

# SACCAWU CONSTITUTION



**UNITY DEMOCRACY SOCIALISM!**

AS AMENDED BY DIRECTIVE OF THE NINTH NATIONAL CONGRESS - 2008



SOUTH AFRICAN COMMERCIAL, CATERING AND  
ALLIED WORKERS UNION  
[SACCAWU]

CERTIFICATE

This is to certify that the Union complied with the provision of its Constitution in respect of the alterations to the Constitution.

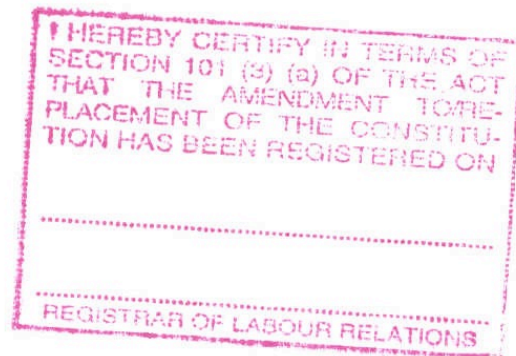
Signed at Braamfontein on this 18<sup>th</sup> day of March 2009

A. MOTHAPG

PRESIDENT



GENERAL SECRETARY



RESOLUTION  
TO AMEND THE CONSTITUTION OF THE UNION  
adopted by SACCAWU NATIONAL CONGRESS  
held on the 15<sup>th</sup> - 18<sup>th</sup> October 2008

We hereby resolve to:-

1. Insert all amendments adopted by directive of the Congress into the Constitution.
2. The Constitution will then have to be printed after the insertion has been approved by the Registrar of Labour Relations.

This resolution was carried on motion by:

Proposer: North West-Vaal

Seconder: Wits, Western Cape, Eastern Cape, Free State/Northern Cape, KwaZulu Natal, Mpumalanga and Northern Region.

This is certified to be a true extract from the National Congress Minutes.



GENERAL SECRETARY



PRESIDENT

I HEREBY CERTIFY IN TERMS OF  
SECTION 101 (3) (a) OF THE ACT  
THAT THE AMENDMENT TO RE-  
PLACEMENT OF THE CONSTITU-  
TION HAS BEEN REGISTERED ON

4 May 2009

REGISTRAR OF LABOUR RELATIONS

## SACCAWU CONSTITUTION

### PART ONE

#### INTRODUCTION TO SACCAWU CONSTITUTION

1. The name of the Union shall be the South African Commercial, Catering and Allied Workers Union (SACCAWU), with its colours of identity being Black, White and Red.

The official emblem shall be a square box, with a black background and red border. Inside the square box, a picture depicting eight front-facing protesters (in white colour), the one on the extreme right raising a clenched fist and the one on the extreme left facing leftwards carrying a red banner inscribed SACCAWU (in black colour) tied to two sticks/wooden holders (in white colour).

#### AIMS

Workers in their thousands have united to form SACCAWU:

- 1.1 to defend and protect themselves and fight for a decent standard of living;
- 1.2 to build a democratic, just, non-racial and non-sexist society free of all forms of exploitation and oppression;
- 1.3 to struggle for the abolition of the Capitalist System and for the establishment of a Classless Society.

We believe that this can be achieved only under the Leadership of a united Working Class and we commit ourselves to:

- 1.4 building a strong and democratic organisation run and controlled by Workers through its mandated Leadership;
- 1.5 carry out democratic decision-making;
- 1.6 uniting all Workers in the Trades/Industries in which we operate into one strong National Union;
- 1.7 eradicate all forms of racism and sexism;
- 1.8 participate actively in the mobilisation of the broader Working Class.

#### **Our objectives are:**

- 1.9 to regulate relations between Members and their Employers and to protect and further the interests of Members in relation to their Employers;
- 1.10 to build a strong and active Shopstewards movement;
- 1.11 to improve wages and working conditions;
- 1.12 to resist retrenchments and fight for full employment and job security
- 1.13 to set up effective Collective Bargaining machinery;
- 1.14 to democratise the work processes;
- 1.15 to render efficient service to members;
- 1.16 to oppose any policy, practice or measure which will cause division or disunity amongst Members or Workers;

- 1.17 to promote or oppose any laws or administrative measures that affect the interests of Workers;
- 1.18 to work towards one Federation of Trade Unions and to unite and represent all Workers in South Africa;
- 1.19 to build solidarity with Workers and their Unions in different Countries;
- 1.20 to use every legitimate means to encourage all Workers who are eligible for membership to become Members;
- 1.21 to promote Working Class unity and organisation;
- 1.22 to establish and administer funds for the benefit of our Members and/or their Dependants, provided that such fund or funds shall be administered in terms of the rules or any amendments thereto which have been adopted at a duly constituted National Congress of the Union. The rules and amendments thereto governing such funds shall on establishment thereof be submitted to the relevant Registrar.
- 1.23 to do such other lawful things as appear to be in the interests of Members generally and which are not inconsistent with the objects or any other matter specifically provided for in this Constitution.
- 1.24 to struggle for gender equality in the workplace, the Union and society in general,
- 1.25 to oppose any racist and discriminative practices or conduct that may cause division (to foster non-racism within the Union and the Society).

## **2. SUMMARY OF STRUCTURES OF SACCAWU**

This summary is only a guideline for Shopstewards.

SACCAWU consists of the following levels of organisation:

### **2.1 SHOP FLOOR LEVEL:**

- 2.1.1 Shopstewards Committee;
- 2.1.2 Company Councils;
- 2.1.3 Company General Meetings.

### **2.2 LOCAL LEVEL:**

- 2.2.1 Local Shop Stewards Council;
- 2.2.2 Local Executive Committee;
- 2.2.3 Local Office Bearers;
- 2.2.4 Local General Meeting.

### **2.3 REGIONAL LEVEL:**

- 2.3.1 Regional Congress;
- 2.3.2 Regional General Council;
- 2.3.3 Regional Executive Committee;
- 2.3.4 Regional Office Bearers;
- 2.3.5 Regional Company Council
- 2.3.6 Regional General Meeting.

### **2.4 NATIONAL LEVEL:**

- 2.4.1 National Congress;
- 2.4.2 Central Executive Committee;
- 2.4.3 National Executive Committee;
- 2.4.4 National Office Bearers;

2.4.5 National Company Council.

**2.5 SHOP FLOOR LEVEL:**

At Shop Floor level, a Shopstewards Committee shall:

- 2.5.1 consist of all the Shopstewards in that establishment;
- 2.5.2 be elected by the Union Members at the establishment;
- 2.5.3 have regular meetings amongst themselves, at least once a month and with the Workers at least once a month;
- 2.5.4 be responsible for leading and representing Workers according to the mandates given by the Membership from time to time.

**2.6 LOCAL LEVEL:**

2.6.1 There shall be a **LOCAL SHOPSTEWARDS COUNCIL** in each city/town, which shall:

- 2.6.1.1 consist of all the Shopstewards;
- 2.6.1.2 be responsible for all the affairs of that local subject to control by higher bodies;
- 2.6.1.3 elect Local Office Bearers and six additional members to form an LEC every three years;
- 2.6.1.4 meet at least once a month.

2.6.2 **A LOCAL EXECUTIVE COMMITTEE** shall:

- 2.6.2.1 consist of the Local Office Bearers and six other Shopstewards from different establishments elected tri-annually by the Local Shopstewards and the Chairperson of the Local Gender Structure [or a Shopsteward from the Gender Structure where the Gender Structure has not yet elected Office Bearers]. The Official/s / Staff Member/s responsible for the Local shall also be part of the composition;
- 2.6.2.2 run the affairs of the Local subject to control by the Local Shopstewards Council and other higher bodies;
- 2.6.2.3 meet at least once a month.

2.6.3 **LOCAL OFFICE BEARERS** shall:

- 2.6.3.1 consist of the Local Chairperson, Deputy Chairperson, Secretary and Treasurer;
- 2.6.3.2 run the affairs of the Local subject to control by the Local Executive Committee and higher bodies;
- 2.6.3.3 meet at least once a week.

**2.7 REGIONAL LEVEL:**

2.7.1 **A REGIONAL CONGRESS** shall:

- 2.7.1.1 have at least Local delegates; based on the formula of 5 (five) delegates for the first 250 (two hundred and fifty) members and 1 (one) delegate for every additional 250 (two hundred and fifty) members or part thereof; Regional Office Bearers, Regional Departmental Coordinators, the Chairperson of the Regional Gender Structure and all Officials within the Region;
- 2.7.1.2 meet tri-annually;
- 2.7.1.3 be responsible for all the affairs of the Region;
- 2.7.1.4 elect Regional Office Bearers from among the Regional Congress delegates excluding the position of the Regional Secretary who shall be from amongst the regional officials.

**2.7.2 A REGIONAL GENERAL COUNCIL shall:**

- 2.7.2.1 consist of Regional Office Bearers and Local delegates on the basis of one Shopsteward per 300 members, Regional Departmental Coordinators, the Chairperson of the Regional Gender Structure and all Officials within the Region;
- 2.7.2.2 meet once in twelve months, except in the year of the Regional Congress;
- 2.7.2.3 run the affairs of the Region subject to control by the Regional Congress and higher bodies.

**2.7.3 A REGIONAL EXECUTIVE COMMITTEE shall:**

- 2.7.3.1 meet quarterly;
- 2.7.3.2 consist of the Chairperson of each Local and the other Representatives from the LEC depending on the size of the Local, the Chairperson of the Regional Gender Structure and all Officials within the Region;
- 2.7.3.3 be responsible for the day-to-day administration and control of the Region, subject to control by the Regional General Council and other higher bodies.

**2.7.4 REGIONAL OFFICE BEARERS shall:**

- 2.7.4.1 consist of the Regional Chairperson, Deputy Chairperson, Treasurer and Secretary;
- 2.7.4.2 run the affairs of the Region subject to control by the Regional Executive Committee and higher bodies;
- 2.7.4.3 meet at least once a month.

**2.8 NATIONAL LEVEL:**

**2.8.1 A NATIONAL CONGRESS shall:**

- 2.8.1.1 consist of delegates from each Region. The delegates shall be elected from each Local. There shall be one delegate for every 500 Members (or part thereof) in that Local. There will also be 2 Regional Gender Coordinators (one being an Official and the other a Chairperson of the Regional Gender Structure), National Office Bearers, Departmental Heads and the Chairperson of the National Gender Committee as well as Union Official/s as may be decided by Executive Structures from time to time;
- 2.8.1.2 be held every three years;
- 2.8.1.3 be the supreme governing body of the Union;
- 2.8.1.4 the National Office Bearers will be elected once every three years by a National Congress from amongst the Congress delegates.

**2.8.2 THE CENTRAL EXECUTIVE COMMITTEE shall:**

- 2.8.2.1 consist of four delegates from each REC and the National Office Bearers; Regional Secretaries, one Official from each Region, Departmental Heads, and the Chairperson of the National Gender Committee;
- 2.8.2.2 meet every six months
- 2.8.2.3 be responsible for the control of the Union, subject to control by the National Congress.



**2.8.3 THE NATIONAL EXECUTIVE COMMITTEE shall:**

- 2.8.3.1 consist of National Office Bearers, the Departmental Heads, Regional Chairpersons, Regional Secretaries and the Chairperson of the National Gender Committee;
- 2.8.3.2 meet at least twice a year;
- 2.8.3.3 be responsible for the day-to-day running of the Union subject to control by the Central Executive Committee and higher bodies.

**2.8.4 NATIONAL OFFICE BEARERS shall:**

- 2.8.4.1 consist of the President, 1<sup>st</sup> and 2<sup>nd</sup> Deputy Presidents, the National Treasurer, the General Secretary and the Deputy General Secretary;
- 2.8.4.2 run the affairs of the union subject to control by the National Executive Committee and higher bodies;
- 2.8.4.3 meet once a month.

**2.9 GENERAL:**

- 2.9.1 All Delegates/Representatives shall be Shopstewards at their places of work.
- 2.9.2 All Officials of the Union shall have no voting rights within the Union.
- 2.9.3 Office Bearers shall be elected for a three year term of office.
- 2.9.4 All Officials shall attend meetings and participate in all campaigns of the Union / COSATU and/or any other Federation to which the Union is affiliated, subject to being eligible to attend such meetings or being delegated by the Union.

**3 RIGHTS AND OBLIGATIONS OF MEMBERS**

**3.1. Members are entitled to the following rights,**

- 3.1.1 Representation in matters of mutual interest;
- 3.1.2 Protection against victimisation, harassment, unfair dismissal and other forms of unfair treatment;
- 3.1.3 To stand for election for any position they are entitled to stand for in terms of this Constitution, provided they are in good standing;
- 3.1.4 Access to all relevant information through the relevant structures.

**3.2 ALL MEMBERS ARE OBLIGED TO:**

- 3.2.1 abide by clauses of this Constitution;
- 3.2.2 respect and promote policies, aims and objectives of the Union;
- 3.2.3 participate in Union campaigns and campaigns of Federations to which the Union is affiliated;
- 3.2.4 pay monthly subscriptions and levies as decided upon by structures provided such decisions are in line with this Constitution;
- 3.2.5 act in a manner that doesn't bring the Union's name into disrepute.

**4 MEMBERSHIP:**

- 4.1 Membership of the Union shall be open to Workers employed in the following Trades and Industries:
- 4.1.1 The Commercial Distributive Trade and/or Wholesale & Retail;
  - 4.1.2 Tearoom, Restaurant and Catering Trade;
  - 4.1.3 Musical Record and Tape Manufacturing and Distributive Industry;
  - 4.1.4 Office Employees and Equipment, Distributing and Stationery Manufacturing and Distributing Industry;
  - 4.1.5 Hotel and Liquor Trade;
  - 4.1.6 Financial Institutions Trade; (including Land and Reserve Banks)
  - 4.1.7 Boarding House, Holiday Flats Trade;
  - 4.1.8 Entertainment Establishments Trade;
  - 4.1.9 Meat Trade;
  - 4.1.10 Coal Trade;
  - 4.1.11 Confectionery Trade;
  - 4.1.12 Hairdressing Trade;
  - 4.1.13 Publishing Trade;
  - 4.1.14 Distribution and Manufacturing of Jewellery Trade;
  - 4.1.15 Distribution and Sale of Precious Metal Trade;
  - 4.1.16 Auctioneering Trade.
  - 4.1.17 Parkades and Parking Lots Trade;
  - 4.1.18 Sports Club Trade;
  - 4.1.19 Tollgates Trade;
  - 4.1.20 Cleaning Services Undertaking;
  - 4.1.21 Food Processing and Manufacturing Industry;
  - 4.1.22 Clothing and Knitting Industry;
  - 4.1.23 Security Services Undertaking;
  - 4.1.24 Textile Manufacturing Industry;
  - 4.1.25 Hospitality, Tourism and Conservation;
  - 4.1.26 Professionals, Technical and Managerial staff employed in trades and industries mentioned in 4.1.1- 4.1.25

**PART TWO**

## SHOPSTEWARDS ORGANISATION

### 5 SHOPSTEWARDS ELECTIONS:

- 5.1 One or more Shopstewards shall be elected at each establishment where the Union has at least three but not more than ten members. The number of Shopstewards shall be decided by the ratio of one (1) Shopsteward per ten (10) Members where the Union has more than ten members.
- 5.2 Three days prior notice to Members shall be provided by the Union office of any meeting at which election of Shopstewards is to be held.
- 5.3 An Official of the Union or duly designated Shopsteward shall convene a meeting of the Members of the establishment for the purposes of electing Shopstewards.
- 5.4 The nomination of Members as Shopstewards shall take place at a meeting of the Members of the constituency of the relevant establishment, where there are three (3) or more Members. All nominations shall be duly proposed and seconded by such Members. Voting for the election of Shopstewards shall be by ballot and in the event of only one (1) person being duly nominated (s)he shall be declared as duly elected.
- 5.5 Shopstewards shall be elected for a term of office of three (3) years provided they shall hold office until a further election has been held which further period shall not exceed one year.
- 5.6 Shopstewards shall be eligible for re-election upon expiry of their term of office.

### 6 VACANCIES:

Shopstewards shall vacate their position in any one of the following circumstances:

- 6.1 On ceasing to be employed in the establishment in which (s)he was elected;
- 6.2 On failing to attend three (3) consecutive meetings of the Shopstewards Committee without forwarding a reasonable excuse in writing;
- 6.3 On ceasing to be a Member in good standing;
- 6.4 On resignation, suspension or expulsion from Membership of the Union or being unable to perform her/his duties;
- 6.5 On resigning on a month's written notice to the Regional Secretary;
- 6.6 On the receipt of the Regional Secretary of a petition requesting such Shopsteward to vacate her/his position and signed by not less than fifty (50%) percent of the Members of her/his constituency of the establishment concerned;
- 6.7 In the event of any vacancy arising, a by-election shall be held in the same manner as an election. The Members so elected shall hold office for unexpired period of her/his predecessor's term of office.

### 7. SHOPSTEWARD COMMITTEE:

#### 7.1 COMPOSITION:

- 7.1.1 Duly elected Shopstewards in any establishment shall jointly form a Shopsteward Committee.
- 7.1.2 The Shopstewards Committee shall elect from among its Members a Co-ordinator, and an Assistant Co-ordinator may be elected if deemed necessary by the Shopstewards Committee.
- 7.1.3 A Secretary shall also be elected from among Shopstewards to take minutes at Shopsteward Committee meetings.

**7.2 MEETINGS:**

- 7.2.1 The Shopsteward Committee shall meet at least once a month.
- 7.2.2 The Co-ordinating Shopsteward shall ensure that all Shopstewards are notified in advance of any such meeting.
- 7.2.3 A quorum at meetings of the Shopstewards Committee shall be a majority of Shopstewards at that establishment.
- 7.2.4 Minutes of all Shopstewards Committee meetings shall be taken by a Secretary and made available to Members of the Union on request and to committee members soon after the committee meeting.

**7.3 POWER AND DUTIES OF SHOPSTEWARDS AND SHOPSTEWARDS COMMITTEE:**

- 7.3.1 The Shopstewards Committee will run the affairs of the Union in the establishment in which they are employed and shall represent Members generally in all dealings with its Management.

They shall:

- 7.3.1.1 investigate and take up grievances/disciplinary appeals of Members with management in their establishment;
- 7.3.1.2 negotiate with Management on all matters affecting the interests of Members at the establishment;
- 7.3.1.3 promote and maintain discipline, order and unity among Members in the establishment;
- 7.3.1.4 try to settle disputes by conciliatory methods where Management makes conciliation possible;
- 7.3.1.5 report regularly to the Local Shopstewards Council, LEC or REC as the case may be of any disputes or grievances of Members;
- 7.3.1.6 become conversant with agreements and laws affecting Members and educate Members accordingly;
- 7.3.1.7 attend all Local Shopstewards Council meetings, COSATU Local Shopstewards Council meetings, Company meetings, and other meetings to which they have been elected;
- 7.3.1.8 convey decisions and policies of the Union and other reports to Members in their establishments;
- 7.3.1.9 elect Delegates to bodies of the Union as required in this Constitution;
- 7.3.1.10 act as a link between Members in their establishment and the rest of the Union without undermining relevant structures of the union;
- 7.3.1.11 enroll new Members and use every legitimate means to ensure that all Workers at the establishment who are eligible for Membership become Members;
- 7.3.1.12 collect contributions, subscriptions and any other amounts due to the Union where such may be necessary and where these have been specifically authorized by the REC or higher bodies. In this case receipts will be issued provided Union Structures decide on alternative proof of payment.

**8. COMPANY COUNCILS:**

**8.1. LOCAL COMPANY COUNCILS**

**8.1.1. COMPOSITION:**

The Local Company Council shall be composed of the Shopstewards Committees from different establishments within the same company in that Local. A Chairperson, Deputy-Chairperson, Treasurer, Secretary and Local Company-based Gender Coordinator [where applicable] shall be elected by ballot from amongst themselves.

**8.1.2 MEETINGS:**

8.1.2.1 The Local Company Council shall meet at least once every month on dates to be determined by Local Company Office Bearers.

8.1.2.2 Meetings shall be conducted in accordance with the rules of procedure as contained in this Constitution,

8.1.2.3 Copies of minutes of Council meetings shall be sent to the Local by the Local Company Council Secretary as soon as possible thereafter

8.1.2.4 The Secretary of the Local Company Council shall submit regular written reports on all activities of the Local Company Council.

**8.1.3 FUNCTIONS OF THE LOCAL COMPANY COUNCIL:**

8.1.3.1 The main function of the Company Council shall be to co-ordinate and promote Union activities within workplaces of that Company.

8.1.3.2 Company Councils may discuss negotiations, disputes and any other issues affecting their Company.

8.1.3.3 Company Councils shall conduct organizing in their Company.

8.1.3.4 Company Councils shall actively participate in Union Campaigns.

8.1.3.5 Company Councils shall ensure that their Company actively participates in Locals, Regional Congresses and National Congresses and attend all Union Structures expected or directed to.

8.1.3.6 The Company Council shall elect Office Bearers and Local Company-based Gender Coordinator every three (3) years.

**8.2 REGIONAL COMPANY COUNCIL**

**8.2.1 COMPOSITION**

The Regional Company Council shall be composed of the shopsteward Committees from different establishments within the same Company in that Region. A Chairperson, Deputy Chairperson, Treasurer, Secretary and Regional Company-based Gender Coordinator shall be elected by ballot amongst themselves.

**8.2.2 MEETINGS:**

8.2.2.1 The Regional Company Council shall meet at least twice every year on dates to be determined by Office Bearers of the Regional Company Council.

8.2.2.2 Meetings shall be conducted in accordance with the rules of procedure as contained in this Constitution,

8.2.2.3 Copies of minutes of Council meetings shall be sent to the Region by the Regional Company Council Secretary as soon as possible thereafter,

8.2.2.4 The Secretary of the Regional Company Council shall submit regular written reports on all activities of the Regional Company Council.

**8.2.3 FUNCTIONS OF THE REGIONAL COMPANY COUNCIL:**

- 8.2.3.1 The main function of the Regional Company Council shall be to co-ordinate and promote Union activities within workplaces of that Company within the Region.
- 8.2.3.2 Regional Company Council may discuss negotiations, disputes and any other issues affecting their Company within the Region.
- 8.2.3.3 Regional Company Council shall conduct organizing in their Company within the Region.
- 8.2.3.4 Regional Company Council shall actively participate in Union Campaigns
- 8.2.3.5 Regional Company Council shall ensure that their Company actively participates in Locals, Regional Congresses and National Congresses and attend all Union Structures expected or directed to
- 8.2.3.6 The Regional Company Council shall elect Company Regional Office Bearers and Regional Company-based Gender Coordinator every three (3) years.

**8.3 NATIONAL COMPANY COUNCIL**

**8.3.1 COMPOSITION:**

The National Company Council shall be composed of not more than two (2) Shopstewards from each workplace in the Company. A Chairperson, Deputy Chairperson, Treasurer, Secretary, National Company-based Gender Coordinator and Fulltime Shopsteward/s shall be elected by ballot from amongst themselves.

**8.3.2 MEETINGS:**

- 8.3.2.1 The National Company Council shall meet at least once a year on a date to be determined by the Office Bearers of the National Company Council.
- 8.3.2.2 Meetings shall be conducted in accordance with the rules of procedure as contained in this Constitution.
- 8.3.2.3 The Secretary shall send copies of the minutes of Council meetings to the Company Council and General Secretary as soon as possible thereafter.

**8.3.3 FUNCTIONS OF NATIONAL COMPANY COUNCIL:**

- 8.3.3.1 The main function of the National Company Council shall be to co-ordinate and promote Union activity within workplaces of that Company.
- 8.3.3.2 National Company Councils may discuss negotiations, disputes and any other issues affecting their Company.
- 8.3.3.3 National Company Councils shall conduct organising in their Company.
- 8.3.3.4 National Company Councils shall actively participate in Union Campaigns.
- 8.3.3.5 National Company Councils shall ensure that their Company actively participates in Locals, Regional Congresses and National Congresses.
- 8.3.3.6 The National Company Council shall elect Office Bearers, the National Company-based Gender Coordinator and Fulltime Shopsteward/s where applicable every three (3) years.
- 8.3.3.7 The National Company Council shall, after due consultation with the National Office Bearers of the Union and mandating by members, resolve on levying members an amount, which shall be kept in a separate bank account controlled and managed by the National Office Bearers of the Company Council. The amount of the money so levied shall be determined by the CEC in terms of clause 38 of this Constitution and used by the Company Council solely for the purpose of advancing the interests of the members

in such Company and enable the Company Council to carry out its organizational responsibilities and activities.

8.3.3.8 The Company Council National Treasurer, assisted by other Company Council NOBs shall accordingly account for such finances to all National Company Council meetings and other Union structures as may be directed from time to time.

#### **8.4. FULL TIME SHOPSTEWARD**

8.4.1 A fulltime Shopsteward(s) is/are elected by the Company Shopstewards Council amongst Shopstewards of the said company, except for the union Office Bearers elected by Congress, whose full time status will be negotiated by the Union as and when that arises to enable adequate time off to exercise his/her union duties as an office bearer.

8.4.2 The term of office, like in all Constitutional aspects, is three (3) years.

8.4.3 Where the fulltime Shopsteward vacates the office permanently, by-elections will be held for the unexpired terms duration.

8.4.4 The Full Time Shopsteward will be on full pay by his/her company whilst expected to perform union duties both within the company and in the Union.

#### **8.4.5 Duties and Responsibilities**

8.4.5.1 Responsible to co-ordinate union activities and facilitate Shopsteward and worker understanding of issues and proposals, as well as union obligations at the workplace.

8.4.5.2 To co-ordinate activities of other shopstewards on behalf of workers and the union as well as become a convenor in interactions between shopstewards and management.

8.4.5.3 To ensure that shopstewards are trained and fully acquainted with their respective duties and Constitutional obligations, including to ensure that all attend and participate in local shopstewards councils and other union structures wherein shopstewards are delegated / deployed and/or elected to partake.

8.4.5.4 To ensure that all workers in the relevant company are well acquainted and inducted on union operations and workers rights.

8.4.5.5 To as well spend half of the time afforded in the nearest union offices and/or as required by the union to assist amongst others in union day to day operations, such as recruitment; whilst in the main will have to ensure that his/her company is fully organised.

8.4.5.6 Full time Shopstewards should at all material times be accountable to the Union and like organisers will have set recruitment targets and will be expected to submit weekly or monthly schedules and reports to the Regional Secretary.

8.4.5.7 Full time Shopstewards should report to the National Office Bearers of the Company Council.

8.4.5.8 Full time Shopstewards should participate in the Union and COSATU meetings or activities.

8.4.5.9 Full time Shopstewards should represent members of the Union across companies.

8.4.5.10 The Full time Shopstewards remain employees of their companies hence will as well be expected to be subjected to the normal rules and working conditions applicable to all other company employees, whilst accorded their Full time Shopstewards status without hindrance and/or unwarranted interference by management.

8.4.5.11 Ensure that Shopstewards understand Collective Agreements concluded between the Union and the Company, including implementation and application of same within the Company.

## **8.5 COMPANY-BASED GENDER COORDINATORS**

8.5.1 The main functions of a Company National Gender Co-ordinator is to:

- 8.5.1.1 co-ordinate and promote gender equality issues and activities within the company;
- 8.5.1.2 co-ordinate the establishment of gender committees within workplaces;
- 8.5.1.3 ensure that regional and local gender co-ordinators are elected/ appointed
- 8.5.1.4 ensure that women members participate actively in Union activities;
- 8.5.1.5 promote women leadership in the company structures by ensuring that women are elected as shopstewards;
- 8.5.1.6 ensure that gender and women specific Collective Bargaining issues are negotiated such as sexual harassment;
- 8.5.1.7 organise more women into the Union;
- 8.5.1.8 educate and raise awareness about gender issues in the company;
- 8.5.1.9 Submit an annual report or as requested to relevant Company Councils and the Union Gender Coordinator about activities within the Company and progress.

## **8.5.2 REPRESENTATION**

8.5.2.1 The National Company Gender Coordinator shall preferably be a woman and shall:

- 8.5.2.1.1 form part of the National Negotiating Team;
- 8.5.2.1.2 attend the National Company Council;

## **8.5.3 PROCEDURES FOR ELECTION**

The Company based Gender Coordinators shall be elected at a Company NSSC, Company RSSC and Company LSSC.

## **8.5.4 REGIONAL AND LOCAL COMPANY COUNCILS**

The above shall be duplicated at a regional and local level where appropriate, except for forming part of National Negotiating Team, unless otherwise elected as National Negotiator as per procedures.

The Regional and Local Gender Co-ordinator shall account and submit reports to the National Company Gender Coordinator as well as relevant Regional and Local structures of the Union.

## **9. COMPANY GENERAL MEETINGS:**

Members from a Company shall attend general meetings convened by the Company Council Office Bearers, from time to time, to discuss and decide upon matters that concern them.

## **PART THREE**

### **LOCAL ORGANISATION**

## **10. ESTABLISHMENT OF LOCALS:**

- 10.1. Each Region shall be divided into Locals. The REC shall demarcate the area covered by each Local, subject to ratification by the CEC.



- 10.2. A Local must have a minimum of 500 Members with a maximum radius of 200 kilometers.
- 10.3. In any Town/City with less than 500 Members, the Members will form part of the nearest Local.
- 10.4. There shall not be more than one Local in any Town or City provided that should a Town or City have more than 10 000 Members the REC may form a second Local.

## **11. LOCAL SHOPSTEWARDS COUNCIL:**

### **11.1 COMPOSITION:**

A Local Council shall be composed of a Chairperson, a Deputy Chairperson, Treasurer and Local Secretary and all Shopstewards from establishments within the area covered by the Local. All Full-time Local Employees of the Union are obliged to attend Local Council meetings. Local Office Bearers may grant permission to ordinary members to attend Local Council meetings, in establishments with less than ten members; provided such members will not enjoy voting rights.

### **11.2 MEETINGS:**

- 11.2.1 Every Council meeting shall determine the date of the next Council meeting.
- 11.2.2 Notice of every Council meeting with an agenda shall be provided to the Shopstewards of each establishment by the Local Secretary not less than three (3) days before the date of such meeting.
- 11.2.3 Every Shopsteward from every establishment within the Local shall attend the Council meetings. In the event of elections to the Regional Executive Committee and elections of Local Office Bearers there shall be a quorum for Council meetings of at least one Shopsteward from each of more than one third of the establishments in the Local. In the event of there not being a quorum the meeting shall stand adjourned and shall be reconvened within 14 days upon 3 days notice. At such adjourned meeting the Members present shall form a quorum. Written notice of such adjourned meeting shall be given to Members who were absent.
- 11.2.4 Copies of minutes of Council meetings shall be sent to the Regional Secretary by the Local Secretary as soon as possible thereafter and in any event within 30 days of that meeting. Copies of minutes shall be given to the Shopsteward/Shopstewards Committee of each establishment. Minutes of all Council meetings shall be submitted for approval at the following meeting.

### **11.3 POWERS:**

- 11.3.1 A Local Council may, subject to the direction of the Region and National Bodies, decide on all matters concerning the Local and may submit resolutions to the Regional Congress or REC.
- 11.3.2 A Local Council shall review the developments and progress made within the Local and all its establishments and within the Union as a whole.
- 11.3.3 The Local Council shall elect Local Office Bearers and its delegates to the REC, RGC, Regional and National Congresses.
- 11.3.4 Each Local Council shall establish a Local Executive Committee (“LEC”) and shall receive regular reports from the LEC.
- 11.3.5 The Local Council shall ensure active participation of all Local Shopstewards in COSATU Structures.

## **12. LOCAL EXECUTIVE COMMITTEE (“LEC”):**

### **12.1 COMPOSITION:**

The LEC shall be composed of the Local Office Bearers plus an additional 6 Members elected by ballot by the Local Shopstewards Council every three (3) years and the Chairperson of the Local Gender Structure provided that:

- 12.1.1 No establishment shall have more than two (2) Representatives.
- 12.1.2 A Chairperson, a Deputy Chairperson, Treasurer and Local Secretary shall be elected by ballot from amongst delegates by the Local Council.
- 12.1.3 All Union Employees at Local level are obliged to attend LEC meetings.

### **12.2 MEETINGS:**

- 12.2.1 The LEC shall meet at least once a month on a date to be determined by the Local Chairperson.
- 12.2.2 Notice of each LEC meeting with an agenda shall be provided by the Local Secretary to each member not less than 3 days before the date of such meeting.
- 12.2.3 A quorum for LEC meetings shall be a majority of the Members. In the event of there not being a quorum, the meeting shall stand adjourned and shall be reconvened within 14 days. At such adjourned meeting the members present shall form a quorum. Written notice of such adjourned meetings shall be given to the Members who were absent.
- 12.2.4 Copies of minutes of LEC meetings shall be sent by the Local Secretary to the REC as soon as possible thereafter and in any event within 30 days of that meeting. Copies of minutes shall be given to each LEC member and to the Local Shopsteward Council. Minutes of all LEC meetings shall be submitted for approval at the following LEC meeting.

### **12.3 POWERS:**

- 12.3.1 Subject to direction from the Local Council and Regional and National Bodies, the LEC shall be responsible for the overall functioning of the Local.
- 12.3.2 The LEC shall supervise collecting of hand collected subscriptions and banking of such subscriptions in the National account.
- 12.3.3 The LEC shall oversee and supervise the work of Officials.
- 12.3.4 The LEC shall be responsible for co-ordination of organising within that Local.
- 12.3.5 The LEC shall report regularly to the REC any dispute or problems that have occurred within the Local.
- 12.3.6 The LEC shall convey decisions of the Union to the Local Shopstewards Council.
- 12.3.7 The LEC shall act as a link between Members in that Local Shopstewards Council and the rest of the Union.

### **12.4 VACANCIES:**

- 12.4.1 A Member of the LEC shall vacate her/his office or seat in any of the following circumstances:-
  - 12.4.1.1 on resignation, suspension or expulsion from membership of the Union;
  - 12.4.1.2 on ceasing to be a Union Member in good standing;
  - 12.4.1.3 on ceasing to be a Shopsteward at the establishment where (s)he is employed;
  - 12.4.1.4 if the establishment (s)he represent so decides by majority of Members of the establishment at a general meeting;

- 12.4.1.5 in respect of a Member elected at a Local council meeting, by decision of the Local Council provided at least 21 days prior notice of such motion is given to the member concerned;
  - 12.4.1.6 on resignation from the LEC in writing;
  - 12.4.1.7 on absenting herself/himself from three (3) consecutive meetings without sending a written apology acceptable to the LEC or on being elected as either a Regional or National Office Bearer.
- 12.4.2 Vacancies occurring on the LEC shall be filled by elections in the Local Council.

### **13. LOCAL OFFICE BEARERS:**

#### **13.1 COMPOSITION**

Local Office Bearers shall consist of the Chairperson, Deputy Chairperson, Treasurer and the Local Secretary. Local Office Bearers shall be elected tri-annually by ballot, by the Local Council.

#### **13.2 ELECTION**

Local Office Bearers shall be elected amongst Local Shopstewards.

#### **13.3 MEETINGS**

- 13.3.1 LOBs shall meet once a week;
- 13.3.2 Each LOBs meeting shall decide on a date for the next meeting;
- 13.3.3 A majority of LOBs shall form a quorum;
- 13.3.4. Minutes of LOBs meetings shall be submitted to the next meeting for approval.

#### **13.4 FUNCTIONS**

LOBs shall be responsible for the smooth running of the Local subject to control by the LEC and higher bodies.

### **13.5 THE ROLE OF INDIVIDUAL LOCAL OFFICE BEARERS**

#### **13.5.1 CHAIRPERSON:**

The Chairperson shall preside at all meetings of the LEC, Local Council and Local General Meetings at which (s)he is present, enforce observation of the Constitution, sign minutes of meetings after confirmation thereof, generally exercise supervision of the affairs of the Local between meetings and perform such other duties by usage and custom pertain to the office.

#### **13.5.2 DEPUTY CHAIRPERSON:**

- 13.5.2.1 deputise the Chairperson in performing her/his duties and perform such duties of the Chairperson as are delegated to him/her.
- 13.5.2.2 The Deputy Chairperson shall assume the duties of the Chairperson in Chairperson's absence.

#### **13.5.3 LOCAL SECRETARY:**

The Local Secretary shall record the minutes of proceedings of LEC meetings and Local council meetings and be responsible for distribution of copies to all LEC Members and all Council Members and establishment Shopstewards as the case may be and assist the Chairperson with any Local correspondence.

**13.5.4 TREASURER:**

The Treasurer shall be responsible for the Local's finances, allocated to it by the REC.

**14 LOCAL GENERAL MEETINGS:**

The Local Office Bearers may from time to time convene Local General meetings of all Members of that Local.

**PART FOUR:**

**REGIONAL ORGANISATION:**

**15 ESTABLISHMENT AND CONTROL OF REGIONS:**

15.1 The Union is composed of Regions, the numbers and boundaries of which shall be determined from time to time by the National Congress, provided that if a resolution is to be taken by the National Congress to increase the number of Regions, at least one month's prior written notice thereof shall first have been given to each of the existing Regions.

15.2 In the event of a new Region being established, the CEC shall be responsible for convening the first Regional Congress.

15.3 The CEC shall have the right to depute one or more of its members or any Official to investigate the affairs of any Region at any time and shall notify the Region concerned of the reason thereof. Such deputy shall have access to all the records of the Region and the power to take the records into custody for consideration by the CEC.

**16 REGIONAL CONGRESS:**

**16.1 COMPOSITION:**

The Regional Congress shall be composed of the REC Members and Shopstewards from each Local, the Shopstewards elected as follows:-

16.1.1 Locals shall be represented by 5 (five) delegates for the first 250 members and 1 (one) delegate for every additional 250 (two hundred and fifty) members or part thereof

16.1.2 Regional Officials shall attend the Regional Congress, and the Chairperson of the Regional Gender Structure.

**16.2 MEETINGS:**

16.2.1 The Regional Congress shall meet tri-annually at least three months before the National Congress

16.2.2 Notice for every Congress together with an agenda and any resolutions to be considered at that Congress, shall be provided to that Region's Locals not less than three (3) weeks before the date of the Congress.

16.2.3 A quorum for Regional Congress shall be majority of Locals, REC Members and delegates. In the event of there not being a quorum, the meeting shall stand adjourned to the same day in the week following, (and if that day is a public holiday then to the next succeeding working day) at the same time and place. At such adjourned meeting

the Members present shall form a quorum. Written notice of such adjourned meeting shall be given to each Local and to Members who were absent.

- 16.2.4 Copies of minutes of Regional Congresses shall be made available to all delegates within 30 days of such a meeting. Minutes of all Regional Congresses shall be submitted for approval at the following meeting.

**16.3 POWERS:**

- 16.3.1 A Regional Congress may, subject to such directions of the National Congress and the CEC, decide on all matters concerning the Region and may make resolutions to be submitted to the National Congress and the CEC, decide on all matters concerning the Region and may make resolutions to be submitted to the National Congress or the CEC on any matter concerning the Union as a whole and shall have all the powers of and above an REC.
- 16.3.2 The Regional Congress may review, alter or amend any decision of the REC provided that any proposal to so review, alter or amend is in writing and received by the Regional Secretary at least 14 days prior to the Regional Congress meeting. The Regional Secretary shall forthwith send to each REC Member, and to each LEC in the Region, a copy of such a proposal, which shall be received by them at least 7 days prior to the Regional Congress meeting.
- 16.3.3 The Regional Congress shall consider and decide, in addition to other matters which shall be submitted to it for consideration, on the following:
- 16.3.3.1 Triennial Regional reports on the activities of the Region by the Regional Secretary on behalf of the REC;
  - 16.3.3.2 reports from the Regional Chairperson;
  - 16.3.3.3 resolutions;
  - 16.3.3.4 The Regional Congress shall also consider and decide on the Financial Reports and statements presented by the Regional Treasurer.
  - 16.3.3.5 election by ballot of Office Bearers from among the RC delegates excluding the Regional Secretary who shall be elected from amongst the regional Officials as well as CEC delegates, one of which shall be an Official.

**16.4 SPECIAL REGIONAL CONGRESS:**

- 16.4.1 A special Regional Congress may be convened upon request from majority of LECs to the Regional Secretary.
- 16.4.2 A special Regional Congress shall transact only the business for which it has been called.

**17 REGIONAL GENERAL COUNCIL**

**17.1 COMPOSITION**

- 17.1.1 The RGC shall be composed of Regional Office Bearers, the Chairperson of the Regional Gender structure and delegates from Locals based on one (1) delegate for three hundred (300) members.
- 17.1.2 Regional Officials are obliged to attend RGC meetings.

**17.2 MEETINGS**

- 17.2.1 The RGC shall meet once in twelve months, provided no meeting shall be held in the year of the Regional Congress;

- 17.2.2 Notice for an RGC meeting, together with the agenda and reports to be considered, shall be circulated to all Locals at least one month before the date of the meeting;
- 17.2.3 All resolutions to be debated shall be circulated to all Locals, at least, two weeks before the date of the meeting;
- 17.2.4 A quorum for the RGC shall be a majority of delegates and Locals. In the event of there not being a quorum the meeting shall stand adjourned. The adjourned meeting shall take place within ten days of the original meeting at a venue set by the Regional Office Bearers. At such adjourned meeting present delegates shall form a quorum. Written notice for such adjourned meeting shall be circulated to all Locals at least five days before the meeting. No new documents other than those that had been circulated for the original meeting shall be entertained;
- 17.2.5 Copies of minutes of each RGC meeting shall be circulated to all Locals within 21 days of the meeting.

**17.3 POWERS OF THE RGC**

- 17.3.1 The RGC shall decide on all matters concerning the Region and may formulate resolutions to be submitted to higher bodies, subject to control by the Regional Congress and higher bodies.
- 17.3.2 The RGC may review, alter or amend any REC decision provided that any proposal to do so is circulated, in writing, to all Locals at least 14 days before the date of the meeting;
- 17.3.3 The RGC shall consider and decide upon:
  - 17.3.3.1 Reports on Regional activities. Such reports shall be submitted by the Regional Secretary;
  - 17.3.3.2 Financial Reports as well as Audited Annual statements presented by the Treasurer;
  - 17.3.3.3 Resolutions submitted by Locals;
  - 17.3.3.4 Ratify the filling of vacancies of CEC delegates and/or Regional Office Bearers that might have been effected by the REC.

**18 THE REGIONAL EXECUTIVE COMMITTEE:**

**18.1 COMPOSITION:**

- The REC shall be composed of representatives from each Local according to the following:-
- 18.1.1 in Locals with less than 1000 Members – one (1) Representative; who shall be the Chairperson;
  - 18.1.2 in Locals with between 1000 and 5000 Members – two (2) Representative; of whom one shall be the Chairperson;
  - 18.1.3 in Locals with over 5000 Members – three (3) Representatives; of whom one shall be the Chairperson; and
  - 18.1.4 the Regional Office Bearers and the Chairperson of the Regional Gender Structure
- 18.2 Regional Officials are obliged to attend REC meetings.

**18.3 MEETINGS:**

- 18.3.1 The REC shall meet at least four times a year.
- 18.3.2 Notice of every REC meeting together with an agenda, previous minutes and all reports shall be provided to each REC Member not less than 21 days before the date of the meeting.

18.3.3 The quorum for REC meetings shall be a majority of REC Members. In the event of there not being a quorum the meeting shall stand adjourned and shall be reconvened within a period of 14 days. At such adjourned meeting the Members present shall form a quorum. Written notice of such adjourned meeting shall be given to each REC Member.

18.3.4 Minutes of all REC meetings shall be submitted for approval at the following meeting.

**18.4 POWERS:**

The powers of the REC shall be:-

18.4.1 subject to the direction of the Regional General Council and higher bodies, responsible for the overall functioning of the Region;

18.4.2 to co-ordinate the activities of the Union in the Region and to promote the interests of the Union and its Members generally;

18.4.3 to deal with and settle any disputes;

18.4.4 to appoint sub-committees to investigate and report on any matter;

18.4.5 to admit or refuse to admit persons to Membership of the Union and discipline any Member;

18.4.6 to engage, discipline or dismiss any Employee of the Region subject to ratification by the CEC;

18.4.7 to review the decisions and activities of the Local Councils or LEC's and to confirm, alter or reverse any such decisions and criticise, prohibit or support any such activities;

18.4.8 to acquire by purchase, lease or otherwise or to dispose of any property or to hold same on behalf of the Union, subject to ratification by the CEC;

18.4.9 to open and operate a bank account in the name of the Region, subject to the approval of the CEC.

18.4.10 to institute legal proceedings subject to such general guidelines as may from time to time be given by the CEC;

18.4.11 to do such other lawful things as in the opinion of the REC appear to be in the interests of the Union and which are not inconsistent with the terms of this Constitution.

**18.5 VACANCIES:**

18.5.1 A Member of the REC other than the Regional Secretary shall vacate her/his seat in any of the following circumstances:-

18.5.1.1 on resignation, suspension or expulsion of membership from the Union;

18.5.1.2 on ceasing to be a Union Member in good standing;

18.5.1.3 on ceasing to be a Shopsteward at the establishment where (s)he is employed;

18.5.1.4 on being elected as a National Office Bearer;

18.5.1.5 on resignation from the REC in writing;

18.5.1.6 on absenting him/herself from three consecutive meetings which have been duly called in terms of clause 18.3.2 above without sending a written apology acceptable to the REC.

18.5.2 The Regional Secretary may be removed from office by a majority decision of the Regional Congress.

18.5.3 Vacancies occurring on an REC shall be filled as follows:-

18.5.3.1 in the case of Office Bearers of the REC, vacancies shall be filled by appointment by the REC from among themselves on a temporary basis and shall be properly filled by ballot at the next Regional Congress;

- 18.5.3.2 in the case of Members of the REC, the vacancy shall be filled by ballot by the Local from which the vacancy occurred.

**19 REGIONAL OFFICE BEARERS:**

**19.1 COMPOSITION**

Regional Office Bearers shall consist of the Chairperson, Deputy Chairperson, the Treasurer and the Regional Secretary

**19.2 ELECTION**

19.2.1 All ROBs shall be elected by ballot at the Regional Congress;

19.2.2 The Chairperson, Deputy Chairperson and the Treasurer shall be elected from amongst Congress delegates. The Regional Secretary shall be elected from amongst the Officials of the Region.

**19.3 MEETINGS**

19.3.1 ROBs shall meet once a month;

19.3.2 Each ROBs meeting shall decide on the date for the next meeting;

19.3.3 Minutes of each ROBs meeting shall be submitted to the next meeting for approval.

**19.4 FUNCTIONS**

ROBs shall be responsible for the smooth running of the Region subject to control by the REC and higher bodies.

**19.5 DUTIES OF INDIVIDUAL ROBs**

**19.5.1 CHAIRPERSON:**

The Chairperson shall:-

19.5.1.1 attend all Regional Congresses, RGC and REC meetings and preside at such meetings but shall have a deliberate vote only;

19.5.1.2 enforce observance of the Constitution of the Union;

19.5.1.3 sign minutes of meetings;

19.5.1.4 be a co-signatory of Regional cheques;

19.5.1.5 exercise supervision over the work of the Regional Secretary and generally over the affairs of the Region;

19.5.1.6 perform such duties as by usage and custom pertaining to the office.

**19.5.2 DEPUTY CHAIRPERSON:**

The Deputy Chairperson shall:-

19.5.2.1 deputise the Chairperson in performing her/his duties and perform such duties of the Chairperson as are delegated to him/her.

19.5.2.2 The Deputy Chairperson shall assume the duties of the Chairperson in Chairperson's absence.

**19.5.3 TREASURER:**

The Treasurer shall:-

19.5.3.1 check all finances of the Region and ensure that the provisions of the Constitution with regard to the finances of the Region are met;



- 19.5.3.2 endorse all accounts for payment, sign all cheques on the banking account of the Region and perform such other duties as by usage and custom pertaining to the office;
- 19.5.3.3 submit statements of income and expenditure of the Region in respect of each month at each meeting of the REC and in respect of each year to Regional General Council and/or the Regional Congress as the case may be.

**19.5.4 REGIONAL SECRETARY:**

The Regional Secretary shall:-

- 19.5.4.1 be responsible for the proper administration of the Region and co-ordination of the Region
- 19.5.4.2 provide full reports to each REC, RGC and Regional Congress meeting on Regional administration and activities;
- 19.5.4.3 receive requisitions for meetings of the REC;
- 19.5.4.4 issue notices of Regional meetings;
- 19.5.4.5 conduct all Regional correspondence of the Union, keep originals of letters, notices and other documents received and those dispatched and at each meeting of the REC lay on the table correspondence which has been dispatched or received since previous meeting;
- 19.5.4.6 attend all Regional Congress, RGC and REC meetings and record the minutes of proceedings and at each succeeding meeting lay on the table the minutes of the previous meeting for approval and submit the same after confirmation to the General Secretary;
- 19.5.4.7 keep register of Members, record therein in every Member's establishment, date of enrolment and the subscriptions and any fines and levies paid by such Members and the period for which such payments relate, and in the event of resignation, expulsion or transfer of a Member to another Region, the date thereof;
- 19.5.4.8 present a report of the newly recruited applications for Membership at each REC meeting;
- 19.5.4.9 collect subscriptions, fines and levies and issue official receipts for all monies received other than by stop-order, bank all monies within 7 days of receipt, keep such books of account as are prescribed by the REC or CEC and assist the Treasurer to submit statements of income and expenditure of the Region in respect of each month to each meeting of the REC and statements of income and expenditure in respect of each period of 12 months to RGC and /or Regional Congresses, and send copies thereof to the General Secretary;
- 19.5.4.10 be a co-signatory of Regional cheques;
- 19.5.4.11 perform such other duties as are imposed by this Constitution or as the REC or CEC may direct;
- 19.5.4.12 in urgent circumstances, be entitled to institute or defend any legal proceedings on behalf of the Union, in which event (s)he shall inform the General Secretary and the next CEC meeting thereof;
- 19.5.4.13 suspend Officials with pay, where it is deemed appropriate, pending holding an enquiry or the outcome of an investigation.

**20 REGIONAL GENERAL MEETINGS:**

- 20.1 The REC shall convene an Annual General Meeting of all Union Members in the Region in March of each year or by not later than May for the purpose of reporting on the Regional activities.
- 20.2 Special General Meetings may be convened by the REC or upon requests from a majority of Local Shopsteward Councils to the Regional Secretary.

**PART FIVE:**

**21 NATIONAL ORGANISATION:**

The control of the Union nationally shall be vested in the following bodies in order of supremacy:

**NATIONAL CONGRESS (NC)  
CENTRAL EXECUTIVE COMMITTEE (CEC)  
NATIONAL EXECUTIVE COMMITTEE (NEC)  
NATIONAL OFFICE BEARERS (NOBs)**

**21.1 NATIONAL CONGRESS:**

The National Congress shall be the supreme governing body of the Union.

**21.2 COMPOSITION:**

- 21.2.1 The National Congress shall be composed of the National Office Bearers, delegates from each Region elected by each Local on the basis of one delegate per 500 Members or part thereof and the Chairperson of the National Gender Structure.
- 21.2.2 All REC Members of a Local shall be among the Local's delegates.
- 21.2.3 The accrediting of delegates shall be determined by Credentials Committee of the CEC.
- 21.2.4 The delegated Regional and National Officials shall attend National Congress but shall not be entitled to vote.

**21.3 MEETINGS**

The National Congress shall be held in the second half of every third year (triennial) on a date and at a place to be decided by the CEC. Special National Congresses may be held if and when this is considered necessary by the CEC or upon a requisition signed by not less than two thirds ( $\frac{2}{3}$ ) of the Members of the CEC.

**21.4 NOTICE:**

- 21.4.1 Notice of the National Congress shall be provided to each Region not less than 2 months before the date of the Congress.
- 21.4.2 An agenda for the National Congress together with all resolutions that have been submitted by Regions for Congress and the General Secretary's report and any other necessary documents shall be sent to the Regional Secretary of each Region not less than 1 month before the date of the Congress.
- 21.4.3 The Regional Secretary shall send a copy of all such Congress documents sent by the General Secretary to each delegate of the Region not less two (2) weeks before the date of the Congress. Copies of such Congress documents shall likewise be provided to each Regional Official.

- 21.4.4 Regions wishing to send resolutions to the Special National Congress shall send these to the General Secretary not later than 6 weeks before the date of the Special Congress.
- 21.4.5 Notice of the Special National Congress shall be provided to each region not less than one (1) month before the date of the Congress.
- 21.4.6 An agenda for the Special National Congress together with all resolutions that have been submitted by Regions to Congress and any other necessary documents shall be sent to Regional Secretary of each Region not less than two (2) weeks before the date of the Congress.

**21.5 QUORUM:**

The quorum for National Congress shall be a majority of delegates eligible to be present provided that at least two-thirds ( $\frac{2}{3}$ ) of the Regions are represented. In the event of there not being a quorum the meeting shall stand adjourned and shall be reconvened within a period of eight (8) weeks. At such adjourned meeting the Members present shall form a quorum. Four (4) weeks written notice of such adjourned meeting shall be given to all Regions.

**21.6 MINUTES:**

Minutes of the National Congress shall be sent to each Region by the General Secretary or a nominee of the CEC for that purpose within two (2) months of the Congress and shall be read and approved at the following National Congress.

**21.7 POWERS:**

The National Congress shall:-

- 21.7.1 decide on all matters submitted to it for consideration. A Special Congress shall decide on the matter for which the Congress was called.  
The Congress shall have all the powers vested in the CEC and the right to vary or reverse any decision of the CEC or of any Regional or Local meeting.
- 21.7.2 consider and/or decide, in addition to other matters which may be submitted to it for consideration, on the following:-
  - 21.7.2.1 a report on the activities of the Union by the General Secretary or a nominee of the CEC on behalf of the CEC;
  - 21.7.2.2 the report from the President;
  - 21.7.2.3 a financial report presented by the Treasurer and approval of auditors reports and the financial statements of the Union for the financial year
  - 21.7.2.4 resolutions;
  - 21.7.2.5 elections by ballot of President, First Deputy-President, Second Deputy President, General Secretary, Deputy General Secretary and Treasurer;
  - 21.7.2.6 any matter that Congress agrees to discuss;
  - 21.7.2.7 amendments and/or additions to this Constitution.

**22 CENTRAL EXECUTIVE COMMITTEE (CEC):**

The control of the Union shall be vested in the CEC subject to the direction and control of the National Congress.

**22.1 COMPOSITION:**

The CEC shall be composed of National Office Bearers, six Representatives from each Region being the Regional Chairperson, Regional Treasurer, Regional Secretary, two (2)

other Representatives elected by ballot from amongst the REC Members, and one Union Official per Region elected by the Officials of that Region, but not entitled to vote, as well as Heads of Departments and the Chairperson of the National Gender Structure.

**22.2 MEETINGS:**

The CEC shall meet at least once every six months at such time and place as the President in consultation with the General Secretary may decide. Special CEC meetings may be called by the President and shall be called on a requisition by not less than two-thirds ( $\frac{2}{3}$ ) of the Members of the CEC. In the latter event the meeting shall be called within 14 days of receipt of the requisition by the President or General Secretary.

**22.3 NOTICE:**

The General Secretary or a nominee of the CEC shall send to Members of the CEC and all others entitled to attend not less than 14 days written notice of meetings. Such notice shall specify the time and the place and shall include an agenda. This rule shall not apply to Special meetings in respect of which shorter notice may at the discretion of the President be given, provided that not less than 48 hours notice shall be given to each CEC Member.

**22.4 QUORUM:**

The quorum for meetings of the CEC shall be a majority of delegates present and two thirds ( $\frac{2}{3}$ ) of Regions represented. In the event of there not being a quorum the meeting shall stand adjourned and shall be reconvened within a period of four (4) weeks. At such adjourned meeting the Members present shall form a quorum. Two weeks' written notice of such adjourned meeting shall be given to all CEC Members.

**22.5 MINUTES:**

Copies of minutes of CEC meetings shall be sent to each Region by the General Secretary or a nominee of the CEC as soon as possible after the meeting and in any event within 30 days and such minutes shall submitted for approval at the following CEC meeting.

**22.6 POWERS:**

The CEC, subject to the provisions of this Constitution and direction by Congress, shall have the power:-

- 22.6.1 to co-ordinate the activities of the Union and to promote the interests of the Union and its Members generally;
- 22.6.2 to decide what employment posts should be created, maintained or terminated for the effective running of the Union;
- 22.6.3 to engage and dismiss any Employees of the Union, provided in the case of Regional Officials it shall exercise this power in consultation with REC; to fix their remuneration and other conditions of employment and to define their duties;
- 22.6.4 to appoint sub-committees to investigate and report on any matter;
- 22.6.5 to nominate and elect persons to represent the Union on any body constituted to in terms of any law or any other body on which it is desired that the Union shall be represented;
- 22.6.6 to institute and defend legal proceedings by or against the Union;

- 22.6.7 to acquire either by purchase, lease or otherwise any moveable or immovable property and also to sell, let, mortgage or otherwise deal with or dispose of moveable or immovable property belonging to the Union provided that no property of the Union shall be alienated or mortgaged or leased if four or more of the Regions are opposed to such a decision. In the event of such an occurrence the matter shall be referred to the National Congress for a final decision;
- 22.6.8 to open, operate and close banking accounts on behalf of the Union and generally to control the funds and finances of the Union;
- 22.6.9 to borrow or raise monies and funds;
- 22.6.10 to invest monies and funds;
- 22.6.11 to allocate float amounts and other funds to the respective Regions;
- 22.6.12 to sanction all expenditure on behalf of the Union
- 22.6.13 to enter into, ratify or approve any agreement with Employers or Employer's Organisations on behalf of the Union as a whole or a Region of the Union or any Member or Members of the Union; to deal with disputes arising between Members and their Employers and to endeavour to settle disputes by conciliatory method if possible;
- 22.6.14 to establish, re-establish or close down Regions and to define the scope of Regions or Locals. To suspend any REC or any Member of the REC for a maximum of eight weeks for acting contrary to the interests of the Union during which time a Special Regional Congress must be called and the matter that caused the REC or REC Member to be suspended shall be placed before the Special Regional Congress which shall take any decision it deems necessary. In the event of the CEC being dissatisfied with the decision taken by the Regional Congress it may not reverse the Regional Congress decision but may refer the matter to the National Congress for final decision;
- 22.6.15 to review decisions of the REC or Regional Congress and to confirm or reverse such decisions unless specifically excluded by this Constitution;
- 22.6.16 to provide legal assistance to Members on matters related to their employment;
- 22.6.17 to deal with such other things as in the opinion of the CEC may appear to be in the interests of the Union;
  
- 22.6.18 to delegate any of its powers in such manner as it deems fit subject to subsequent ratification by the National Congress. No power of the CEC provided for in this Constitution shall be delegated to any person or committee for a period longer than one year provided this delegation of power may be reviewed after due consideration;
- 22.6.19 to decide all matters of procedure on which this Constitution is silent;
- 22.6.20 to do such other lawful things as may in the opinion of the CEC appear to be in the interests of the Union and which are not inconsistent with the objects or any matters specifically provided for in the Constitution.

**22.7 VACANCIES:**

- 22.7.1 A Member of the CEC shall vacate her/his seat in any of the following circumstances:-
  - 22.7.1.1 on resignation, suspension or expulsion from membership of the Union;
  - 22.7.1.2 on ceasing to be a Union Member in good standing;
  - 22.7.1.3 on ceasing to be a Shopsteward/Member at the establishment where she/he is employed;
  - 22.7.1.4 on ceasing to be a Member of an LEC or REC;

- 22.7.1.5 if the Region she/he represents so decides by a majority of the REC subject to confirmation by Regional Congress;
- 22.7.1.6 on resignation from the CEC in writing;
- 22.7.1.7 on absenting herself/himself from three (3) consecutive meetings without sending a written apology acceptable to the CEC.
- 22.7.2 Vacancies on the CEC shall be filled as follows:-
  - 22.7.2.1 the REC of the Region whose representative has vacated her/his position shall fill the vacancy by electing a new representative at the first REC meeting after the vacancy has occurred subject to confirmation by the next Regional Congress;
  - 22.7.2.2 in the case of the National Office Bearers, shall be filled by appointment by the CEC from amongst themselves on a temporary basis and shall be properly filled at the next National Congress;
  - 22.7.2.3 a Member elected to fill a vacancy shall hold office for the next un-expired portion of the period of office of her/his predecessor.

**23 NATIONAL EXECUTIVE COMMITTEE (“NEC”):**

**23.1 COMPOSITION:**

The NEC shall consist of the National Office Bearers, Heads of Departments, the Regional Chairpersons, the Regional Secretaries and the Chairperson of the National Gender Structure

**23.2 MEETINGS:**

- 23.2.1 The NEC shall meet at least once every six (6) months except in those months in which the CEC or Congress meets at such time and place as the President may decide.
- 23.2.2 The General Secretary or a nominee of the NEC shall give Members of the NEC not less than 7 days written notice of meetings. Such notice shall specify the time and place and shall include an agenda.

The quorum for meetings of the NEC shall be more than half the number of Office Bearers and Members eligible required to be present. In the event of there not being a quorum the meeting shall stand adjourned and shall be reconvened within 14 days. At such adjourned meeting, the Members present shall form a quorum. Written notice of such adjourned meeting shall be given to all Members.
- 23.2.3 Copies of minutes of the NEC meetings shall be submitted to each Region by the General Secretary or a nominee of the NEC as soon as possible after the meeting and in any event within 14 days and shall be submitted for approval at the following NEC meeting.

**23.3 FUNCTIONS:**

The functions of the NEC shall be the following:-

- 23.3.1 to implement Union policy and decisions as made by the National Congress and the CEC;
- 23.3.2 to administer the operations of the Union between National Congresses and CEC meetings;
- 23.3.3 to deal with reports from Head Office departments and Regions;
- 23.3.4 to perform such other functions as may be delegated to it in terms of this Constitution.

**23.4 VACANCIES:**

A Member of the NEC shall vacate her/his seat in any of the following circumstances:

- 23.4.1 in case of Worker Delegates, on ceasing to be a National Office Bearer, a Member of a REC or CEC; or in the case of National Officials, ceasing to be Head of Department of the Union;
- 23.4.2 on resignation from NEC in writing in the case of Worker Delegates from an REC;
- 23.4.3 on absenting herself/himself from three (3) consecutive meetings of the NEC without sending a written apology acceptable to the NEC.

#### **NATIONAL OFFICE BEARERS**

The National Office Bearers of the Union are: the President, 1<sup>st</sup> Deputy President, 2<sup>nd</sup> Deputy President, National Treasurer, General Secretary and Deputy General Secretary. National Office Bearers are elected at the National Congress and shall hold office for three years until the next election. To be eligible for election as National Office Bearers candidates shall be shopstewards at establishments where they are employed except in the case of the General Secretary and the Deputy General Secretary who will be elected amongst full-time Officials of the Union.

#### **24.1 MEETINGS**

- 24.1.1 NOBs shall meet every month on dates determined by the President;
- 24.1.2 The President, in consultation with the General Secretary, shall issue notices of NOBs meetings. Notices for such meetings shall not be less than a period of seven days before the date of the meeting. Notices shall specify the business of each meeting.
- 24.1.3 The quorum for NOBs meetings shall be a majority of NOBs. In the event of there not being a quorum, the meeting shall stand adjourned and shall be reconvened within seven (7) days. At such adjourned meeting, NOBs present shall form a quorum. Five days written notice for such adjourned meeting shall be issued to all NOBs.
- 24.1.4 Copies of minutes of NOBs meetings shall be submitted to each region and all NOBs, by the General Secretary, within seven days of the meeting and shall be submitted at the next meeting for approval.

#### **24.2 FUNCTIONS**

National Office Bearers shall be responsible for:

- 24.2.1 coordinating the activities of the Union;
- 24.2.2 supervising the activities of Regions and Departments;
- 24.2.3 administering the activities of the Union and reporting to higher bodies;
- 24.2.4 the National Office Bearers in the case of the whole Union shall have the right to intervene in any matter that is detrimental to the day to day running of the Union without seeking any permission;
- 24.2.5 performing other functions as may be delegated to them in terms of this Constitution.

#### **24.3 VACANCIES**

A National Office Bearer shall vacate his/her seat in any of the following circumstances:

- 24.3.1 on resigning in writing;
- 24.3.2 on ceasing to be a shopsteward in case of worker NOBs and on ceasing to be a Union employee in case of Officials;
- 24.3.3 The CEC shall fill any vacancy that arises.

**24.4 DUTIES OF INDIVIDUAL NATIONAL OFFICE BEARERS:**

Their duties shall be as follows:-

**24.4.1 PRESIDENT:**

The President shall:

- 24.4.1.1 attend all National Congress, CEC, and NEC meetings and preside at such meetings but shall have a deliberate vote only;
- 24.4.1.2 enforce observance of the Constitution of the Union;
- 24.4.1.3 sign minutes of meetings;
- 24.4.1.4 exercise supervision over the work of the General Secretary and generally over the affairs of the Union;
- 24.4.1.5 perform such other duties as by usage and custom pertain to the office of the President
- 24.4.1.6 report to National Congress, CEC, and NEC meetings
- 24.4.1.7 be a co-signatory to the national banking accounts of the Union.

**24.4.2 DEPUTY PRESIDENTS:**

- 24.4.2.1 The 1<sup>st</sup> and 2<sup>nd</sup> Deputy President in respective order or as agreed, shall deputise the President in performing her/his duties and perform such duties of the President as are delegated to him/her.
- 24.4.2.2 The 1<sup>st</sup> and 2<sup>nd</sup> Deputy President shall, in respective order or as agreed, assume the duties of the President in the President's absence.

**24.4.3 ACTING PRESIDENT:**

In the event of President and both the 1<sup>st</sup> and 2<sup>nd</sup> Deputy President being unable either temporarily or permanently to perform their duties, the CEC shall appoint a Member of the CEC to act as President, who shall hold office until the President or 1<sup>st</sup> or 2<sup>nd</sup> Deputy President are able to assume their duties or until the next election as the case may be.

**24.4.4 TREASURER:**

The Treasurer shall:-

- 24.4.4.1 check all finances of the Union and ensure that the provisions of this Constitution with regard to finances of the Union are complied with;
- 24.4.4.2 check all accounts for payment, sign all cheques on the national banking accounts of the Union and perform such other duties as by use and custom pertain to the office;
- 24.4.4.3 have the right to inspect all records relating to the finances and books of accounts of the Union;
- 24.4.4.4 submit statements of income and expenditure of the Union's national accounts to each meeting of the CEC and NEC and to National Congress;
- 24.4.4.5 act as Chairperson of the National Finance Committee

**24.4.5 GENERAL SECRETARY:**

- 24.4.5.1 The General Secretary shall be a full-time Employee and Official of the Union, and elected from amongst the full-time Officials of the Union.
- 24.4.5.2 The General Secretary shall be responsible for the proper administration and co-ordination of the Union including the duties to:
  - 24.4.5.2.1 issue official receipts of all monies received;



- 24.4.5.2.2 keep such books of accounts as are prescribed by the CEC and to assist the Treasurer to submit statements of the income and expenditure of the Union to each meeting of the CEC and NEC and the National Congress;
- 24.4.5.2.3 supervise the work of Regional Secretaries, and the Officials of the Union;
- 24.4.5.2.4 perform such other duties as are imposed by this Constitution or as the CEC or NEC may direct;
- 24.4.5.2.5 report fully to each National Congress, CEC and NEC meeting on all aspects of the Union's activity;
- 24.4.5.2.6 conduct all the Head Office correspondence of the Union;
- 24.4.5.2.7 be a co-signatory to the national banking accounts of the Union;
- 24.4.5.2.8 ensure that a register of Members is maintained, that proper books of account are kept and that such books are audited annually;
- 24.4.5.3 in addition to the duties laid down above, the General Secretary shall perform the duties imposed on her/him in terms of the relevant and/or appropriate provisions of the Labour Relations Act No. 66 of 1995 ("THE ACT"), relating to the retention of records and the supply of information to the Registrar of Labour Relations;
- 24.4.5.4 suspend Officials with pay pending the holding of an inquiry or outcome of an investigation.

**24.4.6 DEPUTY GENERAL SECRETARY**

The Deputy General Secretary shall deputise the General Secretary and from time to time perform duties delegated to her/ him by the union structures and this Constitution

**24.4.7 ACTING GENERAL SECRETARY:**

In the event of the General Secretary and the deputy General Secretary being unable either temporarily or permanently to perform her/his duties, the CEC shall appoint an Official of the Union to act as General Secretary, who shall hold office until the General Secretary is able to assume his/her duties or until the next election, as the case may be.

**25 HEAD OFFICE:**

**25.1 COMPOSITION:**

The Head Office shall consist of the General Secretaries and other National Officials appointed by the CEC.

**25.2 APPOINTMENT OF NATIONAL OFFICIALS:**

25.2.1 The CEC shall appoint National Officials after having received and considered appropriate recommendations from NEC.

25.2.2 Such appointments, for operational purposes, shall be reviewed after three (3) years, provided that the CEC shall have the power to review such appointments before three (3) years should it be deemed necessary.

**25.3 HEAD OFFICE DEPARTMENTS:**

25.3.1 The Head Office shall consist of a number of specialised departments, each co-ordinated by one (1) National Official, and shall perform such functions as determined by the CEC.

25.3.2 Head Office Departments may include the following Units:-

25.3.2.1 legal department;

- 25.3.2.2 organising, campaigns and collective bargaining department;
- 25.3.2.3 administration department
- 25.3.2.4 education department;
- 25.3.2.5 international department;
- 25.3.2.6 media/publicity/ publications and research department;
- 25.3.2.7 finance department;
- 25.3.2.8 gender department;

25.3.3 The General Secretary shall supervise the operation of such Units and shall be responsible for the overall co-ordination and administration of the Head Office.

## **PART SIX:**

### **GENERAL PROVISIONS:**

#### **26 OFFICIALS:**

##### **26.1 EMPLOYMENT:**

26.1.1 In the case of National Officials, they shall be employed by the CEC.

26.1.2 In the case of Regional Officials, they shall be employed by the REC subject to ratification by the CEC.

##### **26.2 STATUS:**

26.2.1 All Officials shall attend Local, Regional and National meetings, whichever is relevant to their scope/area of operation, in terms of this Constitution and shall have speaking but not voting rights.

##### **26.3 CONDITIONS OF WORK:**

The conditions of work and salaries shall be determined by the Central Executive Committee from time to time based on consolidated recommendations from the Staff and NFC.

##### **26.4 FUNCTIONS/DUTIES:**

They shall be responsible for the growth, organisation and consolidation of the Union's Membership and shall perform specific functions as determined by and in consultation with the REC or CEC as the case may be.

##### **26.5 NOTICE OF RESIGNATION/DISMISSAL:**

Officials may resign by giving notice as per the Staff Working Conditions. Similarly, her/his services may be terminated by the CEC or REC by giving notice as per the Staff Working Conditions. He/she need not serve the notice period in case of dismissal.

#### **27 RULES OF PROCEDURE AT UNION MEETINGS:**

The following Rules of Procedure shall apply to all Union meetings:-

- 27.1** The Chair shall be taken by the President in the case of National Meetings, the Regional Chairperson in the case of Regional Meetings, Local Chairperson in the case of Local Meetings and Co-ordinator of the Shopsteward Committee in the case of Establishment Meetings. In the absence of the President or Chairperson, the Deputy President or Deputy Chairperson may take the chair, or in her/his absence, the meeting may elect an Acting Chairperson.
- 27.2** The first duty of the Chairperson shall be to determine whether the meeting does quorate. Should the meeting not quorate, it shall then be adjourned and reconvened within the time period set out in this Constitution. Such reconvened meeting shall be deemed to quorate.
- 27.3** All meetings shall be conducted in accordance with the agenda, which should be approved at the beginning of the meeting.
- 27.4** No resolutions, other than those appearing on the agenda, shall be debated, provided that the meeting may agree to discuss a matter not included on the agenda.
- 27.5** All questions for decision shall be decided on a motion duly seconded or voted upon by show of hand, or by ballot if the meeting decides it is necessary. All matters shall be decided upon by majority vote except where otherwise provided. Before being taken to the vote, every effort should be made to try and reach a decision by consensus.
- 27.6** Wherever the phrase “on two differing motions duly seconded and voted upon” appears in this Constitution, the following procedure shall be applied:-
- 27.6.1** Any matter to be decided upon shall be proposed to the meeting in the form of a motion,
- 27.6.2** The mover of a motion shall have the right to speak for 10 minutes except with the permission of the meeting and shall have the right to reply to debate provided such reply shall not be longer than 5 minutes,
- 27.6.3** All other speakers have the right to speak for 5 minutes, except with the permission of the meeting,
- 27.6.4** No subject shall be debated for longer than one and a half hours provided any delegate shall have the right to propose an extension of time,
- 27.6.5** The Chair shall then ask for a seconder to the motion, wherein if there is no seconder the motion shall fall off,
- 27.6.6** Such motion if seconded shall be put without debate and shall not have effect unless carried by a majority.
- 27.6.7** If the motion has been seconded, the Chair shall check for a counter motion, which must also be seconded. Should there be no seconder for the counter motion, such counter motion shall fall off but where it is seconded, the issue on the table shall then be opened to the house for debate,
- 27.6.8** Amendments to motions shall be proposed and seconded in a similar manner,
- 27.6.9** Once the motion has been debated, the Chairperson of the meeting shall put the motion to the vote, provided there are still two differing views.
- 27.7** At all meetings at which more than 50 Delegates are present, votes shall be counted by scrutineers who shall be appointed by the meeting and who shall record the vote and report to the Chairperson and the majority vote shall be carried.
- 27.8** In respect of the election of Office Bearers and Officials, where only one (1) candidate is nominated for any office that Candidate shall be deemed to be elected. Where more than one (1) Candidate is duly nominated, an election shall be held by ballot. Candidates receiving the highest number of votes shall be declared elected.
- 27.9** No person may speak, interject or otherwise participate in a meeting unless so permitted by the Chairperson.

- 27.10** The Chairperson shall be entitled to make rulings on matters of procedure. A ruling given by the Chairperson shall be final, provided that it shall be in order to move and second a motion to over-rule or rescind a ruling from the Chairperson, and a majority of Members present shall be sufficient to carry such motion, provided that there shall be no discussion on any such motion to over-rule or rescind the Chairperson's ruling at any meeting other than a statement by the mover of the motion and a reply by the Chairperson limited to 5 minutes in each case.
- 27.11** Any person who contravenes the above rules of procedure or who is deemed guilty of misconduct shall upon a vote being taken to that effect, withdraw from the meeting and the meeting shall have the right to suspend any such Member for such period as it may think fit.

**28 DISCIPLINE:**

The disciplinary structures of the Union shall be the National Personnel Committee - which is a substructure of the CEC and the Regional Personnel Committee - which is a substructure of the REC respectively.

**Composition**

The NPC shall be composed of:

The President, the General Secretary, the National Treasurer, the National Gender Chairperson and an additional delegate elected by the CEC.

**The RPC shall be composed of:**

The Regional Chairperson, the Regional Secretary, the Regional Treasurer, the Regional Gender Chairperson and an additional delegate elected by the REC. in cases where the additional CEC delegate of the NPC is a Regional Secretary, the relevant Region shall delegate another REC delegate being a Regional Para-Legal Officer.

No quorum is needed for the NPC or RPC, whichever the case may be, to hear any disciplinary matter placed before it.

- 28.1** Any Member, Shopsteward, Office Bearer or Official who fails to comply with any of the terms of this Constitution or who acts against the interests of the Union may be disciplined by the CEC or REC through the NPC and RPC respectively.
- 28.2** The CEC or REC substructures outlined above, as the case may be, shall advise the person concerned by not less than 7 days' notice in writing, of the substance of the charge and of the time and place of her/his hearing. Should the person being charged be on suspension, such notice may be sent by registered post to the last known address of the person charged, or delivered by hand.
- 28.3** If the CEC or REC substructure, as the case may be, is satisfied that the person charged has, though absent, received the prescribed notice, or if the person charged is present, the Committee may proceed to hear and determine the charge and if it finds the charge proved to its satisfaction, may:-
- 28.3.1 expel/dismiss the Member, Shopsteward, Office Bearer or Official from the Union;
  - 28.3.2 suspend her/him for a definite period from Membership/Employment of the Union;
  - 28.3.3 impose any sanction it deems appropriate.
- 28.4** At the hearing of the charges and in the case of an appeal at the CEC or REC, as the case may be, the person concerned shall be entitled to a Representative(s) limited to a

Member(s) or Official(s) who is(are) neither an Office Bearers(s) nor a Head of Department(s) nor Co-ordinator of a Regional Department(s) of the Union as from time to time will be directed by the Union in terms of categories or portfolio. At the enquiry or appeal hearing the person concerned shall have the right to present his/her case, call witnesses and cross-examine other witnesses. All the costs relating to mobility and accommodation of the representative/s and the witness/es shall be borne by the person concerned, unless and except where the Union convened the hearing away from the place where such person concerned ordinarily works.

- 28.5** There shall be a right of appeal from the decision of the REC and/or RPC to the next CEC disciplinary sub-structure, the NPC, which shall have the power to confirm, vary or reverse the REC's decision.
- 28.6** An appeal shall be lodged in writing to the Chairperson of the NPC within 7 days of notification of the decision appealed against; provided that when notification of the decision has been conveyed, the person concerned shall also be advised that (s)he has a right of appeal and that notice of appeal must be given in writing within 7 days.
- 28.7** Once the internal disciplinary/grievance processes have been exhausted, the member or official concerned shall have the right to refer the dispute to external dispute resolution institutions, provided such institutions do not charge fees. Should the concerned member or Official opt for institutions that charge fees, the combined costs (inclusive of those relating to the Union) arising from the dispute resolution process shall be borne by such member or Official concerned.
- 28.8** Upon expulsion of a Member or Official, all monies owing to the Union by such Member or Official shall immediately become due and payable.
- 28.9** A Member, Shopsteward or Office Bearer shall cease to be entitled to the benefits of membership, including the right to vote, during any period while (s)he is under suspension in terms hereof. An Official who has been suspended shall cease to act on behalf of the Union during the period of her/his suspension.

**29 STATUS:**

The Union shall be a body corporate not for gain with perpetual succession capable of entering into contractual and other relations and suing and being sued in its own name. It shall hold property apart from its Members. The liability of Members shall be limited to the amount of their subscriptions outstanding or other monies due to the Union at any time in terms of this Constitution.

**30 HEAD OFFICE:**

The Head Office shall be at such place as the Central Executive Committee (CEC) shall from time to time determine.

**31 APPLICATION FOR MEMBERSHIP:**

- 31.1** Applications for admission of Membership shall be made in writing to the Regional Secretary on the Union's application form and accompanied by the required Union subscription or a signed stop-order authorisation form in favour of the Union for the payment of Union dues in which event a subscription shall not be paid.
- 31.2** An applicant for admission to membership shall be deemed to be a Member of the Union on signature of the Union's application form unless the Regional Executive Committee (REC) resolves to refuse membership to such applicant.

- 31.3** Subject to the provision of Clause 31.2, a Union Member who has signed a stop- order authorisation form in favour of the Union shall be deemed to be paid-up Member of the Union until that Member resigns from the Union, is expelled from the Union or countermands the authorisation in writing.
- 31.4** If admission to membership is refused by the REC, the applicant concerned shall be notified and shall have the right to appeal to the next CEC which shall have the power to confirm or reverse the REC's decision and whose decision shall be final.
- 31.5** Whenever an appeal is lodged, the applicant shall be afforded opportunity to state her/his case personally to CEC and may if (s)he so desires call witnesses in support of any statement made by her/him.
- 31.6** An applicant to whom membership is refused shall be entitled to a refund of any subscription paid by her/him on application.
- 31.7** A Member who has resigned or been expelled from the Union may be re-admitted to membership on such conditions as the REC may determine.

**32 SUBSCRIPTIONS:**

- 32.1** The subscription payable by Members shall be one (1%) percent of their income, provided that this shall not be less than R20.00 a month.
- 32.2** Any Member who falls more than three months behind in the payment of subscriptions or whose stop-order authorisation is not met within three (3) months of it being signed, shall cease to be in good standing and shall not be entitled to any benefits of the Union.
- 32.3** In addition to the aforementioned subscription, a Member shall also be liable for the payment of other fees or any levy imposed in terms of this Constitution provided that such additional payment shall not exceed R50.00 in any calendar year.

**33 TERMINATION OF MEMBERSHIP:**

- 33.1** A Member may resign by giving four weeks' notice in writing to the Regional Secretary provided that no resignation shall take effect:-
- 33.1.1 until all monies due to the Union by the Member concerned have been paid;
- 33.1.2 if the resignation is received on a standard form supplied for the purpose of enabling more than one (1) Member employed by the same Employer to resign from the Union;
- 33.1.3 if the resignation is received through the agency of the Member's Employer;
- 33.1.4 the above provisions will likewise apply to the countermanding of stop-order authorisations in favour of the Union.
- 33.2** A Member of the Union whose employment has been terminated by her/his Employer as a result of Labour dispute or under circumstances which the REC believes renders her/his dismissal unfair and legal or appeal proceedings have consequently been instituted to challenge the lawfulness and/or validity of fairness of the termination, shall, for the sole purpose of representation in such dispute by the Union, remain a Member or an Office Bearer of the Union until such proceedings are finalised. Should the member at any time during the proceedings no longer wish to be represented by the Union, such member shall revoke his/her membership as well as withdraw from the Union's representation in writing with immediate effect. A Member whose employment has been so terminated shall be exempted from the payment of subscriptions until such time the case is finalised either way.

**34 MEMBERSHIP CARD:**

Subject to the provisions of Clause 31.2, every Member may be provided with a membership card by her/his Regional Secretary who shall enter on such card the Member's name and address and such further particulars as the CEC may decide.

**35 BALLOTS.**

Whenever a decision is to be made by a ballot the following procedures shall be adopted:-

- 35.1** the relevant Committee/Meeting conducting the ballot shall appoint at least two (2) Scrutineers who may be Members of the Union, who shall count the ballots. In the event of any election being conducted by ballot, both the Candidates for such election shall have the right to be present at the counting of such ballot;
- 35.2** each voter shall, in the presence of a Scrutineer be issued with ballot paper which (s)he shall thereupon complete, fold and deposit in a sealed container provided for the purpose;
- 35.3** the issue to be voted upon shall be set forth clearly on the ballot paper and such papers shall not contain any information by means of which it will possible to identify the voter;
- 35.4** such ballot papers shall not be signed or marked in any way apart from the mark required to be made by a Member in recording her/his vote. Papers bearing any other marks shall be regarded as spoiled;
- 35.5** ballot boxes shall be inspected by the Scrutineers and sealed in their presence. In the event of an election being conducted by ballot, Candidates shall have the right to inspect such ballot boxes prior to the ballot being taken and shall also have the right to be present when ballot boxes are sealed;
- 35.6** on completion of the ballot or as soon as possible thereafter, the results thereof shall be ascertained by the Scrutineers thus appointed and shall be made known by the Chairperson of the meeting to the Members concerned and also the relevant Committee conducting the ballot;
- 35.7** ballot papers, including spoilt papers shall be placed in a sealed container again and after being counted shall be handed to the Regional Secretary or, in the case of a Union ballot, the General Secretary who shall retain the same for not less than three years;
- 35.8** the body responsible for the conducting of a ballot shall be bound to take action according to the decision of a majority of Members voting in any ballot;
- 35.9** in any election conducted by ballot, the Candidates or Candidate receiving the highest number of votes shall be declared elected;
- 35.10** while Members shall be entitled to express their view for or against any Candidate standing for election and to express their views on any other issues on which any ballot is called, the Scrutineers shall have the right and duty to ensure that no discussion on the merits of any issue related to the ballot are discussed with any voter from the time (s)he is given her/his ballot paper until after (s)he has voted and deposited her/his ballot paper in one of the aforementioned ballot boxes;
- 35.11** prior to calling a strike the Union or its Members may, should it be deemed necessary, conduct a ballot of those of its Members in respect of whom it/they intend/s to call the strike to determine whether the majority of those persons are in favour of strike action. The ballot in respect of strike shall be conducted in the manner set out above insofar as such procedures are applicable. The Union must ensure that strike ballots are conducted

in such manner and in such circumstances to render the ballot free and fair so as to reflect the views of those of its Members in respect of whom it intends to call the strike.

**36 FINANCES:**

- 36.1** The funds of the Union shall be made up of all monies received by means of subscriptions, levies, donations, functions and in any other legitimate manner.
- 36.2** The funds of the Union shall be deposited in a National Bank Account (“the National Account”) decided upon by the CEC and the funds collected by each Region or Local shall be deposited in the National Bank Account.
- 36.3** The funds of the Union shall be applied to the payment of such expenses, the acquisition of such property and such other lawful purposes as may be decided on or approved by the CEC, and subject to the following:-

**36.3.1 PAYMENTS:**

- 36.3.1.1** All national payments shall require the prior approval or confirmation of the CEC and shall be made by cheque signed by any three of the following – President, 1<sup>st</sup> Deputy President, 2<sup>nd</sup> Deputy President, General Secretary, Deputy General Secretary or Treasurer. All cheques must be signed by the full complement of the signatories required for a particular account. Payments may be made in cash for petty cash expenses;
- 36.3.1.2** the CEC shall approve the amount of funds for petty cash that may be made available during any one month, and this amount shall not exceed R500-00, and shall determine the manner in which this money may be spent and should be accounted for. The funds shall be provided by cheque. The CEC shall receive and approve budgets for each Region and the Head Office and the General Secretary shall pay monthly to each Region and into Head Office account such amounts as have been approved provided that the General Secretary may withhold any such allocations to a Region in the event of that Region not having banked subscriptions or other monies received, in the National Account. A single item of expenditure in excess of R5000-00 shall not be incurred by the Region except with the approval of and subject to the conditions as may be determined by the CEC.

**36.4 HEAD OFFICE FINANCES:**

- 36.4.1** Head Office may apply the funds allocated to it to the payment of expenses and such other purposes as may be budgeted for by the CEC. Such payment shall be made by cheque signed by any three of the following – President, 1<sup>st</sup> Deputy President, 2<sup>nd</sup> Deputy President, General Secretary, Deputy General Secretary or Treasurer, except that payments may be made for petty cash expenses;
- 36.4.2** the Head Office of the Union shall be deemed, for the purposes of finance only, to be a Region. The signatories of the Head Office Account shall be those of the CEC account. In respect of the Head Office Account, the General Secretary shall be deemed to be a Regional Secretary.

**36.5 REGIONAL FINANCES:**

- 36.5.1** Regions may apply the funds allocated to them to the payment of expenses and such other purposes as may be budgeted for by the REC, but subject to the approval of the CEC. Such payments shall be made by cheque signed by any two of the following –



Chairperson, Deputy Chairperson, Secretary or Treasurer, except that payments may be made in petty cash for petty cash expenses.

36.5.2 If any Region ceases to exist as such, its assets and liabilities shall devolve on the Union.

**37 GENERAL:**

37.1 All monies collected in the name of the Union or received by a Regional Secretary or General Secretary shall be deposited in the Union's National Account within 7 days of receipt.

37.2 A Regional Secretary shall prepare a statement of monies banked and submit it to the General Secretary.

37.3 Statements of income and expenditure and the financial position of the Region in respect of each month shall be prepared monthly by each Regional Treasurer, assisted by the Regional Secretary, and submitted to the REC and annually to the Regional General Council and triennially to the Regional Congress. Similar statements in respect of income and expenditure and financial position of the Head Office in respect of each month shall be prepared by the General Secretary and submitted to the NEC and, in respect of each period of six (6) months, submitted to the CEC.

37.4 Each month, the Regional Secretary will send the monthly financial statement for that Region to the General Secretary.

37.5 All accounts of the Union shall be audited annually by person registered as an Accountant and Auditor, appointed by the CEC in respect of the Regional Accounts, and National Account and the Head Office Account. True copies of the various audited accounts of the Union, together with the Auditor's report shall be made available to members of the Union at the Head Office of the Union.

37.6 Financial year end of the Union shall be in December.

37.7 The audited financial statements, balance sheet and Auditor's report in respect of the Regional Account shall be presented to the ensuing Regional Congress for confirmation and the consolidated audited statement, balance sheet and Auditor's report of the Union, together with Head Office statement, balance sheet and Auditor's report shall be confirmed by the National Congress.

37.8 The auditor's report contemplated herein shall state whether the Auditor:-

37.8.1 has satisfied herself/himself of the existence of the securities and has examined the books of account and records of the Union;

37.8.2 is satisfied that proper books have been kept;

37.8.3 has obtained all the information and explanation required;

37.8.4 in her/his opinion is satisfied that statement of income and expenditure and the balance sheet audited by her/him have been properly drawn up so as to exhibit a true and correct reflection of the state of the financial affairs of the Union according to the best of her/his knowledge and according to the explanation given to her/him and as shown by the books of the Union as at the date of the balance sheet

37.8.5 in her/his opinion is satisfied that the provisions of the Constitution of the Union insofar as they related to financial affairs, have been complied with.

37.9 A Member who resigns or is expelled from membership shall have no claim on the funds of the Union or of a Region as and from the date on which the resignation or expulsion takes effect.

**38 LEVIES:**

The CEC may at any time with a view to securing funds for any particular purpose, impose such levy as it may determine on each Member in any period of three months, provided that notice of the proposed levy has been given to all Regions, and provided further, that any Regional Congress may demand that a ballot of Members of the Union be taken on the subject. The levy so imposed by the CEC shall not exceed an amount of R50-00 in any calendar year. The CEC shall, subject to the provisions of clause 8.3.3.7 of this Constitution, determine the maximum amount that may be levied by Company Councils.

**39 REMOVAL FROM OFFICE OF OFFICE BEARERS AND OFFICIALS:**

For the purpose of this clause, Official shall refer to any other person occupying a position through election and representing the Union.

**39.1** Besides any other provision in this Constitution for the removal of Office Bearers and Officials, such persons may be removed from office as follows:-

- 39.1.1 by ballot on the written request of at least 20% of the Members in good standing in the constituency in which the Office Bearer or Official has been elected or appointed;
- 39.1.2 on receipt of such written request the responsible Executive Committee for the constituency shall arrange for a ballot of all the Members in good standing within the constituency to determine whether they desire to have the Office Bearer or Official concerned removed from office.
- 39.1.3 upon a majority vote in favour of the removal of the Office Bearer or Official concerned, that Office Bearer or Official shall be deemed to be removed from office.

**39.2** For the purposes of this Clause the constituency shall be as follows:

- 39.2.1 in respect of a Local Office Bearer or Official - the Members of the Union in good standing who fall within the geographical area of the Local;
- 39.2.2 in respect of a Regional Office Bearer or Official - the Members in good standing falling within the geographical area of the Region;
- 39.2.3 in respect of the National Office Bearer or Official - all the Members of the Union in good standing;

**39.3** whenever an Office Bearer or Official has been removed from office in terms of this Constitution, but not in accordance with the provisions of this Clause, at least 20% of the Members in good standing in the constituency in which the Office Bearer or Official was elected may, not later than 60 days from the date of such removal, submit a written request to the CEC for the taking of a ballot of Members of the constituency, in order to determine whether the Office Bearer or Official, so removed from office, shall be re-instated. Such a ballot shall be conducted within 30 days of receipt of the request by the CEC. The Office Bearer or Official shall be re-instated if not less than 50% of Members of the constituency votes in favour thereof.

**40 REPRESENTATION ON BARGAINING COUNCILS OR STATUTORY COUNCILS:**

**40.1 BARGAINING COUNCILS:**

- 40.1.1 If the CEC approves of the Union becoming a party to or establishing a Bargaining Council, the election of persons to represent the Union on such Bargaining Council shall

take place by ballot at a meeting of the appropriate Union structure set out hereunder from nominations made at such meetings:-

- 40.1.2 if the area/sector of jurisdiction of the Bargaining Council is limited to the area of jurisdiction of a Region of the Union the appropriate structure shall be the Regional Executive Committee;
- 40.1.3 in regard to all other Bargaining Councils the appropriate structure shall be the Central Executive Committee;
- 40.1.4 for the purpose of any dispute referred to a Bargaining Council in terms of the Labour Relations Act 66 of 1995, especially sections 28 and 51 thereof relating to Powers and Functions as well as Dispute Resolution on Functions respectively, as may be amended from time to time, the following shall be authorised to sign the documentation on behalf of the Union:-

President;  
1<sup>st</sup> and 2<sup>nd</sup> Deputy Presidents;  
Treasurer  
General Secretary and  
Deputy General Secretary.

**40.2 STATUTORY COUNCILS:**

40.2.1 In the event of there being a dispute with any Employer, or Employers' Association, the Union may apply for the establishment, registration or referral of/to a Statutory Council by majority resolution in any of the following structures of the Union if the dispute arises within its area of jurisdiction:-

- 40.2.1.1 Regional Executive Committee;
- 40.2.1.2 National Executive Committee.

For the purpose of any application for the establishment, registration or referral to a Statutory Council the following shall be authorised to sign any documentation required thereof in terms of the Labour Relations Act 66 of 1995 as may be amended from time to time:-

President;  
1<sup>st</sup> and 2<sup>nd</sup> Deputy-Presidents;  
Treasurer;  
General Secretary and  
Deputy General Secretary  
or their Regional Counterparts.

**40.3 APPOINTMENT OF REPRESENTATIVES:**

The Committee authorising the application for, establishment, registration or referral to/for any Statutory Council shall elect persons to represent the Union on such Statutory Council by ballot at a meeting of such Committee from nominations made at that meeting.

**40.3.1 POWERS OF REPRESENTATIVES ON BARGAINING COUNCILS AND STATUTORY COUNCILS:**

Representatives on Bargaining Councils and Statutory Councils shall have full power to enter into agreements on behalf of the Union after consultation with the National Office Bearers or ROBs as the case may be and the subsequent ratification by a meeting of the

Shopstewards Committee or Local Shopstewards Council(s) having jurisdiction in the area where the dispute arose or appropriate body in line with the provisions of Clauses 40.1 and 40.2.

**41 INDEMNIFICATION OF OFFICIALS, OFFICE BEARERS AND COMMITTEE MEMBERS:**

The Officials, Office Bearers and Committee Members of the Union, provided that they have not acted in a manner which would constitute willful misconduct, shall be indemnified by the Union against all proceedings, costs and expenses incurred by reason of any omission, negligence or other act done in performance of their duties on behalf of the Union and they shall not be personally liable for any of the liabilities of the Union.

**42 DISPUTES:**

- 42.1** In the event of a dispute existing between the Union and any other party, the Union's General Secretary, or Regional Secretary within whose Region the dispute occurs, shall have the right, subject to the subsequent confirmation of the CEC, to take legal action on behalf of the Union, and to do all things necessary on behalf of the Union in respect thereof.
- 42.2** If such legal action is taken by a Regional Secretary (s)he shall only do so after consulting the General Secretary.

**43 AMALGAMATION AND MERGER:**

- 43.1** For the purpose of this Clause an 'Amalgamating Trade Union' means any Trade Union registered in terms of the Act that has resolved to merge with the Union and with whom it has concluded a merger agreement.
- 43.2** If any Trade Union registered as such in terms of the Act intends to wind up its affairs with a view to its Members joining and its unexpected funds being transferred to the Union then, notwithstanding anything to the contrary contained in this Constitution, the Members of the amalgamating Trade Union in good standing on the date the agreement to merge is concluded shall be automatically admitted to full membership of the Union on conditions no less favourable than the conditions applying to existing Members of the Union, provided that the provisions of this Clause shall cease to apply in respect of any Members of the Amalgamating Union who within three (3) months of the aforementioned date notifies the Union in writing that he does not wish to be a Member. This Clause in no way restricts a Member from the Amalgamating Union terminating his/her membership of the Union at any time in terms of Clause 33 of the Constitution.
- 43.3** The CEC or the National Congress or a Special National Congress of the Union shall have the power to conclude an agreement to merge with any registered Trade Union.
- 43.4** The merger shall be effected at an Inaugural Congress, the delegates to which shall be as follows:-
- 43.4.1** the elected delegates to the National Congress of the Union; and
- 43.4.2** as many delegates from the Amalgamating Union/s as may be set out in the agreement to merge.
- 43.5** The Inaugural Conference shall be deemed to be a Special Congress of the Trade Union.

**44 DISSOLUTION:**

- 44.1** The Union may be dissolved at any time by resolution of two-thirds majority of the National Congress if for any reason, the Union is unable to continue functioning provided

that no such resolution shall be effective unless a ballot of Members of the Union shall have been concluded and more than 60% of the Members in good standing and participating in the ballot so approve.

**44.2** If the Union has been so dissolved, the following procedures shall apply:-

- 44.2.1 the available Members of the Union's last appointed NEC shall submit books to the Labour Court and the Labour Court shall appoint a liquidator to carry out the dissolution. The liquidator shall not be a Member of the Union.
- 44.2.2 the Liquidator so appointed shall call upon the last Office Bearers of the Union to deliver to her/him the Union's books of account, showing the Union's assets and liabilities and the register of Members for 12 months prior to the date of dissolution, the subscriptions paid by each Member as at the date of dissolution. The Liquidator shall also call upon the said Office Bearers and Officials of the Union to hand to her/him all unexpended funds of the Union and to transfer to her/him the Union's assets and the documents necessary in order to liquidate the assets of the Union;
- 44.2.3 the Liquidator shall take the necessary steps to liquidate the debts of the Union from its unexpended funds and any other monies realised from the assets of the Union;
- 44.2.4 after payment of all debts, the remaining funds, if any, shall be disposed of by a decision of a ballot of the Members of the Union who were in good standing as at the date of dissolution in one or more of the following ways:
  - 44.2.4.1 by transfer of all or part of the assets to any other named Trade Union or any named Federation of Trade Unions, or to be kept in trust in terms of Section 103 of the Labour Relations Act of 1995 as may be amended from time to time, until such time as another Trade Union is established embracing all or part of the area and scope of the one dissolved and open to all Workers in such area and scope irrespective of race, colour, and creed;
  - 44.2.4.2 by transfer of all the assets to any existing insurance provident or any benefit fund established by or in the interests of the Members of the Union.

#### **45 AMENDMENTS:**

- 45.1 Any of the provisions of this Constitution may be repealed, amended or added to in any manner by a Resolution of the National Congress, provided that at least 6 weeks' written notice shall first have been given to Regions.
- 45.2 Amendments shall be effective upon a resolution being passed by the National Congress and the approval by the Registrar in terms of Section 101 of the Labour Relations Act 66 of 1995, insofar as it relates to changing constitution or name of registered trade unions, as may be amended from time to time.

#### **46 INTERPRETATION OF THIS CONSTITUTION**

The responsibility for the interpretation of the terms of this Constitution or of any matter arising in connection therewith shall be vested in the National Congress and its decision shall be final and binding.

#### **47 DEFINITIONS:**

- 47.1 Any dispute in the interpretation of the meaning of any words in this Constitution shall be determined by the CEC.
- 47.2 AUCTIONEERING TRADE:

Auctioneering Trade means the Trade in which Employees are associated for the purposes of conducting auctions.

**47.3 BOARDING HOUSE/HOLIDAY FLATS TRADE:**

47.3.1 Boarding House Trade means the Trade in which Employers and Employees are associated for the purposes of carrying on the business of Boarding or Lodging or Hotelkeeper by supplying meals and lodgings to others for money or its equivalent.

47.3.2 Holiday Flats Trade means the Trade in which Employers and Employees are associated for the business of letting flats or equivalent accommodation to others for their use and occupation during holiday periods, and shall include the provision by the Employer of all services associated with such letting.

**47.4 CEC – Central Executive Committee.**

**47.5 CLEANING SERVICES UNDERTAKING:**

Means the undertaking in which Employers and their Employees are associated for the purpose of cleaning and maintaining Industrial and Commercial premises and buildings, and includes Workers engaged in operations incidental to and consequent on the above mentioned operations.

**47.6 CLOTHING AND KNITTING INDUSTRY:**

Means the Industry in which Employers and their Employees are associated for the purpose of:-

47.6.1 making irrespective of the process or method used in such making, any one or more of the following classes of clothing and includes the knitting of such articles or clothing:-

47.6.1.1 outer garments, underwear or nightwear;

47.6.1.2 ties;

47.6.1.3 men's or boys tweed or linen hats or caps;

47.6.1.4 garment made to the order of any government department, any provincial administration, any local authority of Transnet.

47.6.2 Knitting clothing fabric where it is carried on in conjunction with the manufacture of any one or more of the articles listed in 47.6.1.1 but does not include the following:-

47.6.2.1 the making of garments to measurements of individual person;

47.6.2.2 the making of clothing from furs or pelts;

47.6.2.3 the making of women's or girls hats;

47.6.2.4 any manufacturing activity in the clothing, knitting of ladies stockings industry of which a Bargaining Council is registered in terms of the Labour Relations Act, 66 of 1995 as may be amended from time to time in the area of which the Council is so registered.

**47.7 COAL TRADE:**

The Coal Trade means the Trade in which Employers and Employees are associated for the sale, distribution and preparation for sale of coal or firewood or both, or for any one or more of these activities.

**47.8 COMMERCIAL DISTRIBUTIVE TRADE AND/OR WHOLESALE & RETAIL:**

Means the Trade in which Employers and Employees are associated for the purposes of conducting a shop, and includes all operations incidental thereto. Commercial Distributive Trade shall be deemed to include the sale and distributing of books, newspapers, periodicals, diaries, calendars and greeting cards as well as the Wholesale and Retail as defined by the W&R Sectoral Determination.

**47.9 CONFECTIONERY TRADE:**

The Confectionery Trade means the Trade in which Employers and Employees are associated for the purposes of manufacturing confectionery for sale which include the distribution of confectionery. Confectionery, without limiting its ordinary meaning, includes cakes, fancy pastries, biscuits, dry rusks, pastries, pies, sausage rolls, scones, puddings, currant bread, doughnuts, mosbolletjies and other yeast-based goods.

**47.10** COSATU – Congress of South African Trade Unions

**47.11** DISTRIBUTION AND MANUFACTURING OF JEWELLERY TRADE:

The Distribution and Manufacturing of Jewellery Trade means the Trade in which Employers and Employees are associated for the purposes of the manufacture and distribution of articles manufactured mainly from precious metals including all operations incidental to such manufacture which shall include:-

- 47.11.1 articles of jewellery or adornment with or without ornamental stones;
- 47.11.2 mountings for ornamental stones;
- 47.11.3 medals, medallion badges, masonic jewels, ornaments, ornamental vessels, ornamental utensils and ornamental articles, or parts of any of the aforesaid articles; and shall include the engraving, repairing, altering and renovating of any such article, and shall include the setting and/or resetting of ornamental stones in any article, the enamelling of any article, the making and repairing of tools or dyes used or intended for use in any of the activities referred to in this definition when undertaken by any Employer engaged in such activities and when undertaken in connection therewith, and the engraving of dyes used or intended for use in any of the activities referred to in this definition.

**47.12** DISTRIBUTION AND SALE OF PRECIOUS METAL TRADE:

The Distribution and Sale of Precious Metal Trade means the Trade in which Employers and Employees are associated for the purposes of the sale and distribution of precious metals, which shall include gold, silver, platinum, palladium or any of them in such proportion with any other metal as to the greater part in value of such alloy.

**47.13** ENTERTAINMENT ESTABLISHMENT TRADE:

Entertainment Establishment Trade means the Trade in which Employers and Employees are associated for the business of providing entertainment to others for money and which, without in any way limiting the meaning of the word entertainment shall include Theatre Establishments, Cinema Establishments, Establishments that Stock, Sell and/or Hire out Cinematographic or Video Equipment.

**47.14** FINANCIAL INSTITUTIONS TRADE:

Financial Institutions Trade means the Trade in which Employers and their Employees are associated in a Financial Institution for the purposes of conducting the business of Banking, Building Societies, Insurance, Stock Broking and the Stock Exchange.

**47.15** FOOD PROCESSING INDUSTRY:

Food Processing Industry shall for the purpose of the Constitution mean the Industry in which Food is processed by any means for Human and/or Animal consumption.

**47.16** HAIRDRESSING TRADE:

The Hairdressing Trade means the Trade in which Employers and Employees are associated for the purposes of rendering Toilet Services in any establishment. Toilet Services means any one or more of a combination of the practices generally and usually

performed by and known as the provision of beauty culturist or cosmetologist or hairdressers, and shall include but not be limited to the following:-

47.16.1 hair arranging, haircutting, hairdressing, highlighting, shaving, curling, cleaning, singeing, shampooing, bleaching, dying, colouring, tinting, straightening, relaxing, styling, waving (permanent, marcel and/or water) or any other treatment or exercise of the face, scalp or neck, or manicuring of nails, eyebrow-plucking, board work, trycological treatment or beauty culture or performing any operation referred to in this definition on wig or hairpiece to be worn by any person whether or not any apparatus, appliance, preparation or substance is used in any of these operations.

**47.17 HOTELS AND LIQUOR TRADE:**

Hotel and Liquor Trade means the Trade in which Employers and Employees are associated for the purpose of providing accommodation and one or more meals per day for reward on premises where the sale of liquor is carried on and in connection with which one or more liquor license is held or deemed to be held by such Employer or issued in terms of the Liquor Act, of 1989, as may be amended from time to time; provided that for the purpose of this definition the expression "accommodation" shall mean bedroom accommodation and the service ordinarily associated therewith.

**47.18 LEC - Local Executive Committee**

**47.19 MEAT TRADE:**

The Meat Trade means the Trade in which Employers and Employees are associated for the following purposes: -

47.19.1 the slaughtering of livestock;

47.19.2 the handling, preparation, preservation, sale or distribution of meat by any person or the business of selling or offering or displaying meat for sale in any quantity in any shop, the sale in such shop in conjunction with the sale of meat, sausages, polonies, offal, ham, bacon, eggs, butter, poultry, fish and salted frozen or preserved meat, the purchase or sale of livestock if carried on in conjunction with any one or more of the above activities and includes operations incidental to or consequent thereon.

**47.20 MUSICAL RECORD AND TAPE MANUFACTURING AND DISTRIBUTION INDUSTRY:**

The Industry in which Employers and Employees are associated for the purpose of manufacturing and distributing of all types of musical records, cassette tapes, sheet music, disa and other discs, video tapes and all operations incidental to or consequent thereon.

**47.21 NEC – National Executive Committee.**

**47.22 NFC – National Finance Committee.**

**47.23 OFFICIAL – any Employee of the Union or an Office Bearer empowered by the Union to perform the functions of any Employee of the Union.**

**47.24 OFFICE EMPLOYEES AND EQUIPMENT DISTRIBUTING AND STATIONERY MANUFACTURING AND DISTRIBUTING INDUSTRY:**

The Industry in which Employers and Employees are associated for the purpose of distributing office equipment and the manufacturing and/or distributing of any office equipment or stationery and all other apparatus and operations incidental to or consequent thereon; this to include Employees in offices for clerical and administrative back up by certain professions including but not limited to legal, etc.

**47.25 PARKADES AND PARKING LOTS TRADE:**



Parkades and Parking Lots Trade means the Trade in which Employers and Employees are associated for the business of parking and/or storing motor vehicles.

**47.26 PUBLISHING TRADE:**

Means the Trade in which Employers and Employees are associated for the purposes of the publication and distribution of reading material, but shall exclude the Trade in which Employers and Employees are associated solely for the purpose of printing and manufacturing printed material.

**47.27 REC – Regional Executive Committee.**

**47.28 SACCAWU – the South African Commercial, Catering and Allied Workers Union.**

**47.29 SECURITY SERVICES UNDERTAKING:**

Means the undertaking in which Employers and their Employees are associated for the purpose of guarding or protecting premises, building structures or any other fixed property, vehicles, vessels or boats or other craft and Employees or other persons and includes the depositing, withdrawal and cashing or transportation of money for or on behalf of a client, the making up thereof in specified amounts, the placing of specified amounts in envelopes and handing over of envelopes to persons, as instructed by the client, or the transportation of any other goods that have to be guarded or protected while in transit.

**47.30 SHOP – any premises to which persons have access for the purpose of purchasing either by retail or wholesale the goods displayed therein or goods of the type displayed therein; any premises or portion thereof in which or from which such goods are stored, packed, unpacked, delivered or dispatched to purchasers or from which wholesale or retail orders are executed.**

**47.31 SHOPSTEWARD – a Member of the Union elected by Union Members in an establishment according to the terms and procedures in this Constitution.**

**47.32 SPORTS CLUB TRADE:**

Sports Club Trade shall mean the Trade in which Employers and Employees are associated for the purpose of providing for public or private use, sport, amusement or equivalent facilities and shall include country clubs, race-courses, sport clubs sport federations, gyms, recreation clubs and recreation associations.

**47.33 TEAROOM RESTAURANT AND CATERING TRADE:**

Tearoom Restaurant and Catering Trade means the Trade in which Employers and Employees are associated wholly or mainly for the purpose of preparing, serving or providing meals or refreshments (whether liquid or otherwise), or both such meals and refreshments in or from any establishment or portion thereof, whether permanent, temporary, indoors or in the open air, and includes such activities when carried in or from one or more classes or premises or portions thereof:-

- 47.33.1 used as public restaurants, fish-and-chips shops, cafes, tearooms, road houses and all take-away food outlets except where the preparation and/or supply for ready-to-consume food and/or refreshments takes place on/or from premises of an accommodation establishment;
- 47.33.2 where meals or non-alcoholic drinks are served for consumption on the premises or are provided for consumption away from the premises;
- 47.33.3 where aerated or mineral waters are supplied in glasses or other containers for consumption on the premises;
- 47.33.4 wherein or wherefrom the activities herein referred to are carried on in respect of or in connection with any theatre, bioscope, bio-tearoom, drive-in, cinema

or other entertainment or function; and also includes the supply of liquor in any such establishments or any such premises in terms of liquor license held or deemed to be held by such Employers issued under Liquor Act, of 1989, as may be amended from time to time, but does not include hotel keepers, boarding-housekeepers or lodging-housekeepers, and further includes all operations incidental to or consequent on any of the aforesaid activities.

**47.34 TEXTILE MANUFACTURING INDUSTRY:**

Means joint enterprise in which Employers and their Employees are associated for any of the following:-

- 47.34.1 the manufacture, either in whole or in part and by any process whatsoever, of all classes of blankets, blanketing, travelling-rugs and shawls, whether plain or raised or dyed or otherwise treated, including all operations incidental thereto and consequent thereon in the course of such manufacture.
- 47.34.2 the manufacture, by any process whatsoever, including all operations incidental thereto and consequent thereon in the course of such manufacture, of any yarns for sale or on commission, if such yarns in the final mass-measuring in the case of worsted, woolen or mixed yarns measure 8 063,49 metres or less to the kilogram, for use in the manufacture of the articles referred to in subparagraph 47.34.1, except where such yarns are sold by the manufactures thereof for the purpose of manufacturing articles other than those referred to in subparagraph 47.34.2.1:-
  - 47.34.2.1 the manufacture, either in whole or in part and by any process whatsoever, of kaffir sheeting, whether plain or raised or dyed or printed or otherwise treated, including all operations incidental thereto and consequent thereon in the course of such manufacture;
  - 47.34.2.2 the manufacture, by any process whatsoever, including all operations incidental thereto and consequent thereon in the course of such manufacture, of yarns for sale or on commission, if such yarns in the final mass-measuring measures 8 063,49 metres or less to the kilogram and are used in the manufacture of kaffir sheeting, except where such yarns are sold by the manufactures thereof for the purpose of manufacturing articles other than those referred to in subparagraph 47.34.2.1;
  - 47.34.2.3 the warping, weaving and/or finishing of canvas, duck, tapes and webbing by any process whatsoever, including all operations incidental thereto and consequent thereon in the course of such activities;
  - 47.34.2.4 the manufacture of felt by any process whatsoever, including all operations incidental thereto and/or consequent thereon in the course of such manufacture;
  - 47.34.2.5 the manufacture of medical wadding or cotton wool by any process whatsoever, including all operations incidental thereto and consequent thereon in the course of such manufacture.

**47.35 TOLLGATES TRADE:**

Tollgates Trade means the Trade in which Employers and Employees are associated for the business of collecting from the public, payment for the use of the road.

**47.36 HOSPITALITY, TOURISM AND CONSERVATION TRADES:**

Means the Trade in which Employers and their Employees are associated for the purpose of providing services of and incidental to hotel, bed and breakfast, game lodge or camp,

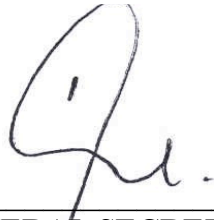
club, pub, café and fast food place. Conservation Trade means a Trade in which Employers and their Employees are associated for services incidental to Parks Boards, Aquariums, Zoos, Botanical Gardens, Nature and Marine Reserves, Private Reserves, Natural and World Heritage Sites.

47.37 UNION - the South African Commercial, Catering and Allied Workers Union.

47.38 WORKER - any person employed by or working for any Employer and receiving or entitled to receive any remuneration.

47.39 Words importing the singular include the plural and vice versa.

47.40 Words of the male gender include the female and vice versa.



GENERAL SECRETARY



PRESIDENT

Dated this 18<sup>th</sup> day of March 2009.

**ONAL**

**NATIONAL:**

- National Congress
- Central Executive Committee

**FLOOR**

**SHOP FLOOR LEVEL:**

- Shopstewards Committee

**NA**

Minimum Company Council

**SHO**

**REGIONAL**

**REGIONAL:**

- Regional Congress
- Regional General Council
- Regional Executive Committee
- Regional Office Bearers
- Regional Company Council
- Regional General Meeting

**LOCAL**

**LOCAL LEVEL:**

- Local Shopstewards Council
- Local Executive Committee
- Local Office Bearers
- Local General Meeting



# SACCAWU CONSTITUTION