warrant disciplinary action, they may be suspended by the NEC with immediate effect.

18.5.2. The NEC shall have the right to appoint a member of the NEC in an acting position until their vacancy has been filled in an National Council meeting.

19. GENERAL RULES IN RELATION TO MEETING PROCEDURES.

Apart from the rules already contained in this Constitution in respect of the holding of meetings the following general rules shall apply:

19.1. Notice and Agenda of Triennial Congress of the Union.

19.1.1. Notice of Congresses together with the Agenda for the Congress shall be delivered to all Regional and Provincial Secretaries by the General Secretary at least thirty (30) days before the date of the Congress concerned.

19.1.2. The annual reports of the NEC and the National Council, including the audited financial statement for the previous financial year shall accompany the notice in respect of the National Congress.

19.1.3. Unless the National Congress at its discretion grants special condonation, only matters which appear on the Agenda may be discussed at the congress.

19.1.4. The Procedure outlined above shall apply to any special National Congress called between regular National Congresses.

19.2. Notice of the NEC Meetings.

Notice of a NEC meeting together with the agenda for that meeting shall be sent by the General Secretary to each committee member at least ten (10) days before the date of the meeting concerned.

19.3. Notice of Regional or Branch Committee Meetings.

Notice of the REC meeting or a Branch Executive Committee meeting together with the notice and agenda shall be sent to by the REC or Branch Executive Committee secretary, whichever is applicable, and to each committee member at least seven (7) working days before the meeting.

19.4. Notice of National Council and PEC Meeting.

The secretary of the respective committees shall inform members of the National Council and PEC of meetings within seven (7) working days before such a meeting.

19.5. Quorum.

19.5.1. Fifty percent (50%) , plus one (1) shall constitute a quorum at Branch Executive committee, REC, PEC, National Committee and NEC meetings. All structures of the union shall submit written reports by its secretary to the structure immediately above it. The reports shall contain activities of the different structures. Reports shall be made available to the different structure three (3) days before its meetings.

19.5.2. Any Union meeting shall be postponed for a period of seven (7) days if a quorum is not present twenty minutes after the scheduled time of commencement. On resumption of the postponement meeting the delegates or committee members, as the case may be, present at the meeting, shall constitute a quorum.

19.6. Presiding Officials.

The President and, in his/her absence, the Vice-President of the Union shall be the residing officer at the National Congress, NC and NEC meetings. The meetings concerned shall elect a presiding officer in the event of neither the President nor the Vice-President being present.

19.7. Voting.

19.7.1. Voting rights at the National Congress are limited to members who are elected delegates and constitute National Congress as contemplated in clause 17.2.

19.7.2. Any matter which is considered at any meeting shall be determined by a majority vote. Voting shall take place by a show of hands or a ballot in terms of clause 19.8. Which can be determined by the meeting in progress.

19.7.2.1. The announcement of the outcome of the vote by the Presiding officer shall be regarded as final and shall conclude the voting process.

19.7.2.2. Any person with the right to vote after the result had been known lodge objection against the validity thereof immediately may request a recount or re-vote.

19.7.2.3. The Presiding officer in the vent of a deadlock shall have a determinative vote at all meetings.

19.7.3. Any delegate who has the right to vote at any meeting may be represented by a proxy provided written application to be represented by proxy is submitted to the Presiding Officer before the official commencement of the meeting.

19.7.4. Voting to commit the Union or any part of the Unions structure to a strike of lock-out shall be done under strict supervision by secret ballot.

19.7.5. Fifty percent (50%) + one (1) of all ballots cast can commit the Union or any of its structures to participate in a protected strike of lock-out.

19.8. Ballots.

19.8.1. In addition to those cases in respect of which the taking of a ballot of members of the whole Union or of a BEC, REC and PEC is compulsory in terms of this Constitution, a ballot on any question shall be taken if the NEC so decides, and shall also be taken:

19.8.1.1. If demanded by a Branch or by a Region;

19.8.1.2. On any proposal to declare or take part in any strike.

19.8.2. Ballots shall be conducted in the following manner:

19.8.2.1. Notice of a ballot shall be given to each member of the Branch, Region or Province in writing by the Branch, Regional or Provincial Secretary at least fourteen (14) days 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 the members present.

19.8.2.2. Two scrutineers shall be appointed by each REC/PEC or a General Meeting to supervise any ballot and to ascertain the result thereof.

NATIONAL OFFICE BEARERS

President: Berline Roseberry, 1st Deputy President: Eddie Mahube, 2nd Deputy President: Morongwe Olga Theledi, National Treasurer: Laurence Mostert, General Secretary: Abdul Hadee Vent, Deputy General Secretary: Ashley Kleinhans

