

Constitution
Of the
South African Transport and Allied Workers Union
("SATAWU")

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Chapter A Character of the union

1. Preamble

- 1.1. We, the trade union representatives present firmly commit ourselves to a unified South Africa, free of oppression and economic exploitation.
- 1.2. We believe that this can only be achieved under the leadership of a united working class. Our history has taught us that in order to achieve this goal we will have to carry out the following tasks:
- 1.3. Organise the unorganised workers and build effective trade unions based on the democratic organisation of workers;
- 1.4. Organise national, regional and local structures financed and controlled by the workers through democratically elected committees;
- 1.5. Unify all transport, cleaning and security workers under SATAWU's and COSATU's banner;
- 1.6. Combat the divisions amongst the workers of South Africa and unite them into a strong and confident working class'
- 1.7. Encourage democratic worker organisation and leadership in all spheres of our society together with other progressive sectors of the community; and
- 1.8. Reinforce and encourage progressive international worker contact and solidarity so as to assist one another in our struggles.
- 1.9. SATAWU calls on all those who identify with this commitment to join the workers and us we represent, as comrades in the struggle ahead. We call on all trade unions to strive to unite their members in their ranks without discrimination and prejudice. We seek to protect and further the interests of all workers. Our struggle is inspired by the universal slogan of working class solidarity: "An injury to one is an injury to all".

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2. Name

- 2.1. The name of the trade union is the South African Transport and Allied Workers' Union. The shortened form of its name is SATAWU.
- 2.2. In this constitution it will be referred to as "the union" or SATAWU.

3. Logo

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

4. Legal status

- 4.1. The union is a corporate body having perpetual succession¹ and is an association not for gain.

5. Location of the head office, regional and local offices

- 5.1. The *NC* must determine the location of the head office of the union. The *CEC* must decide upon the premises and address of the head office.
- 5.2. The *CEC* must determine the location and premises of the regional and local offices.

6. Definitions

- 6.1. *CEC* means the Central Executive Committee;
- 6.2. *Fincom* means the Finance Committee of the *CEC*;
- 6.3. *ITF* means International Transport Federation;
- 6.4. *LOB* means Local Office Bearers;
- 6.5. *LRA* means the Labour Relations Act No 66 of 1995, as amended.
- 6.6. *LSSC* means Local Shop Stewards Council;

¹ This means that the union is a structure that remains constant despite the changes in its membership or office-bearers. Members may come and go but the union remains. The law gives the union legal personality almost like the legal personality of a natural person. This allows the union, rather than the individual members, to become involved in legal transactions in its own name.

- 6.7. *Office-bearer* means a member of the union who is elected to hold office in the union;
- 6.8. *Elected official* means the General Secretary, Deputy General Secretary, Regional Secretary, who are elected by congress;
- 6.9. *Official* means organisers of the union;
- 6.10. *Staff* means all other employees of the union.
- 6.11. *Management* means any person who has the authority to employ or dismiss workers;
- 6.12. *NC* means National Congress;
- 6.13. *NOB* means National Office Bearers;²
- 6.14. *REC* means Regional Executive Committee;
- 6.15. *RC* means Regional Congress;
- 6.16. *ROB* means Regional Office Bearers;³
- 6.17. *SETA* means Sector Education and Training Authority;
- 6.18. *SSC* means Shop Steward Committee;
- 6.19. *Stop order deduction* means any written authorisation by a member of the union to the employer to deduct subscriptions, charges or levies payable to the union from the member's wages/salary and or by the union in terms of clause 44.9.

7. Scope

- 7.1. The scope of the union is set out in Appendix 1.
- 7.2. The NC may amend the scope of the union.

² See paragraph 27.

³ See paragraph 23.

8. Aims and objectives

The aims and objectives of the union are:

- 8.1. to advance and defend the interests of workers in respect of all matters of mutual interest between workers and their employers in order to improve the standard of living of the union's members, workers and the working class in general;
- 8.2. to advance and defend the union's members' and workers' employment and socio-economic interests and rights, including struggling to improve –
 - 8.2.1. workers' wages salary and benefits to a fair, decent and living-wage/salary level;
 - 8.2.2. workers' hours of work and leave provisions;
 - 8.2.3. the skills and capabilities of workers through effective education and training programmes;
 - 8.2.4. other terms and conditions of employment for workers;
 - 8.2.5. the health and safety conditions in the workplace; and
 - 8.2.6. the social benefits, including unemployment insurance, retirement and medical funds and the provision of housing;
- 8.3. to promote and defend the socio-economic interests of the union's members, workers and the working class in general;
- 8.4. to resist and defend the union's members and workers against unfair labour practices, including dismissal;
- 8.5. to promote the job security of workers and the union's members by struggling for job creation programmes and resisting dismissals for operational reasons;
- 8.6. to eradicate all forms of unfair discrimination in the workplace and society that are based upon arbitrary grounds including, but not limited to race, gender, sex, ethnic or social origin, colour, birth, socio-economic status, sexual orientation, age, disability, HIV status, religion, conscience, belief, political opinion, culture, language, marital status, pregnancy or family responsibility;

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- 8.7. to build and maintain a democratic worker-controlled union based on the principles of non-racialism, non-tribalism, non-sexism, non-homophobia and non-xenophobia;
- 8.8. to promote democracy and worker control in the union by encouraging members, shop stewards, officials and office-bearers to work in an accountable and responsible fashion by, amongst other things,
 - 8.8.1. seeking the appropriate mandates and reporting back to the relevant structures of the union and its members;
 - 8.8.2. accepting and offering constructive criticism that builds the union;
 - 8.8.3. providing information about the union and its work to members and other workers in a manner and language that is easily understood;
 - 8.8.4. fostering the democratic participation of members in the union, especially the participation of women; and
 - 8.8.5. building strong and active shop steward structures;
- 8.9. to advance and defend the cause of democracy and socialism in the workplace, the economy, the country and internationally;
- 8.10. to join forces with workers and the working class everywhere in the struggle against all forms of exploitation and oppression;
- 8.11. to build solidarity and foster unity, co-operation and comradeship amongst all workers and the working class;

And to this end, the Union will:

- 8.12. recruit and unite workers in order pursue their economic and social interests and welfare;
- 8.13. defend and assist union members in their struggle against their employers;
- 8.14. represent members of the union in grievance, disciplinary proceedings and disputes declared on behalf of the union members in terms of any relevant law or agreement;
- 8.15. institute legal proceedings, where this is possible and the

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- union deems it appropriate, on behalf of the union, its members or workers in order to advance or defend their interests;
- 8.16. try to resolve the disputes and grievances of union members, workers or the working class by way of –
 - 8.16.1. making representations and reporting any alleged contravention of the law or agreements (including collective agreements) to the employer or the relevant authorities; and
 - 8.16.2. negotiations, conciliation, mediation, arbitration, referrals to courts, strikes or protest action;
 - 8.17. participate in and establish collective bargaining forums and councils;
 - 8.18. promote and defend bargaining councils, especially national industrial or sector bargaining councils and collective forums dealing with education and training;
 - 8.19. negotiate and conclude agreements (including collective agreements) with employers, employers' organisations, the State or their representatives;
 - 8.20. promote or oppose, as the case may be, any laws, administrative measures or policies, including any proposed laws, administrative measures or policies, that affect the union, its members, workers and the working class;
 - 8.21. participate in statutory or quasi statutory structures that deal with matters that affect the unions' members, staff, workers and the working class;
 - 8.22. co-operate with, affiliate to or join worker or civil society organisations that are committed to similar democratic principles, aims and objectives as the union;
 - 8.23. participate in international trade union activities and foster international relations with foreign or international trade union organisations;
 - 8.24. provide and promote projects such as education and training courses for members and staff in order to:
 - 8.24.1. assist them to fulfil the aims objectives of the unions and to become more effective unionists; and

- 8.24.2. enable them to participate more effectively in the struggle for economic freedom and social justice.
- 8.25. regulate the relations between the union and its members and settle through negotiation, mediation, arbitration or inquiries, disputes between the union and any of its members, or between any members, office bearers, officials or structures of the union;
- 8.26. raise and invest funds in any lawful way that the *NC* or *CEC* agrees to;
- 8.27. establish and administer funds for the benefit of union members and their dependants;
- 8.28. develop and, where desirable, participate in schemes to provide employment related and non-employment related benefits to members in accordance with the guidelines and policies determined by the *NC* and *CEC*;
- 8.29. buy, take on, lease, hire or otherwise acquire or sell, pledge or mortgage any movable or immovable property⁴; and
- 8.30. shall ensure the participation and development of women in all union structures and activities
- 8.31. do any other lawful thing that it is consistent with the spirit and provisions of this Constitution and the policies of the union and that may advance or defend the interests of the union, its members, workers and the working class.

9. Membership

9.1. Eligibility

- 9.1.1. Subject to the approval of the *REC* that has jurisdiction, membership of the union is open to all workers that work in any sector that falls within the scope of the union (Appendix 1).
- 9.1.2. Unless determined otherwise by the *CEC*, a worker whose membership has been rejected or a member who has

⁴ Movable property refers to property that has a money value and is capable of being moved. Examples of movable property are furniture, cars, clothes, etc. In contrast immovable property refers to things that have a money value and are incapable of being moved; for example, land or a building on a land.

been expelled from the union is not entitled to apply for membership of the union for 12 months after the rejection of the previous application or expulsion. Members whose membership has terminated for any reason other than expulsion may re-apply for membership at any time.

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

9.2. Rights and obligations of members

- 9.2.1. Members' rights and obligations are as set out in this constitution and as determined by the constitutional structures of the union from time to time.
- 9.2.2. The union may not unfairly discriminate against any member or applicant for membership.
- 9.2.3. Every member must observe the provisions of this constitution and the lawful decisions of any structure of the union and any federation to which the union belongs and must not act in a way that is detrimental or prejudicial to the interests of the union and its members.
- 9.2.4. On joining the union every member must notify the Regional Secretary in writing of his or her postal address. Every member must notify the Regional Secretary of any change of address within 14 days of the change taking place. The postal address provided to the Regional Secretary will be the member's chosen address for service of all official documents. (i.e. the member's *domicilium citandi et executandi*).

9.3. Application procedure

- 9.3.1. Applications from eligible workers for membership must be submitted to the *LOBC* having jurisdiction over the area in which the applicant is employed. The *LOBC* must submit the application form to the Regional Secretary having jurisdiction over the area in which the applicant is employed.
- 9.3.2. If there is no functioning *LOBC* then the application must be submitted directly to the Regional Secretary. If there is no functioning Regional Secretary then the application must be submitted to General Secretary or any person or body designated by the General Secretary.

- 9.3.3. The application must be made in the prescribed form and include the subscription fee set out in paragraph 10.1. The *CEC* must determine the prescribed application form.
- 9.3.4. The *ROB* must recommend to the *REC* that it either enrol the applicant as a member or reject the application.
- 9.3.5. If there is no functioning *REC*, the *CEC* must consider the application.
- 9.3.6. An application may be rejected on one or more of the following grounds:
- 9.3.6.1. if the applicant is not eligible for membership;
 - 9.3.6.2. if there is good reason to believe that the applicant will not be a *bona fide* member of the union; or
 - 9.3.6.3. if there is good reason to believe that the applicant may bring the union into disrepute or his membership or conduct may be against the interests and policies of the union or its members.
- 9.3.7. A worker whose application for membership has been rejected may, within 30 days of being notified of the rejection of the application, appeal against the decision by delivering a written notice of appeal with the General Secretary for consideration by the *CEC*. The notice of appeal must set out the reasons why the applicant believes that the decision to reject the application was incorrect and why the application should be accepted.
- 9.3.8. After considering the appeal the *CEC* may confirm the decision to reject the application or accept the application and direct that the applicant be enrolled as a member. The decision of a *CEC* is final and binding.

9.4. Membership card

The Regional Secretary will provide every member with a membership card. The membership card must contain the information that the *CEC* determines.

9.5. Members in good standing

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

- with membership.
- 9.5.2. The *NOBC* may grant a member who is not in good standing the benefits of membership if there are good reasons for doing so.
- 9.5.3. A member is not in good standing if:
- 9.5.3.1. the subscriptions and other charges or levies due by the member are more than 3 months in arrears. (Once the arrears are paid, the member will be in good standing);
 - 9.5.3.2. the member cancels the stop order deduction (Once the stop order deduction is re-instated, the member will be in good standing);
 - 9.5.3.3. the member is expelled from the union;
 - 9.5.3.4. the member is suspended in terms of paragraph 41.3.4.4 (After the period of suspension the member will be in good standing); and
 - 9.5.3.5. subject to paragraph 9.5.4, the member ceases to be employed.
- 9.5.4. A member, whose contract of employment has been terminated under circumstances the *REC* or the union believes renders the dismissal unfair, remains a member in good standing for the period from the date of termination of the employment contract to the date on which the legal proceedings are finalised or the union withdraws as the member's representative.
- 9.5.5. Despite paragraph 9.5.4 a member may resign from the union in accordance with the provisions of paragraph 9.6.
- 9.5.6. The benefits of membership include, but are not limited to:
- 9.5.6.1. attending and participating in meetings of the union;
 - 9.5.6.2. participating in union activities and in decision making processes of the union including the right to elect and be eligible for elections; and
 - 9.5.6.3. enjoying the rights and benefits conferred on

members by any law.

9.6. Termination of membership

9.6.1. By resignation

- 9.6.1.1. A member may resign by giving 4 weeks written notice to the Regional Secretary.
- 9.6.1.2. In the notice of resignation the member must state the reasons for resigning.
- 9.6.1.3. The resignation will only take effect when all moneys due to the union by the member concerned have been paid.
- 9.6.1.4. No resignation will take effect if the resignation is received through the agency of the employer and/or the employer.
- 9.6.1.5. The *CEC* or *REC* having jurisdiction may waive the requirements for resignation.

9.6.2. By termination of employment

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

9.6.3. By expulsion

- 9.6.3.1. Following the disciplinary procedures set out in paragraph 43 a member may be expelled.
- 9.6.3.2. After a member is expelled that member may neither participate in the union nor receive any benefits or funds from the union. Subscriptions or moneys paid by the expelled member are not refundable.

9.6.4. By failure to pay subscriptions

- 9.6.4.1. Subject to this Constitution, if a member fails to pay subscriptions for more than 26 weeks or 6 months the member's membership of the union will lapse unless the *NOBC* decide otherwise in the light of the reasons for the member's failure to pay subscriptions.

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

9.7. The effect of termination of membership

- 9.7.1. When a person's membership is terminated by any of the means set out above:
- 9.7.2. the person remains liable to the union for any money, assets and property that the person owes to the union at the time of the termination;
- 9.7.3. the person is not entitled to the benefits of membership unless the Constitution provides otherwise;⁵
- 9.7.4. the person has no further claim on any assets of the union; and
- 9.7.5. the NOB must ensure that appropriate steps are taken to recover any money, assets or property that the member might owe the union.

9.8. Associate membership

- 9.8.1. A person may apply for associate membership of the union if the person was a member of the union for at least two years or more and has retired due to ill health or the members' age. For the purposes of this paragraph, membership of any of the unions that merged to form this union will amount to membership of this union.
- 9.8.2. The applicant for associate membership must apply in writing to the General Secretary. The NOB must consider the application for associate membership. If the application is refused the applicant may appeal to the *CEC* whose decision will be final and binding.
- 9.8.3. Associate members are not required to pay subscriptions.
- 9.8.4. Associate members are not entitled to vote or partake in

⁵ See paragraphs 9.8 and 9.9

the decision-making processes of the union.

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

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

9.9. Honorary membership

9.9.1. Honorary membership or status may be conferred on any person by the *NC* in recognition of a special or valued contribution made by that person to the union, its members, the working class or to the country.

10. Subscriptions

10.1. Amount and payment of subscriptions

10.1.1. Subject to paragraphs 10.3 and 10.4, members must pay weekly or monthly subscriptions. This amount will be 1% of their basic wage subject to a minimum of R20.00 and a maximum of R 80.00. Members paying above R80.00 shall remain at the same rate.

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

10.2. Collection and banking of subscriptions

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

10.2.2. Members must sign a stop-order deduction.

10.2.3. All amounts received by way of membership subscriptions must be deposited into the union's national banking account within 7 days of the receipt of the subscriptions.

10.3. Exemptions from subscriptions

10.3.1. A member is exempt from paying subscriptions in any

month during which:

- 10.3.1.1. the member, who is not a non-permanent worker, is unemployed for 14 days or more in any one month;
 - 10.3.1.2. the member is unable to work for 14 days or more on account of illness and the member receives no remuneration during that period; or
 - 10.3.1.3. any other reason the *REC* having jurisdiction or the *CEC* agrees to.
- 10.3.2. Members who have had their services terminated are not required to pay subscriptions if the union is challenging their *dismissal*. Their exemption lasts until the union completes or terminates the applicable dispute resolution procedures or withdraws as representative of the members.

10.4. Seafarers and non-permanent workers

- 10.4.1. Owing to the specific nature of employment in some of the occupations, undertakings or services within the union's scope, the following applies to seafarers and non-permanent workers.

10.4.2. Seafarers

- 10.4.2.1. If the seafarer is bound by an *ITF* approved collective agreement, the employer on an annual basis or any shorter period may pay subscriptions on the workers' behalf.
- 10.4.2.2. If the seafarer is not bound by such a collective agreement and is not in the permanent employ of any single employer, then the seafarer may pay union subscriptions on either an annual basis or on a shorter period as may be determined by *Fincom*.

10.4.3. Non-permanent workers

- 10.4.3.1. If a member is not in permanent employment, but works on a regular casual or contract basis for a single employer or within a single sector, then that member must pay subscriptions at the appropriate intervals for the weeks or months that the member was employed.

- 10.4.3.2. For those periods that the member is not working the member is not required to pay subscriptions. However, if the period of unemployment and failure to pay subscriptions is longer than 3 months then the member will not be entitled to the benefits of membership.
- 10.4.3.3. *Fincom* determine policies and guidelines to give effect to these provisions.

Chapter B Structures and control of the union

11. Structure and control of the union

- 11.1. The union's decision-making structures comprise the following bodies:
 - 11.1.1. Shop Stewards' Committees at the workplace and at an enterprise; and
 - 11.1.2. *LSSC*;
 - 11.1.3. *ROB*;
 - 11.1.4. *REC*;
 - 11.1.5. *RC*;
 - 11.1.6. *NOB*;
 - 11.1.7. *CEC*;
 - 11.1.8. *NC*;
 - 11.1.9. Sector Councils, including national, regional and local councils.
- 11.2. The powers of these structures are defined in this Constitution. Subject to this Constitution, a decision of a higher structure is binding on a lower structure falling under its jurisdiction.⁶ A lower structure may not decide anything that conflicts with the policies or decisions of a higher structure.

⁶ For example, an *LSSC* is bound by the decision of a *REC* that falls under its jurisdiction.

12. Authority to conclude agreements

- 12.1. Only national or regional *officials* or *office-bearers* authorised by the *CEC* or *NOB* may enter into or sign agreements, including collective agreements, on behalf of the union and its members.
- 12.2. Only agreements consistent with this constitution and the policies and resolutions of the union may be concluded.

13. Representing the union

- 13.1. Only national or regional *officials* or *office-bearers* may represent the union or act as spokespersons of the union. They must act in accordance with this constitution, the policies of the union and the mandate they have received from the union and its members.

Chapter C: Organisation at workplaces

14. General Meetings of members at a workplace

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

15. Shop Stewards

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

- 15.3. Every member who is not in management is eligible for election as a shop steward.⁷
- 15.4. A shop steward must be elected following a vote by way of a ballot at a general meeting of members at a workplace. The candidate for shop steward must have been nominated and seconded.
- 15.5. Shop stewards hold office for a period of not more than 3 years from the date of their election. They may be re-elected once their term of office is complete.
- 15.6. Shop stewards must vacate their positions in any of the following circumstances:
 - 15.6.1. if the shop steward ceases to be employed in the workplace in which he or she was elected;
 - 15.6.2. if the shop steward fails to attend 3 consecutive meetings of the SSC's at the workplace without providing an apology acceptable to the SSC's;
 - 15.6.3. if the shop steward ceases to be a member in good standing;
 - 15.6.4. if the shop steward resigns from the union or from being a shop steward, is suspended from the union or is unable to perform the duties of a shop steward;
 - 15.6.5. if the Secretary of the Local or Regional Secretary receives a petition demanding that the shop steward vacate his or her position and the petition is signed by a majority of the members of the workplace at which the shop steward was elected; or
 - 15.6.6. if the members in the workplace at which the shop steward was elected hold a ballot and as a consequence more than 50% of the members in the workplace vote to remove the shop steward.
- 15.7. If a shop steward has vacated his or her position for any of the reasons stated in paragraphs 15.6 then that shop steward is not eligible for re-election during any ensuing by-election.

- 15.8. The CEC must strive to ensure as far as possible that all shop steward elections are conducted in January of the year in which the NC will take place.

16. Shop Stewards Committees (SSC's)

- 16.1. The SSC's at a workplace is comprised of the elected shop stewards at the workplace.

16.2. Office-bearers of the SSC

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

16.3. Meetings of the SSC's

- 16.3.1. The Committee must meet as regularly as possible but at least once per week.
- 16.3.2. Any Committee that has not met once in 3 months shall be deemed to be non-existent unless it is otherwise decided by the LSSC.

16.3.3. Notice of meetings of the SSC

- 16.3.4. Shop stewards must be given at least 2 days notice of a meeting unless the issues to be discussed are urgent in which case meetings may be convened at any time provided that all reasonable efforts have been made to notify the shop stewards.

16.4. Quorum of the SSC

- 16.4.1. The quorum of the SSC's meetings is one-third of the total number of shop stewards in that workplace, provided that there are at least 2 shop stewards present.

16.5. Minutes of SSC's

- 16.5.1. The Secretary of the SSC or, in his or her absence, a shop steward appointed by the SSC, must take the minutes.

16.6. Vacancies on the SSC

- 16.6.1. The Chairperson, Deputy-Chairperson and the Secretary of the SSC's must vacate their position if:
 - 16.6.1.1. they cease to be shop stewards;
 - 16.6.1.2. they vacate their positions on the LSSC;
 - 16.6.1.3. they resign from the position; and
 - 16.6.1.4. the SSC's resolves to remove the person, which resolution must be by majority vote conducted by way of a ballot.
- 16.6.2. A shop steward who vacates one of the office-bearer positions on an SSC may not stand for the position during the ensuing by-election.

17. The powers and duties of shop stewards and the SSC's

- 17.1. The SSC's must manage the affairs of the union at the workplace.
- 17.2. The powers and duties of the shop stewards and the SSC's are:
 - 17.2.1. to implement the policies and decisions of the national, regional and local structures of the union;
 - 17.2.2. to convene monthly general members' meetings in the workplace, including an Annual General Meeting for all members in a workplace, which meeting should take place in January of each year;
 - 17.2.3. to report to members in the general meetings and the LSSC on the progress and business of the union at the workplace;
 - 17.2.4. to seek mandates from members at the workplace;
 - 17.2.5. to discuss decisions, campaigns and policies of the union with members in the workplace;
 - 17.2.6. to try to settle disputes in the workplace;

- 17.2.7. to take up legitimate complaints or grievances of members;
- 17.2.8. to build and maintain unity, harmony and discipline amongst members in the workplace;
- 17.2.9. to recruit members;
- 17.2.10. to monitor the employer about the payment of subscriptions, if necessary, correct any errors and to report to the Regional Secretary;
- 17.2.11. to elect delegates to the LSSC;
- 17.2.12. to negotiate agreements, including collective agreements, with the employer in the workplace. These agreements may only be concluded and signed if the members have provided a mandate for this and the national or regional office-bearer or official authorised by the CEC has approved the conclusion of the agreement;⁸
- 17.2.13. to do anything else that is delegated to it; and
- 17.2.14. to do all further things as it deems are in the interest of the union and which are neither in conflict with the policies and decisions of the NC, CEC, NOBC, RC, REC, ROBC and LSSC, nor inconsistent with the provisions of this constitution.

18. Enterprise Shop Steward Committees

- 18.1. The CEC may establish enterprise shop steward committees if the employer has more than one workplace or the employer has a national structure.
- 18.2. The nature, powers and functions and rules governing each of the enterprise shop steward committees must be determined by the CEC.

⁸ See paragraph 12.

Chapter D: Local Organisation

19. Local Office Bearers (LOBs)

- 19.1. In each local, the office-bearers are the Local Chairperson, the Local Deputy-Chairperson and the Local Secretary.⁹
- 19.2. LOB must be elected by the LSSC and serve a term of office of 3 years.
- 19.3. The LOB must be elected by the LSSC from amongst the members of the LSSC. The election must be held by way of a ballot.
- 19.4. The LOBC must meet at least once a week to attend to the day to day functioning of the union at local level.

19.5. Vacancies

- 19.5.1. A LOB must vacate his or her position if:
 - 19.5.1.1. he or she ceases to be a shop steward;
 - 19.5.1.2. he or she resigns from the position; and
 - 19.5.1.3. the LSSC resolves to remove the person, which resolution must be by majority vote conducted by way of a ballot.
- 19.5.2. A shop steward who vacates one of the local office bearer positions may not stand for the position during the ensuing by-election.

19.6. Powers and duties of LOBC

- 19.6.1. The powers and duties of the local office-bearers are:
 - 19.6.1.1. to encourage all workers at the local who are eligible for membership to become members;
 - 19.6.1.2. to enrol new members;
 - 19.6.1.3. to attend meetings of the LSSC or any other meetings as delegated by the members of the union and convey resolutions of the members to the union;
 - 19.6.1.4. to convey decisions of the union to members in the local;

⁹ Local means the areas as defined within a Region of Satawu as a local.

- 19.6.1.5. to attempt to settle disputes in the local by lawful methods;
- 19.6.1.6. to report to the Regional Secretary or REC any dispute arising at the workplace, or any grievance of the members which the SSC has not been able to resolve;
- 19.6.1.7. to ensure that all members pay subscriptions;
- 19.6.1.8. to monitor the performance and work of local officials and staff;
- 19.6.1.9. to recommend to the ROB the disciplining of local officials and staff;
- 19.6.1.10. to recommend to the REC that a local general meeting be convened to consider matters appropriate to the interest of the union at local level; and
- 19.6.1.11. to maintain order, discipline and harmony amongst members of the union within the area of the local.
- 19.6.1.12. The local office-bearers must liaise with their respective regional counterparts and keep them generally informed about the affairs of the local.

20. Local Shop Stewards Councils (LSSC)

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

20.2. Composition of the LSSC

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

20.3. Meetings of the LSSC

- 20.3.1. The LSSC must meet at least every 2 weeks at the place and on the date and time fixed by the LOBC.

- 20.3.2. A special meeting of the LSSC must be called if requested by not less than one third of the SSC's within the local.
- 20.3.3. Subject to paragraph 26.4.2 notice of a LSSC meeting, along with the agenda for the meeting, must be circulated to each workplace within the local by the Local Secretary at least 7 days before an ordinary meeting and at least 4 days before a special meeting.

20.4. Quorum of the LSSC

- 20.4.1. The quorum for the LSSC is determined as follows:
 - 20.4.1.1. shop-stewards from at least two thirds of the workplaces in the local must be present; and
 - 20.4.1.2. a majority of the shop stewards present must be members in good standing.
 - 20.4.1.3. If there is no quorum within 1 hour after the time fixed for the meeting to begin, or such time as is determined by the LOB, the LOB must fix a new time and date for the meeting, which must be not more than 7 days later. At the reconvened meeting the delegates present will constitute a quorum.

20.5. Powers and duties of the LSSC

- 20.5.1. The powers and duties of the LSSC are:
 - 20.5.1.1. to implement the policies and decisions of the NC, NOB, RC, REC and ROB;
 - 20.5.1.2. to recruit members in a particular local and to generally promote their interests;
 - 20.5.1.3. to supervise the affairs of the union in workplaces within its area of jurisdiction;
 - 20.5.1.4. to elect the Local Chairperson, Local Deputy-Chairperson, Local Treasurer and Local Secretary, all of whom must be members in good standing;
 - 20.5.1.5. to appoint ad-hoc committees to assist the LSSC to carry out its functions;
- 20.5.2. to recommend the disciplining of any staff or officials; and

- 20.5.2.1. to do all further things as it deems are in the interest of the union and which are neither in conflict with the policies and decisions of the *NC*, *CEC*, *NOB*, *RC* and *REC* nor inconsistent with the provisions of this constitution.

Chapter E: Regional Organisation

21. Regional Office Bearers (ROBs)

- 21.1. The ROB are the Regional Chairperson, Deputy-Chairperson, Regional Treasurer and Regional Secretary. Their duties are similar to the President, Deputy-President, National Treasurer and General Secretary, read with the changes required by the context.

22. Regional Office Bearers (ROB)

- 22.1. Between meetings of the *REC* management of the union will vest in the *ROBC* subject to the direction and decisions of the *RC* and the *REC*
- 22.2. The *ROB* must work on a collective basis when determining the allocation of tasks and their implementation.

22.3. Composition of the ROBC

- 22.3.1. The *ROBC* is composed of the Regional Chairperson, *Regional Deputy Chairperson*, *Regional Treasurer* and *Regional Secretary*.

22.4. Powers and functions of the ROBC

- 22.4.1. Subject to the policies and decisions of the *NC*, *CEC*, *NOB*, *RC* and *REC*, the powers and functions of the *ROB* are:
- 22.4.1.1. to receive reports and make decisions on matters arising from the sector councils;
 - 22.4.1.2. to receive reports and make decisions on any matters delegated to the *ROBC*;
 - 22.4.1.3. to discuss and provide mandates for negotiations on collective bargaining issues;
 - 22.4.1.4. to co-ordinate and implement the campaigns and policies of the unions;

- 22.4.1.5. to monitor progress and growth of the union in each of the sectors;
- 22.4.1.6. to implement strategies for growth and progress in each of the sectors;
- 22.4.1.7. where appropriate, to determine delegates to bargaining forums and councils;
- 22.4.1.8. to supervise the election of *LOB*, shop stewards and elected officials;
- 22.4.1.9. to keep all records required to be kept by the union in terms of any law and that pertain to that region;¹⁰
- 22.4.1.10. to institute disciplinary action against any regional or local *officials* and staff, in accordance with the policies and procedures of the union;
- 22.4.1.11. to perform any other function that the *ROB* is empowered or required to perform in terms of this Constitution; and
- 22.4.1.12.. to do all lawful things that promotes the interests of the union, its aims and objectives and policies.

22.5. Meetings of the ROBC

- 22.5.1. The *ROBC* must meet at least twice a month.
- 22.5.2. Its quorum is 3 out of 4 of the members of the committee.
 - 22.5.2.1. Members of the *ROB* must be given 7 days written notice of a meeting. A proposed agenda for the meeting must accompany the notice. The Regional Secretary must give the notice.

23. Regional Executive Committee (REC)

- 23.1. Between meetings of the *RC*, the management of the union in the region will vest in the *REC* subject to the direction and decisions of the *RC* and subject to the policies and decisions of the national structures.

23.2. Composition of the REC

- 23.2.1. The *REC* is composed of:

¹⁰ See section 99 of the Labour Relations Act No. 66 of 1995.

- 23.2.1.2. Chairpersons and Secretaries of the Regional Sector Councils;
- 23.2.1.3. the *LOB*; and
- 23.2.1.4. the Regional Gender and Education Co-ordinators.
- 23.2.1.5. The Regional Administrator, organisers in that region and any other officials or staff that the *REC* may require may attend the *REC* in their *ex-officio* capacity i.e. they will have speaking but not voting rights.

23.3. Vacancies on the REC

- 23.3.1. A member of the *REC* must vacate his or her seat on the *REC* if he or she is absent from three consecutive meetings without sending an apology acceptable to the *REC* or for any other reason specified in paragraph 28.3, read with the changes required by the context.
- 23.3.2. Vacancies on the *REC* must be filled as follows:
 - 23.3.2.1. in the case of the *ROB* the *REC* must elect, and the in the case of the Regional Gender and Education Co-ordinators, the *REC* must appoint new persons to these positions pending the *RC*; and
 - 23.3.2.2. in the case of *LOB* and representatives from sector councils, the *LSSC*'s and relevant sector council structures must elect new delegates.
 - 23.3.2.3. Vacancies on the *REC* are filled until the following *RC* when re-elections for the positions on the *REC* must take place.

23.4. Meetings of the REC

- 23.4.1. The *REC* must meet at least once every two months. The Regional Secretary, in consultation with the rest of the *ROB*, must issue a notice for the *REC* meeting, together with proposed agenda for that meeting at least 7 days prior to the meeting. The notice must be sent to the *LSSC*'s and the Regional Sector Councils, and where possible, each of the members of the *REC*.

23.5. Quorum of the REC

- 23.5.1. The quorum for meetings of the *REC* is two thirds of the delegates required to attend.
- 23.5.2. If within 2 hours of the time fixed for a meeting a quorum is not present, the meeting will stand adjourned until a further meeting can be arranged. At the adjourned meeting the members present will form a quorum. The Regional Secretary must give at least 7 days notice of the adjourned meeting to each of the *REC* members.

23.6. Powers and functions of the REC

- 23.6.1. Subject to the policies and decisions of the *NC*, *CEC*, *NOB* and *RC*, the powers and functions of the *REC* are:
 - 23.6.1.1. to implement the policies and the decisions of the *NC*, *CEC*, *NOB* and *RC* that are referred to it;
- 23.6.2. to consult with the *NOB* about hiring of staff;
 - 23.6.2.1. to establish appropriate disciplinary committees to execute discipline;
- 23.6.3. to consider and decide upon applications for membership;
 - 23.6.3.1. to monitor the performance of officials and office-bearers in the region;
 - 23.6.3.2. to appoint sub-committees for the purpose of investigating and reporting on any matter;
 - 23.6.3.3. to establish a Disciplinary Committee in respect of members, shop stewards, elected officials and office-bearers;
 - 23.6.3.4. to establish and ensure the effective functioning of the local and other structures of the union in the region;
 - 23.6.3.5. to implement and monitor campaigns of the union and COSATU;
 - 23.6.3.6. to ensure effective communication in the union between the national, regional, local and workplace structures of the union;

- 23.6.3.7. to deal with grievances lodged by members, office-bearers or officials and disputes between members;
- 23.6.3.8. to determine the annual budget of the region, subject to the approval of *Fincom* and the *CEC*;
- 23.6.4. to approve the regions monthly annual statements;
 - 23.6.4.1. to open, operate and close banking accounts in the name of the region, subject to the approval, direction and control of the *CEC* and *NOB*.
 - 23.6.4.2. to raise funds for the region and the locals in that region, subject to the approval and guidelines of the *CEC* and *NOB*;
 - 23.6.4.3. to ensure the efficient management of finances of the union in the region and to ensure compliance with all financial policies and this Constitution;
 - 23.6.4.4. to delegate powers, tasks and duties to any other union structure, *official* or *office-bearer* in the region;
 - 23.6.4.5. to perform any other function that the *REC* is empowered or required to perform in terms of this Constitution; and
 - 23.6.4.6. to do all lawful things that promotes the interests of the union, its aims and objectives and policies.

24. Regional Congress

- 24.1. Subject to this Constitution, the national policies and decisions of the union, the *RC* may make decisions with regard to each region. The *RC* is the supreme governing body in the region.

24.2. Composition of RC

- 24.2.1. A *RC* is composed of:
 - 24.2.2. the *REC*;
 - 24.2.2.1. delegates, who are not *REC* members and who are elected by their locals in accordance with the criteria for appointing delegates to the *RC*.
- 24.3. The criteria for the appointment of delegates to the *RC* are:

- 24.3.1. the delegate must be a shop steward and a member in good standing;
- 24.3.2. each local is entitled to one delegate for every 200 members or part thereof, but each local must not have more than 30 delegates.
- 24.4. The Regional Administrator, organisers in that region and Regional Sector Council Co-ordinators must attend the *RC* in their *ex-officio* capacity i.e. they will have speaking but not voting rights.

24.5. Powers and duties of the RC

- 24.5.1. The powers and duties of the *RC* are:
 - 24.5.1.1. to consider and decide on any matters arising from any issues referred to the *RC* by the national structures;
 - 24.5.1.2. to implement the policies and decisions of the *NC*, *CEC* and *NOB*.
 - 24.5.1.3. to consider and decide on any matters arising from the reports of any of the *ROB* and locals;
- 24.5.2. to monitor the progress of the union in that region;
 - 24.5.2.1. to adopt resolutions affecting the union and its members in the region and adopt resolutions for consideration by the union at the *NC*, *CEC* and the *NOB*;
 - 24.5.2.2. to consider and make decisions about financial, statements, reports and affairs of the region; and
- 24.5.3. to elect the *ROB*.

24.6. Meetings of the RC

- 24.6.1. After consulting with *NOB* the *REC* must decide on the time, date and place for the *RC*. The *RC* must be convened once every 3 years and should take place at least 6 months before the *NC*.

24.7. Notice of the RC

- 24.7.1. Each *LSSC* and Regional Sector Council must be given at least 30 days notice of the *RC*. The Regional Secretary must give this notice.

- 24.7.2. At the same time as distributing the notice the Regional Secretary must submit the proposed agenda for the *RC*.

24.8. Special RC

- 24.8.1. A Special *RC* may be called by the *REC*:
- 24.8.1.1. if not less than one-third of the *LSSC*'s in a region resolve to call a *RC* and make such request in writing to the *REC and NOB*
 - 24.8.1.2. *if more than 50% of the ROB have to be replaced.* This provision will apply in the same context to all other structures below the *RC*
 - 24.8.1.3. Each *LSSC* and Regional Sector Council must be given at least 14 days notice of a Special *RC*. The Regional Secretary must issue this notice and attach it to the proposed agenda of the Special *RC*.
 - 24.8.1.4. The provisions of this Constitution with respect to the *RC* apply to the Special *RC* unless provided otherwise.

24.9. Quorum of the RC

- 24.9.1. The quorum for the *RC* is at least two thirds of the number of delegates and office bearers that are eligible to attend.
- 24.9.2. If in the event that there is not a quorum within 5 hours of the scheduled start of the *RC*, or such time as may be determined by the *REC*, the Congress will be adjourned until the *ROB*, after consulting the *REC*, convenes a further meeting. The reconvened *RC* must take place not later than 6 months after the date on which the *RC* was adjourned. At least 14 days notice of the reconvened *RC* must be given to the *LSSC* and Regional Sector Councils. At the reconvened *RC* the delegates present will constitute a quorum.

Chapter F: National Organisation

25. National Office Bearers (NOB)

- 25.1. The *NOB* are the President, First Deputy-President, Second Deputy-President, National Treasurer, General Secretary and Deputy General Secretary.

- 25.2. The President, First Deputy-President, Second Deputy-President and National Treasurer should where possible be full-time. The union must negotiate with their employers for adequate time off to execute their functions where applicable.

25.3. President

- 25.3.1. The powers and duties of the President include:
- 25.3.1.1. to preside over all meetings of the *NC*, *CEC* and *NOB* in which he or she is present and conduct those meetings in accordance with the Constitution;
 - 25.3.1.2. to sign the minutes of the *NC*, *CEC* and *NOB* Committees;
 - 25.3.1.3. to enforce observance of the rules of the Constitution;
 - 25.3.1.4. to be responsible for the political oversight of the union; and
 - 25.3.1.5. to perform such duties that are contained elsewhere in this Constitution and that by usage and custom pertain to the office of the President.
 - 25.3.1.6. The President must be a worker, shop steward and a member in good standing of the union.
 - 25.3.1.7. The President has speaking and voting rights at the *NC*, *CEC* and *NOB* meetings.
 - 25.3.1.8. The President may be re-elected to serve another term of office. The President must be elected at the *NC* and will hold office until the next Congress unless he or she resigns or is removed from office in accordance with this Constitution.

25.4. First Deputy-President and Second Deputy-President

- 25.4.1.1. The First Deputy-President and Second Deputy-President must assist the President in the performance of his or her duties. They must also perform the duties that the President delegates to them and that are contained elsewhere in this Constitution.
- 25.4.1.2. The First Deputy-President, and failing him or her, the Second Deputy-President must perform the duties of the President when the President is temporarily or permanently unable to perform his or her duties.

- 25.4.1.3. The First Deputy-President and Second Deputy-President must be elected at the *NC* and will hold office until the next Congress unless they resign or are removed from office in accordance with this Constitution.
- 25.4.1.4. The First Deputy-President and Second Deputy-President must be workers, shop stewards and members in good standing of the union.
- 25.4.1.5. They have speaking and voting rights at the *NC*, *CEC* and *NOB*.

25.5. National Treasurer

- 25.5.1. The National Treasurer must supervise the financial affairs of the union in conjunction with the other *NOB*.
- 25.5.2. The National Treasurer must ensure that proper books of account are kept and that these books are audited annually.
- 25.5.3. The National Treasurer must submit the monthly statement of the union's national bank accounts to the *NOB* and in respect of each annual period to the *CEC* and *NC*.
- 25.5.4. The National Treasurer must perform all other duties that are contained elsewhere in this Constitution, that by usage and custom related to the office of the National Treasurer and all other duties that are reasonably required of or delegated to the National Treasurer by the *NC*, *CEC* or *NOB*.
- 25.5.5. The National Treasurer must chair meetings of the *CEC* sub-committee on finance.
- 25.5.6. The National Treasurer must be elected at the *NC* and will hold office until the next congress unless he or she resigns or is removed from office in accordance with the Constitution. The National Treasurer may be re-elected after his or her term of office comes to an end.
- 25.5.7. The National Treasurer must be a worker, a shop steward and a member in good standing of the union.
- 25.5.8. The National Treasurer has speaking and voting rights at the *NC*, *CEC* and *NOB*.

25.6. General Secretary

- 25.6.1. The NC will elect the General Secretary. Upon his/her election he/she will assume full-time status in the union
- 25.6.2. The General Secretary is responsible for the proper administration of the union and the general co-ordination of its activities.
- 25.6.3. The General Secretary is the principal negotiator on behalf of the union and co-ordinates collective bargaining negotiations.
- 25.6.4. The General Secretary must supervise the work of the Regional Secretaries and staff of the union.
- 25.6.5. The General Secretary must attend and report fully to each *NC*, *CEC* and *NOB* meetings on all aspects of the union's activities.
- 25.6.6. The General Secretary must deal with all the correspondence at the head office of the union.
- 25.6.7. The General Secretary must undertake all other duties as contained elsewhere in this Constitution, as may become necessary from time to time and as may be delegated to him or her by the *NC* and *CEC* or *NOB*.
- 25.6.8. The General Secretary must report to the Registrar of Labour Relations as required by the Labour Relations Act.¹¹
- 25.6.9. The General Secretary's services may be terminated for misconduct,
- 25.6.10. The General Secretary has speaking and voting rights at the *NC*, *CEC* and *NOB* meetings.

25.7. Deputy General Secretary

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

¹¹ See section 100 of the Labour Relations Act No. 66 of 1995.

- 25.7.2. The provisions of this Constitution pertaining to the General Secretary apply also to the Deputy General Secretary, read by the changes required by the context.

26. Termination of NOB

- 26.1. If one of the posts of the *NOB* becomes vacant, the *CEC* may appoint a replacement until the next *NC*.
- 26.2. The *NOB* may resign from office upon giving 3 month's written notice.

27. National Office Bearers (NOB)

- 27.1. Between meetings of the *CEC* management of the union will vest in the *NOB* subject to the direction and decisions of the *NC* and *CEC*.
- 27.2. The *NOB* must work on a collective basis when determining the allocation of tasks and their implementation.

27.3. Composition of the NOB

- 27.3.1.1. The *NOB* is composed of the President, First Deputy President, Second Deputy President, National Treasurer, General Secretary and Deputy General Secretary.

27.4. Powers and functions of the NOB

- 27.4.1. Subject to the policies and decisions of the *NC* and *CEC*, the powers and functions of the *NOB* are:
- 27.4.1.1. to receive reports and make decisions on matters arising from the sector councils;
 - 27.4.1.2. to discuss and provide mandates on matters pertaining to one or more sectors;
 - 27.4.1.3. to receive reports and make decisions on any matters delegated to the *NOBC* by the *NC* or *CEC*;
 - 27.4.1.4. to review decisions of the sector councils and confirm, ratify, revoke or amend these decisions;
 - 27.4.1.5. to discuss and provide mandates for negotiations on collective bargaining issues;

- 27.4.1.6. to co-ordinate and implement the campaigns and policies of the unions;
- 27.4.1.7. to monitor progress and growth of the union in each of the sectors;
- 27.4.1.7. to implement strategies for growth and progress in each of the sectors;
- 27.4.1.8. where appropriate, to determine delegates to bargaining forums and councils;
- 27.4.1.9. to supervise the election of regional and local office bearers, shop stewards and elected officials;
- 27.4.1.10. to authorise or veto the employment of any staff;
- 27.4.1.11. within the policies set by the *CEC*, to acquire by purchase, lease or otherwise, any moveable or immovable property on behalf of the union and to sell, let, mortgage or dispose of or otherwise deal with any moveable or immovable property belonging to the union;
- 27.4.1.12. to institute and defend legal proceedings in the name of the union and on behalf of the union and its members and against any person, including members of the union, such decision being subject to the ratification of the *CEC*
- 27.4.1.13. to appoint attorneys to act for the union in any particular matter and appoint any person to sign documents on behalf of the union and its members, such decision being subject to the ratification of the *CEC*;
- 27.4.1.14. to keep all records required to be kept by the union in terms of any law;¹²
- 27.4.1.15. to institute disciplinary action against non-elected *officials* and staff, in accordance with the policies and procedures of the union;
- 27.4.1.16. to perform any other function that the *NOBC* is empowered or required to perform in terms of this Constitution;
- 27.4.1.17. to do all lawful things that promotes the interests of the union, its aims and objectives and policies.

¹² See section 99 of the Labour Relations Act No. 66 of 1995..

27.5. Meetings of the NOB

- 27.5.1. The *NOB* must meet at least once a month.
- 27.5.2. Its quorum is two thirds of the members of the committee.
 - 27.5.2.1. Members of the *NOB* must be given 7 days written notice of a meeting. A proposed agenda for the meeting must accompany the notice. The General Secretary must give the notice.
 - 27.5.2.2. If within 3 hours of the time fixed for the meeting a quorum is not present, the meeting will stand adjourned until a further meeting can be arranged. At the adjourned meeting the members present will form a quorum. The General Secretary must give at least 7 days notice of the adjourned meeting to each of the *NOB* members.

28. Central Executive Committee (CEC)

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

28.2. Composition of the CEC

- 28.2.1. The *CEC* consists of:
 - 28.2.2. the *NOB*;
 - 28.2.3. chairpersons and secretaries of the national sector councils;
 - 28.2.3.1. the chairpersons of the Education and Gender Committees of the *CEC*;
 - 28.2.4. the *ROB*;
 - 28.2.5. one regional gender co-ordinator from each region;
 - 28.2.5.1. additional delegates, who must be shop stewards, from each region elected by the *REC*. The number of additional delegates must be determined as follows:
 - 28.2.5.2. one additional delegate if the region has between 5001 and 10 000 members;
 - 28.2.5.3. 2 additional delegates if the region has between 10 001 and 15 000 members; and

- 28.2.5.4. 3 additional delegates if the region has more than 15 000 members; and
- 28.2.5.5. the heads of departments must attend in their *ex officio* capacity i.e. they have speaking, but not voting rights.

28.3. Vacancies on the CEC

- 28.3.1. A member of the *CEC* must vacate his or her seat on the *CEC* if the member:
 - 28.3.1.1. resigns in writing from the *CEC*;
 - 28.3.1.2. resigns or is suspended or expelled from the union;
 - 28.3.1.3. ceases to be a member in good standing;
 - 28.3.1.4. ceases to be a shop steward; or
 - 28.3.1.5. represents a region and is withdrawn from the *CEC* by the member's *REC*, which decision must be ratified by the *RC*;
 - 28.3.1.6. is absent from 2 consecutive meetings without sending an apology acceptable to the *CEC*; or
 - 28.3.1.7. is one of persons referred to in paragraphs 23.2.1.1. to 23.2.1.4 and the *CEC* resolves by majority vote to remove the person from the *CEC*, which decision must be ratified by the *NC* or relevant *RC*.
 - 28.3.1.8. The same context in clause 28.3.1.6 will apply to all other meetings save for 3 consecutive meetings with regard to being absent without an acceptable apology..
- 28.3.2. Vacancies on the *CEC* must be filled as follows:
 - 28.3.2.1. in the case of the *NOB* and chairpersons of the Education and Gender committees, the *CEC* must elect new persons to those positions; and
 - 28.3.2.2. in the case of the *ROB*, regional gender co-ordinators and any additional delegates that a region may qualify for, the *REC* must elect new persons to those positions.
 - 28.3.2.3. Vacancies on the *CEC* are filled until the following *NC* or relevant *RC* when re-elections must take place.

28.4. Powers and functions of the CEC

- 28.4.1. Subject to the policies and decisions of the *NC* the powers and functions of the *CEC* are:
 - 28.4.1.1. to manage the affairs of the union between meetings of the *NC*;
- 28.4.2. to implement the policies of the union;
- 28.4.3. to interpret the constitution;
 - 28.4.3.1. to give direction on and develop organisational, political, educational, and other policy issues;
 - 28.4.3.2. to consider and make decisions on matters arising from reports received from the structures and office-bearers of the union;
 - 28.4.3.3. to ratify decisions of the *NOB* as may from time to time be referred to it;
 - 28.4.3.4. to set up committees and determine their nature, membership, and scope;
 - 28.4.3.5. to establish Disciplinary, Finance, Education and Gender Committees. The Disciplinary Committee is in respect of members, shop stewards, elected officials, and office-bearers and staff;
 - 28.4.3.6. to deal with disciplinary appeals of members, shop stewards, elected officials and office-bearers and appeals relating to membership applications;
 - 28.4.3.7. to establish an appeals sub-committee to consider and decide upon appeals relating to the suspension or expulsion of members or the discipline and removal of shop stewards and office-bearers;
 - 28.4.3.8. to determine the procedures and rules regulating the elections, balloting, enquiry and meeting procedures and union discipline;
 - 28.4.3.9. to approve the annual audited financial statements and reports of the union and to approve and submit these documents to the *NC*;

- 28.4.4. to adopt the annual budget ;
 - 28.4.4.1. to open, operate and close bank accounts of the union and to generally control the funds and finances of the union;
- 28.4.5. to borrow or raise money and invest the funds of the union;
 - 28.4.5.1. to determine policies and guidelines for raising funds, investments and sponsorships at national, regional and local levels;
 - 28.4.5.2. to establish and dissolve projects, structures, organisations or vehicles for union investment;
 - 28.4.5.3. to determine policies about the accountability and remuneration of union appointed representatives, directors or trustees on union or union-related investment bodies and other statutory, non-statutory, public or private bodies;
 - 28.4.5.4. to establish policies and guidelines in respect of the union's involvement in the provision of non-employment related benefits to members such as educational bursaries, financial loans, legal aid schemes, etc and to approve the union's involvement in such schemes;
- 28.4.6. to allocate funds to the various structures of the union;
 - 28.4.6.1. to acquire by purchase, lease or otherwise, any moveable or immovable property on behalf of the union and to sell, let, mortgage, dispose of or otherwise deal with any moveable or immovable property belonging to the union;
- 28.4.7. to bind the union in terms of suretyship;
 - 28.4.7.1. to institute and defend legal proceedings in the name of the union on behalf of the union and its members and against any person, including members of the union;
 - 28.4.7.2. to appoint attorneys to act for the union and appoint any person to sign documents on behalf of the union and its members;
 - 28.4.7.3. to establish or dissolve sector, regional and local structures and demarcate the jurisdiction of sectors, regions and locals;
 - 28.4.7.4. to fill vacancies occurring in the positions of the NOBC and the chairpersons of the Gender and Education Committees;

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- 28.4.7.5. to determine the creation, maintenance and termination of employment posts for the effective running of the union;
- 28.4.7.6. to determine terms and conditions of employment for employees and officials of the union;
- 28.4.7.7. to determine the remuneration and define the job descriptions of all officials and staff;
- 28.4.7.8. to establish national employment policies and codes, performance standards and criteria for officials and staff;
- 28.4.7.9. to delegate powers, tasks and duties to any other union structure, official or office-bearer; and
- 28.4.7.10. to set aside and replace any decision taken by any structure of the union except the *NC*;
- 28.4.8. to amend this Constitution, where mandated by the *NC*;
 - 28.4.8.1. to take disciplinary actions which may lead to dismissal or suspension of any *CEC* member whom the *CEC* finds guilty of misconduct or who brings the union into disrepute;
 - 28.4.8.2. to perform any other function that the *CEC* is empowered or required to perform in terms of this Constitution; and
 - 28.4.8.3. to do all lawful things that in the opinion of the *CEC* promotes the interests of the union, its aims and objectives and policies.

28.5. Meetings of the CEC

- 28.5.1. The *CEC* must meet at least twice a year.
 - 28.5.1.1. The *NOB* must convene the *CEC* consistent with the provisions of the constitution
 - 28.5.1.2. The *NOB* may convene a special *CEC* meeting upon 48 hours written notice.
 - 28.5.1.3. One third of the members of the *CEC* may request that a *CEC* meeting be convened, in which event the meeting must be called within 14 days of the date of the request.

28.6. Notice of Meetings of the CEC

- 28.6.1. The NOB must give not less than 30 days written notice of the *CEC* meeting subject to the provisions of this constitution;¹³
- 28.6.2. The notice must include the proposed agenda.
 - 28.6.2.1. Notice of *CEC* meetings must be sent to the regional offices. The Regional Secretary must distribute the notice to all *CEC* delegates in that region.

28.7. Quorum of the CEC

- 28.7.1. The quorum for meetings of the *CEC* is half the delegates, office-bearers and elected officials required to attend.
- 28.7.2. If within 3 hours of the time fixed for the meeting a quorum is not present, the meeting will stand adjourned until a further meeting can be arranged. At the adjourned meeting the members present will form a quorum. The General Secretary must give at least 7 days notice of the adjourned meeting to each of the *CEC* members.

28.8. Committees of the CEC

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

28.9. Minutes of the CEC

- 28.9.1. The General Secretary must submit copies of the minutes of *CEC* meetings to each region as soon as possible after the meeting and in any event within 30 days of the *CEC* meeting.
- 28.9.2. The *CEC* must confirm the minutes at its subsequent meetings.

29. National Congress (NC)

29.1. The *NC* is the supreme governing body of the union.

29.2. Meetings of the NC

- 29.2.1. After consulting with the *CEC* the *NOB* must decide on the time, date and place for the *NC*.
- 29.2.2. The *NC* should be convened every 3 years between July and November unless there is a *COSATU* Congress in that year, in which case the *NC* must take place before the *COSATU* Congress.

29.3. Notice of a NC

- 29.3.1. Each *REC* must be given at least 90 days written notice of the *NC*. The General Secretary must give this notice.
- 29.3.2. At the same time as distributing the notice the General Secretary must submit the proposed agenda for the *NC*.

29.3.3. Special NC

- 29.3.3.1. A Special *NC* may be called by the *CEC*;
- 29.3.3.1.1. if two-thirds of the *CEC* are in favour of the calling of a Special *NC*.
- 29.3.3.1.2. If more than 50% of the *NOB* have to be replaced. This provision will apply in the same context to all structures below the *NC*.
- 29.3.3.2. Each *REC* must be given at least 60 days notice of a Special *NC*. The General Secretary must issue this notice and attach to it the proposed agenda of the Special *NC*.
- 29.3.3.3. The provisions of this Constitution with respect to the *NC* apply to the Special *NC* unless provided otherwise.

29.4. Composition of the NC

- 29.4.1. The *NC* is composed of:
- 29.4.1.1. the *CEC*; and

- 29.4.1.2. regional delegates, who are not members of the *CEC* and who are elected by their regions in accordance with the criteria for appointing delegates to the *NC*.
- 29.4.1.3. The criteria for the election of regional delegates to the *NC* are:
- 29.4.1.4. the delegate must be a shop steward and a member in good standing;
- 29.4.1.5. each region is entitled to one delegate for every 300 members or part thereof in that region;
- 29.4.1.6. the regional delegation must include at least one *office-bearer* from each local and two *office-bearer* from each sector;
- 29.4.1.7. the regional delegation must endeavour as far as possible to have one delegate from each workplace and no workplace may have more than 3 delegates; and
- 29.4.1.8. the number of delegates from each sector should be generally proportional to the number of members in each sector of that region.
- 29.4.1.9. The, National Administrator, National Sector Co-ordinators and Heads of Departments must attend the *NC* in their *ex-officio* capacities, i.e. they have speaking but not voting rights.

29.5. Quorum of the NC

- 29.5.1. The quorum for the *NC* is at least two-thirds of the number of delegates and office-bearers that are eligible to attend.
- 29.5.2. In the event that there is no quorum within 5 hours of the scheduled start of the Congress, or such time as may be determined by the *CEC* or *NOB*, the Congress will be adjourned until the *NOB*, after consulting the *CEC*, convenes a further meeting. The re-convened Congress must take place not sooner than 3 months and not later than 6 months after the date on which the Congress was adjourned. At least 30 days notice of the reconvened Congress must be given to the *REC*'s.
- 29.5.3. At the reconvened Congress the delegates present will constitute a quorum.

29.6. Powers of the NC

- 29.6.1. The powers and duties of the *NC* are:
- 29.6.2. to confirm its agenda;
- 29.6.3. to review the credentials of the delegates;
- 29.6.4. to approve nominations for and the election of the *NOB*;
 - 29.6.4.1. to consider and make decisions about matters arising from the reports submitted to it by the *NOB* and various structures of the union;
 - 29.6.4.2. to consider and make decisions about matters arising from audited reports, financial statements and financial reports of the National Treasurer;
- 29.6.5. to assess the union's progress;
- 29.6.6. to determine the policies of the union;
- 29.6.7. to amend this Constitution;
 - 29.6.7.1. to delegate any of its powers to any structure of the union; and
 - 29.6.7.2. to consider and deal with any other matter that merits the attention of the *NC*, which includes the amendment, ratification or reversal of any decision of any other structure of the union.

29.7. Minutes of the NC

- 29.7.1. The General Secretary must keep minutes of the *NC*.
 - 29.7.1.1. The minutes should be distributed to all regions within 2 months of the *NC*.
- 29.7.2. The *CEC* must confirm the minutes of the *NC*.

Chapter G: Sector Councils

30. Establishment of sector and sub sector councils

- 30.1. The *CEC* may demarcate the industries falling within the scope of the union into sectors. The *CEC* must establish sector councils for each designated sector.
- 30.2. The *CEC* may also demarcate sub-sectors falling within a sector in order to ensure the fair representation of special interests or needs in sector structures.
- 30.3. Sectors and sub-sectors do not have decision-making powers. The *CEC* and *NOB* must ratify the decisions of national sector councils (and their sub-sectors). The union's regional and local structures must ratify the decisions of the respective regional and local sector councils.
- 30.4. Sector councils may establish structures at local, regional and national levels.

31. Local Sector Councils

- 31.1. Where there is more than one workplace in a Local and within a sector which have members of the union, the *LSSC* must establish a Local Sector Council
- 31.2. The Local Sector Council's composition is:
 - 31.2.1. all *officials* and *office-bearers* allocated by the *REC* or the *LSSC* to the Local Sector Council for the purpose of building and strengthening the structure;
 - 31.2.2. at least 2 delegates from each workplace that is within the scope of the sector and within the local; and
 - 31.2.3. the local sector office bearers;

31.3. Powers and functions of the Local Sector Councils

- 31.3.1. The powers and functions of the Local Sector Council are:
 - 31.3.1.1. to receive and consider reports from workplaces and the other structures of the union on matters in which the sector has an interest;
 - 31.3.1.2. to discuss and provide mandates on all matters in which the sector has an interest;

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- 31.3.1.3. to co-ordinate and implement in the sector the union's campaigns and policies;
- 31.3.2. to submit written reports to the Regional Sector Council;
- 31.3.3. to monitor progress and growth of the union in the sector;
 - 31.3.3.1. to implement strategies for growth and progress of the union in the sector;
 - 31.3.3.2. where appropriate, to elect and appoint delegates to bargaining forums;
 - 31.3.3.3. to elect Local Sector Council Office Bearers and replace Local Sector Council Office Bearers if any positions become vacant. The election of these office bearers should take place, where possible, every 3 years and in the same year as the *NC*.

31.4. Local Sector Council Office Bearers

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

32. Regional Sector Council

- 32.1. Where more than one workplace in a region and within a sector has members of the union, the *REC* must establish a Regional Sector Council

32.2. Composition

- 32.2.1. The Regional Sector Council's composition is:
 - 32.2.1.1. all *officials* and *office-bearers* allocated by the *REC* to the Regional Sector Council for the purpose of building and strengthening the structure;
 - 32.2.2. two office-bearers from each Local Sector Council;
 - 32.2.2.1. one delegate from each workplace that falls within the sector, that has union members and that does not fall under the jurisdiction of any Local Sector Council; and
 - 32.2.3. the regional sector council office bearers;

32.3. Powers and functions of the Regional Sector Council

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

32.4. Regional Sector Council Office Bearers

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

33. National Sector Councils

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

33.2. Composition

- 33.2.1. The National Sector Council's composition is:
- 33.2.1.1. all *officials* and *office-bearers* allocated by the NOB to the National Sector Council for the purpose of building and strengthening the structure;
- 33.2.2. two office-bearers from each Regional Sector Council;
- 33.2.2.1. one organiser from each region that organises in that sector; and
- 33.2.3. the national sector council office bearers;

33.3. Powers and functions of the National Sector Council

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

33.4. National Sector Council Office Bearers

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

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34. Meetings of the National, Regional and Local Sector Councils

- 34.1. These councils will meet as and when necessary or as prescribed by the *CEC*.
- 34.2. Officials, including national, regional and local organisers, may attend the respective National, Regional and Local Sector Councils in their *ex-officio* capacity i.e. they have speaking but not voting rights.
- 34.3. The *CEC* may determine guidelines for the calling of and the quorums of these councils.

Chapter H: General Provisions

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

- 35.1. When appointing any *office-bearer* or *official* of any structure of the union or any member to a committee or other organ of the union, or when determining the representatives or alternatives to any meeting, due regard must be given to enhancing the participation and development of women in the affairs of the union.
- 35.2. The structures of the union must, by resolution, determine the manner in which the participation of women in the affairs of the union may be enhanced.

36. Demarcation of regional and local structures and sector councils

- 36.1. The *NC* or *CEC* must demarcate the regions, locals and sectors.

37. Interim structures

- 37.1. If regional structures or a sector council are being established or have been dissolved and are being re-established the *CEC* may establish interim regional structures or an interim national sector council in order to fulfil the functions of the structure that is to be established.
- 37.2. If local structures or a local sector council are being established or have been dissolved and are being re-established, the *CEC* or relevant *REC* may appoint an interim committee to fulfil the functions of the local structures or local sector council.
- 37.3. If workplace structures are being established or have been dissolved and are being re-established, the *CEC*, relevant

REC or *LSSC* may appoint an interim committee to fulfil the functions of the workplace structures.

- 37.4. These interim structures must dissolve upon establishment of the relevant structure.

38. Representation on bargaining or statutory councils and industry structures, such as Bargaining Forums

38.1. Bargaining and statutory councils and SETA's

- 38.1.1. The relevant National Sector Council must elect the union's representatives to national bargaining or statutory councils and *SETA*'s. This decision must be ratified by the *CEC*.
- 38.1.2. The relevant Regional Sector Council must elect the union's representatives to regional bargaining or statutory councils and *SETA*'s. This decision must be ratified by the National Sector Council and the *REC*.
- 38.1.3. The relevant Local Sector Council must elect the union's representatives to local bargaining or statutory councils or *SETA*'s. This decision must be ratified by the National and Regional Sector Council, the *REC* and *LSSC*.

38.2. Statutory or other industry forums

- 38.2.1. The provisions of paragraph 40.1.1 apply, with the changes required by the context, to the appointment of representatives to statutory or other industry forums within a sector.
- 38.2.2. Where a statutory or industry forum covers the scope of more than one sector, the *CEC* must chose the union's representatives in consultation with the relevant sector councils.

38.3. Dispute Resolution Forums

- 38.3.1. Unless otherwise determined by the *CEC* the appointment of representatives to any statutory or privately established dispute resolution forum¹⁴ is as follows:

¹⁴ Examples of this include dispute resolution forums at a bargaining council or under the auspices of the CCMA.

- 38.3.2. in the case of a dispute at a bargaining or statutory council, the union representatives will be the representatives appointed to represent the union at that council;
- 38.3.3. in the case of a dispute at a sector level, but not involving a dispute at a bargaining or statutory council, the relevant National Sector Council will appoint the union representatives. The *NOB* may appoint any official or office-bearer to this delegation;
- 38.3.4. in the case of a dispute at a workplace, the union representatives will be appointed by the *SSC*'s or a general meeting of members in that workplace. The *REC* may appoint any official or office-bearer to this delegation; and
- 38.3.5. in the case of a dispute at an employer with more than one workplace, the union representatives will be appointed by the relevant enterprise Shop Steward Committee. The *NOBC* may appoint any official or office bearer to this delegation.

39. Rules for the conduct of meetings

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

39.2. Chairperson

- 39.2.1. The President, or the most senior office-bearer present, must chair all national meetings.
- 39.2.2. The Regional Chairperson, or the most senior office-bearer present, must chair all regional meetings.
- 39.2.3. The Local Chairperson, or the next most senior office-bearer present, must chair all Local meetings.
- 39.2.4. The chairperson of the *SSC*, or the most senior office bearer present, must chair all meetings of the *SSC*'s.

39.3. Quorum

- 39.3.1. Unless stated otherwise in this Constitution, the quorum for any meeting must be at least half the delegates that are entitled to attend the meeting.

- 39.3.2. The chairperson must determine whether there is a sufficient quorum for the meeting.

39.4. Agendas

- 39.4.1. Only issues on the agenda may be debated, unless the majority present at the meeting agree otherwise.
- 39.4.2. Any proposals to change the agenda must be debated at the start of the meeting. If there is no agreement on the agenda after 20 minutes of debate, the matter must be determined by a vote.

39.5. Decision Making

- 39.5.1. All matters requiring a decision must be proposed and seconded.
- 39.5.2. Except where otherwise provided paid officials or employees of the union may not vote on any matter.
- 39.5.3. Decisions must be taken by the vote of the majority of members or delegates present at any meeting and entitled to vote.
- 39.5.4. Voting must be by show of hands, unless a ballot is prescribed by this Constitution or agreed to by the meeting.

39.6. Standing orders

- 39.6.1. Any delegate or member present at a meeting who wishes to speak must address the chairperson and may do so only with the permission of the chairperson.
- 39.6.2. Any delegate or member present at a meeting who proposes a motion may motivate that motion for at least 10 minutes and may reply to any debate for up to 5 minutes.
- 39.6.3. Except with the permission of the chairperson, or as provided for in paragraph 39.6.2 above, no delegate or member present at the meeting may speak on any issue for longer than 5 minutes.
- 39.6.4. Decisions made may not be re-opened at the same meeting.

- 39.6.5. The chairperson may make rulings on matters of meeting procedure, to the extent that such matters are regulated in this paragraph.
- 39.6.6. Unless this Constitution provides otherwise, the majority of members or delegates present at any meeting may decide on rules of procedure not specifically regulated.
- 39.6.7. The chairperson must appoint at least 2 scrutineers for every ballot.
- 39.6.8. In any meeting where there are more than 50 delegates or members present, the chairperson must appoint two scrutineers to count votes on all matters determined by show of hands.

39.7. Minutes of meetings

- 39.7.1. The chairperson must appoint a minute taker for every meeting.
- 39.7.2. Minutes must be confirmed at every subsequent meeting, with amendments or deletions agreed to by the majority of those present at the meeting.
- 39.7.3. Minutes must be signed by the chairperson and kept in a book or file by the chairperson.
- 39.7.4. The chairperson must keep a register of all resolutions and decisions taken at meetings.

40. Code of conduct

- 40.1. The CEC will adopt a code of conduct for all members of the union. Breaches of the code of conduct must be dealt with in terms of the disciplinary procedures contained in this Constitution.

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

- 41.1. Any member, shop steward, office bearer or elected official may be disciplined by the union, in terms of this paragraph, for:
 - 41.1.1. acting in a manner contrary to this Constitution;
 - 41.1.1.1. acting contrary to the interests of the union and its members, or any federation of unions to which the union belongs;

- 41.1.1.2. failing to attend 2 consecutive meetings of the *CEC* or 3 consecutive meetings of any other constitutional bodies which the person is required to attend;
- 41.1.2. failing to be in good standing with the union;¹⁵ or
- 41.1.3. committing any other act of misconduct.
- 41.2. Members may not be disciplined or have their membership terminated for failure or refusal to participate in a strike or lock-out if:
 - 41.2.1. no ballot was held about the strike or lock-out; or
 - 41.2.1.1. a ballot was held but a majority of the members who voted did not vote in favour of the strike or lock-out.
- 41.3. Establishment and Powers of Disciplinary Committees**
 - 41.3.1. The *CEC* and *REC*'s must establish Disciplinary Committees.
 - 41.3.2. The relevant *REC* Disciplinary Committee disciplines members, shop stewards, elected officials and LOBC.
 - 41.3.3. The *CEC* Disciplinary Committee disciplines regional and national elected officials and office bearers.
 - 41.3.4. If the Disciplinary Committee believes that the charge has been satisfactorily proven it may:
 - 41.3.4.1. remove the person concerned from his or her office in the union;
 - 41.3.4.2. expel the person concerned from the union or dismiss such person from his or her employment in the union, as the case may be;
 - 41.3.4.3. suspend him or her for a definite period from his or her position, or employment, in the union;
 - 41.3.4.4. suspend him or her from membership, position in the union or his or her employment in the union;

¹⁵ This does not apply to elected officials.

- 41.3.4.5. impose a fine or suspend him or her from membership, position in the union or his or her employment in the union pending payment of the fine; or
- 41.3.4.6. impose any other fair and appropriate penalty.
- 41.3.4.7. In disciplining members, shop stewards, elected officials or office-bearers the relevant Disciplinary Committee must follow the disciplinary procedure set out in paragraph 41.4 below.

41.4. Disciplinary Procedure

- 41.4.1. The member, shop steward, elected official or office bearer to be disciplined must be given at least 7 days written notice of the charges against him/her, the time and place for the disciplinary hearing.
- 41.4.2. The notice of the charges may be sent to the person charged by registered post to his or her last known address, *domicilium citandi et excutandi* or it may be delivered by hand.
- 41.4.3. The relevant Disciplinary Committee, as the case may be, may proceed to hear and determine the charges if satisfied that:
 - 41.4.3.1. the person charged is present; or
 - 41.4.3.2. although absent from the hearing, it is reasonable to assume that the person charged has received the notice and does not have an acceptable reason for not attending.
 - 41.4.3.3. At the hearing of the charges the person charged must have the opportunity to state his or her case personally and to call and question witnesses.
 - 41.4.3.4. The person charged must receive written notice of the decision.

41.5. Appeal Procedure

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

- 41.5.2. Appeals against decisions of the relevant Disciplinary Committee must be heard by the CEC, or any other body or grouping that the CEC appointed to hear the appeal.
- 41.5.3. On appeal the member, shop steward, elected official or office bearer may state his or her case personally, question and call witnesses.
- 41.5.4. The CEC may confirm, vary or reverse the decision appealed against.

42. Removal of office-bearers, elected officials and shop stewards from office

- 42.1. Despite any other provision in this Constitution, shop stewards, office-bearers and elected officials may be removed from office in accordance with this paragraph.
- 42.2. A ballot, as set out in this paragraph, must be held at the written request of at least 30% of the members, in good standing, in the constituency in which the affected person was elected or appointed or that constitutional structure immediately below it.
- 42.3. The committee to whom the request is addressed must arrange for a ballot of all members in good standing in the relevant constituency.
- 42.4. The person concerned may be removed from office if more than 50% of the members of the constituency vote to remove the person concerned.
- 42.5. For the purpose of this paragraph the relevant constituencies are as follows:
 - 42.5.1. for shop stewards, local elected officials and office bearers the members in good standing within the area of the local;
 - 42.5.2. for regional elected officials and office-bearers the members in good standing within the geographical area of the region or a RC; and
 - 42.5.3. for national elected officials and office-bearers a NC.

43. Ballots

- 43.1. **Ballots may be taken**
 - 43.1.1. of those members in respect of whom the union intends to call for a strike;

- 43.2. Ballots must be taken:
- 43.2.1. when it is compulsory in terms of this Constitution;
 - 43.2.1.1. nationally, regionally or locally if called for by the *NC* or *CEC*; or
 - 43.2.1.2. nationally, regionally or locally if called for by the *CEC*, upon a petition of at least 30% of the unions' members in good standing.
 - 43.3. A Local ballot must be taken if called for:
 - 43.3.1.1. by at least 25% of the members in good standing within the local; or
 - 43.3.2. by the members of the *LSSC*, *RC* or *REC*.
 - 43.4. A ballot of members in a particular workplace must be taken if called for by:
 - 43.4.1.1. at least 20% of the members in good standing at a general member's meeting; or
 - 43.4.2. at least 20% of the members of any *SSC*.
- 43.5. Ballot procedure**
- 43.5.1. The relevant body that called for the ballot must appoint at least two scrutineers who may be members of the union. The scrutineers must supervise the ballot and counting of the votes.
 - 43.5.2. The relevant body calling for the ballot must determine an appropriate place for the holding of the ballot and take adequate steps to ensure that the members, who are entitled to vote, are aware of the ballot.
 - 43.5.3. Each voter must, in the presence of a scrutineer, be issued with a ballot paper that describes the issue.
 - 43.5.4. The ballot and the ballot paper must make it impossible to identify the vote of any particular individual.
 - 43.5.5. No voter may be compelled to disclose the nature of his or her vote or intended vote in a ballot.

- 43.5.6. Each voter must make a mark on the ballot paper in secret and deposit the ballot paper into a ballot box.
- 43.5.7. On completion of the ballot the scrutineers must count the votes.
- 43.5.8. If there is an election the candidate for election may observe the counting. The candidate receiving the highest number of votes shall be declared elected.
- 43.5.9. The scrutineers must inform the most senior office-bearer present of the results of the ballot. They must then inform the meeting or committee.
- 43.5.10. The body of the union that called for the ballot, must act upon the results of the decision of the majority voting in the ballot subject to:
 - 43.5.11. the provisions of this Constitution; or
 - 43.5.12. the decisions of the union structures that are binding on that body.
- 43.5.13. Ballot papers must be kept for three years, by the Regional Secretary in respect of a regional or local ballot, and in the case of a national ballot by the General Secretary.

44. Finances

44.1. General

- 44.1.1. The union may not operate any other accounts, other than those provided for in this Constitution, unless specifically authorised by the *CEC*.
- 44.1.2. All funds received from agency or closed shops must be deposited into separate bank accounts at a bank determined by the *CEC*.
- 44.1.3. A person whose membership has terminated has no claim whatsoever on the funds of the union.
- 44.1.4. The *CEC* or its' nominees may, at any time, authorise an inspection, audit or suspension of any the union's accounts.

- 44.1.5. The union may not make a payment of more than R60 000,00 without the prior approval of *Fincom*. *Fincom* may amend this amount from time to time, subject to ratification by the *CEC*.
- 44.2. Union funds may only be used for:
- 44.2.1. the administration of union affairs;
 - 44.2.2. -the acquisition of property;
 - 44.2.3. investments on behalf of the union that are in the interests of members;
 - 44.2.4. the implementation of union policies and decisions;
 - 44.2.5. any lawful purposes agreed to by the *NC*, *CEC*, *NOB*, *RC*, *REC*, or
 - 44.2.6. the achievement of the objects of the union, as set out in this Constitution.
- 44.3. *Fincom***
- 44.3.1. *Fincom*, which is a committee of the *CEC*, is composed of the regional treasurers, National Treasurer, General Secretary and Deputy General Secretary. *Fincom* may co-opt into its structure a maximum of 2 union employees or *officials* that are involved in the financial affairs of the union.
- 44.3.2. *Fincom* must ensure that:
- 44.3.2.1. proper books of account are maintained at the union's head office and regional offices according to accepted accounting practices;
 - 44.3.2.2. approve and scrutinise all payments made by the union;
 - 44.3.2.3. meet at least quarterly on a date fixed by the National Treasurer in consultation with the General Secretary;
 - 44.3.2.4. keep detailed minutes of every meeting it holds;
 - 44.3.2.5. report to the *CEC* on a regular basis;
 - 44.3.2.6. it proposes ways of making the union self-sufficient;
 - 44.3.2.7. does preparatory work regarding the union's budget;

- 44.3.2.8. takes decisions on matters that are in compliance with the union's budget;
- 44.3.2.9. consider extra-ordinary requests for funds from the regions or head office; and
- 44.3.2.10. make recommendations to the *CEC* on all financial matters; including auditing, budget allocations, operational expenses, investments and financial policies.

44.4. Banking authority

- 44.4.1. No person is authorised to open a national account in any bank in the name of "South African Transport and Allied Workers Union" or any other similar name:
- 44.4.2. without the explicit written authority of a resolution of the *CEC* on official union letterhead signed by at least three members of the *NOB*; and
- 44.4.3. if any of the three signatories is not the National Treasurer or General Secretary, without the subsequent verbal confirmation of either the National Treasurer or General Secretary.
- 44.4.4. The General Secretary must take reasonable steps to draw this provision to the attention of financial institutions.
- 44.4.5. No person is authorised to open a regional account in any bank in the name of "South African Transport and Allied Workers Union" or any other similar name without the explicit written authority of a resolution of the *REC* on official union letterhead signed by the Regional Secretary, Regional Treasurer and one other *ROB*.
- 44.4.6. The Regional Secretary must take reasonable steps to draw this provision to the attention of financial institutions.

44.5. National bank account

- 44.5.1. All monies payable to the union, including subscriptions, levies, fines and other payments must be made into the *CEC* account.
- 44.5.2. The General Secretary, National Treasurer or any other authorised person, must deposit all monies within 7 days of receipt into an account in the name of the union at a bank decided on by the *CEC*.

As Amended at the 1st National Congress held on 24-28 August 2003

- 44.5.3. The bank account must be called “South African Transport and Allied Workers Union: National Account”.
- 44.5.4. Only the General Secretary, National Treasurer and President and one other person authorised by the *CEC*, may act as signatories to the union’s national account.

44.6. Budget allocations

- 44.6.1. The *CEC* must determine by majority vote the size of annual budget allocations for the union’s head office and each regional account.
- 44.6.2. *Fincom* must approve all monthly allocations made from the national account to regions. The signature of the two signatories of the national account must reflect authorisation to effect transfer of monies.
- 44.6.3. All cheques drawn on the union’s national account must be signed by at least three of the four authorised signatories.

44.7. Regional Accounts

- 44.7.1. Funds transferred to the regional accounts must be sent to the Regional Secretary, who must deposit the monies within 7 days of receipt.
- 44.7.2. The *REC* shall determine an appropriate bank for the regional account.
- 44.7.3. The *REC* must authorise 3 signatories to the regional account, who must be the Regional Secretary, Regional Treasurer and any other member of the *REC*. All cheques must be signed by at least two signatories.

44.8. Annual Audit

- 44.8.1. The financial year is from the last day of February each year to the first day of March the following year.
- 44.8.2. All accounts of the union must be audited annually by a person registered as an accountant and auditor under section 23 of the Public Accountants and Auditors Act, 1951. This person must be appointed by the *CEC*.

- 44.8.3. Copies of the consolidated audited account of the union and the auditors' report must be kept and made available to union members at all union offices upon request.
- 44.8.4. The *NC* or *CEC* must confirm the consolidated audited financial statements, the balance sheet and auditor's report.
- 44.8.5. The consolidated audited financial statements must be presented at the *CEC* meetings.
- 44.8.6. The auditors' report must state whether the auditor:
- 44.8.6.1. has examined all the books of account and records of the union;
 - 44.8.6.2. is satisfied with the existence of the securities;
 - 44.8.6.3. is satisfied that the union has kept proper books of account;
 - 44.8.6.4. has obtained all the information and explanations required;
 - 44.8.6.5. is satisfied that the statement of income and expenditure and balance sheet accurately reflect the union's financial affairs; and
 - 44.8.6.6. is satisfied that the financial provisions of the constitution have been fully complied with.

44.9. Levies and other charges

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

44.10. Unauthorised Expenditure

- 44.10.1. if any members at a union structure or meeting of the union incur expenses that have not been properly authorised, those members may be held jointly and severally liable for refunding such monies to the union.
- 44.10.2. Any member, whose protest against an unauthorised expenditure is recorded in the minutes of that meeting, may not be held liable in terms of paragraph 44.10.1 above.

45. Indemnification

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

46. Dissolution

- 46.1. The union may be dissolved if a two-third's majority of members at the *CEC* resolve such provided that no such resolution may taken unless a ballot of members of the union has been conducted in the manner prescribed in this Constitution and more than 60% of the members in good standing and participating in the ballot have approved the dissolution.
- 46.2. If a resolution for the dissolution or winding up of the union has been passed or if for any reason the union is unable to continue to function the following will apply:
- 46.2.1. The available members of the last-appointed *CEC* of the union must deliver to the Labour Court a statement signed by them setting forth:
- 46.2.2. the resolution adopted; or
- 46.2.3. the reasons for the trade union's inability to continue to function; and
- 46.2.4. requesting the Labour Court to grant an order in terms of section 103 of the *LRA*.
- 46.2.5. The liquidator appointed by the Labour Court may call upon the last-appointed office-bearers of the union to deliver to him or her the union's books of accounts showing the assets and liabilities together with the register of members showing for the 12 months prior to the date on which the resolution for winding-up was passed or the date as from which the union was unable to continue to function, as the case may be ("the date of dissolution"), the membership fees paid by each member and his or her address as at the date of dissolution.
- 46.2.6. The liquidator may also call upon the last-appointed office-bearers to hand over to him or her all unexpended funds of the union and to deliver to him or her the union's assets and the documents necessary to liquidate the assets.

- 46.2.7. The liquidator must take the necessary steps to liquidate the debts of the union from its unexpended funds and any other moneys realised from any assets of the union. If these funds and moneys are insufficient to pay all creditors after the liquidator's fees and the expenses of winding-up have been met, the order in which creditors will be paid must be the same as that prescribed in any law for the time being in force relating to the distribution of the assets of an insolvent estate. The liquidator's fees and the expenses of winding-up must rank in order as that of an insolvent estate and as though the expenses were the costs of sequestration of an insolvent estate.
- 46.2.8. After the payment of all debts in accordance with paragraph 46.2.7. the available members of the last-appointed CEC may decide to distribute the remaining funds, if any, by:
- 46.2.9. transferring all or part of the assets or money to another trade union;
- 46.2.10. entrust the money with the Registrar of Labour Relations (the Registrar) until another trade union within the scope of this union is formed and once it is formed transferring all or part of the assets or money to that trade union;
- 46.2.11. transferring the money or assets to any insurance, pension, provident or benefit fund established in the interests of the union's members; or
- 46.2.12. distributing the money or assets amongst members in good standing at the date of dissolution on the basis of membership fees actually paid during the 12 months prior to date of dissolution.
- 46.2.13. After the payment of all the liabilities, any assets that cannot be disposed of in accordance with the provisions of this paragraph must be realised by the liquidator and the proceeds paid to the Commission for Conciliation, Mediation and Arbitration (in accordance with section 103(5) of the *LRA*).
- 46.2.14. The liability of members will for the purpose of this paragraph be limited to the amount of membership fees due by them to the union in terms of this Constitution as at the date of dissolution.

47. Amalgamation and merger

- 47.1. The union may amalgamate or merge with one or more other unions if at least two-thirds of the delegates at a *NC* or *CEC* vote in favour of the amalgamation or merger.
- 47.2. The *CEC* has the authority to negotiate the terms and conditions of the amalgamation or merger.
- 47.3. Upon the amalgamation or merger, the assets of the union will be transferred to the new union subject to the provisions of Section 102 of the Act.

48. Amendments to the constitution

- 48.1. The *NC* or the *CEC* (where mandated by the *NC*) may repeal, amend or add to the provisions of this Constitution by way of a resolution that carries a two-thirds majority provided that at least 14 days notice has been given to the regions, locals and Sector Councils, subject to the certification of any changes by the Registrar.
- 48.2. No changes or additions to this Constitution will have any force or effect until certified in terms of section 101(3) of the *LRA*.

49. Interpretation of the constitution

- 49.1. Whenever there is a dispute about the interpretation of any of the provisions of this Constitution, the *NC* may make a ruling on the matter and that ruling will be the final interpretation of the Constitution.
- 49.2. Pending the *NC*, the *CEC* may make an interim ruling, which will be binding until the *NC* has decided upon the issues.

Ezrom Mabyana

President

Randall Howard

General Secretary

Schedule 1

Transitional Provisions

1. This union is formed out of the merger or amalgamation of the South African Transport and Allied Workers Union (“the old SATAWU”) and the Transport and General Workers Union (“the T&GWU”).
2. The merger is governed by section 102 of the Labour Relations Act No. 66 of 1995.
3. Pending the registration of this union the old SATAWU and T&GWU will remain registered trade unions.
4. Every previously adopted constitution of the old SATAWU and T&GWU is repealed upon the registration of this Constitution.
5. This constitution takes effect upon the closing or final adjournment of the meeting at which it is adopted.
6. Any action taken in terms of the old SATAWU and T&GWU constitutions must be regarded as being taken in terms of the corresponding provision in this constitution.

Appendix 1 **Scope of the union**

The Union will be open to all workers employed in any of the following public or private industries, trades, occupations or undertakings in the Republic of South Africa.”

- 1.1. Transport services, which includes:
 - 1.1.1. Passenger transport services, including by road, rail, air, river and sea;
 - 1.1.2. Freight or goods transport and storage, including by road, rail, air, river, sea or pipelines;
- 1.2. Maritime transport, which includes:
 - 1.2.1. stevedoring and cargo-handling;
 - 1.2.2. shipping;
 - 1.2.3. repairs to maritime equipment;
 - 1.2.4. clearing and forwarding;
 - 1.2.5. seafaring and berthing; and
 - 1.2.6. ship supplies and chandelling services;
- 1.3. Civil Aviation, which includes:
 - 1.3.1. passenger, cargo and technical services in both domestic and foreign airlines;
 - 1.3.2. operations at airports;
 - 1.3.3. operations at civil aviation authorities or offices;
 - 1.3.4. air traffic navigation services; and
 - 1.3.5. ground and ramp handling services
- 1.4. Transport infrastructure services, which includes:
 - 1.4.1. tollgates and road management and operation;
 - 1.4.2. car parking; and
 - 1.4.3. the operation of transport terminals;

- 1.4.4. Travel agencies and transport rental services, including motor vehicle rental services;
- 1.5. Property Services, which includes:
 - 1.5.1. contract cleaning;
 - 1.5.2. contract Security;
 - 1.5.3. sports and recreation clubs;
- 1.6. General cleaning services (other than property services);
- 1.7. Temporary employment agencies and independent and sub-contractors that provide employees to employers operating in any above sectors; and
- 1.8. General support services incidental to or associated with the above.
- 1.9. The union will be open to all workers, including atypical workers, who include but are not limited to casual, part-time, temporary, fixed-term or seasonal workers.

