



CONSTITUTION

OF THE

UNITED NATIONAL

TRANSPORT UNION

CONTENTS

PART 1	3
INTRODUCTION AND DEFINITIONS	3
1. NAME	3
2. TITLE/ADDRESS.....	3
3. DEFINITIONS.....	3
4. OBJECTIVES.....	7
5. STATUS OF THE UNION	8
PART 2	8
MEMBERSHIP.....	8
6. MEMBERSHIP	8
7. SUSPENSION AND TERMINATION	10
8. SUSPENSION AND TERMINATION CONTINUED.....	11
9. SUBSCRIPTIONS.....	12
PART 3	13
STRUCTURE OF THE UNION & OFFICE BEARERS	13
10. MANAGEMENT AND STRUCTURE OF THE UNION.....	13
11. NATIONAL CONGRESS	14
12. THE PRESIDENT AND VICE PRESIDENT AND THEIR ELECTION	18
13. THE EXECUTIVE COMMITTEE	23
14. MANAGEMENT COMMITTEE.....	34
15. ESTABLISHMENT AND CONTROL OF BRANCHES	41
16. WORKPLACE	53
17. REMOVAL AND SUSPENSION OF OFFICE BEARERS.....	55
18. VOTING BY BALLOT	58
PART 4	63
ADMINISTRATION.....	63
19. USE OF FUNDS.....	63
20. GENERAL	64
21. OFFICIALS	64
PART 5	66
AMENDMENTS TO THE CONSTITUTION AND WINDING UP	66
22. AMENDMENTS OF CONSTITUTION	66
23. WINDING UP OF THE UNION.....	67
24. COMMENCEMENT.....	68
PART 6	69
SCOPE	69
25. INDUSTRIES AND SECTORS.....	69

PART 1

INTRODUCTION AND DEFINITIONS

1. NAME

United National Transport Union (UNTU), being an amalgamation of the former United Transport and Allied Trade Union (UTATU) and the South African Railways and Harbour Union (SARWHU).

2. TITLE/ADDRESS

2.1 Any expression used in this constitution that is defined in the Labour Relations Act, 1995 (Act No 66 of 1995) as amended, shall have the meaning ascribed to it in the Act.

2.2 The Head Office of the Union shall be at such a place in the Republic of South Africa as determined by the Executive Committee, and is currently situated at 15 Bradford Road, Bedford View, Gauteng.

3. DEFINITIONS

3.1 In this Constitution words referring to:

3.1.1 the singular shall include the plural and *vice versa*;

3.1.2 the masculine shall include the feminine and *vice versa*;

3.1.3 Juristic Entities shall include natural persons and *vice versa*;

3.1.4 Juristic Entities shall include their successors in title.

3.2 Unless inconsistent with the context, the following words or expressions shall have these meanings assigned to them in this clause 3.

3.2.1 "Branch" shall mean a Branch of the Union consisting of the Members in that specific area as determined by the Executive Committee to represent those Members within the jurisdiction of that Branch.

3.2.2 "Branch Committee" shall mean the Committee of a Branch consisting of all elected TUR's within the jurisdiction of such Branch, as determined by the Executive Committee.

- 3.2.3 “Branch Executive Committee” shall mean the executive committee of a Branch.
- 3.2.3.1 “Business Day” shall mean any day other than a Saturday, Sunday or official public holiday in South Africa. Where any day for the performance of any obligation in terms of this Constitution falls on a day other than a Business Day, such obligations shall be performed on the immediate following Business Day.
- 3.2.4 “Constitution” shall mean this Constitution of the Union as amended from time to time and any annexures or schedules referred to herein.
- 3.2.5 “Days” shall mean ordinary calendar days (which includes Saturdays, Sundays and all public holidays in South Africa). Where any number of days is prescribed or must be calculated from a particular day in terms of the Constitution, such number shall be calculated as excluding that day and commencing on the next day.
- 3.2.6 “Delegate” shall mean an Eligible Member, who has been elected by that Member’s Branch to attend at the National Congress and participate and vote at the National Congress.
- 3.2.7 “Disciplinary Process” shall mean the disciplinary process of Members as set out in clause 7.2 below, alternatively the disciplinary process of Office Bearers as set out in clause 17.2.3 as the case may be.
- 3.2.8 “Eligible Members” shall mean a Member who intends standing for election to any position as an Office Bearer of the Union or to attend National Congress or other meeting of the Union, who is:-
- 3.2.8.1 a Member in good standing; and
- 3.2.8.2 has not been removed as an Office Bearer, in terms of this Constitution, for a period of not less than 5 (five) years immediately prior to the date on which the nomination for the position of Office Bearer or Delegate closes (hereinafter referred to as “the appropriate time”); and
- 3.2.8.3 has not been a member of another trade union, which operates in the same industry or sector as the Union, for a period of not less than 5 (five) years immediately prior to the appropriate date. The Executive Committee may reduce the time periods or waive the provisions of this clause 3.2.8.3 in their sole and absolute discretion.
- 3.2.8.4 For the sake of clarity, the Executive Committee may not reduce the

- time periods or waive the provisions of clause 3.2.8.2.
- 3.2.9 "Executive Committee" shall mean the Executive Committee of the Union.
- 3.2.10 "FTUR" shall mean a full time Trade Union Representative.
- 3.2.11 "Head Office" shall mean the Head Office of the Union and the office of the General Secretary.
- 3.2.12 "Juristic Entity" shall mean an entity, other than a natural person, created by law and recognised as a legal entity having distinct identity, legal personality and duties and rights.
- 3.2.13 "Management Committee" shall mean the Management Committee of the Union as provided for in clause 14.
- 3.2.14 "Member" shall mean a Member of the Union who has been accepted for membership of the Union in terms of this Constitution and whose subscriptions have at all relevant times been paid in full.
- 3.2.15 "Members' Disciplinary Process" shall mean the disciplinary process as set out in clause 7.2 below.
- 3.2.16 "Month" shall mean one calendar month.
- 3.2.17 "Member in good standing" shall mean a Member whose subscriptions are up to date (except as set out in clause 9.3) and who has not been suspended.
- 3.2.18 "National Congress" shall mean the meeting of Members who have been elected in terms of this Constitution to govern the Union.
- 3.2.19 "Office Bearer" or "Representative" or "Delegate" or "TUR" shall mean an Eligible Member, who has been duly elected in terms of this Constitution to hold office and is entitled to vote as set out in this Constitution. A paid official employed by the Union may not hold a position as an Office Bearer in the Union.
- 3.2.20 "Office Bearers' Disciplinary Process" shall mean the disciplinary process as set out in clause 17.2.3 below.
- 3.2.21 "Quorum" shall mean the minimum number of attendees required at a meeting, as set out in this Constitution and shall include those Members who are physically present at that meeting as well as those Members attending by way of Remote Attendance where Remote Attendance has been permitted in the notice calling for that meeting.
- 3.2.22 "Ranking System" shall mean the election process set out in clauses

13.2.4 and 14.5.3.

- 3.2.23 "Records of Balloting" shall mean the voters' rolls, ballots in sealed ballot boxes or other containers, and any other documents used to calculate the outcome of the ballot except where strike balloting refers which shall be in accordance with the guidelines for balloting as gazetted from time to time.
- 3.2.24 "Remote Attendance" shall mean:
- 3.2.24.1 where a Member is unable to be physically present at that Member's committee meeting; and/or
- 3.2.24.2 where the notice calling for that committee meeting permits Remote Attendance,
- then that Member may be linked to the meeting by, *inter alia*, telephone or other electronic means of audio or visual communication and accordingly be considered present at that meeting, provided that the committee Member:
- 3.2.24.2.1 is present for the full duration of the meeting; and
- 3.2.24.2.2 all the other Members of that committee present at the physical meeting and those other Members that are joined by Remote Attendance can hear and communicate with the Member attending remotely as if that Member was present at the physical meeting.
- 3.2.25 "Secretariat" shall mean the positions of the General Secretary, Deputy General Secretary, or such other names of such positions as may be determined by the Executive Committee from time to time.
- 3.2.26 "Sector" shall mean the industry in which a Member is employed.
- 3.2.27 "TUR" shall mean Trade Union Representative.
- 3.2.28 "Union" shall mean UNTU.
- 3.2.29 "Written Notice" shall mean written notice given to the Members, which notice may be delivered, *inter alia* but not limited to, as follows:-
- 3.2.29.1 the publication of a notice on a notice board at the Member's Workplace and at all the Union's offices; or
- 3.2.29.2 a notice sent to a Member's email address; or
- 3.2.29.3 a notice delivered to a Member personally; or
- 3.2.29.4 a notice published on the Union's website; or
- 3.2.29.5 a notice sent to a Member electronically by SMS, WhatsApp or any other form of electronic communication;

unless the Constitution provides for a specific form of delivery.

4. OBJECTIVES

The objectives of the Union shall be:

- 4.1 To regulate relations between employees and employers, including any organisation of either employees or employers.
- 4.2 To promote the interests of its Members.
- 4.3 To endorse the principles of gender equality and promote social justice in the workplace.
- 4.4 To plan and organise its administration and lawful activities.
- 4.5 To affiliate to and participate in the activities of any National or International Workers Organisations and/or the International Labour Organisation.
- 4.6 To promote, support or oppose any legislative matters that may affect the interest of its Members subject to the provisions of clause 4.8 below.
- 4.7 To encourage lawfully all eligible employees to become Members of the Union.
- 4.8 To offer legal assistance to its Members in connection with or arising out of their employment. The Management Committee shall in their sole and absolute discretion be entitled to determine, on a case by case basis, whether assistance should be offered to Members, and if so the extent of such assistance.
- 4.9 To establish and administer funds or schemes or other benefit arrangements for the benefit of its Members and/or their dependants.
- 4.10 To encourage the settlement of any disputes between Members and employers or employer organisations through the legal frameworks.
- 4.11 To do such lawful things as may appear to be in the interest of the Union and its Members and which are not inconsistent with the objectives or any matter specifically provided for in this Constitution.
- 4.12 To borrow, invest, lend or donate monies for the promotion of the objectives of the Union as may be determined by the Management Committee in their sole and absolute discretion from time to time.

5. **STATUS OF THE UNION**

- 5.1 The Union shall be a body corporate with perpetual succession capable of:
- 5.1.1 entering into contractual and other relations; and,
- 5.1.2 suing and being sued in its own name.
- 5.2 The Union shall be an organisation not for gain.

PART 2

MEMBERSHIP

6. **MEMBERSHIP**

- 6.1 Membership of the Union is open to any employee in the Republic of South Africa who is employed by a natural person or by a Juristic Entity, in the industries, Sectors or activities as set out in PART 6 of this Constitution;
- 6.2 Application for Membership
- 6.2.1 Application for membership or re-admission as a Member of the Union shall be made in writing by the applicant completing and signing the Union's membership application form.
- 6.2.2 Subject to the provisions of clause 6.2.3 below, the applicant's interim membership shall commence on delivery by hand or by email by the applicant of the Union's membership application form (which includes the authority to that applicant's employer to deduct that applicant's Union subscriptions from that applicant's salary), duly signed by the applicant, to the General Secretary or to an authorised Office Bearer who shall forward same to the General Secretary.
- 6.2.3 Every application for membership shall be considered by the General Secretary, who shall advise the applicant within 21 (twenty-one) Days of receipt thereof by the General Secretary whether the membership has been confirmed or declined.
- 6.2.4 The commencement of membership and of the various benefits for

- Members shall be determined by:
- 6.2.4.1 the rules governing such benefit;
 - 6.2.4.2 the receipt of the Member's membership subscription within such time as the Executive Committee may determine from time to time and subject to the Bargaining Council Rules as amended from time to time.
 - 6.2.5 No disciplinary assistance, including legal assistance, shall be granted in respect of offences that were committed by the Member prior to the signature of a membership application by the Member, subject to the provisions of clauses 6.2.2 and 6.2.3 above.
 - 6.2.6 The applicant agrees that, on being granted membership to the Union, the applicant will do all in the applicant's power to uphold the aims, values, objectives of the Union and comply with the Union's Code of Conduct and Ethics as amended from time to time.
 - 6.2.7 The General Secretary may, on confirmation of membership, supply a Member with a membership card.
 - 6.2.8 All Members shall have access to the Union's Constitution, which is available on the Union's website or from that Member's TUR or available for inspection at the Union's Head Office.
 - 6.2.9 All Members are deemed to be Members of a specific Branch having jurisdiction over a specific constituency as determined by the Executive Committee. Upon transferring to another constituency such Member ("the transferred Member") shall automatically become a Member of that new Branch and any office that the transferred Member may have held in the transferred Member's previous Branch shall be vacated. The provisions of clause 3.2.8.2 above and 3.2.8.3 above shall not be applicable to the transferred Member.
 - 6.2.10 Non-members shall not be admitted to any meetings of the Union unless specifically invited by the Chairperson of that meeting.
 - 6.2.11 Every Member shall advise the General Secretary of the Member's change email addresses and cellular phone number, in writing, within 7 (seven) Days from the date of any change of the Member's contact details.
 - 6.2.12 An applicant whose application for membership has been refused shall be advised by the General Secretary in writing that the application for membership has been refused and the reasons for such refusal.

6.3 Appeals

6.3.1 If an application for membership has been refused by the General Secretary, the applicant shall have the right to appeal such decision to the Executive Committee who shall have the authority to confirm, vary or set aside the decision by the General Secretary.

6.3.2 Such appeal:

6.3.2.1 shall be in writing and shall include representations and all evidence available, as well as the applicant's response to the General Secretary's reasons for the refusal of the application for membership; and

6.3.2.2 must be submitted to the General Secretary, on behalf of the Executive Committee, within 1 (one) Month of the dispatch of the notification by the General Secretary advising the applicant that the applicant's application for membership has been refused.

6.3.3 The Executive Committee's decision is final.

6.4 Resignation by Members

6.4.1 A Member may resign as a Member by giving 1 (one) calendar Month Written Notice to the General Secretary.

6.5 Re-admission of Members

A Member who has resigned from the Union or whose membership has been terminated may be re-admitted as a Member on such conditions as may be determined by the Executive Committee.

7. SUSPENSION AND TERMINATION

7.1 A Member may be suspended, or that Member's membership may be terminated, as provided for in the Disciplinary Process set out in clause 7.2 below, if:-

7.1.1 the Member contravenes any of the terms of this Constitution; or

7.1.2 the Member acts in a manner that is prejudicial to the interests of the Union; or

7.1.3 the Member acts in any manner that brings or has the potential to bring the Union into disrepute; and/

- 7.1.4 the Member acts in any disruptive manner whilst attending any Union meetings or attending to any Union business
- 7.1.5 monies are due by the Member:
- 7.1.5.1 If a Member's, other than a new Member's, subscription or other monies due by that Member to the Union are more than 1 (one) month in arrears, that Member's membership may be suspended.
- 7.1.5.2 The Management Committee may upon the written application by the Member concerned, defer the operation of clause 7.1.5 above to such a date as the Management Committee may in their sole discretion deem appropriate,
(hereinafter referred to as "the Disciplinary Infringements").

7.2 Members' Disciplinary Process

- 7.2.1 In the event of a complaint regarding any Disciplinary Infringement by a Member ("the Alleged Transgressor"), the Disciplinary Process to be applied in such circumstances will be in accordance with the Members' disciplinary policy ("Members' Disciplinary Policy") as formulated by the Executive Committee, which Members' Disciplinary Policy may be amended or supplemented by the Executive Committee from time to time.
- 7.2.2 The current Members' Disciplinary Policy is annexed as Annexure "A".

8. **SUSPENSION AND TERMINATION CONTINUED**

8.1 Suspension of Membership Benefits

- 8.1.1 The process for the suspension of Membership benefits will be in accordance with the Member's Disciplinary Policy.
- 8.1.2 The current Members' Disciplinary Policy is annexed as "Annexure A".

8.2 Termination of Membership

- 8.2.1 Where a Member resigns as a Member, that Member's membership shall be terminated as provided for in clause 6.4 above,
- 8.2.2 A Member's membership shall be immediately terminated where a Member's, other than a new Member's, subscription is more than 2

(two) Months in arrears; except that the Management Committee may upon the written application by the Member concerned, defer the operation of this clause 8.2.2 to such date as the Management Committee may in its discretion deem appropriate.

8.2.3 Where a Member's membership is terminated following the Disciplinary Process as referred to in clause 7.2 above then that Member's membership will be terminated in accordance with the provisions of that Disciplinary Process.

8.2.4 A Member's membership shall be terminated on 1 (one) calendar Months Written Notice given by the General Secretary to the Member concerned should the Member:

8.2.4.1 cease to be employed in any of the industries, Sectors or activities referred to in PART 6; or

8.2.4.2 if the Member takes up employment with an employer who falls within the scope of industries and sectors referred to in PART 6, but which employer has not recognised the Union in terms of a Recognition Agreement ("non-recognised employer"), unless that Member signs a debit order on that Member's own bank account in favour of the Union to pay that Member's subscription, which debit order shall run until the non-recognised employer enters into a Recognition Agreement with the Union and agrees to pay the Member's subscriptions by way of a debit order deduction from the Member's salary.

8.3 Outstanding Payments at Termination of Membership

8.3.1 At the termination of membership any monies still owing by such Member to the Union are payable immediately.

8.3.2 If such payment is not made within 14 (fourteen) Days, the General Secretary may institute such actions as the General Secretary may deem necessary to effect payment.

8.4 A Member whose membership is terminated shall have no claim to any of the funds of the Union.

9. **SUBSCRIPTIONS**

- 9.1 A Member's subscription to the Union shall be made by way of a debit order deduction from the Member's salary or debit order on that Member's bank account. The Executive Committee shall, from time to time, subject to the provisions of clause 22, determine the amount payable by a Member as subscriptions to the Union, subject to such subscription being not less than 1% (one percent) of the minimum wage determination as determined in terms of the National Minimum Wage Act, 2018 (Act No 9 of 2018) as amended from time to time.
- 9.2 The Executive Committee, in determining the Members' subscription, shall have reference to the Member's basic monthly salary (excluding bonuses, allowances, overtime and Sunday time).
- 9.2.1 A Member shall ensure that the correct subscription is deducted from that Member's salary each month and that the Member's subscriptions are always deducted in full to enable the Member to enjoy the benefits of that Member's membership.
- 9.2.2 A Member shall, in addition to that Member's subscriptions, be obliged to pay any other amounts prescribed in terms of the rules of any funds or schemes or other benefit arrangements created in terms of clause 4.9 of this Constitution.
- 9.3 The Management Committee may upon the written application by the Member concerned, defer the operation of this clause 9 to such date as the Management Committee may in its discretion deem appropriate.

PART 3

STRUCTURE OF THE UNION & OFFICE BEARERS

10. MANAGEMENT AND STRUCTURE OF THE UNION

The structures of the Union are the:

- 10.1 National Congress;
10.2 Executive Committee;
10.3 Management Committee;

- 10.4 Branch Committee;
- 10.5 Branch Executive Committee;
- 10.6 TURs.

11. NATIONAL CONGRESS

11.1 National Congress

- 11.1.1 The National Congress shall be the highest authority of the Union and shall comprise of the President, the Vice President, the Executive Committee and Delegates elected as determined in clause 11.1.3.

11.1.2 Time of Meeting

- 11.1.2.1 National Congress shall meet once every 5 (five) years on a date determined by the Executive Committee, unless circumstances dictate that require the National Congress to meet at a sooner or a later date.
- 11.1.2.2 The General Secretary shall give each Branch Secretary of the Union, 6 (six) Months notice of the date of a National Congress as determined in clause 11.1.2.1.

11.1.3 National Congress Delegates

- 11.1.3.1 The Branches shall be entitled to send Delegates, which Delegates must be Eligible Members, to the National Congress as set out below:
 - 11.1.3.1.1 where a Branch has 100 (one hundred) or more Members then that Branch is entitled to 2 (two) Delegates which Delegates shall be the Branch Chairperson and the Branch Secretary; and
 - 11.1.3.1.2 where a Branch has less than 100 (one hundred) Members then that Branch is entitled to 1 (one) Delegate who shall be the Branch Chairperson. In the event that the Branch Chairperson is unable to attend the National Congress then the Branch Secretary shall attend in the place of the Branch Chairperson.
- 11.1.3.2 An election shall be held to elect stand-in Delegates who will attend the National Congress as stand-in Delegates when:
 - 11.1.3.2.1 a Branch which has 100 (one hundred) or more Members and the Branch Chairperson and/or the Branch Secretary is unable to attend

- the National Congress; or
- 11.1.3.2.2 a Branch which has less than 100 (one hundred) Members and both the Branch Chairperson and the Branch Secretary are unable to attend the National Congress.
- 11.1.3.3 The election of the stand-in Delegates shall take place on a date and in the manner as determined by the Executive Committee and the Ranking System shall apply.
- 11.1.3.4 The names of the Delegates who will attend the National Congress shall be sent to the General Secretary at least 4 (four) Months before the date of the National Congress, subject to the provisions of clause 11.1.3.7.1 below.
- 11.1.3.5 The General Secretary shall determine, at least 3 (three) Months prior to the National Congress, on the basis of the Head Office's membership records of each Branch as at 1 (one) Month prior to the said 3 (three) Months referred to herein, the voting power of each Delegate, subject to the provisions of clause 11.1.3.7.2 below. The General Secretary shall advise the Branch Committees accordingly.
- 11.1.3.6 A Delinquent Branch, as set out in clause 15.1.5 below shall not be entitled to send any Delegates to the National Congress.
- 11.1.3.7 When the National Congress is scheduled to be held in a Month other than in the last quarter of the year then the:
- 11.1.3.7.1 names of the Delegates who will attend the National Congress shall be sent to the General Secretary at least 1 (One) and a half Months (6 (six) weeks) before the date of the next National Congress; and
- 11.1.3.7.2 the General Secretary shall determine, at least 2 (Two) Months prior to the National Congress, on the basis of the Head Office's membership records of each Branch as at 1 (One) Month prior to the said 2 (Two) Months referred to herein, the voting power of each Delegate.
- 11.1.4 National Congress Agenda
- The Executive Committee shall draw up an agenda, after considering items received from the Branches, and the General Secretary shall distribute the agenda to all the Branches at least 30 (thirty) Days prior

to National Congress.

11.1.5 The Purpose of National Congress

11.1.5.1 The purpose of the National Congress is primarily for:

11.1.5.1.1 the election of the President, Vice-President and the Executive Committee;

11.1.5.1.2 the consideration and, where applicable, the acceptance of reports by the President, General Secretary and other reports;

11.1.5.1.3 the formulation of policy; and

11.1.5.1.4 discussion of matters as per the agenda.

11.1.6 Conduct of the Meeting

11.1.6.1 The Chairperson at all meetings of the National Congress shall be the President of the Union or, in the President's absence, the Vice-President or, in the Vice-President's absence, a Member appointed by the Executive Committee.

11.1.6.2 Decisions at National Congress shall be carried if 66,66% (sixty six comma sixty six percent) of the Delegates present at the National Congress vote in favour of such decision.

11.1.6.3 Voting on motions shall be by a show of hands unless the National Congress decides to hold a vote according to the Voting Strength.

11.1.6.4 In the event of the equality of voting, the Chairperson shall have a casting vote.

11.1.6.5 Prior to the National Congress the Executive Committee shall appoint from one of the Union's external legal representatives an Electoral Officer/s to conduct the elections at the National Congress.

11.1.7 Special National Congress

11.1.7.1 A Special National Congress shall be called by the President when at least 51% (fifty one percent) of the Branches request a Special National Congress in writing.

11.1.7.2 A request for a Special National Congress called for by the Branches shall be sent by those Branches to the General Secretary and must be accompanied by an explanation of the reasons for such a request.

11.1.7.3 If a request by 51% (fifty one percent) of the Branches calling for a

Special National Congress has been received by the General Secretary, then the General Secretary shall advise the President of this request and the President must instruct the General Secretary within 5 (five) Days of receiving the General Secretary's advice, to convene a Special National Congress.

11.1.7.4 The General Secretary shall convene a Special National Congress by giving notice to the Branches of not less than 6 (six) Months. However, if acceptable reasons for the urgency are contained in the request, the President may authorise the holding of a Special National Congress at short notice, which shall not be less than 3 (three) Months.

11.1.7.5 The General Secretary's notice advising of the Special National Congress shall contain, *inter alia*:

11.1.7.5.1 the date;

11.1.7.5.2 the agenda;

11.1.7.5.3 whether Remote Attendance or physical attendance or a combination of Remote Attendance and physical attendance is required;

11.1.7.5.4 the procedure for the election of the Branches' Delegates to the Special National Congress; and

11.1.7.5.5 the Voting Power of each Delegate.

11.1.8 Quorum

The quorum at a National Congress or a Special National Congress shall be at least 66,66% (sixty six comma sixty six percent) of the Delegates who have been elected to represent the Members at such National Congress or Special National Congress.

11.1.9 Minutes

11.1.9.1 The General Secretary of the Union, or a person delegated by the General Secretary, shall keep minutes of all meetings of the National Congress, the Executive Committee and the Management Committee.

11.1.9.2 Minutes of the National Congress and Special National Congress shall be sent to each Branch and to the Executive Committee Members within 3 (three) Months of the National Congress.

11.1.9.3 The Branches are required to forward their approval of the minutes to the General Secretary within 30 (Thirty) days of dispatch of the

minutes to the Branches by the General Secretary.

- 11.1.9.4 Should the Branches not respond to the General Secretary within the aforesaid time period, then in that event the defaulting Branches shall be deemed to have approved the minutes.

12. THE PRESIDENT AND VICE PRESIDENT AND THEIR ELECTION

12.1 The President shall:-

- 12.1.1 preside at all meetings where the President is present unless the President delegates the Vice President to preside at that meeting;
- 12.1.2 ensure compliance with the Constitution of the Union;
- 12.1.3 sign all minutes of meetings after acceptance;
- 12.1.4 in general, control the affairs of the Union;
- 12.1.5 execute such other customary duties as are applicable to the position of the President between meetings of the Executive Committee and the Management Committee; and
- 12.1.6 not be entitled to vote at any of the meetings of the Union, other than at Management Committee meetings; however, if there is a voting deadlock then the President shall have a casting vote. If the voting deadlock occurs at a Management Committee meeting, then the President shall, in addition to the President's vote, have a casting vote.

12.2 The Vice-President shall:-

- 12.2.1 exercise the powers and perform the functions of the President in the event of the latter not being available for any reason or as provided for in clause 12.1.1 above;
- 12.2.2 execute any other duties as may be determined by the President and/or Management Committee and/or Executive Committee from time to time;
- 12.2.3 not, in the capacity of Vice-President, be entitled to vote at any of the meetings of the Union, except that the Vice-President shall be entitled to vote at Management Committee meetings; however, if there is a voting deadlock in a meeting where the Vice-President is presiding at such meeting (in the absence of the President), then the Vice-President shall have a casting vote. If the voting deadlock occurs at a

Management Committee meeting where the Vice-President is presiding at such meeting (in the absence of the President), then the Vice-President shall, in addition to the Vice-President's vote, have a casting vote.

12.3 Nomination of Presidential and Vice-Presidential Candidates

12.3.1 The Branches shall advise the General Secretary in writing of their nominations for the positions of President and Vice-President ("the Presidential and Vice-Presidential Candidates") 30 (thirty) calendar days prior to the date of the commencement of the National Congress. The aforesaid nominations must include the proposed candidates' written acceptances of such nominations.

12.3.2 The candidates for the position of the President and Vice-President must be Eligible Members.

12.4 Election of Presidential and Vice-Presidential Candidates

12.4.1 The election of the Presidential and Vice-Presidential Candidates shall be held at the National Congress immediately after the election of the Executive Committee ("the Executive Committee elections").

12.4.1.1 In the event that only one candidate is nominated for any of the positions in terms of clause 12.3 above, then that candidate shall be elected to that position.

12.4.1.2 In the event of there being more candidates than required for a position, then an election shall be held for that position as set out in clauses 12.4.1.3 below to 12.4.1.5 below.

12.4.1.3 The Delegates from each Sector shall vote for Presidential and Vice-Presidential Candidates nominated in terms of clause 12.3 above and who have been successfully elected as Executive Committee Members in the Executive Committee elections.

12.4.1.4 Those persons who had been nominated as candidates for the positions of the President and the Vice-President in terms of clause 12.3 above but have not successfully been elected as Executive Committee Members in the Executive Committee elections, shall not be eligible to be candidates in the election for the positions of the President and Vice-President.

- 12.4.1.5 The elections shall be held by secret ballot in accordance with the Voting Strength of each Delegate.
- 12.4.1.6 The vacancies brought about by the Executive Committee Members who were elected in terms of the Executive Committee elections and who have subsequently been elected as President or Vice-President shall be filled according to the ranking system as set out in clauses 13.2.4 below and 13.2.7 below.
- 12.4.2 The President
- 12.4.2.1 The Delegates shall first cast their votes for the election of the President. The Presidential Candidate with the highest number of votes shall be elected as President.
- 12.4.3 The Vice-President
- 12.4.3.1 Immediately after the outcome of the Presidential election has been announced, the Delegates shall cast their votes for the election of the Vice-President. The Vice-Presidential Candidate with the highest number of votes shall be elected as Vice-President.
- 12.4.4 Counting of Votes
- 12.4.4.1 The votes cast shall be counted by the Electoral Officer and 3 (three) scrutineers appointed by the National Congress.
- 12.4.5 Equality of Votes
- 12.4.5.1 In the event of an equality of the number of votes received by 2 (two) or more Presidential or Vice-Presidential Candidates, then a re-election shall take place for those sets of candidates who received an equality of votes.
- 12.4.5.2 In the event that after such re-election there is still an equality of votes, then the election of the Presidential and Vice-Presidential Candidates shall be determined by the "drawing of straws".
- 12.5 Term of Office
- 12.5.1 The President and Vice-President shall hold office for 5 (five) years (unless the provisions of clause 11.1.2.1 apply, in which case the term

of office will be extended or reduced), commencing from the date of their election until immediately prior to the commencement of the agenda item for the election of the President and Vice-President at the next National Congress, unless the President or Vice-President has been removed or replaced prior thereto.

12.6 Vacancies in the office of President or Vice-President

12.6.1 Permanent vacancy: In the event that:-

12.6.1.1 the position of the President becomes permanently vacant, then the Vice-President shall become the President and a vacancy shall exist for the position of the Vice-President;

12.6.1.2 the position of the Vice-President becomes permanently vacant, then the vacancy shall be permanently filled at an election as set out hereunder; or

12.6.1.3 the positions of both the President and the Vice-President become permanently vacant, then the General Secretary shall call an Emergency Executive Committee Meeting to be held no later than 96 (ninety six) hours after the vacancies occurred, for the purpose of the election of the President and the Vice-President as set out hereunder.

12.6.2 Temporary Vacancy: In the event that:-

12.6.2.1 the position of the President becomes temporarily vacant, then the Vice-President shall assume the duties of the President during such vacancy; or

12.6.2.2 the position of the Vice-President becomes temporarily vacant, then the Executive Committee will informally elect an Executive Committee Member to fill such temporary vacancy at an Executive Committee meeting;

12.6.2.3 the positions of both the President and the Vice-President become temporarily vacant, in circumstances where the Executive Committee has not already informally elected Executive Committee Members to fill such temporary vacancies then the General Secretary shall call an Emergency Executive Committee Meeting to be held no later than 96 (Ninety Six) hours after the vacancies occurred, for the purposes of an election of the temporary President and Vice-President as set out

hereunder.

12.6.3 Election Process to fill Presidential and Vice-Presidential Vacancies

12.6.3.1 Nomination

12.6.3.1.1 The General Secretary shall orally call for the nominations for the position of President and/or Vice-President as the case may be.

12.6.3.1.2 Such candidates must be Executive Committee Members.

12.6.3.1.3 All nominations shall be:-

12.6.3.1.3.1. proposed by an Executive Committee Member;

12.6.3.1.3.2. seconded by a different Executive Committee Member; and

12.6.3.1.3.3. accepted by the candidates.

12.6.3.2 Elections

12.6.3.2.1 Elections shall be held at an Emergency Executive Committee Meeting and the General Secretary shall:-

12.6.3.2.1.1. prepare a ballot form for the election of the candidates for the election to the position of President and/or Vice-President, which ballot form shall contain the names of all the candidates who have been nominated to fill the positions of the President and/or Vice-President;

12.6.3.2.1.2. conduct the election by way of secret vote.

12.6.3.2.2 Each Executive Committee Member shall be entitled to vote in accordance with the Voting Strength (as set out in clause 13.4.5.2 below) of that Executive Committee Member.

12.6.3.2.3 In the event of there being one nomination for the position of President and/or Vice-President, then the candidate so nominated shall be declared duly elected President and/or Vice-President.

12.6.3.2.4 If there are more candidates who have been nominated for the position of President and/or Vice-President, then an election shall be held to fill these positions by a secret vote.

12.6.3.3 Counting of Votes

12.6.3.3.1 The votes shall be counted by the General Secretary.

12.6.3.3.2 The Presidential Candidate with the highest number of votes shall be declared the President.

12.6.3.3.3 The Vice-Presidential Candidate with the highest number of votes shall be declared the Vice-President.

12.6.3.4 Equality of Votes

12.6.3.4.1 In the event of an equality of the number of votes received by 2 (two) or more candidates, then a re-election shall take place for those sets of candidates who received an equality of votes.

12.6.3.4.2 In the event that after such re-election there is still an equality of votes, then the election of the candidates shall be determined by the “drawing of straws”.

12.6.4 Any Member:-

12.6.4.1 filling a temporary vacancy shall hold such office until the Office Bearer who was temporarily unavailable to conduct its duties becomes available to resume its duties; and

12.6.4.2 filling a permanent vacancy shall hold such office for the unexpired term of the period of office of that Member’s predecessor.

13. THE EXECUTIVE COMMITTEE

13.1 The management of the Union between meetings of the National Congress shall, subject to the directions and control of the National Congress, be vested in an Executive Committee consisting of the President, the Vice President , the General Secretary (*ex officio*) and all Executive Committee Members who are elected in terms of this Constitution.

13.2 Election of Executive Committee Members at National Congress

13.2.1 Composition of the Executive Committee:

13.2.1.1 The Executive Committee consists of the President, the Vice President, the General Secretary (*ex officio*) and currently 18 (eighteen) Executive Committee Members, who have been elected from the following Sectors:

13.2.1.1.1 7 (seven) Executive Committee Members from the Freight Rail Sector;

- 13.2.1.1.2 3 (three) Executive Committee Members from the Engineering Sector;
- 13.2.1.1.3 3 (three) Executive Committee Members from the Maritime Sector;
- 13.2.1.1.4 2 (two) Executive Committee Members from the Support Services Sector; and
- 13.2.1.1.5 3 (three) Executive Committee Members from the Rail Passenger Sector.
- 13.2.1.2 The number of Executive Committee Members constituting the Executive Committee and/or the number of Executive Committee Members from each Sector and/or Sectors and/or additional Sectors may be varied by the Executive Committee from time to time having regard to, *inter alia*, the number of Members in each Sector, the needs of each Sector and the workload on Executive Committee Members from each Sector.
- 13.2.1.3 For the purposes of this clause 13, the word Sector shall mean Sector, Sub-Sector or any other industries or activities, as provided for in clause 25.14 below.
- 13.2.1.4 Admission of other industries/sectors to the Union
- 13.2.1.4.1 In the event that the Management Committee receives a request from employees in industries or sectors other than the existing sectors, as provided in clauses 13.2.1.1.1 to 13.2.1.1.5 above, (hereinafter referred to as the "other industries") then the Management Committee shall instruct the General Secretary to investigate the viability of admitting the employees of the other industries as members of the Union.
- 13.2.1.4.2 The General Secretary shall cause an investigation to be conducted as to the viability of admitting the employees of the other industries as members of the Union and shall take into account, *inter alia* but not limited to, the following factors:-
 - 13.2.1.4.2.1. the number of potential employees that may be admitted as Members of the Union;
 - 13.2.1.4.2.2. the geographic situation of the potential members;
 - 13.2.1.4.2.3. the financial implications of admitting the potential members;
 - 13.2.1.4.2.4. whether the Union has the necessary human and financial resources to be able to adequately represent and support the potential members; and

- 13.2.1.4.2.5. whether there would be any conflicts of interest in admitting the potential employees having regard to the existing membership and activities of the Union.
- 13.2.1.4.3 The Executive Committee shall consider the General Secretary's report and if 66,66% (sixty six comma sixty six percent) of the Executive Committee Members (in accordance with their Voting Strength) vote in favour of admitting the employees of the other industries, shall admit them and shall determine if appropriate, *inter alia* but not limited to:-
- 13.2.1.4.3.1. the number of Members that will represent the other industry on the Executive Committee and any other of the Union's committees;
- 13.2.1.4.3.2. the Voting Strength for each Executive Committee Member from such other industry;
- 13.2.1.4.3.3. the number of Branches to be initially established and their geographic location of such Branches (after the establishment of the initial Branches, any new Branches shall be established in accordance with clauses 15.1.1 to 15.1.3 below);
- 13.2.1.4.3.4. the date of admission of the employees of the other industries; and
- 13.2.1.4.3.5. the dates for the election of Office Bearers of the other industries for the offices of TURs, Branch Committee Members and Executive Committee Members.
- 13.2.2 Nomination of Candidates for the Members of the Executive Committee
- 13.2.2.1 The Branches within each Sector who wish to nominate Members, who must be Eligible Members, for election ("the Candidates") in that Sector shall advise the General Secretary of such nominations at least 30 (thirty) calendar days prior to the date of the commencement of the National Congress.
- 13.2.3 Election
- 13.2.3.1 The election of the Candidates to the Executive Committee shall be held at the National Congress after the business agenda has been completed and prior to the election of the President and the Vice-President, in which the Delegates in each Sector shall vote for

- Candidates in that specific Sector, and shall be conducted by secret ballot, in accordance with the Voting Strength of each Delegate.
- 13.2.3.2 In the event of there being the same number of nominations or fewer nominations than required pursuant to clause 13.2.1 above then:
- 13.2.3.2.1 the Candidate/s so nominated shall be declared duly elected at the National Congress; and
- 13.2.3.2.2 if applicable, nominations shall be called for at the National Congress to fill the remaining vacancies to complete the requisite number of Executive Committee Members pursuant to clause 13.2.1 above.
- 13.2.3.3 Candidates nominated at the National Congress in terms of clause 13.2.3.2.2 above shall:
- 13.2.3.3.1 be an Eligible Member;
- 13.2.3.3.2 be proposed and seconded by Branches in that Sector; and
- 13.2.3.3.3 accept such nomination orally at the National Congress, or if not present at the National Congress shall convey their acceptance to the electoral officer at the National Congress telephonically or electronically.
- 13.2.3.4 In the event of there being more Candidates than required initially or as a result of the implementation of clause 13.2.3.2.2 then an election shall be held by secret ballot.
- 13.2.4 Counting of Votes / the Ranking System
- 13.2.4.1 The number of votes for each Candidate shall be counted by the Electoral Officer and 3 (three) scrutineers elected by the Executive Committee.
- 13.2.4.2 No Member who would be standing for election or re-election may be appointed to be a scrutineer for that election.
- 13.2.4.3 The number of votes obtained by each Candidate shall be recorded in a "List" ranking from the Candidate with the highest number of votes to the Candidate with the lowest number of votes.
- 13.2.4.4 In the event that there is only one Executive Committee Member for a Sector, then the Candidate ranking first in that Sector shall be declared the elected Executive Committee for that Sector.
- 13.2.4.5 Similarly, if there is more than one representative for a Sector, then the elected Executive Committee for that Sector shall be that number

of Executive Committee Members corresponding with the ranking of the Candidates on the List.

- 13.2.4.6 Those Candidates on the List who have not been elected shall be known as Alternates and shall retain their ranking on the list so as to fill vacancies as set out below.

13.2.5 Equality of Votes

- 13.2.5.1 In the event of an equality of the number of votes received by 2 (two) or more Candidates, then a re-election shall take place for those sets of Candidates who received an equality of votes.

- 13.2.5.2 In the event that after such re-election there is still an equality of votes, then the election of the Candidates shall be determined by the "drawing of straws".

13.2.6 Term of Office

- 13.2.6.1 The Executive Committee Members shall hold office for 5 (five) years, (unless the provisions of clause 11.1.2.1 apply, in which case the term of office will be extended or reduced), commencing from the date of their election (in terms of clause 13.2.3 above) until immediately prior to the commencement of the agenda item for the election of the succeeding Executive Committee Members at the next National Congress, unless the Executive Committee Members have been removed prior thereto.

13.2.7 Vacancies

- 13.2.7.1 In the event that a vacancy occurs in a Sector in the Executive Committee at any time after the election, then the Alternate ranking next on the List shall automatically become the Executive Committee Member for that Sector (and so on).

- 13.2.7.2 The General Secretary shall as soon as practical after the vacancy has arisen, confirm the election of the next ranking Candidate as Executive Committee Member for that Sector.

- 13.2.7.3 Where vacancies occur in the Executive Committee for the position of an Executive Committee Member and this vacancy cannot be filled by the promotion of an Alternate ranking on the list, then the General

Secretary shall request written nominations from the Branches in that Sector within 2 (two) weeks of such vacancy occurring ("Affected Branches").

- 13.2.7.4 The nominations of Members to fill such vacancy shall be submitted to the General Secretary by each of the Affected Branches in which the vacancy arose within 1 (one) Month of the General Secretary's request for nominations.
- 13.2.7.4.1 The nominations shall be:-
 - 13.2.7.4.1.1. in writing;
 - 13.2.7.4.1.2. signed by the Branch Chairperson and the Branch Secretary or such other person authorised by the Affected Branch Committee; and
 - 13.2.7.4.1.3. signed by the Candidate.
- 13.2.7.4.2 In the event of there being the same number of nominations or fewer than required to fill that vacancy/cies in the Executive Committee, then the Candidate so nominated shall be declared duly elected by the General Secretary.
- 13.2.7.4.3 In the event of there being more nominations than the vacancy/cies in the Executive Committee, then an election shall take place as follows:-
 - 13.2.7.4.3.1. the General Secretary shall electronically forward to each of the Affected Branches a ballot form setting out the names of the Candidates;
 - 13.2.7.4.3.2. the Affected Branches shall call a Special Meeting of the Affected Branches within 14 (fourteen) Days of receipt of the ballot form from the General Secretary for the purposes of an election;
 - 13.2.7.4.3.3. the Affected Branches shall consider the Candidates and shall cast their vote, which vote shall be recorded on the ballot form; and
 - 13.2.7.4.3.4. the Branch Secretary, or failing the Branch Secretary, a person nominated by the Affected Branch shall within 3 (three) Days of the Special Meeting of the Affected Branches electronically forward the duly completed ballot form to the General Secretary.
- 13.2.7.4.4 On the 21st (twenty first) Day after the General Secretary has sent out the ballot forms to the Affected Branches, the General Secretary shall count the number of votes cast by the Affected Branches for each of the Candidates.

- 13.2.7.4.5 The number of votes obtained by each Candidate shall be recorded in a "List" ranking from the Candidate with the highest number of votes to the Candidate with the lowest number of votes.
- 13.2.7.4.6 In the event that there is only one vacancy for the Executive Committee Member for that Sector, then the Candidate ranking first in that Sector shall be declared the duly elected Executive Committee Member for that Sector.
- 13.2.7.4.7 Similarly, if there is more than one vacancy for Executive Committee Members for that Sector, then the elected Executive Committee Members for that Sector shall be that number of Executive Committee Members corresponding with the ranking of the Candidates on the List.
- 13.2.7.4.8 Those Candidates on the List who have not been elected shall be the alternate Executive Committee Members and shall be known as Alternates and shall retain their ranking on the List so as to fill vacancies if required.
- 13.2.7.5 Equality of votes
- 13.2.7.5.1 In the event of an equality of the number of votes received by 2 (two) or more Candidates, then a re-election shall take place for those sets of Candidates who received an equality of votes.
- 13.2.7.5.2 In the event that after such re-election there is still an equality of votes, then the election of the Candidates shall be determined by the "drawing of straws".
- 13.2.7.6 A Member elected to fill any vacancy shall hold office for the unexpired term of office of his predecessor.
- 13.3 Vacation of Office by an Executive Committee Member
- 13.3.1 A Member of the Executive Committee shall vacate that Executive Committee Member's seat in any of the following circumstances:-
- 13.3.1.1 on resignation or upon termination of that Executive Committee Member's membership of the Union;
- 13.3.1.2 upon ceasing to be employed in the Sector/Industry that the Executive Committee Member represents;
- 13.3.1.3 upon the absence of an Executive Committee Member without written

- permission of the President for 3 (three) consecutive meetings of the Executive Committee;
- 13.3.1.4 on the removal of that Executive Committee Member as an Executive Committee Member as set out in clause 17.1.2 below;
- 13.3.1.5 by resignation as a Member of the Executive Committee by furnishing notice to the General Secretary in writing and such resignation shall take effect immediately on receipt by the General Secretary of such notice, alternatively oral notice may be given during an Executive Committee meeting, and such resignation will take effect immediately; or
- 13.3.1.6 if an Executive Committee Member is elected as President, or Vice President, that Executive Committee Member shall vacate his position as Executive Committee Member of the relevant Sector/Industry for which he was elected.
- 13.3.2 An Executive Committee Member who has been suspended, as set out in clause 17.2 below, shall not be entitled to perform any duties as an Executive Committee Member, including, but not limited to, attending meetings of the Executive Committee and voting in any Executive Committee meeting.
- 13.4 Meetings of the Executive Committee
- 13.4.1 The Executive Committee shall meet at least once every quarter on a date and place to be determined by the President.
- 13.4.2 Special Meetings
- Special meetings of the Executive Committee:-
- 13.4.2.1 may be called by the President whenever the President deems it necessary; or
- 13.4.2.2 may be called on receipt by the President of a written request signed by at least two thirds of the Members of the Executive Committee; and
- 13.4.2.3 shall be convened within 14 (fourteen) Days:
- 13.4.2.3.1 after the President has deemed a meeting necessary; or
- 13.4.2.3.2 after receipt by the President of a written request referred to above.

13.4.3 Emergency Meetings

The President shall be entitled to call an emergency meeting of the Executive Committee by giving notice to Members of the Executive Committee of not less than 48 (forty-eight) hours.

13.4.4 Notice

The General Secretary, or a person designated by the General Secretary, shall give notice of all meetings to Members of the Executive Committee which notice:-

13.4.4.1 shall be in writing;

13.4.4.2 shall specify the date, time and place of such meeting;

13.4.4.3 shall specify whether Remote Attendance or physical attendance or a combination of Remote Attendance and physical attendance is required;

13.4.4.4 shall include an agenda of items to be discussed at such meeting;

13.4.4.5 shall be given 7 (seven) Days prior to such meeting, except for the provisions of clause 13.4.3.

13.4.5 Quorum & Voting Strengths

13.4.5.1 Quorum

13.4.5.1.1 The quorum for meetings of the Executive Committee shall be two-thirds of the Executive Committee Members.

13.4.5.1.2 If no quorum is present within 60 (sixty) minutes of the time determined for the meeting, and unless there is a communication from the absent Executive Committee Member within 60 (sixty) minutes of the time determined for the meeting when that Member advises that the Member has been delayed due to unforeseen circumstances and will be at the meeting within a further 60 (sixty) minutes, the meeting shall stand adjourned until a date, place and time, within 2 (two) weeks of the original meeting, as determined by the President within 5 (five) Days of the original meeting. If the President does not, within 5 (five) Days of the original meeting, determine that a meeting shall take place within 2 (two) weeks of the original meeting, then the meeting shall take place on the same day, place and time 2 (two) weeks after the

original meeting. If the original meeting was an Emergency Meeting, the meeting shall stand adjourned to the same time and place on the third Business Day following the meeting.

13.4.5.1.2.1. At such adjourned meeting the Members of the Executive Committee then in attendance shall form a quorum.

13.4.5.1.2.2. Written Notice of such adjourned meeting shall be given to all Members of the Executive Committee.

13.4.5.2 Voting Strengths

13.4.5.2.1 Notwithstanding the number of Executive Committee Members who make up the Executive Committee the voting strength of each of the Executive Committee Members may not necessarily be equal but shall be determined according to the number of Members in the Sector that each Executive Committee Member represents and the number of Executive Committee Members representing that Sector.

13.4.5.2.2 The Voting strength for each Sector shall be determined as follows:
0 – 4000 Members in that Sector = 1 (one) vote
4001 – 6000 Members in that Sector = 2 (two) votes
6001 – 8000 Members in that Sector = 3 (three) votes
8001 – 10000 Members in that Sector = 4 (four) votes
There shall be one additional vote for every completed 2 000 (two thousand) Members after 10 000 (ten thousand) Members in a Sector.

13.4.5.2.3 By way of examples only and for clarity purposes only:-

13.4.5.2.3.1. Example 1:

13.4.5.2.3.1.1. A Sector having 6100 (six thousand one hundred) Members will be entitled to 3 (three) votes.

13.4.5.2.3.1.2. If the Sector is represented by 5 (five) Executive Committee Members then each Executive Committee Member's vote will be worth 0,6 (nil comma six) of a vote.

13.4.5.2.3.2. Example 2:

13.4.5.2.3.2.1. A Sector having 3620 (three thousand six hundred and twenty) Members will be entitled to 1 (one) vote.

13.4.5.2.3.2.2. If the Sector is represented by 2 (two) Executive Committee Members then each Executive Committee Member's vote will be worth 0,5 (nil comma five) of a vote.

13.4.5.2.3.3. Example 3:

13.4.5.2.3.3.1. A Sector having 4283 (four thousand two hundred and eighty-three) Members will be entitled to 2 (two) votes.

13.4.5.2.3.3.2. If the Sector is represented by 2 (two) Executive Committee Members, then each Executive Committee Member's vote will be equal to 1 (one) vote.

13.4.5.2.4 Should Members of the Management Committee not be entitled to vote at an Executive Committee meeting as provided in clause 15.1.5.5.2 below (hereinafter referred to as the Disenfranchised Executive Members), then the worth of the Remaining Executive Committee Member's vote in any of the affected Sectors shall be adjusted to take account of the Disenfranchised Executive Member's vote.

13.4.5.2.5 By way of example and for clarity purposes only:-

13.4.5.2.5.1. if in the ordinary course, Sector X is entitled to 3 (three) votes and is represented by 5 (five) Executive Committee Members, then each Executive Committee Member's vote will be worth 0,6 (nil comma six) of a vote;

13.4.5.2.5.2. however, if 1 (one) of Sector X's Executive Committee Member is a Management Committee Member, then the other 4 (four) Remaining Executive Committee Members of Sector X votes will be worth 0,75 (nil comma seventy-five) of a vote.

13.4.6 Urgent Interim Decisions

If a matter arises between meetings of the Executive Committee, that is urgent and can be answered by a simple "yes" or "no", or a simple "agree" or "disagree", or a "support" or "not support" the President may authorise a vote by Members of the Executive Committee by email, SMS or any other electronic communication system which has been approved by the Executive Committee from time to time.

13.4.7 Motions

13.4.7.1 No motion will be considered unless it has been seconded.

13.4.7.2 All matters that are the subject of motions shall be voted on by the raising of hands (unless determined otherwise) and the motion shall be carried by Members who are present and have Voting Strengths

equal to or in excess of 51% (fifty one percent) of the Voting Strengths of all Members present.

13.4.8 Minutes

- 13.4.8.1 The General Secretary of the Union, or a person delegated by the General Secretary, shall:-
- 13.4.8.1.1 table the minutes of the previous meeting which shall be signed by the President after adoption;
- 13.4.8.1.2 keep minutes of all meetings of the Executive Committee;
- 13.4.8.1.3 send the minutes of each meeting to each Member of the Executive Committee within 7 (seven) Days prior to the next meeting.

13.5 The Powers of the Executive Committee

- 13.5.1 The powers of the Executive Committee shall be:
- 13.5.1.1 to implement the decisions of the National Congress;
- 13.5.1.2 to control and direct activities of the Union between the meetings of the National Congress;
- 13.5.1.3 subject to the provisions of this Constitution, to take decisions which shall be binding on all Union structures regarding Membership, organization, finance, discipline and other matters to achieve the objectives and which affect the welfare of the Union;
- 13.5.1.4 to determine the procedure to be followed in the event that any procedural issue occurs that is not specifically provided for in this Constitution;
- 13.5.1.5 to appoint and recall FTURs as and when required and in line with the number of FTURs required in terms of the relevant recognition agreements in force from time to time;
- 13.5.1.6 to determine the procedure and take resolutions at the Executive Committee meetings having regard to the needs of and the strategic contingencies of the Union, from time to time.
- 13.5.2 The Executive Committee may appoint a commission to enquire into any matter in order to establish the facts relevant to the matter referred as and when required.

14. **MANAGEMENT COMMITTEE**

- 14.1 A Management Committee shall control the affairs of the Union between meetings of the Executive Committee, in terms of this Constitution and the policies of the Union.
- 14.2 The Management Committee shall comprise the President (Chairperson), Vice-President, the General Secretary (*ex officio*) and 5 (five) Members or such other number (which shall not be less than 5 (five) Members) as may be determined by the Executive Committee from time to time and who shall be elected by the Executive Committee.
- 14.3 Stand-in Management Committee Members:
- 14.3.1 The Management Committee shall also elect 2 (two) Members of the Executive Committee who shall be known as Stand-in Management Committee Members.
- 14.3.2 Should 1 (one) or 2 (two) of the Management Committee Members be unable to attend a Management Committee meeting, then 1 (one) or 2 (two) Stand-in Management Committee Members (as the case may be) shall be invited to attend the Management Committee meeting in the place of the absent Management Committee Member/s.
- 14.4 The powers of the Management Committee shall be:
- 14.4.1 to implement legal action on behalf of, or render legal assistance to Members in matters in connection with and/or arising out of the Members' employment, subject to the provisions of clause 4.8 above;
- 14.4.2 to institute or defend legal action on behalf of the Union;
- 14.4.3 to open and operate a banking account in the name of the Union;
- 14.4.4 to establish or close Branches in any area and to determine the area of jurisdiction of Branches;
- 14.4.5 to declare a Branch delinquent, and if so:-
- 14.4.5.1 to disband the delinquent Branch; or
- 14.4.5.2 to suspend the delinquent Branch; or
- 14.4.5.3 to remove the delinquent Branch's Executive Committee Members as more fully set out in clauses 15.1.5.2 to 15.1.5.6.3.2 below.
- 14.4.6 to make and implement regulations regarding the procedures and

- administrative affairs of the Union that are not contradictory to the terms of this Constitution, the Labour Relations Act of 1995, or any other Act;
- 14.4.7 to adjudicate on any procedural issues that are not provided for in this Constitution;
- 14.4.8 to do such other legitimate things as, in the opinion of the Executive Committee, may appear to be in the interests of the Union and its Members and are not contradictory to any of the objectives set out in clause 4 of this Constitution or with any other matter that the Constitution specifically provides for;
- 14.4.9 to acquire by purchase, lease or otherwise any movable or immovable property on behalf of the Union and to sell, let, mortgage or otherwise deal with or dispose of any movable or immovable property as determined by the Executive Committee;
- 14.4.10 to do such things as set out in the Constitution.
- 14.5 Election of the Management Committee
- 14.5.1 Nominations
- 14.5.1.1 At the first Executive Committee meeting held immediately after the National Congress, the General Secretary shall orally call for nominations for the positions of 5 (five) Management Committee and 2 (two) Stand-in Management Committee Members.
- 14.5.1.2 The candidates for nomination for election must be Executive Committee Members.
- 14.5.1.3 All nominations shall be:-
- 14.5.1.3.1 proposed by an Executive Committee Member;
- 14.5.1.3.2 seconded by a different Executive Committee Member; and
- 14.5.1.3.3 accepted by the candidate.
- 14.5.2 Election
- 14.5.2.1 Elections shall be held at that meeting and the General Secretary shall:-
- 14.5.2.1.1 prepare a ballot form for the election of the candidates for the election to the Management Committee, which ballot form shall contain the names of all the candidates who have been nominated to fill the

- positions on the Management Committee; and
- 14.5.2.1.2 conduct the election by way of secret vote.
- 14.5.2.2 Each Executive Committee Member shall be entitled to vote in accordance with the Voting Strength of that Executive Committee Member.
- 14.5.2.3 In the event of there being the same number of nominations or fewer nominations than required for the positions pursuant to clause 14.2 above on the Management Committee, then:-
- 14.5.2.3.1 the candidates so nominated shall be declared duly elected; and
- 14.5.2.3.2 if after the candidates have been duly elected and there are positions for Management Committee Members and/or Management Committee Stand-in Members which are unfilled, then the General Secretary shall orally call for nominations again to fill the remaining number of unfilled posts.
- 14.5.2.4 If there are more candidates who have been nominated, then available positions on the Management Committee, then an election shall be held to fill these positions by a secret vote.
- 14.5.3 Counting of Votes/ the Ranking System
- 14.5.3.1 The votes shall be counted by the General Secretary.
- 14.5.3.2 The number of votes obtained by each candidate shall be recorded in a "List", ranking at the top of the List the candidate with the highest number of votes to the candidate with the least number of votes at the bottom of the List:-
- 14.5.3.2.1 the candidates recorded as numbers 1 (one) to 5 (five) on the List, shall be elected as the Management Committee Members;
- 14.5.3.2.2 the candidate recorded as number 6 (six) on the List, shall be elected as the first Stand-in Management Committee Member; and
- 14.5.3.2.3 the candidate recorded as number 7 (seven) on the List, shall be elected as the second Stand-in Management Committee Member.
- 14.5.4 Equality of Votes
- 14.5.4.1 In the event of an equality of the number of votes received by 2 (two) or more candidates, then a re-election shall take place for those sets of candidates who received an equality of votes.

- 14.5.4.2 In the event that after such re-election there is still an equality of votes, then the election of the candidates shall be determined by the “drawing of straws”.
- 14.5.5 Term of Office
The Management Committee Members shall hold office for 5 (five) years, (unless the provisions of clause 11.1.2.1 apply, in which case the term of office will be extended or reduced), commencing from the date of their election (in terms of clause 14.5.2.1) until the election of the succeeding Management Committee Members at the first Executive Committee meeting after the National Congress, unless such Management Committee Members have been removed prior thereto.
- 14.5.6 Vacancies
- 14.5.6.1 In the event of a vacancy occurring on the Management Committee, then the first Stand-in Management Committee Member shall fill the first vacancy and if there is a further vacancy on the Management Committee, then the second Stand-in Management Committee Member shall fill the second vacancy. If there are no Stand-ins to fill the vacancies, then an election shall be held to fill such vacancies.
- 14.5.6.2 The election procedure set out in terms of clauses 14.5.1 to 14.5.4 shall apply as if these clauses were included herein, except that the election shall take place at a meeting of the Executive Committee or Special Executive Committee Meeting to be held no later than 16 (sixteen) Days after the vacancy occurred.
- 14.5.6.3 Any person filling a vacancy shall hold such office for the unexpired term of the period of office of his predecessor.
- 14.6 Meetings of the Management Committee
- 14.6.1 The Management Committee meets monthly on a date and place to be determined by the President.
- 14.6.2 The President (or as so determined by the President, the Vice-President) shall preside at all Management Committee meetings.

14.6.3 Special Meeting

Special meetings of the Management Committee:

14.6.3.1 may be called by the President whenever the President deems it necessary; or

14.6.3.2 may be called on receipt by the President of a written request signed by at least two thirds of the Members of the Management Committee and:-

14.6.3.2.1 shall be convened within 14 (fourteen) Days;

14.6.3.2.2 after the President has deemed a meeting necessary; or

14.6.3.2.3 after receipt by the President of a written request referred to above.

14.6.4 Emergency Meetings

The President shall be entitled to call an emergency meeting of the Management Committee by giving notice to Members of the Management Committee of preferably not less than 48 (forty-eight) hours.

14.6.5 Notice

The General Secretary, or a person designated by the General Secretary, shall give Notice of all meetings to Members of the Management Committee which Notice:-

14.6.5.1 shall be in writing;

14.6.5.2 shall specify the date, time and place of such meeting;

14.6.5.3 shall specify whether Remote Attendance or physical attendance or a combination of Remote Attendance and physical attendance is required;

14.6.5.4 shall include an agenda of items to be discussed at such meeting.

14.6.5.5 shall be given 7 (seven) Days prior to such meeting, except for the provisions of clause 14.6.4 above.

14.6.6 Quorum

14.6.6.1 The quorum for meetings of the Management Committee shall be two-thirds of the Management Committee Members.

14.6.6.2 If no quorum is present within 60 (sixty) minutes of the time determined for the meeting, and unless there is a communication from the absent

Management Committee Member within 60 (sixty) minutes of the time determined for the meeting when that Member advises that the Member has been delayed due to unforeseen circumstances and will be at the meeting within a further 60 (sixty) minutes, the meeting shall stand adjourned until a date, place and time within 1 (one) week of the original meeting, as determined by the President within 3 (three) Days of the original meeting. If the President does not, within 3 (three) Days of the original meeting, determine that a meeting shall take place within 1 (one) week of the original meeting, then the meeting shall take place on the same day, place and time 1 (one) week after the original meeting. If the original meeting was an Emergency Meeting, the meeting shall stand adjourned to the same time and place on the 3rd (third) Business Day following the meeting.

14.6.6.2.1 At such adjourned meeting the Members of Management Committee then in attendance shall form a quorum.

14.6.6.2.2 Written Notice of such adjourned meeting shall be given to all Members of the Management Committee.

14.6.7 Urgent Interim Decisions

If a matter arises between meetings of the Management Committee, that is urgent and can be answered by a simple “yes” or “no”, the President may authorise a vote by Members of the Management Committee by email, SMS or any other electronic communication system which has been approved by the Executive Committee from time to time.

14.6.8 Motions

14.6.8.1 No motion will be considered unless it has been seconded.

14.6.8.2 All matters that are the subject of motions shall be voted on by the raising of hands (unless determined otherwise) and the motion shall be carried by the majority of votes by those Members who are present.

14.6.9 Minutes

14.6.9.1 The General Secretary of the Union, or a person delegated by the General Secretary, shall:

- 14.6.9.1.1 table the minutes of the previous meeting which shall be signed by the President after adoption;
- 14.6.9.1.2 keep minutes of all meetings of the Management Committee;
- 14.6.9.1.3 send the minutes of each meeting to each Member of the Management Committee within 7 (seven) Days, prior to the next meeting.

15. **ESTABLISHMENT AND CONTROL OF BRANCHES**

15.1 Branches

- 15.1.1 Except for the establishment of the initial Branches of the other industries as provided for in clause 13.2.1.4 above, if Members in good standing in a particular area or workplace wish to form a Branch then, provided these Members are represented by at least 5 (five) TURs, these Members shall submit a written request to the Management Committee for the Management Committee to investigate the viability of establishing a Branch in that area.

15.1.2 Branch Establishment

- 15.1.2.1 If the Management Committee approves the establishment of a Branch, the General Secretary shall, in writing, advise the Members who requested the establishment of a Branch in clause 15.1.1 that the Branch has been established.

- 15.1.2.2 The Members falling under the jurisdiction of the newly established Branch shall be the Members of that Branch.

- 15.1.3 The Branch Committee Members shall comprise of all TURs of each Workplace that falls under the jurisdiction of that Branch and who are not employees of the Union. These TUR's shall nominate and elect the Branch Executive Committee Members as set out in clauses 15.3.2 to 15.3.5.2.

- 15.1.4 The General Secretary, in conjunction with the Management Committee, shall have the right to investigate any Branch at any time and shall have access to all records of the Branch and shall be entitled to take the records into their custody.

15.1.5 Delinquent Branches

Should the Management Committee having conducted an investigation into any Branch, determine that the Branch has not conducted its affairs in terms of this Constitution, then the Management Committee may instruct the General Secretary to furnish a notice to the Branch to show cause why that Branch should not be declared a Delinquent Branch.

- 15.1.5.1 The Branch Chairperson, or failing the Branch Chairperson the Branch Secretary, or failing the Branch Secretary a Branch Committee Member nominated by the General Secretary, shall call an Emergency Meeting of the Branch within 7 (seven) Days of receipt of the General Secretary's notice.
- 15.1.5.1.1 At this meeting each of the Branch Committee Members (the "TURs") shall individually be obliged in writing to advise the General Secretary why that Branch Committee Member believes that the Branch should not be declared a Delinquent Branch.
- 15.1.5.1.2 The Branch Secretary, or failing the Branch Secretary, a Member nominated by the Branch, shall within 2 (two) Days of that Emergency Meeting forward each of the Branch Committee Members' written responses as set out above, to the General Secretary.
- 15.1.5.2 The General Secretary shall table the Branch Committee Members' responses at the next Management Committee meeting and the Management Committee Members shall determine whether they should declare the Branch a Delinquent Branch and if so, whether:-
 - 15.1.5.2.1 the Branch should be disbanded; or
 - 15.1.5.2.2 the Branch should be suspended, and if so, for how long and under what circumstances; or
 - 15.1.5.2.3 the Branch Executive Committee should be removed and elections held for a new Branch Executive Committee.
- 15.1.5.3 In the event that the Management Committee declares a Branch a Delinquent Branch, then in such event, the General Secretary shall within 3 (three) Days of the Management Committee's decision having been taken, advise the Branch:-
 - 15.1.5.3.1 that the Branch has been declared a Delinquent Branch and the

- sanctions that the Management Committee had determined;
- 15.1.5.3.2 of the Management Committee's reasons for the Management Committee's decision;
- 15.1.5.3.3 that the Branch has the right to appeal the Management Committee's decision.

- 15.1.5.4 Within 7 (seven) Days of receipt of the notification by the General Secretary to that Branch advising that that Branch has been declared a Delinquent Branch, the Branch and/or the Members of the Branch Executive Committee who have been affected by the Management Committee's decision may appeal against such decision by submitting representations in writing to the General Secretary, which shall include all evidence available, as well as a response to the reasons furnished by the Management Committee declaring that Branch a Delinquent Branch.

- 15.1.5.5 Appeal to the Executive Committee
- 15.1.5.5.1 Within 3 (three) Days of the General Secretary receiving the Branch's and/or the Branch Executive Committee Member's representations, the General Secretary shall table the appeal before the Management Committee at the next Management Committee meeting and the Management Committee must instruct the General Secretary to refer the appeal to the Executive Committee (excluding the Members of the Management Committee) (hereinafter referred to as the Remaining Executive Committee Members) to consider the appeal.
- 15.1.5.5.2 As the Management Committee Members are not entitled to vote in this instance, the worth of the Remaining Executive Committee Members votes shall be adjusted as set out in clause 13.4.5.2.4 above.
- 15.1.5.5.3 The decision of the Executive Committee shall be final and binding.

- 15.1.5.6 Should the Management Committee determine that a Delinquent Branch's Executive Committee Members be removed, then:-
- 15.1.5.6.1 such Branch Executive Committee Members shall be suspended as a Branch Executive Committee Member pending the outcome of an appeal (if such appeal is timeously lodged) (as set out in clauses

- 15.1.5.3.3 and 15.1.5.5) and if no appeal has been lodged or if the appeal is unsuccessful, until the new Branch Executive Committee has been elected and takes office;
- 15.1.5.6.2 the Management Committee may appoint a Member or Members of the Union or of the Union's Secretariat to take control of the affairs of the Branch and to administer the affairs of the Branch until a new Branch Executive Committee has been elected and takes office;
- 15.1.5.6.3 the elections for the new Branch Executive Committee shall be held in terms of clauses 15.3.2 to 15.3.5.2, within 20 (twenty) Days of:
- 15.1.5.6.3.1. the Management Committee's decision to remove the Branch Executive Committee; or
- 15.1.5.6.3.2. the Executive Committee dismissing the appeal (if any appeal was lodged) against the Management Committee decision to remove the Branch Executive Committee.
- 15.1.6 If a Member should leave the jurisdiction of a Branch temporarily and continues with that Member's trade in the jurisdiction of another Branch, that Member shall be a Member of the latter Branch for the period employed there, in which case that Member's membership of the former Branch will lapse.
- 15.1.7 The provisions of clause 15.1.6 above shall not apply to Members who have been elected as President and Vice-President and they shall, notwithstanding that they leave the jurisdiction of the Branch for the term of their office as President, or Vice President, be deemed to remain as Members of the Branch of which they were a Member immediately prior to their election as President or Vice-President, ("their former Branch") and accordingly may be nominated and elected as an Executive Committee Member or representing the Sector in which their former Branch is situated.
- 15.2 Duties of Branch Committees
- In addition to the general control and management of Branch meetings, Branch Committees shall have the power to:-
- 15.2.1 attempt to settle disputes in terms of the Executive Committee directives;

- 15.2.2 from time to time appoint sub-committees to investigate, and report, on matters referred to them by the Branch Executive Committee;
- 15.2.3 from time to time execute such other duties as may be required in the interests of the Union and its Members and which do not conflict with the provisions of the Constitution.
- 15.3 Branch Executive Committee
- 15.3.1 Branch Executive Committee Members
- 15.3.1.1 The Branch Executive Committee shall control the affairs of the Branch between meetings of the Branch Committee, in terms of this Constitution and the policies of the Union. The Branch Executive Committee consists of a Branch Chairperson, a Branch Secretary, a Branch Gender Coordinator and an additional Member who are TURs in that Branch and who are not employees of the Union.
- 15.3.1.1.1 A Branch Committee meeting shall be held for the purposes of electing the Branch Executive Committee Members, (the Branch Elective Meeting). When the National Congress is scheduled to be held in the last quarter of the year, then the Branch Elective Meeting shall take place by no later than 30 April of the same year and when the National Congress is scheduled to be held in a month other than in the last quarter of the year then the Branch Elective Meeting shall take place at least 2 (two) Months prior to the scheduled National Congress.
- 15.3.2 Nominations for Branch Executive Committee Members.
- 15.3.2.1 For the purposes of clause 15.3.1.1.1 above, the Election Officer shall be the person appointed by the Executive Committee.
- 15.3.2.2 No Member who would be standing for election or re-election may be appointed to be the Election Officer for that election.
- 15.3.2.3 At least 21 (twenty one) Days prior to the Branch Elective Meeting set out in clause 15.3.1.1.1 the Election Officer shall, in writing, call for the nominations of candidates from the TURs in that Branch to fill the positions of Branch Chairperson, Branch Secretary, Branch Gender Coordinator and an additional Member.
- 15.3.2.4 Nominations shall be:
- 15.3.2.4.1 in writing;

- 15.3.2.4.2 signed by the proposer and seconder;
- 15.3.2.4.3 signed by the nominee;
- 15.3.2.4.4 delivered to the Election Officer at least 14 (fourteen) Days prior to the proposed date of the election.
- 15.3.2.5 The Election Officer shall at least 10 (ten) Days prior to the proposed date of the election furnish the names of the nominees in a Written Notice to all TURs in that Branch.

15.3.3 Election of Branch Executive Committee

- 15.3.3.1 The election of the candidates to the Branch Executive Committee shall be conducted by secret ballot by the Branch Committee Members, who form the Branch Committee in such Branch.
- 15.3.3.2 In the event of there being:-
 - 15.3.3.2.1 only one nomination for the position of Branch Chairperson, then that candidate shall be declared duly elected as the Branch Chairperson. This same procedure will apply for the election of the positions of the Branch Secretary, Branch Gender Coordinator and the additional Member; and
 - 15.3.3.2.2 more than one nominee nominated for the position of Branch Chairperson then an election shall be held. This same procedure will apply for the election of the Branch Secretary, Branch Gender Coordinator and the additional Member.
- 15.3.3.3 If applicable, nominations shall be called for at the Branch Elective Meeting to fill the remaining vacancies to complete the requisite number of Branch Executive Committee Members in terms of clause 15.3.1.1 above.
- 15.3.3.4 candidates nominated at the Branch Elective Meeting in terms of clause 15.3.3.3 shall:
 - 15.3.3.4.1 be proposed and seconded at the Branch Elective Meeting;
 - 15.3.3.4.2 accept such nomination orally at the Branch Elective Meeting.
- 15.3.3.5 The Branch Committee Members may vote in person at the Branch Elective Meeting or by a special vote as provided in clause 15.5 hereunder.

15.3.4 Counting of Votes

- 15.3.4.1 The number of votes for each candidate shall be counted by the Election Officer together with two scrutineers (who shall not be candidates for election) appointed by the Election Officer.
- 15.3.4.2 The number of votes obtained by each candidate shall be recorded in a "List" ranking from the candidate with the highest number of votes to the candidate with the lowest number of votes.
- 15.3.4.3 The candidate ranking first for that position on the "List" shall be declared elected for that position.
- 15.3.5 Equality of Votes
- 15.3.5.1 In the event of an equality of the number of votes received by 2 (two) or more candidates, then a re-election shall take place for those sets of candidates who received an equality of votes.
- 15.3.5.2 In the event that after such re-election there is still an equality of votes, then the election of the candidates shall be determined by the "drawing of straws".
- 15.3.6 Term of Office
- 15.3.6.1 The Branch Executive Committee Members shall hold office for 5 (five) years (unless the provisions of clause 11.1.2.1 apply, in which case the term of office will be extended or reduced), from the date of their election (in terms of clause 15.3.1.1.1) until the election of the succeeding Branch Executive Committee Members at the next Branch Elective Meeting, unless the Branch Executive Committee Members have been removed prior thereto.
- 15.3.7 Resignation of Members of the Branch Executive Committee
- 15.3.7.1 A Branch Executive Committee Member may resign by submitting a Written Notice to the General Secretary immediately upon that Branch Executive Committee Member's resignation.
- 15.3.7.2 The General Secretary shall within 3 (three) Days of receipt of that Branch Executive Committee Member's resignation, advise the Branch Secretary (unless the Branch Secretary was the Member who resigned, in which case the General Secretary shall advise the Branch Chairperson) and each of the Branch Executive Committee Members

and the Branch Committee Members (the TURs representing the Members in that Branch) of the resignation.

15.3.8 Branch Executive Committee Vacancies

15.3.8.1 In the event that a vacancy occurs in a Branch Executive Committee (other than a vacancy brought about by the Branch Executive Committee Members being removed by the Management Committee in terms of clauses 15.1.5.6 to 15.1.5.6.3.2 above) at any time after the election referred to in clause 15.3.1.1.1, then such vacancy shall be filled as follows:

15.3.8.1.1 the Election Officer as referred to in clause 15.3.2.1 shall call for nominations from all TURs in that Branch to fill the vacancy;

15.3.8.1.2 such notice shall be sent out within 7 (seven) Days of the vacancy occurring and shall set out the date for the election to fill such vacancy which date shall be at least 21 (twenty one) Days after the dispatch of this notice;

15.3.8.1.3 except as may be set out in this clause 15.3.8, the nomination process and the election shall follow the procedure set out in clauses 15.3.2.1 to 15.3.5.2 as if these clauses were included herein, except that any reference to a Branch Elective Meeting shall be deemed to be a reference to a Branch meeting held for the purpose of an election to fill vacancies; and

15.3.8.1.4 a Member elected into a vacancy shall fill the position for the remainder of that Member's term of office.

15.4 Meetings of Branch Committees

15.4.1 The Branch Committees must meet at least once every 2 (two) Months on a date and place to be determined by the Branch Chairperson.

15.4.2 Special Meetings

Special meetings of the Branch Committee:-

15.4.2.1 may be called by the Branch Chairperson whenever the Branch Chairperson deems it necessary; or

15.4.2.2 may be called on receipt by the Branch Chairperson of a written request signed by at least half of the Members of the Branch

- Committee; and
- 15.4.2.3 shall be convened within 14 (fourteen) Days:
- 15.4.2.3.1 after the Branch Chairperson has deemed a meeting necessary; or
- 15.4.2.3.2 after receipt by the Branch Chairperson of the written request referred to above.
- 15.4.3 Notice of Meetings
- The Branch Secretary shall give notice of all meetings to Members of the Branch Committee which notice:-
- 15.4.3.1 shall be in writing;
- 15.4.3.2 shall specify the date, time and place of such meeting;
- 15.4.3.3 shall specify whether Remote Attendance or physical attendance or a combination of Remote Attendance and physical attendance is required;
- 15.4.3.4 shall include an agenda of items to be discussed at such meeting, in sufficient detail to enable those TURs who are unable to attend a Branch Committee meeting to submit their vote as provided in clause 15.5 hereunder;
- 15.4.3.5 shall be given 14 (fourteen) Days prior to such meeting except:-
- 15.4.3.5.1 notice for special Branch Committee meeting shall be 7 (seven) Days prior to such meeting; and
- 15.4.3.5.2 for the provisions of clause 15.4.4 hereunder.
- 15.4.4 Emergency Meetings
- The Branch Chairperson shall be entitled to call an emergency meeting of the Branch Committee by giving Notice to Members of the Branch Committees of not less than 48 (forty-eight) hours.
- 15.4.5 Quorum
- 15.4.5.1 The quorum for meetings of the Branch Committees shall be 50 % (fifty percent) of the Branch Committees' Members plus 1 (one) Branch Committee Member. However, if TURs have submitted special votes for any agenda items as provided in clause 15.5.5, then that voting Member shall be counted as being present for the agenda item that the Member cast a vote for.

- 15.4.5.2 If no quorum is present within 60 (sixty) minutes of the time determined for the meeting, and unless there is a communication from the absent Branch Committee Member within 60 (sixty) minutes of the time determined for the meeting when that Member advises that the Member has been delayed due to unforeseen circumstances and will be at the meeting within a further 60 (sixty) minutes, the meeting shall stand adjourned until a date, place and time within 1 (one) week of the original meeting, as determined by the Branch Chairperson within 2 (two) Days of the original meeting. If the Branch Chairperson does not within 2 (two) Days of the original meeting determine that a meeting shall take place within 1 (one) week of the original meeting, then the meeting shall take place on the same day, place and time 1 (one) week after the original meeting. If the original meeting was an Emergency Meeting the meeting shall stand adjourned to the same time and place on the 3rd (third) Business Day following the meeting.
- 15.4.5.3 At such adjourned meeting the Members of the Branch Committee then in attendance shall form a quorum.
- 15.4.5.4 Written Notice of such adjourned meeting shall be given to all Members of the Branch Committee.
- 15.4.6 Motions
- 15.4.6.1 No motion will be considered unless it has been seconded.
- 15.4.6.2 All matters that are the subject of motions shall be voted on by the raising of hands (unless determined otherwise) and the motion shall be carried by the majority of votes by those Members who have cast their votes and who were either present at the meeting or who voted by way of a special vote as provided in clause 15.5.5.
- 15.4.7 Minutes
- 15.4.7.1 At each meeting the minutes of the previous meeting shall be read by the Branch Secretary and signed by the Branch Chairperson after adoption.
- 15.4.7.2 The Secretary of a Branch Committee, or a person delegated by the Secretary of the Branch Committee, shall keep minutes of all meetings of that Committee.

15.4.7.3 Minutes of the Branch Committees shall be sent to each Member of the Branch Committee within 30 (thirty) Days of each meeting.

15.5 Special Voting Procedures

15.5.1 Any TUR who wishes to cast a vote at an election of Office Bearers who have been nominated and seconded and whose nominations have been publicised by the Election Officer in terms of clause 15.3.2.5, may request, in writing, a ballot paper from the Election Officer in writing. The Election Officer shall hand such ballot paper to the voter timeously, and the voter shall then sign an acknowledgment of receipt.

15.5.2 Such ballot paper shall contain the names of the candidates.

15.5.3 The ballot paper may not be marked in any way other than with a cross (X) against the name of the candidate for whom the Member wishes to cast his vote and any ballot paper containing any other mark will be regarded as spoiled.

15.5.4 The TUR casting a vote shall place the TUR's ballot form in a suitable, sealed ballot box that has been provided by the Election Officer at a place that has been identified to all TURs and that is reasonably accessible by no later than the time and date of the proposed Election Meetings.

15.5.5 If a TUR is unable to attend a Branch Committee meeting, such TUR may, having received the agenda for a Branch Committee meeting, register that TUR's written vote for or against any item that has been set out in the agenda for the proposed Branch Committee meeting. The TUR shall submit such written vote in a sealed envelope to the Branch Secretary prior to the proposed Branch Committee meeting. Such absent TUR's vote shall be counted together with the vote for or against the agenda item to be voted on at the proposed Branch Committee meeting.

15.6 Meeting of the Branch Executive Committee

15.6.1 The Branch Executive Committee shall meet within 7 (seven) Days after:-

15.6.1.1 the Branch Chairperson deems a meeting necessary; or

- 15.6.1.2 on receipt by the Branch Chairperson of a written request for a meeting, signed by at least half of the Members of the Branch Committee.
- 15.6.2 The Branch Chairperson shall determine the date, place and time of the meeting and whether Remote Attendance or physical attendance or a combination of Remote Attendance and physical attendance is required.
- 15.6.3 Special Meetings and Emergency Meetings of the Branch Executive Committee may be called by the Branch Chairperson whenever the Branch Chairperson or circumstances deem it necessary.
- 15.6.4 Quorum
- 15.6.4.1 The quorum for meetings of the Branch Executive Committee shall be 3 (three) Branch Executive Committees Members.
- 15.6.4.2 If no quorum is present within 60 (sixty) minutes of the time determined for the meeting, and unless there is a communication from the absent Branch Executive Committee Member within 60 (sixty) minutes of the time determined for the meeting when that Member advises that the Member has been delayed due to unforeseen circumstances and will be at the meeting within a further 60 (sixty) minutes, the meeting shall stand adjourned until a date, place and time within 1 (one) week of the original meeting, as determined by the Branch Chairperson within 2 (two) Days of the original meeting. If the Branch Chairperson does not within 2 (two) Days of the original meeting determine that a meeting shall take place within 1 (one) week of the original meeting, then the meeting shall take place on the same day, place and time 1 (one) week after the original meeting. If the original meeting was an Emergency Meeting the meeting shall stand adjourned to the same time and place on the 3rd (third) Business Day following the meeting.
- 15.6.4.3 At such adjourned meeting the Members of the Branch Executive Committee then in attendance shall form a quorum.
- 15.6.4.4 Written Notice of such adjourned meeting shall be given to all Members of the Branch Executive Committee
- 15.6.5 Minutes

- 15.6.5.1 At each meeting the minutes of the previous meeting shall be read by the Branch Secretary and signed by the Branch Chairperson after adoption.
- 15.6.5.2 The Branch Secretary, or a person delegated by the Branch Secretary, shall keep minutes of all meetings of that Committee.
- 15.6.5.3 Minutes of the Branch Executive Committee shall be sent to each Member of the Branch Executive Committee within 1 (one) week of each meeting.

16. **WORKPLACE**

- 16.1 Members of the Union employed in the same location shall form a Workplace.
- 16.1.1 These Members shall elect from amongst themselves their own TURs, which TURs must be Members.
- 16.1.2 The number of TURs for each Workplace shall be determined by the Executive Committee in accordance with the Labour Relations Act or the various Recognition Agreements applicable to a specific industry.
- 16.1.3 The TURs of each Workplace shall represent that Workplace in the Branch Committee under which the Workplace falls.

16.1.4 Election of TURs

- 16.1.4.1 The TURs shall be elected by the Members of a Workplace. When the National Congress is scheduled to be held in the last quarter of the year, then the election of TURs shall take place by no later than the last day of February in the same year of the scheduled National Congress, and when the National Congress is scheduled to be held in a month other in the last quarter of the year then the election of TURs shall take place no later than 2 ½ (two and a half) Months prior to the date of the scheduled National Congress.
- 16.1.4.2 The General Secretary shall appoint a Member to act as the electoral officer for the election of TURs.
- 16.1.4.3 The election of TURs shall be conducted on an informal basis :-
 - 16.1.4.3.1 at a meeting of the Members of that Workplace; and
 - 16.1.4.3.2 by way of show of hands of the Members of those Members present

- at the meeting.
- 16.1.4.4 Any vacancy in the office of a TUR shall be filled by an election as soon as possible after such vacancy has occurred.
- 16.1.4.5 A TUR elected into a vacancy shall fill the position for the remainder of his predecessor's term of office.
- 16.1.4.6 In the event of any dispute arising in regard to the election process, such dispute will be referred to the General Secretary for the General Secretary's final determination.
- 16.1.5 Term of Office
- 16.1.5.1 The TURs shall hold office for 5 (five) years (unless the provisions of clause 11.1.2.1 apply in which case their term of office will be extended or reduced) from the date of their election.
- 16.2 Duties of Trade Union Representatives
- 16.2.1 TURs shall:-
- 16.2.1.1 execute the decisions of the National Congress, the Executive Committee and the Management Committee;
- 16.2.1.2 recruit Members and promote their interests;
- 16.2.1.3 represent Members at Area, Branch and Workplace levels as determined by the Executive Committee from time to time and/or the provisions of section 14(4) of the Labour Relations Act;
- 16.2.1.4 monitor the employer's compliance with an Act that regulates agreements, policies and conditions of service;
- 16.2.1.5 report any contravention of an Act that regulates Agreements, policies and conditions of service to the employer, Union or any responsible authority or body; and
- 16.2.1.6 perform any other lawful function agreed to between the Union and the employer.
- 16.3 Meetings in the Workplace
- 16.3.1 Meetings of Members of a Workplace shall take place:
- 16.3.1.1 at least once every month; and
- 16.3.1.2 as and when required,
- 16.3.1.3 at the Workplace at a time and date to be determined by the TURs

elected by that Workplace.

16.3.2 Meetings in the Workplace may be held informally.

16.3.3 Any disputes arising in respect of the procedure for meetings in the Workplace shall be submitted to the General Secretary for determination.

17. REMOVAL AND SUSPENSION OF OFFICE BEARERS

17.1 Motions of No Confidence in Office Bearers

17.1.1 Motions to remove the President or Vice-President

The President or Vice-President shall be removed from their office by the Executive Committee or the Branches as more fully set out hereunder.

17.1.1.1 Executive Committee

17.1.1.1.1 The President or Vice-President shall be removed from office if a motion of no confidence, incorporating the reasons for such motion, is successfully carried by 75% (seventy five percent) of the Members of the Executive Committee, which vote shall be held at an Executive Committee meeting or a Special Executive Committee meeting by way of a secret ballot and in accordance with the Voting Strength of each Executive Committee Member.

17.1.1.1.2 Immediately after the vote, the General Secretary shall advise the President or Vice-President (as the case may be) that the President or Vice-President has been removed from office.

17.1.1.1.3 Such removal will take immediate effect.

17.1.1.2 Branches

17.1.1.2.1 The President or Vice-President shall be removed from office if 66.66% (sixty six comma sixty six percent) of the Branches request in writing, which request shall incorporate the reasons for such request, that the President or Vice-President shall be removed from office (the "Requests").

17.1.1.2.2 Such Requests from the Branches shall be in writing and shall contain

the minutes of the Branch Committee meetings at which a majority vote was obtained to request the removal of the President or Vice-President.

- 17.1.1.2.3 If the General Secretary receives the requisite number of Requests calling for the removal of the President or Vice-President, notwithstanding any other provision in this Constitution, the General Secretary shall convene an Emergency Executive Committee Meeting to be held within 2 (two) Days after the requisite number of Requests have been received, at which Emergency Executive Committee Meeting the Requests shall be tabled, together with the report of the General Secretary confirming that 66.66% (sixty six comma sixty six percent) of the Branches had furnished such Requests.
- 17.1.1.2.4 The Executive Committee shall note the Requests and should the Requests be in accordance with the terms of the Constitution, then the Executive Committee must instruct the General Secretary to immediately advise the President or Vice-President (as the case maybe) that the President or Vice-President has been removed from office.
- 17.1.1.2.5 Such removal will take immediate effect.
- 17.1.2 Motion to remove Management Committee Members, Executive Committee Members, Branch Executive Committee Members and TURs
- 17.1.2.1 A Member of any of the Management Committee, Executive Committee, Branch Executive Committee and TURs shall be removed from office if a motion of no confidence is successfully carried by 66.66% (sixty six comma sixty six percent) of the Members of the Committee, represented by that Member, voting in favour of such motion of no confidence. For the purpose of clarification:-
 - 17.1.2.1.1 a Management Committee Member shall be removed from office by the Executive Committee if a motion of no confidence is successfully passed by 66.66% (sixty six comma sixty six percent) of the Executive Committee Members, at an Executive Committee meeting or a Special Executive Committee Meeting;
 - 17.1.2.1.2 an Executive Committee Member shall be removed from office by the

- Branches represented by that Executive Committee Member if 66.66% (sixty six comma sixty six percent) of those Branches request in writing that such Executive Committee Member be removed;
- 17.1.2.1.3 a Branch Executive Committee Member shall be removed from office by that Member's Branch Committee if a motion of no confidence is successfully passed at a Branch meeting by 66.66% (sixty six comma sixty six percent) of that Branch Committee's Members; and
- 17.1.2.1.4 a TUR shall be removed from office by the Members represented by that TUR if 66.66% (sixty six comma sixty six percent) of those Members request the General Secretary in writing that such TUR be removed.
- 17.1.3 Vacancy
The vacancy created by the removal of an Office Bearer shall be filled in the manner prescribed in this Constitution for that position.
- 17.2 Suspension of an Office Bearer
- 17.2.1 An Office Bearer may be suspended if such Office Bearer acts:-
- 17.2.1.1 in any manner that is prejudicial to the interests of the Union;
- 17.2.1.2 in contravention of any of the terms of this Constitution;
- 17.2.1.3 in any manner that brings or has the potential to bring the Union into disrepute; and/or
- 17.2.1.4 in any disruptive manner whilst attending any Union meetings or attending to any Union business.
(hereinafter referred to as "the Disciplinary Infringements")
- 17.2.2 In such circumstances that Office Bearer may be suspended from that Office Bearer's duties, and in addition thereto suspended as a Member of the Union, as follows:-
- 17.2.2.1 if the Office Bearer is the President or Vice-President, then by a resolution of the Executive Committee calling for the President's or Vice-President's suspension pending the finalisation of the Disciplinary Process, as referred to in clause 17.2.3 below, against the President or Vice-President, which resolution must be successfully carried by 66.66% (sixty six comma sixty six percent) of the Executive

- Committee Members, which shall be in accordance with the Voting Strength of each Executive Committee Member; or
- 17.2.2.2 if any other Office Bearer, then by the President pending the finalisation of Disciplinary Process against such Office Bearer.
- 17.2.3 Office Bearers' Disciplinary Process
- 17.2.3.1 The President or the Executive Committee (as the case maybe) shall, immediately after the suspension of an Office Bearer, advise the General Secretary in writing of the decision to suspend the Office Bearer and the reasons for such suspension.
- 17.2.3.2 In such event the Disciplinary Process to be applied will be in accordance with the Office Bearers disciplinary policy ("Office Bearers' Disciplinary Policy") as formulated by the Executive Committee, which Office Bearers' Disciplinary Policy may be amended or supplemented by the Executive Committee from time to time.
- 17.2.3.3 The current Office Bearers' Disciplinary Policy is annexed as Annexure "B".

18. VOTING BY BALLOT

- 18.1 A "Ballot" includes any system of voting by Members of the Union that is recorded and is held in secret. For the purposes of this Constitution a Ballot may include the obtaining of a mandate.
- 18.2 Strike Balloting
- 18.2.1 The pre-strike ballot provisions set out hereunder were included in this Constitution in accordance with the Guidelines that have been formulated by the Minister of Labour issued in 2019.
- 18.2.2 On 6 April 2021 the Guidelines were held to be invalid by the Gauteng Division of the High Court of South Africa. In the event that the aforesaid High Court decision is overruled by a higher court then the pre-strike ballot provisions shall be as set out hereunder:
- 18.2.2.1 Before calling a strike the Union shall conduct a secret Ballot of Members in respect of whom it intends to call the strike.

- 18.2.2.2 A Member of the Union may not be disciplined or have their membership terminated for a failure or refusal to participate in a strike if no Ballot was held or, if a Ballot was held, a majority of Members did not vote in favour of a strike.
- 18.3 The following are indicative of the procedures that should be followed when conducting a secret Ballot:
- 18.3.1 Notice
- 18.3.1.1 Reasonable notice must be given by the General Secretary to the Members of the holding of a Ballot. Notice may be given to employees by direct communication, including emails or SMSs, or by the display of notices at the Workplace and at the Union's offices. While there is no fixed standard, a period of 3 (three) Days would generally be considered to be reasonable notice.
- 18.3.1.2 The notice shall be a Written Notice as defined in clause 3.2.29 and must contain the details of the nature of the Ballot and specify the time and the place of the Ballot.
- 18.3.2 Ballot Papers
- 18.3.2.1 The question that is the subject of the Ballot must be clearly phrased on the Ballot paper and must be consistent with the terms of the dispute referral.
- 18.3.2.2 Ballot papers must be prepared by the General Secretary.
- 18.3.2.3 Ballots must not contain any information that would make it possible to identify voters.
- 18.3.3 Voters' Roll
- 18.3.3.1 A Ballot must be conducted in terms of a voters' roll of those Members, who are in good standing in terms of this Constitution, that the Union proposes to call on strike. The voters' roll may be derived from the Union's membership records or from the employer's records. The voters' roll identifies which Members are entitled to vote and must be marked to ensure that Members vote once only.

- 18.3.3.2 Should the Union wish to hold an Electronic Ballot by email or SMS or any other form of electronic communication, then the provisions of clause 18.11 shall apply.
- 18.3.3.3 In the case of a postal ballot, the voter' roll must reflect the postal addresses of the Members and the CCMA or any independent organisation must keep the postal ballots for 3 (three) Months and thereafter submit to the Union for record keeping.
- 18.3.3.4 The Union may elect to Ballot Members outside of the bargaining unit in respect of which it proposes to call a strike or to Ballot non-members within the bargaining unit. However, those Ballots must be conducted and recorded separately from the Ballot of Members in respect of whom the Union proposes to call on strike.
- 18.3.4 Scrutineers and Observers
- 18.3.4.1 The Union shall employ scrutineers to conduct or observe the Ballot as provided for in clauses 18.5.2 to 18.8 below.
- 18.3.4.2 There is no requirement on the Union to permit the employer observers at a Ballot, unless provided for in a recognition or other collective agreement.
- 18.3.5 Balloting and Counting
- 18.3.5.1 The Union must provide Ballot boxes for a secret Ballot. Members listed on the voters' roll must receive a Ballot paper and sign the voters' roll to confirm receipt of the Ballot paper and be able to mark it and place it in an unmarked sealed Ballot box without their vote being observed by any other person.
- 18.3.5.2 Ballot boxes must be sealed and Ballots may be counted at the voting place, at the Union's office or at another place determined by a Scrutineer.
- 18.3.6 Records of Ballot
- 18.3.6.1 Records of Balloting (as defined in clause 3.2.23) must be retained for a period of 3 (three) years.
- 18.3.6.2 In the case of electronic ballots (as set out in clause 18.11 below), appropriate records must be retained.

- 18.3.7 The provisions of this clause 18 do not apply to any protest action where the Union has engaged with Nedlac as provided in Section 77 of the Labour Relations Act.
- 18.4 The General Secretary shall prepare the Ballot forms and shall transmit the Ballot forms to each of the Branches' Branch Executive Secretaries.
- 18.5 Each Branch Executive Secretary shall:-
- 18.5.1 prepare the number of Ballot forms for the exact number of Members in each Branch;
- 18.5.2 prepare and seal the Ballot boxes in the presence of 2 (two) scrutineers, who shall be Members of that Branch and who have been appointed by the Branch Executive Committee; alternatively 2 (two) independent scrutineers who shall be appointed by the Branch Executive Committee;
- 18.5.3 hand to each TUR within that Branch:-
- 18.5.3.1 the requisite number of Ballot forms for the number of Members in each Workplace;
- 18.5.3.2 the voters' roll for each Workplace; and
- 18.5.3.3 a sealed Ballot box.
- 18.6 The TURs will take such Ballot forms, voters' roll and sealed Ballot box to the Workplaces
- 18.7 The TURs shall return the sealed Ballot boxes containing the cast Ballot forms to the Branch Executive Secretary, together with the voters' roll signed by the Members. If any Members were not available to cast their vote, then the Ballot forms for such absent Members shall be handed back to the Branch Executive Secretary.
- 18.8 The Branch Secretary shall 1 (one) Day after receipt of the Ballot boxes from all the Workplaces in that Branch's jurisdiction, in the presence of the 2 (two) scrutineers and at a place determined by the Branch Executive Secretary:-
- 18.8.1 open the Ballot boxes;
- 18.8.2 together with the 2 (two) scrutineers, count the Ballot forms and shall record the contents of each Ballot box as follows:-
- 18.8.2.1 the number of Ballot forms;

- 18.8.2.2 the number of votes cast for the proposition;
- 18.8.2.3 the number of votes cast against the proposition;
- 18.8.2.4 the number of spoilt Ballot forms;
- 18.8.2.5 the number of Ballot forms that were received by Members as recorded in the attendance register; and
- 18.8.2.6 the number of Ballot forms prepared but not issued to absent Members.
- 18.9 The Branch Executive Secretary shall forward the aforesaid information to the General Secretary in writing immediately after the votes have been counted.
- 18.10 The Executive Committee shall, from time to time, issue directives as to the type of Ballot boxes that should be used for Ballot forms and elections.
- 18.11 Electronic Ballot
- 18.11.1 Should the Union wish to hold an electronic Ballot by email or SMS or any other form of electronic communication, then the Union must utilise secure and reliable software, which must provide:-
 - 18.11.1.1 for the production of a voters' roll which contains the email address and/or cellular phone number of each Member;
 - 18.11.1.2 for the General Secretary to send out a Written Notice with the Ballot form to each Member with instructions how the Member should vote electronically and the period within which the Member may cast that Member's vote;
 - 18.11.1.3 for each Member to:-
 - 18.11.1.3.1 cast their vote once only; and
 - 18.11.1.3.2 cast their vote secretly;
 - 18.11.1.4 the storing of the votes;
 - 18.11.1.5 the counting and the verification of the votes which must be scrutinised and conducted by an independent organisation;
 - 18.11.1.6 the production of the result of the vote; and
 - 18.11.1.7 the integrity of the voting system to be certified by the software developers and independent scrutineers.
- 18.11.2 An independent organisation must keep the records of balloting for 3 (three) Months and thereafter submit to the Union for record keeping.

PART 4

ADMINISTRATION

19. USE OF FUNDS

19.1 The funds of the Union shall be applied to:-

19.1.1 the payment of its expenses;

19.1.2 the acquisition of property;

19.1.3 the attainment of the objects specified in the Constitution; and

19.1.4 such other lawful purposes as may be decided upon by the National Congress, the Executive Committee, the Management Committee or by a majority of the Members in a ballot.

19.2 Deposit of Funds

Cash funds received by the General Secretary on behalf of the Union shall be deposited within 7 (seven) Days from receipt thereof at a bank determined by the Executive Committee.

19.3 Approval of Payments and Signatories

Payments require the approval of the Management Committee and shall be made by Electronic Fund Transfer duly authorised or signed by the President, General Secretary and a designated Management Committee Member; or in the absence of these 3 (three) Officer Bearers, by such other Office Bearers as authorized in writing by the Management Committee.

19.4 Profits

No profits or gains will be distributed to any person and the funds of the Union will be utilised solely for investment or the objects for which it was established.

19.5 Investments

Funds available for investment may only be invested with registered financial institutions as defined in section 1 of the Financial Institutions (Protection of Funds) Act, 2001 (Act No. 28 of 2001) as amended from

time to time, and in securities listed on a licensed stock exchange as defined in the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985) as amended from time to time.

19.6 Limited Business Operations

The Union shall not have the power to carry on any commercial operations unless specifically authorised by resolution of the Executive Committee which was carried with a special majority of 75% (seventy five percent).

19.7 Indemnity

The National Congress may indemnify the Executive Committee for any disbursements or any moneys expended between National Congresses of the Union, in respect of which no provision had been made in the Constitution.

20. **GENERAL**

20.1 Submission of Financials

20.1.1 In terms of the Labour Relations Act 1995, the General Secretary shall submit to the Registrar of the Department of Employment and Labour, a statement of income and expenditure and a balance sheet for each financial year ending on the last day of February, within 1 Month of approval of such balance sheet.

20.1.2 Such statements and balance sheets must be audited by an independent and registered auditor in terms of the Act.

21. **OFFICIALS**

21.1 Head Office

21.1.1 Structures and Functions

The structures and functions of all the Union's offices shall be determined by the Executive Committee from time to time.

21.2 General Secretary

21.2.1 The General Secretary shall be appointed by the Executive Committee.

21.2.2 The General Secretary shall execute the General Secretary's duties as determined by the President, Executive Committee or National Congress, and as determined by the Labour Relations Act of 1995 and in particular the duties as determined by Sections 98, 99 and 100 of the Labour Relations Act of 1995 regarding the keeping of records and the provision of information to the Registrar.

21.2.3 The General Secretary's duties, which will be more fully set out in the service agreement to be entered into by the General Secretary and the Union, shall include, but not be limited to, the General Secretary:-

21.2.3.1 receiving requests for meetings of the National Congress or the Executive Committee;

21.2.3.2 sending out notices of meetings;

21.2.3.3 handling all Head Office correspondence of the Union;

21.2.3.4 filing all original letters received as well as letters sent out;

21.2.3.5 reporting on all relevant and/or important correspondence at each meeting of the National Congress or the Executive Committee that was received since the last meeting;

21.2.3.6 attending all meetings of the National Congress and the Executive Committee and Management Committee and keep minutes of the meetings;

21.2.3.7 tabling reports regarding the financial position of the Union at each meeting of the National Congress, Executive Committee and Management Committee; and

21.2.3.8 executing such other duties as prescribed by this Constitution or as ordered by the National Congress, the Executive Committee and the Management Committee.

21.3 Appointment of Secretariat

Members of the Secretariat shall be appointed by the Executive Committee on such terms and conditions as may be agreed between the Executive Committee and the persons appointed.

21.4 Appointment of Staff other than Secretariat

The General Secretary shall make recommendations to the Management Committee of the candidates to be appointed to the staff of the Union. The Management Committee shall make the appointments of staff members.

PART 5

AMENDMENTS TO THE CONSTITUTION AND WINDING UP

22. AMENDMENTS OF CONSTITUTION

22.1 The Executive Committee may, from time to time, amend certain clauses of this Constitution which clauses specifically provide for the Executive Committee to amend the terms of those clauses.

22.2 Except for the provisions of clause 22.1 above, the provisions of this Constitution may be amended and/or supplemented and/or deleted ("the Amendments") by a special resolution passed by the Executive Committee which resolution must be successfully carried by 66.66% (sixty six comma sixty six percent) of the Executive Committee Members present at that Executive Committee meeting, which votes shall be calculated in accordance with the Voting Strength of each Executive Committee Member (as set out in clause 13.4.5.2 above), provided that:-

22.2.1 the General Secretary has given all the Branches at least 30 (thirty) Days Written Notice of the Amendments; and

22.2.2 the Branches shall within 30 (thirty) Days after the dispatch by the General Secretary of the notice;-

22.2.2.1 hold a special Branch meeting to pass a resolution whether to accept or reject the Executive Committee's resolution, which Branch's resolution must be passed by 66.6% (sixty six comma sixty six percent) of that Branch's Committee Members present at the special Branch meeting; and

22.2.2.2 submit their resolutions to the General Secretary.

22.3 The General Secretary shall submit to the Executive Committee those

Branches' resolutions which were received timeously.

22.4 The Branches that have not responded timeously shall be deemed to have abstained from voting.

22.5 The Branches' resolutions must be carried by at least 66.66% (sixty six comma sixty six percent) of the total voting power of all the Branches whose resolutions were received timeously as set out in clause 22.3 above.

22.6 No amendments, additions or omissions will be valid until they have been certified by the Registrar of Trade Unions in terms of the Labour Relations Act 1995.

23. **WINDING UP OF THE UNION**

23.1 The Union shall be wound up if, a ballot is held in terms of this Constitution and not less than 75% (seventy five percent) of the total number of Members of the Union vote in favour of a resolution that the Union be wound up.

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

23.2.1 The President of the Union or, if the President is not available, the available Members of the Executive Committee of the Union, shall forthwith transmit to the Labour Court a statement signed by the President or the available Executive Committee Members setting forth the resolution adopted or the reasons for the Union's inability to function, as the case may be, and request the Labour Court to grant an order in terms of Section 103 of the Labour Relations Act, 1995.

23.2.2 The liquidator appointed by the Labour Court shall call upon the last appointed Office Bearers of the Union to deliver to the liquidator the Union's books of accounts showing the assets and liabilities together with the register of Members showing, for the 12 (twelve) Months prior to the date on which the resolution for winding up was passed or to the date as from which the Union was unable to continue to function, as the case may be, (hereinafter referred to as the date of dissolution), the membership fees paid by each Member and the Member's address

as at the said date.

23.2.3 The liquidator shall call upon the said Office Bearers to hand over to the liquidator all unexpended funds of the Union and to deliver to the liquidator the Union's assets and the documents necessary to liquidate the assets.

23.2.4 The liquidator shall take the necessary steps to liquidate the debts of the Union from its unexpended funds and any other monies realised from any assets of the Union. If the said funds and monies are insufficient to pay all creditors after the liquidator's fees and expenses of winding up have been met, the order in which creditors shall be paid shall be the same as that prescribed in any law, for the time being enforced, relating to the distribution of the assets of an insolvent estate, and the liquidator's fees and the expenses of winding up shall rank in order as those of an insolvent estate and as though the expenses were the costs of sequestration of an insolvent estate.

23.2.5 After payment of all the debts in accordance with clause 23.2.4, the remaining funds, if any, shall be distributed among the remaining Members of the Union on the basis of membership fees actually paid during the 12 (twelve) Months prior to the date of dissolution.

23.2.6 After the payment of all the liabilities, any assets that cannot be disposed of in accordance with the provisions of this clause shall 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 Labour Relations Act, 1995).

23.2.7 The liability of Members shall, for the purpose of this clause, 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.

24. **COMMENCEMENT**

24.1 This Constitution will take effect from the date of certification of this Constitution by the Registrar of Labour Relations, as provided for in the Labour Relations Act 66 of 1995, and shall be binding on the Union.

24.2 The terms of the Office Bearers elected during 2022 shall, notwithstanding that they were elected in terms of the constitution then

in force ("the 2014 constitution"), be determined by the provisions of this Constitution.

24.3 The provisions of this Constitution shall prevail should there be any conflict between this Constitution and the 2014 constitution however the terms of this Constitution shall apply with retrospective effect from the conclusion of the Union's elections for Office Bearers held at the Union's National Congress on 30 June 2022.

24.4 The period of time for which the Office Bearers elected at such National Congress were to serve and the period of time that the Office Bearers being Branch Committee Executive Members, Branch Committee Members and TURs and any other Office Bearers, who were elected to hold office in the immediate years preceding the National Congress held on 30 June 2022 were to serve, **shall be determined in terms of this Constitution, notwithstanding that the period of time that they were elected to serve may have been longer in terms of the prior Constitution.**

PART 6

SCOPE

25. INDUSTRIES AND SECTORS

Membership of the Union is open to any employee in the Republic of South Africa who is employed by the Juristic Entities or is employed in the following industries, Sectors or activities:-

25.1 **"GOODS TRANSPORTATION AND STORAGE TRADE"** means the trade in which employers and their employees are associated for the purpose of carrying out one or more of the following activities for reward or hire:-

25.1.1 the transportation of goods by means of motor transport, including the transportation of soil, gravel, stone, sand, coal or water which are intended for sale, and the ferrying of motor vehicles, whether or not such transportation is performed for hire or reward; and

- 25.1.2 the storage of goods, including receiving, opening, unpacking, packing, dispatching and clearing of or accounting for goods.
- 25.2 **"ROAD PASSENGER TRANSPORTATION TRADE"** means the trade in which employers (other than employers exclusively conveying school-children between their places of residence and the schools they attend) and their employees are associated for the purpose of conveying for reward on any public road any person by means of a power-driven vehicle intended to carry more than seven persons simultaneously, including the driver of the vehicle, and includes all operations incidental thereto and consequent thereon.
- 25.3 **"STEVEDORING TRADE AND MARITIME TRADE"** means the trade in which the employer and their employees, who are partially or totally domiciled in South Africa, are associated for the purposes of:-
- 25.3.1 loading or unloading ships, and includes all operations incidental to or consequent to any of the aforesaid activities including the operation of storage facilities and warehouses offered for hire as an independent service whether or not such activities are performed on a ship or on shore;
- 25.3.2 supplying from amongst the said employees such labour as may be required by employees referred to in clause 25.3 hereof by any other persons or any activity of operation set out in clause 25.3 hereof;
- 25.3.3 providing services associated with the arrival and/or departure, and conveyance of passengers, or goods, by sea for reward;
- 25.3.4 shore prospection and drilling for gas, oil or mineral recovery, including any support operations in connection therewith;
- 25.3.5 towing or salvaging operations;
- 25.3.6 dredging operations;
- 25.3.7 diving operations;
- 25.3.8 piloting operations;
- 25.3.9 anti-pollution operations;
- 25.3.10 sea fisheries protection;
- 25.3.11 oceanographic research;
- 25.3.12 lighthouse operations;

- 25.3.13 coastguard operations;
- 25.3.14 includes all persons employed in the Public Service as defined in Section 1 of the Public Services Act, 1994; and
- 25.3.15 search and rescue operations.

- 25.4 **“AFTER TRANSPORTATION AND STORAGE TRADE”** means the trade in which employers and their employees are associated for the purpose of carrying out one or more of the following activities for reward or hire:-
 - 25.4.1 the transportation of goods by means of non-displacement vessels that are partially or totally domiciled in South Africa;
 - 25.4.2 the conveying of any person by means of non-displacement vessels whom are partially or totally domiciled in South Africa;
 - 25.4.3 the storage of goods, including receiving, opening, packing, unpacking, dispatching and clearing of or accounting for goods or containerised goods.

- 25.5 **“AVIATION INDUSTRY”** means the industry in which employers and employees are associated for the purpose of conducting activities relating to the arrival and/or departure of aircrafts conveying passengers and/or freight for reward, and the industry in which employers and employees are associated in the design, manufacture, overhaul, maintenance, testing of aircrafts and related components.

- 25.6 **“MOTOR FERRY INDUSTRY”** means the industry in which employers and their employees are associated for the transportation of motor vehicles by road and/or sea and/or rail between vehicle manufacturers and motor dealerships.

- 25.7 **“RAIL FREIGHT TRANSPORTATION INDUSTRY”** means the Industry undertaken by TRANSNET (and its successors in title) as an employer as well as all other employers who carry out similar Rail Freight Transportation undertakings and related activities as TRANSNET (*inter alia* but not limited to Bombela), TRANSNET being the undertaking in which persons are employed in all undertakings or

sections of trade and other related activities undertaken by TRANSNET.

- 25.8 **“RAIL PASSENGER TRANSPORTATION INDUSTRY”** means the Industry undertaken by PRASA (Passenger Rail Agency of South Africa) (and its successors in title) as an employer as well as all other employers who carry out similar Rail Passenger Transportation undertakings and related activities as PRASA (*inter alia* but not limited to Bombela), PRASA being the undertaking in which persons are employed in all undertakings or sections of trade and other related activities undertaken by PRASA.
- 25.9 **“TRANSPORT EQUIPMENT MANUFACTURING TRADE”** means the trade in which employers and their employees are associated for the purpose of carrying out one or more or all of the following activities:
- 25.9.1 manufacturing of equipment and components associated with rail transport, road transport, aviation transport and marine transport;
- 25.9.2 refurbishment of equipment and components associated with rail transport, road transport, aviation transport and marine transport; and
- 25.9.3 repair of equipment and components associated with rail transport, road transport, aviation transport and marine transport.
- 25.10 **“BUILDING INDUSTRY”** without in any way limiting the ordinary meaning of the expression, means the industry in which employers and their employees are associated for the purpose of erecting, completing renovating, repairing, maintaining or altering buildings and structures and/or making articles for use in the erection, completion of alteration of buildings and structures, whether the work is performed, the material is prepared or the necessary articles are made on the site of the building or structures or elsewhere, and includes all work executed or carried out by persons therein who are engaged in the following trades or sub-divisions thereof:-
- 25.10.1 asphalting, which includes covering floors and flat and/or slopping roofs, and water proofing or damp proofing basements or foundations, whether or not with prepared roll roofing or asphalt sheeting having

- glazed or unglazed surfaces, whether or not using tar, macadam, neuschatel, limber or any other type of solid or semi-solid asphalt, mastic of emulsified asphalts or bitumens, applied either hot or cold to such roofs, floors, basements or foundations;
- 25.10.2 bricklaying, which includes concreting and fixing concrete blocks, slabs or plates, tiling walls and floors, jointing brickwork, pointing, paving mosaic work, facing work in slate, in marble and in composition, slating, roof tiling and cement caulking earthenware drains;
- 25.10.3 French polishing, which includes polishing with a brush or pad and spraying with any composition;
- 25.10.4 glazing, which includes cutting and/or fixing all kinds of glass or other like products into rebates formed in wooden or metal doors, windows, frames or like fixtures, and all operations incidental thereto;
- 25.10.5 joinery, which includes the fixing of all wooden fittings and the manufacture of all articles of joinery incidental to such fittings, whether or not the fixing in the building or structure is done by the person making or preparing the article used, including cupboards, kitchen dressers or other kitchen fixtures which accrete to the building as a permanent part thereof;
- 25.10.6 lead light making, which includes the manufacture and/or fixing of leads and/or other metal lights and display signs (excluding electrical fittings incidental thereto) and the glazing relating thereto;
- 25.10.7 masonry, which includes stone cutting and building (also the cutting and building of ornamental and monumental stone work), concreting and fixing or building pre-cast or artificial stone or marble, paving, mosaic work, pointing, wall and floor tiling, operating a Mall and Biax or similar type of portable spinner, amend flexible cutting, finishing and other stone working machinery (other than stone polishing machinery and sharpening mason's tools), whether or not the fixing in the building or structure is done by the person making or preparing the article used;
- 25.10.8 metal work, which includes fixing steel ceilings, metal windows, metal doors, builders smith work, metal frames, metal stairs and architectural metal work, and the manufacture and/or fixing of drawn metal and sheet and extruded metal, whether or not the fixing in the building or structure is done by the person making or preparing the article used;

- 25.10.9 painting, which includes decorating, paperhanging, distempering, lime and colour washing, staining, vanishing, graining, marbling, spraying, spray tar and its products, and also includes sandpapering and all work preparatory to the aforementioned operations, sandpapering walls and woodwork, filling cracks in walls and puttying woodwork;
- 25.10.10 plastering, which includes modelling, model-making, mould-making, facing casts to mould, making and fixing plaster board ceilings and fibrous plaster or other compositions, granolithic, terrazzo and composition wall covering and polishing, operating a Mall and Biax or similar type of portable spinner and flexible cutting and finishing machinery, wall and floor tiling, paving and mosaic work, metal lathing, acoustic spraying, and all processes incidental to the completion of ceilings and walls, whether or not the fixing in the building or structure is done by the person making or preparing the article used;
- 25.10.11 plumbing, which includes brazing and welding, lead burning, gas fitting, sanitary and domestic engineering, drain laying, caulking, ventilating, heating, hot and cold water fitting, fire sprinkler installation and the manufacture and fitting of all sheet metal work, whether or not the fixing in the building or structure is done by the person making or preparing the article used;
- 25.10.12 shop, office and bank fitting, which includes the manufacture and fixing of shop fronts, window enclosures show cases, counters, screens and interior fittings and fixtures;
- 25.10.13 steel reinforcing and/or steel construction which includes fixing all classes of steel or other metal columns, girders, steel joints, sheeting or metal in any other form which form part of a building or structure; and
- 25.10.14 woodworking, which includes carpentry, veneer panelling, and the polishing and sandpapering of same, woodworking, machining, turning, carving, the cladding of all types of roofs, fixing sound and acoustic material, cork and asbestos insulation, wood-lathing.
- 25.11 **“PRINTING AND NEWSPAPER INDUSTRY”** means, without in any way limiting the ordinary meaning of the expression, the industry in which employers and their employees are associated in the production

- of printed matter of any nature whatsoever, and includes:-
- 25.11.1 the following trades, together with the occupations and operations incidental thereto, whether or not the said trades, occupations, and/or operations are carried on separately or collectively or in conjunction with printing or apart from printing, namely composing, proofreading, stereotyping, electrotyping, typesetting, process engraving, photogravure, letterpress machine binding, printing and lithographic artistry, lithography, printers warehousing, printers engineering, engraving and - stamping, bookbinding, ruling, cutting, silk screen process printing, duplicating, ink mixing (if undertaken by employers engaged in the operations referred to in clauses 25.11.1 to 25.11.4);
- 25.11.2 the manufacture (including any process whatsoever in the course of manufacturing) of:-
- 25.11.2.1 stationery, rubber stamps, envelopes, paper bags, paper sacks, milk bottles, discs, egg box fillers, toilet rolls, gummed paper and/or cardboard boxes;
- 25.11.2.2 corrugated cardboard from paper and/or any constituent part of which is paper and/or any compound of paper;
- 25.11.2.3 any kind of container (with or without metal parts) from fibreboard and/or cardboard (corrugated or otherwise) and/or paper and/or any compound of paper and/or any like material a constituent part of which is fibre and/or cardboard and/or paper, and/or any compound of paper, but excluding the manufacture, mainly from fibre, of trunks, attaché cases, bags and all similar containers designed to hold personal effects, sporting kit, tools and documents;
- 25.11.2.4 any article whatsoever from cardboard (corrugated or otherwise) and/or paper and/or any compound of paper and/or any like material, a constituent part of which is cardboard and/or paper and/or any compound of paper: Provided that this sub-clause shall apply only to employers and their employees covered by clauses 25.11.1 to 25.11.4;
- 25.11.3 printing on paper, gummed paper, tape, gummed tape, tin or other metals, cloth, containers or other articles referred to in clause 25.11.2; and
- 25.11.4 the repairing of cardboard boxes, egg box fillers, containers of such

other articles as are referred to in clause 25.11.2.

- 25.12 **“PIPE TRANSFORMATION AND STORAGE TRADE”** means the trade in which employers and employees are associated for the purpose of carrying out one or more of the following activities:-
- 25.12.1 transportation of liquid and other substances such as oil, petroleum, gas, aviation fuel, fuel alcohol, diesel fuel and water through pipelines; and
- 25.12.2 storage of liquid and other substances such as pil gas, aviation fuel, fuel alcohol, diesel fuel, oil, petroleum and water through the use of storage tanks.
- 25.13 **“TELECOMMUNICATION TRADE”** means the trade in which employers and their employees are associated for the purpose of carrying out activities related to telecommunication and related information technology for reward or hire.
- 25.14 **“OTHER INDUSTRIES / SECTORS”** being any other industries, sectors or activities that the Executive Committee may determine from time to time.



PRESIDENT



GENERAL SECRETARY



VICE-PRESIDENT

30 July 2025

DATE

