“Workers of all countries unite in their revolutionary march towards socialism”
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91. SIGNATURES
1. **PREAMBLE**

We, the members of the National Transport Movement (NTM) in good standing hereby undertake to combat all forms of exploitation and discrimination of workers.

To this end, we commit to unify all workers employed in various sectors of South African Economy for the purpose of fighting for improvement of their terms and conditions of employment.

We shall also strive for Socialism in our quest to attain full employment and Economic emancipation in the South African society in our quest for total eradication of poverty.

Finally, NTM shall combat income Inequality, poverty and Unemployment so as to pave way for an egalitarian society free of exploitation of one man by another.

2. **NAME OF THE TRADE UNION**

2.1 The name of the Trade Union shall be the National Transport Movement.

2.2 The shortened name of the Trade Union shall be NTM.

3. **LOCATION OF THE HEAD OFFICE, PROVINCIAL OFFICES AND LOCAL OFFICES**

3.1 The Location of the Head office, the Provincial offices and the Local Offices shall be respectively determined by the National Congress (NC), the Provincial Congresses (PCs) and the Local Executive Committees (LECs) of the Union from time to time.
4. LEGAL STATUS OF THE TRADE UNION

4.1 The Trade Union shall be a corporate body having perpetual succession and it is an association not for gain.

4.2 The Trade Union may sue and/or be sued in its own name.

4.3 No member and/or an employee has any right to the properties and assets of the Trade Union.

4.4 The Union may enter into contract/s with any natural and/or legal person in its own name.

5. LOGO AND EMBLEM OF THE TRADE UNION

5.1 The Emblem of the Union shall comprise of a tyre with a red star in the middle as well as two hands holding each other in the center of the red star, a Bus, a Minibus Taxi, a Ship, a Train and an Aircraft under each arm of the star.

5.2 The logo shall appear on all official documents and the banners of the Trade Union.

6. DEFINITIONS

“LRA” shall mean the Labour Relations Act 66 of 1995 as amended.
“The Trade Union” shall mean the National Transport Movement.

“Delegate” shall mean a representative of a particular Constitutional structure in any meeting of the trade Union.

“Local Shop stewards Council” shall mean the Shop Stewards elected within a Constitutional jurisdiction area of a local.

“Member in Good standing” shall mean a worker other than a Union Official, who pays Trade Union subscription fees and is up to date with payment of membership fees.

“Trade Union Officials” shall mean an Elected Official and/or an employee of the Union employed as the General Secretary, Deputy General Secretary, Provincial Secretary, Deputy Provincial Secretary, Organizer, and Administrator and/or in any other capacity without voting rights.

“Elected Officials” shall mean the General Secretary and Deputy General Secretary, Provincial Secretary and the Deputy Provincial Secretary without voting rights.
“Office Bearer” shall mean a member in good standing who had been elected to hold an office in the Trade Union and is paying membership fees and also employed in any of the sectors set out in clause 7 below.

“National Office Bearers” shall mean the President, 1\textsuperscript{st} Deputy President, 2\textsuperscript{nd} Deputy President and the Treasurer General and shall be members in good standing with voting rights.

“Provincial Office Bearers” shall mean the Provincial Chairperson, 1\textsuperscript{st} Deputy Provincial Chairperson, 2\textsuperscript{nd} Deputy Provincial Chairperson and the Provincial Treasurer and shall be members in good standing with voting rights.

“Local” shall mean an area demarcated by the NEC as a Constitutional Local of the trade union.
“Local Office Bearers” shall mean the Local Chairperson, 1st Deputy Local Chairperson, 2nd Deputy Local Chairperson, Local Treasurer and the Local Secretary. All Local Office Bearers shall be members in good standing and workers in any of the sectors set out in clause 7 below with voting rights.

“Workplace Office Bearers” shall mean the Chairperson, 1st Deputy Chairperson, 2nd Deputy Chairperson, Secretary, Deputy Secretary and the Treasurer of the Shop Stewards Committee at the Workplace level. All Workplace Office Bearers shall be members in good standing and workers employed in any of the sectors set out in clause 7 below with voting rights.

“Sector Office Bearers” shall mean the Sector Chairperson, 1st Deputy Sector Chairperson, 2nd Deputy Sector Chairperson, Sector Secretary, Deputy Sector Secretary and the Sector Treasurer at the Local, Provincial or National level. All Sector office Bearers shall be members in good standing and employed in any of the sectors set out in clause 7 below with voting rights.
“Sector Shop Stewards Council”
shall mean the Shop Stewards Council in
a specified sector with voting rights.

“Shop Steward or Trade Union Representative”
shall mean a member in good
standing duly elected by general
meeting to represent workers with
voting rights.

“PFMA”
shall mean Public Finance Management
Act 1 of 1999 as amended.

7. SCOPE OF THE TRADE UNION

7. A The scope of the Trade Union shall cover the following
sectors, trades, entities, undertakings and or
occupations within the Republic of South Africa as well
as the companies or entities associated with them:

7.1. Transport services, which includes Inter Alia:

7.1.1. Passenger transport services, including by road, rail, air,
river and sea;

7.1.2. Freight, Logistics, Storage facilities including by road,
rail, air, river, sea or pipelines;
7.1.3. Any other service provider associated with any transport company.

7.2. **Maritime transport, which includes:**

7.2.1. Stevedoring and cargo handling;

7.2.2. Shipping, Clearing and forwarding;

7.2.3. Repairs to maritime equipment;

7.2.4. Clearing and forwarding;

7.2.5. Seafaring and berthing; and

7.2.6. Ship supplies and chandelling services.

7.3. **Civil Aviation, which includes:**

7.3.1. Passenger, cargo and technical services in both Domestic and foreign airlines;

7.3.2. Operations at airports;

7.3.3. Operations at civil aviation authorities or offices;

7.3.4. Air traffic navigation services; and

7.3.5. Ramp and ground handling services;
7.3.6. Fuel Suppliers.

7.4. **Transport infrastructure services, which include:**

7.4.1. Tollgates and road management entities, protection and security services including the police, cash-in-transit, and operation;

7.4.2. Car parking;

7.4.3. Operation of transport terminals;

7.4.4. Travel agencies and transport rental services, including motor vehicle rental services.

7.5. **Property Services, which includes:**

7.5.1. Contract cleaning;

7.5.2. Sports, Recreation clubs and National Parks;

7.6. Temporary employment agencies and independent and sub-contractors that provide employees to employers operating in any company including Security Sector;
7.7. The union will be open to all workers, including atypical workers, who include but are not limited to casual, part-time, temporary, fixed-term or seasonal workers employed in the sectors, trades, entities, undertakings and/or occupations operating in the Republic of South Africa regardless of the company in which they are employed.

7.8 Airline, Rail, Ship, Fishery, Bus Industry, Chain store suppliers, Butcheries, catering Companies, Food Services including Bakeries;

7.9. All employees employed in the State Owned Enterprises, Institutions and/or Agencies in the Republic of South Africa.

7.10. Agri-entities, Milling, Wholesale and Retail, Pharmaceutical and Healthcare industry, Construction, Municipalities, Gardening Services, Game Reserves, Wood and Timber Works, Educational Institutions, Chemical plants/petroleum plants, Mining, Manufacturing, Engineering, Garages (fuel stations) as well as Car Dealers.

8. THE GOALS AND OBJECTS OF THE TRADE UNION

8.1. to combat the exploitation of the working people;

8.2. to advance the interests of the members of the Trade Union;
8.3. to improve the terms and conditions of employment of the members in particular and that of the working people in general;

8.4. to represent the members in any proceedings in which they are involved;

8.5. to campaign against repressive Labour Legislation and unjust economic system;

8.6. to improve the living conditions of the working people;

8.7. to defend the jobs of workers;

8.8. to regulate relations between employees and employers, including any employers’ organisation;

8.9. to promote the interests of members;

8.10. to plan and organise its administration and lawful activities;

8.11. to affiliate with and participate in the affairs of any domestic and/or international workers’ organisations or the International Labour Organisation;

8.12. to use every legitimate means to induce employees to become members;
8.13. to provide legal assistance to members in connection with employment matters;

8.14. to establish and administer funds for the benefit of its members and their dependants;

8.15. to encourage the settlement of disputes between members and employers and/or employers' organisations by conciliation, mediation or arbitration;

8.16. to do such lawful things as may appear to be in the interests of the trade union and its members, which are not inconsistent with the goals or any matter specifically provided for in this Constitution;

8.17. and to borrow, invest, lend, subscribe or donate money for the furtherance of the objects of the trade union.

9. ELIGIBILITY FOR MEMBERSHIP OF THE TRADE UNION

9.1. Membership of the Union shall be open to all workers in the sectors, trades, entities, Institutions, organizations, undertakings and/or occupations mentioned in clause 7 above.

10. RIGHTS, ENTITLEMENTS AND RESPONSIBILITIES OF MEMBERS IN GOOD STANDING

10.1. Every member must strive for unity amongst members of the union.
10.2. Every member must observe the provisions of this Constitution including the lawful resolutions of all Constitutional structures of the union.

10.3. Every member shall have the right to vote in any election and/or be voted in to any position in the Constitutional structures of the union.

10.4. Subject to the provisions of this constitution, members are required to participate in the meetings and the other lawful programmes of the union.

10.5. Every member must pay monthly Union subscription fees.

10.6. Subject to the provisions of this Constitution, every member must participate in the lawful activities of the union.

10.7. Members of the Union are entitled to be represented by the Union in any Labour related dispute they may have with their employers.

10.8. Subject to the provisions of this Constitution every member shall strive to defend and protect this Constitution.
11. **APPLICATION FOR MEMBERSHIP**

11.1. Any employee in the Republic of South Africa, who works in the sectors, trades, entities, companies, institutions, organizations, undertakings and/or occupations mentioned in clause 7 above or any company or entity associated with them may apply for membership of the union using NTM prescribed form.

11.2. Applications for admission or readmission to membership shall be lodged in writing with Local Secretary.

11.3. Every application for membership shall be considered by the Local Shop stewards Council within two weeks of receipt thereof.

11.4. The Local Shop Stewards Council may accept an application for membership and/or decline it.

11.5. Any employee who takes up the membership of the union shall bind himself/herself in writing to observe and abide by this Constitution.

11.6. An Applicant against whom admission to membership is refused shall be provided with reasons for such refusal.
11.7. If admission to membership is refused by the Local Shop Stewards Council, the Applicant concerned shall have a right of appeal to the next Provincial Executive Committee meeting and finally appeal if still dissatisfied to the National Executive Committee meeting, have the powers to confirm or reverse the decision of the Local Shop Stewards Council or Provincial Executive Committee.

11.8. Such an appeal shall be submitted in writing to the Provincial Secretary and to the General Secretary at least two weeks before the Provincial Executive Committee and finally at least two weeks before the National Executive Committee.

11.9. The National Executive Committee’s decision shall be final until reversed by the National Congress in its discretion.

11.10. Every member shall notify the Local Secretary in writing of his/her postal address and any change thereof within 21 days of the date on which the change occurred.

11.11. Any member who had resigned or been expelled from the trade union may be readmitted to membership on such conditions as the National Executive Committee may determine from time to time.
12. **TERMINATION OF MEMBERSHIP**

12.1. The disciplinary committees at various levels, the General Meetings at each workplace, PEC, PC, NEC and the NC shall be entitled to terminate the membership on good grounds.

12.2. Subject to the provisions of this constitution, the membership may also be terminated on the following grounds:

12.2.1. Upon expulsion from the Union.

12.2.2. Upon death of a member.

12.2.3. Upon ceasing to be employed by one’s employer, unless the fairness of one’s dismissal is being challenged by the Union.

12.2.4. Upon failing to pay Union subscription fees for three consecutive months.

12.2.5. A member shall cease to enjoy membership benefits and/or entitlements including the right to vote upon the following circumstances:

12.2.5.1. If the member ceases to be employed in any of the sectors, trades, entities, undertakings and/or occupations as well as companies and entities associated with them;
12.2.5.2. Upon suspension from the Union;

12.2.5.3. Upon expulsion from the Union;

12.2.5.4. Upon death;

12.2.5.5. And If the Union subscription fees and/or levies are three months in arrears.

13. CONSTITUTIONAL STRUCTURES OF THE TRADE UNION

13.1. The Trade Union shall consist of the following Constitutional Structures:

13.1.1. National Congress, which is the highest decision making body in the Trade Union;

13.1.2. National Executive Committee;

13.1.3. Provincial Congresses;

13.1.4. Provincial Executive Committees;

13.1.5. Provincial Shop Stewards Councils;

13.1.6. Local Shop Stewards Councils;

13.1.7. Local Executive Committees;
13.1.8. Workplace Shop stewards Committees;

13.1.9. Entity or Enterprise Shop Stewards Councils;
13.1.10. Sector Shop Stewards Councils; and


13.2. The National Congress and the National Executive Committee shall have powers to amend and/or review the Constitutional Structures of the Trade Union.

14. TERMS OF OFFICE

14.1. The Shop Stewards shall hold office for four years save that they are entitled to stand for re-election upon expiry of their tenure.

14.2. The tenure for the Local Office Bearers shall be four years.

14.3. The tenure for the Provincial Office Bearers shall be four years.

14.4. The tenure for the National office Bearers shall be four years.

14.5. The tenure of the Sector Office Bearers shall be four years.

14.6. The Office Bearers of the Women forum shall hold office for four years.
15. **GENERAL MEETINGS**

15.1. The General membership of the Union shall hold General meetings at their respective workplaces at least once in a Month.

15.2. Members in good standing are entitled to vote at a General Meeting on any matter that require a resolution by vote.

16. **POWERS AND RESPONSIBILITIES OF THE GENERAL MEETINGS.**

16.1. Subject to the provisions of this Constitution, the powers and responsibilities of the General meetings shall entail inter alia the following:

16.1.1. To receive and consider reports and recommendations from the Workplace Shop Stewards Committees.

16.1.2. To give mandates on any matter requiring same.

16.1.3. To elect Shop Stewards.

16.1.4. And to do all lawful things in the interest of the Union.

17. **WORKPLACE SHOP STEWARDS COMMITTEES**

17.1. The Workplace Shop Stewards Committees shall comprise of all shop stewards elected at the respective workplace.
18. POWERS AND RESPONSIBILITIES OF THE WORKPLACE SHOP STEWARDS COMMITTEES

18.1. Subject to the provisions of this Constitution, the resolutions, policies and procedures of the higher Constitutional Structures, the powers and the responsibilities of the Workplace Shop Stewards Committees shall entail inter alia the following:

18.1.1. To receive the reports, grievances, complaints and concerns from the members at the plant level.

18.1.2. To collate mandates from members at the plant level.

18.1.3. To represent members in the Disciplinary Hearings, Grievance Procedures etc.

18.1.4. To implement the decisions of the higher structures of the Trade Union.

18.1.5. To elect delegates to the Local Shop Stewards Councils.

18.1.6. To monitor employers’ compliance with the Labour Legislation.

18.1.7. And to recommend on any other matter to the Local Shop Steward Councils.

18.1.8. And to elect Workplace Shop Stewards Committee Office Bearers.
19. **MEETINGS OF THE WORKPLACE SHOP STEWARDS COMMITTEES**

19.1. The Workplace Shop Stewards Committees shall meet once every two weeks.

19.2. Special Workplace Shop Stewards Committee meetings may be called to consider and resolve on urgent matters.

19.3. The quorum for the Workplace shop stewards committees shall be 50%+1 of the number of Shop Stewards elected at a particular workplace.

19.4. An adjourned meeting of the workplace shop stewards committee shall quorate automatically, which meeting must be convened within seven days.

20. **WORKPLACE SHOP STEWARDS COMMITTEE OFFICE BEARERS**

20.1. The workplace Shop Stewards committee Office Bearers shall comprise of the Chairperson, Deputy Chairperson, Secretary and the Deputy Secretary.

20.2. The Workplace Shop Stewards Committee Office Bearers shall be members in good standing and workers in any of the sectors, trades, entities, undertakings and/or occupations mentioned in clause 7 above.
21. **POWERS AND RESPONSIBILITIES OF THE WORKPLACE SHOP STEWARDS OFFICE BEARERS**

21.1. Subject to the provisions of this Constitution, the powers and the responsibilities of the Workplace Shop Stewards Office Bearers shall entail inter alia the following:

21.1.2. To convene the General meetings.

21.1.3. To assign Shop Stewards lawful Union activities.

21.1.4. To build a strong Organization at the plant level.

21.1.5. To unify general membership.

21.1.6. All to do any lawful things in the interest of the union.

22. **ESTABLISHMENT AND CONTROL OF THE LOCALS.**

22.1. A Local may be established in any area, where there are no less than 300 members of the Union from different workplaces.

22.2. Any application for establishment of the Local shall be submitted to the General Secretary for consideration by the NEC.

22.3. The NEC may, in its discretion authorize establishment of a Local and determine its area of jurisdiction.
22.4. Upon approval of the establishment of the Local by the NEC, the General Secretary shall notify the Shop Stewards from whom the application was received about the NEC decision thereof.

22.5. The NEC and/or its representatives shall arrange the inaugural meeting of the Local, at which meeting the Local Office Bearers will be elected by majority of the Shop Stewards present therein.

22.6. If the nominations called for and endorsed at such meeting do not exceed the appointments to be made, in each instance the members so nominated shall be declared elected and shall hold office until the expiry of the term of office in clause 14 above.

22.7. When a member leaves the area in which his/her Local is situated and continues his employment permanently in the area of another local, then he/she shall be deemed to be a member of that new Local.

23. LOCAL SHOP STEWARDS COUNCILS

23.1. The Local Shop Stewards Councils shall comprise of the Local Office Bearers and the elected Shop Stewards from all workplaces falling under the jurisdiction of the Local.
24. POWERS AND RESPONSIBILITIES OF THE LOCAL SHOP STEWARDS COUNCILS

24.1. Subject to the provisions of this Constitution, the resolutions, policies and the procedures of the higher Constitutional structures, the powers and the responsibilities of the Local Shop Stewards Councils shall entail inter alia the following:

24.1.1. To monitor growth of the Union membership within the jurisdiction of the Local.

24.1.2. To elect the Local Office Bearers.

24.1.3. To recommend discipline against Local Office Bearers and Union Officials.

24.1.4. To do anything in the interest of the union subject to the resolutions of the higher Constitutional structures.

24.1.5. To receive reports from various workplaces, discuss and resolve on them.

24.1.6. To appoint ad-hoc committees for the purpose of assisting the local to execute its responsibilities.

24.1.7. To implement the resolutions of the higher constitutional structures of the trade Union.

24.1.8. To defend the Union within the jurisdiction of the Local.
24.1.9. To refer matters to the Provincial Executive Committee for resolution and/or guidance.

24.1.10. To monitor and supervise the work of the local union officials.

24.1.11. And to conduct Shop Stewards elections.

25. MEETINGS OF THE LOCAL SHOP STEWARDS COUNCILS

25.1. The Local Shop Stewards Councils shall sit at least once in a month.

25.2. The Special Local Shop Stewards Councils may be convened to consider and resolve on urgent matters.

25.3. The quorum for the Local Shop Stewards councils shall be 50% plus one of the expected number of Shop Stewards from all workplaces within the jurisdiction of the local.

25.4. If the Local Shop Stewards Council meeting fails to quorate after an hour from the fixed time of the meeting, it shall stand adjourned for a period not exceeding seven days.

25.5. Adjourned Local Shop Stewards Councils shall quorate automatically.
26. **ESTABLISHMENT AND CONTROL OF THE PROVINCES**

26.1. A province of the union may be established in any Province and/or Provinces in the Republic of South Africa, where there are no less than 1000 members of the union, provided there are at least two operating Locals in the area concerned.

26.2. Any application for establishment of a Province of the union shall be submitted to the General Secretary for consideration by the NEC.

26.3. The NEC may in its discretion authorize the establishment of a Province of the union and determine its Jurisdiction notwithstanding the threshold in 26.1 above.

26.4. Upon approval of the establishment of a Province by the NEC, the General Secretary shall notify the Locals from whom the application was received about the decision thereof.

26.5. The NEC and/or its representatives shall arrange to attend inaugural meeting of the Province concerned, at which meeting the Provincial Office Bearers, the Provincial Secretary (ex officio) and the Deputy Provincial Secretary (ex officio) will be elected by majority of the delegates from the Locals present.

26.6. If the nominations called for and endorsed at such meeting do not exceed the appointments to be made, in each instance the members so nominated shall be declared elected and shall hold office until the expiry of the term of office in 14 above.
26.7. When a member leaves the area in which his/her Province is situated and continues his employment permanently in the area of another province, then he/she shall be deemed to be a member of that new Province.

27. PROVINCIAL OFFICE BEARERS

27.1. The Provincial Office Bearers shall comprise of the Provincial Chairperson, 1st Deputy Provincial Chairperson, 2nd Deputy Provincial Chairperson and the Provincial Treasurer.

27.2. The Provincial Office Bearers must be members in good standing and employed in any of the sectors, trades, entities, undertakings and/or occupations mentioned in clause 7 above.

27.3. Subject to the provisions of this Constitution, the powers and the responsibilities of the Provincial Office Bearers shall be similar to that of the NOBs read with changes in context.

28. POWERS AND RESPONSIBILITIES OF THE PROVINCIAL OFFICE BEARERS COMMITTEE

28.1. Subject to the provisions of this Constitution, the policies and the procedures of the higher constitutional structures, the powers of the POBC shall be the following:

28.1.1. To receive, consider and decide on the reports and recommendations.
28.1.2. To supervise the operation of the Locals.

28.1.3. To conduct elections of the Local Office Bearers.

28.1.4. To keep all records pertaining to the matters of the Province.

28.1.5. To Institute disciplinary proceedings against the Union Officials, Members, Shop Stewards and the Office Bearers falling under the jurisdiction of their respective Province.

28.1.6. To do all lawful things in the interest of the trade union.

28.1.7. To implement the campaigns of the Union within the jurisdiction of the province.

28.1.8. To provide Provincial mandates on national matters.

28.1.9. To compile the budget of the Province.

28.1.10. To call Provincial Shop Stewards Councils.

28.1.11. To refer reports to the Provincial Executive Committees.

28.1.12. And to implement the resolutions of the PEC, PC and the NC.

29. MEETINGS OF THE POBC

29.1. The meetings of the provincial office bearers shall sit once every two weeks.
29.2. Special Provincial Office Bearers meetings may be convened to deal with urgent matters.

29.3. The quorum for the Provincial office bearers committees shall be 3 out of 4 POBs.

29.4. The Provincial Secretary and the Deputy Provincial Secretary shall attend the POBC meetings in their ex officio capacities.

29.5. If the POBC meeting fails to quorate for a period of an hour after the time fixed, it shall stand adjourned.

29.6. The adjourned Provincial office bearers committee shall quorate automatically.

29.7. The adjourned meeting must reconvene within seven days from the date of adjournment.

30. PROVINCIAL EXECUTIVE COMMITTEES

30.1. The Provincial Executive Committee shall comprise of the following:

30.1.1. The Provincial Office Bearers;

30.1.2. The Provincial Sector Office Bearers including provincial Women forum Office Bearers;

30.1.3. The Local office Bearers;
30.1.4. And the Provincial Subcommittee office bearers, who must be workers and members in good standing employed in any of the sectors, trades, entities, undertakings and/or occupations mentioned in 7 above.

30.1.5. The Provincial Union officials including the Elected Union officials shall attend the Provincial Executive Committee meetings in their ex officio capacities i.e. they shall have speaking, but no voting rights.

30.1.6. The Provincial Executive Committee meeting shall sit once every three months.

30.1.7. A Special Provincial Executive Committee may be convened to deal with any urgent or special matter upon giving 7 days notice.

31. POWERS AND RESPONSIBILITIES OF THE PEC.

31.1. Subject to the provisions of this Constitution, the resolutions, policies and procedures of the higher Constitutional structures, the powers and the responsibilities of the PEC shall entail the following:

31.1.1. To evaluate and decide on the performance of the Union Officials and the Office Bearers within the jurisdiction of the Province.
31.1.2. To receive, consider and decide on the reports and the recommendations.

31.1.3. To set up disciplinary committees.

31.1.4. To elect subcommittees for the purpose of researching and reporting on any matter.

31.1.5. To implement the resolutions of the higher Constitutional structures.

31.1.6. To recommend the employment of Union Officials to the NEC.

31.1.7. To address the grievances and complaints lodged by members, Office Bearers and the Union officials.

31.1.8. To initiate campaigns in the interest of the Union.

31.1.9. To approve the financial reports including the budget of the Province.

31.1.10. To approve the Programme of action.

31.1.11. To do all lawful things in the interest of the Union.

31.1.12. To assess the state of the Province and resolve on what can grow and strengthen the Province.
32. **PROVINCIAL CONGRESSES**

32.1. The Provincial Congress shall sit every four years.

32.2. The Provincial Congress shall comprise of the following:

32.2.1. The Provincial office bearers;

32.2.2. Local delegates, which are to be determined on the ratio of one delegate for every 200 members.

32.2.3. All Union Officials including elected union Officials in the Province shall attend the Provincial Congress in their ex-officio capacities i.e. they will have speaking, but no voting rights.

32.2.4. The Provincial executive committee may invite any guest speak to speak on a selected subject in the Provincial Congress.

33. **POWERS AND RESPONSIBILITIES OF THE PROVINCIAL CONGRESSES**

33.1. Subject to the provisions in this constitution, the resolutions of the higher structures of the union, the policies and procedures, the powers of the Provincial Congress shall entail inter alia the following:

33.1.1. To monitor and assess progress of the union in the Province.
33.1.2. To discuss and adopt resolutions on the matters affecting the union and its members.

33.1.3. To recommend any matter to the National Congress.

33.1.4. To receive reports from the PEC and resolve on them.

33.1.5. To adopt a programme of action for the province.

33.1.6. To adopt the financial reports.

33.1.7. To recommend constitutional amendments to the National Congress.

33.1.8. To elect Provincial Office Bearers.

33.1.9. To recommend to the NEC the appointment of the Provincial Secretary and the Deputy Provincial Secretary who are ex officio members of the NEC;

33.1.10. To elect the Provincial NEC delegates on a ratio of one delegate for every 500 members.

34. MEETINGS OF THE PROVINCIAL CONGRESSES

34.1. The Provincial Congresses shall sit every four years upon giving 30 days notice.
34.2. The Notices of the Provincial Congresses should be accompanied by a proposed agenda.

34.3. The Provincial Secretary shall be responsible for issuing the notices of the Provincial Congress.

34.4. The Quorum for the Provincial Congress shall be 50% plus one of the expected delegates to the Congress.

34.5. In the event of the Provincial Congress failing to quorate after two hours of the scheduled time, then the Provincial Congress shall be declared adjourned by the Provincial Chairperson.

34.6. The adjourned Provincial Congress shall be convened within one month of the date of adjournment.

34.7. The adjourned Provincial Congress shall quorate automatically.

35. **SPECIAL PROVINCIAL CONGRESSES**

35.1. A Special Provincial Congress may be convened by the PEC and/or the NOBC on the following grounds:

35.1.1. In the event that two third of the Locals make a written request thereof.

35.1.2. If more than 50% of the POBC have vacated their positions.
35.1.3. The provisions of this Constitution pertaining to the Provincial Congress shall apply to the special Provincial Congress.

35.1.4. The Provincial Secretary must issue a notice of no less than 14 days of the special Provincial Congress.

36. NATIONAL OFFICE BEARERS

36.1. The composition of the National Office Bearers shall comprise of the President, 1st Deputy President, 2nd Deputy President and the Treasurer General.

36.2. The National Office Bearers must be workers and members in good standing and employed in any sector, trade, entities, undertakings and/or occupations mentioned in clause 7 above.

37. POWERS AND RESPONSIBILITIES OF THE NATIONAL OFFICE BEARERS COMMITTEE

37.1. Subject to the provisions of this constitution, the resolutions of the NEC and the NC, the policies and procedures of the NEC and the NC; the powers and the responsibilities of the National Office Bearers shall entail the following:
37.1.1. To receive, consider and resolve on reports from the Provinces, National Sector Councils, National Sector Coordinators, Negotiators, National Women Forum and members.

37.1.2. To institute disciplinary action against the Provincial Office Bearers, appoint Provincial Union Officials, National Union Officials, National Sector Coordinators and the National Office Bearers.

37.1.3. To provide political leadership to the Union nationally.

37.1.4. To ensure that the Union operates smoothly at all times.

37.1.5. To monitor and assess the performance of the Provincial office Bearers and the Union in general.

37.1.6. To do all lawful things in the interest of the Union.

37.1.7. To refer reports to the NEC about the state of the union.

38. MEETINGS OF THE NOBC

38.1. The NOBC meetings shall sit once every two weeks.

38.2. The quorum for NOBC meetings shall be four out of five.

38.3. The General Secretary and the Deputy General Secretary shall attend the NOBC meetings in their ex officio capacities i.e. they will have speaking rights, but no voting rights.
38.4. If the Quorum is not met within one hour of the time fixed for
the meeting, then the NOBC stands adjourned for a period
not exceeding seven days.

38.5. The adjourned NOBC meeting shall quorate automatically.

39. **POWERS AND RESPONSIBILITIES OF THE PRESIDENT**

39.1. The powers and the responsibilities of the President shall
entail inter alia the following:

39.1.1. To Preside over all National meetings of the Union including the
National Congress.

39.1.2. To enforce the observance of the rule of this Constitution.

39.1.3. To exercise political oversight over the Constitutional
Structures of the Union.

39.1.4. To promote unity in all Constitutional structures of the Union.

39.1.5. To work collectively with the other members of the NOBC.

39.1.6. To sign the Minutes of the NOBC, NEC and the NC.

39.1.7. The President must be a worker, a Shop Steward and a
member in good standing of the Union.

39.1.8. The President has deliberative and casting votes in all
meetings of the Union.
39.1.9. And to present Presidential address and/or Political address to the NOBC, NEC and the National Congress.

40. **POWERS AND RESPONSIBILITIES OF THE 1st DEPUTY PRESIDENT AND THE 2nd DEPUTY PRESIDENT**

40.1. The powers and the responsibilities of the 1st Deputy President and the 2nd Deputy President shall entail inter alia the following:

40.1.1. To assist the President in execution of his/her responsibilities as set out in this Constitution.

40.1.2. To perform such duties as may be delegated to them by the President from time to time.

40.1.3. The 1st Deputy President shall assume the powers and the responsibilities of the President whenever he/she is temporarily or permanently unable to execute them.

40.1.4. The 2nd Deputy President shall assume the powers and the responsibilities of the President in the absence of both the 1st Deputy President and the President.

40.1.5. The 1st Deputy President and the 2nd Deputy President must be workers, Shop stewards and members in good standing of the union.

40.1.6. The 1st Deputy President and the 2nd Deputy President have deliberative votes in all Constitutional structures of the Union.
41. **POWERS AND RESPONSIBILITIES OF THE TREASURER GENERAL**

41.1. The powers and the responsibilities of the Treasurer General shall entail inter alia the following:

41.1.1. To supervise the financial affairs of the Union.

41.1.2. To ensure that proper books of accounts are kept and audited annually.

41.1.3. To submit financial statements of the Union to the NOBC, NEC, FINCOM and the NC.

41.1.4. To chair FINCOM meetings.

41.1.5. The Treasurer General must be a Worker, a Shop steward and a member in good standing.

41.1.6. The Treasurer General shall have the deliberative votes in all Constitutional structures of the Union.

41.1.7. The Treasurer General must perform all duties that pertain to his/her duties by law and/or custom.

41.1.8. The Treasurer General must raise funds on behalf of the Union in conjunction with the other NOBC.
42. POWERS AND RESPONSIBILITIES OF THE GENERAL SECRETARY

42.1. The powers and the responsibilities of the General Secretary shall entail inter alia the following:

42.1.1. To deal with all Head office correspondence.

42.1.2. To supervise all Union Officials.

42.1.3. To report to the Registrar of Labour on all matters as required by the Labour Relations Act 66 of 1995 as amended from time to time.

42.1.4. To report on the state of all Constitutional structures of the Union to the NOBC, NEC and the NC.

42.1.5. General Secretary shall be responsible for proper administration and co-ordination of the activities and/or affairs of the union.

42.1.6. The General Secretary shall assume the role of the Chief Negotiator of the Union on all matters affecting the Union and/or its members on the direction of the NOBC or NEC.

42.1.7. The General Secretary shall be the Full-Time employee of the Union and he/she shall have an employment contract with the Union.

42.1.8. The General Secretary shall ensure that the membership of the union grows.
42.1.9. The services of the General Secretary may be terminated in terms of the provisions of this Constitution by the NEC and/or the NC.

42.1.10. The General Secretary must bank all the funds he/she receives on behalf of the Union within 7 days of receipt of such funds and keep the financial records thereof.

42.1.11 The General Secretary shall be responsible for proper functioning of the Union.

42.1.12. The General Secretary shall be responsible for performance of all duties which by law and/or custom pertains to the Office of the General Secretary.

42.1.13. The General Secretary shall have speaking rights in all meetings of the union, but no voting rights.

43. POWERS AND RESPONSIBILITIES OF THE DEPUTY GENERAL SECRETARY

43.1. The powers and the responsibilities of the Deputy General Secretary shall entail inter alia the following:

43.1.1. To assist the General Secretary in executing his/her duties.

43.1.2. To perform the responsibilities of the General Secretary in his/her absence and/or whenever the General Secretary is unable to perform his/her duties for whatever reason.
43.1.3. The Deputy General Secretary shall be the Full-Time employee of the union and he/she shall have employment contracts with the Union.

43.1.4. The Deputy General Secretary shall have speaking rights in all meetings of the union, but no voting rights.

43.1.5. The services of the Deputy General Secretary may be terminated in terms of the provisions of this Constitution.

43.1.6. All other powers and the responsibilities of the General Secretary shall apply to the Deputy General Secretary, when he/she acts in the General Secretary’s position.

44. NATIONAL EXECUTIVE COMMITTEE

44.1. The National Executive Committee shall comprise of the following:

44.1.1. National Office Bearers;

44.1.2. Provincial Office Bearers;

44.1.3. National Sector Office Bearers, Education and Women forum Office Bearers;

44.1.4. Provincial NEC delegates elected on the basis of one delegate for every 500 members in a specified Province.
44.1.5. All National Union officials including Elected Provincial Union Officials and Elected National Union Officials will attend the NEC in their ex-officio capacities.

45. **POWERS AND RESPONSIBILITIES OF THE NATIONAL EXECUTIVE COMMITTEE**

45.1. Subject to the provisions of this constitution, the resolution of the National Congress, the policies and procedures of the union, the powers and the responsibilities shall entail amongst others the following:

45.1.1. To oversee and control the operations of the Union in between the National Congresses.

45.1.2. To develop and adopt the National policies of the Union.

45.1.3. To ratify and/or review the resolutions of the NOBC meetings.

45.1.4. To set up committees on any matter that affects the interests of the Union or its members.

45.1.5. To set up disciplinary committee, Finance committee, Appeals Committee, Education Committee etc.

45.1.6. To approve and adopt the audited annual financial statements.

45.1.7. To Approve and adopt the annual budget.
45.1.8. To open, operate and/or close the Bank accounts on behalf of the Union.

45.1.9. To raise or borrow money and/or invest money on behalf of the Union.

45.1.10. To approve and adopt the travelling allowance policy and/or the trade union car scheme.

45.1.11. To purchase moveable and/or immovable properties on behalf of the Union.

45.1.12. To institute and defend legal proceedings on behalf of the Union or its members against any person including members of the Union, who act contrary to the interest of the Union.

45.1.13. To set up the constitutional structures of the Union.

45.1.14. To determine the terms and conditions of employment of the Union Officials including elected officials.

45.1.15. To make recommendations to the National Congress in respect of amending the provisions of this constitution.

45.1.16. To do all lawful things in the interest of the Union.

45.1.17. To take disciplinary action against Members, Office Bearers and the Union Officials including elected Officials of the Union.
45.1.18. To review, set aside and replace the decisions of the constitutional structures of the union other than that of the National Congress.

45.1.19. To delegate powers and tasks to any committee, Constitutional structure of the Union, Member, Office Bearer and/or Union official.

45.1.20. To fill vacancies in the positions of the NOBC.

45.1.21. To develop policies and the procedures of the union on any matter affecting the union and/or its members.

45.1.22. To interpret the constitution of the union.

45.1.23. To appoint the Lawyers on behalf of the union.

45.1.24. To approve the minutes of the previous meetings.

45.1.25. And to appoint Auditors on behalf of the Union.

46. MEETINGS OF THE NEC.

46.1. The NEC meetings shall sit once every four Months.

46.2. The General Secretary shall give at least 14 days’ notice of the NEC meetings to all NEC delegates.
46.3. The quorum for the NEC shall be 50% plus one of all expected delegates of the NEC.

46.4. If a quorum is not met within one hour of the time fixed for the NEC meeting, then the meeting must stand adjourned for two weeks.

46.5. The adjourned NEC meeting shall quorate automatically.

47. NATIONAL CONGRESS

47.1. The National Congress of the Union shall comprise of the following:

47.1.1. The National Office Bearers.

47.1.2. Delegates elected on the basis of one delegate for every 200 hundred members drawn from each Local.

47.1.3. All Head Office staff shall attend the Congress in their ex-officio capacity.

47.1.4. The NOBC may invite any guest to attend and/or address the Congress.

48. POWERS AND RESPONSIBILITIES OF THE NATIONAL CONGRESS

48.1.1. To receive, consider and resolve on the reports from the NEC, Subcommittees of the NEC, Provinces, Women Forum and the National Sectors of the Union;
48.1.2. To receive, consider and resolve on the President’s Political report;

48.1.3. To receive, consider and resolve on the Secretariat Report;

48.1.4. To assess the Organizational progress of the Trade Union;

48.1.5. To develop four years programme of action of the Trade Union;

48.1.6. To receive, consider and adopt the Treasurer General’s financial report.

48.1.7. To adopt the resolutions including sponsored motions.

48.1.8. To elect the President, 1st Deputy President, 2nd Deputy President and the Treasurer General.

48.1.9. To appoint the General Secretary and Deputy General Secretary, who shall assume the full-time employee status in the Trade Union upon their respective appointments.

48.1.10. To amend this Constitution, whenever necessary.

48.1.11. To delegate any of its powers to any Constitutional structure of the Union.

48.1.12. To receive, consider, review and adopt the Credentials Lists of the Delegates to the National Congress.
48.1.13. To determine the policies and procedures of the Union.

48.1.14. To adopt the agenda.

48.1.15. To deal with any other matter referred to the National Congress for resolution and/or guidance.

48.1.16. To establish and disband the Constitutional structures of the Union.

49. MEETINGS OF THE NATIONAL CONGRESS

49.1. The National Congress shall sit every four years upon giving two months notice to the Constitutional structures of the Trade Union.

49.2. The Notices of the National Congress shall be accompanied by the proposed agenda.

49.3. The General Secretary shall be responsible for issuing the notice of the National Congress.

49.4. The venue of the National Congress shall be determined by the National Office Bearers in consultation with the National Executive Committee.
50. MINUTES OF THE NATIONAL CONGRESS

50.1. The General Secretary and Deputy General Secretary and/or any Person appointed to act in the capacity of the General Secretary must take minutes of the National Congress and distribute them to all Constitutional structures of the Union three Months after the National Congress.

50.2. The Minutes of the National Congress shall be furnished to all Constitutional structures of the Union three months after the Congress.

50.3. The Minutes of the National Congress shall be confirmed by the following National Congress and signed off by the President and the General Secretary.

51. QUORUM OF THE NATIONAL CONGRESS

51.1. The Quorum of the National Congress shall be 51% of the expected number of delegates in the Congress.

51.2. If the Quorum is not met within three hours of the time fixed for the National Congress, the Congress must stand adjourned for a period not exceeding two Months.

51.3. Adjourned National Congress shall quorate automatically.
52. SECTORS OF THE UNION

52.1. The National office Bearers shall be responsible for setting up National Sector Councils in each one of the sectors, where the Union organizes members.

52.2. The Office Bearers of the Sector Shop Stewards Councils shall be the Chairperson, the Deputy Chairperson, Secretary and the Deputy Secretary.

52.3. The Office Bearers of the Sector Shop Stewards Councils shall be workers, shop stewards and members in good standing.

52.4. The Provincial Office Bearers shall be responsible for setting up Provincial Sector Councils in each of the existing sectors falling under their respective jurisdiction.

52.5. The Local Office Bearers shall be responsible for setting up the Local sector councils in each of the existing sectors falling under their jurisdiction.

53. POWERS AND RESPONSIBILITIES OF THE SECTORS’ SHOP STEWARDS COUNCILS

53.1. The powers and the responsibilities of the Sectors Councils shall entail inter alia the following:

53.2. To receive, consider and resolve on the reports about the state of the union in their respective sectors.
53.3. To build a strong union in their respective sectors.

53.4. To consolidate mandates on any matter affecting the members of the Union in their respective Sectors.

53.5. To recommend the names of the Negotiators to the relevant Constitutional structures.

53.6. To implement the Resolutions of the Union’s Constitutional structures in their respective Sectors.

53.7. To discuss and resolve on any matter affecting workers in their respective Sectors.

53.8. To advance the interests of workers employed in their respective sectors.

53.9. To grow membership of the Union in their respective Sectors.

53.10. To elect the Sector Office Bearers.

54. QUORUM OF THE SECTOR SHOP STEWARDS COUNCILS

54.1. The quorum in a relevant Sector Shop Stewards Council shall be formed by 50% plus one percent of the expected delegates.
55. ENTERPRISE OR ENTITY SHOP STEWARD COUNCILS

55.1. The National Executive Committee may set up the Entity or enterprise shop stewards Council provided there are 500 members recruited in that Entity or Enterprise.

55.2. The Number of Enterprise or Entity delegates shall be determined on the basis of the number of Shop Stewards in that Enterprise or Entity and/or one delegate for every 200 members.

55.3. Delegates to the Entity or Enterprise Shop Stewards Council, shall be elected by the workplace Shop Stewards committees.

55.4. The Office Bearers of the Entity or Enterprise Shop Stewards Councils shall be the Chairperson, the Deputy Chairperson, Secretary and the Deputy Secretary.

55.5. The Office Bearers of the Entity or Enterprise Shop Stewards Councils shall be workers, Shop Stewards and members in good standing.

55.6. The Enterprise and/or Entity Shop Stewards Councils shall sit once every four months.

55.7. Special Entity or enterprise Shop Stewards Councils may be convened on approval by the NOBC.
56. **POWERS AND RESPONSIBILITIES OF THE ENTITY OR ENTERPRISE SHOP STEWARDS COUNCILS**

56.1. The powers and the responsibilities of the Entity or enterprise Shop Stewards Council shall be similar to that of the Sector Shop Stewards Councils read with changes in context.

57. **WOMEN FORUM**

57.1. The Women’s forum shall be comprised of the following:

57.1.1. Women’s forum Office Bearers;

57.1.2. All female Shop Stewards in the relevant Constitutional Structure of the Union;

57.1.3. And all female members of the Union falling in the jurisdiction of a particular local.

58. **THE STRUCTURES OF THE WOMEN FORUM**

58.1. The structures of the Women forum shall be constituted at every Workplace, Local, Province and the National Executive Committee Level.

59. **THE POWERS AND THE RESPONSIBILITIES OF THE WOMEN’S FORUM**

59.1. To receive and consider reports and resolve on them;

59.2. To give mandate on the matters of the Union;
59.3. To develop a programme of action for female members in particular and the union in general;

59.4. To develop, groom and capacitate female members;

59.5. To develop strategies and tactics aimed at empowering female members in particular and the female employees in general;

59.6. To build a strong Trade Union in collaboration with the NEC;

59.7. To encourage women participation in the Constitutional structures of the union;

59.8. To recruit new members on behalf of the Union;

59.9. To coordinate political education in conjunction with the NOBC;

59.10. To advance the interests of female employees in general;

59.11. To make recommendations on any matter that advances the interests of the Union and its members.

59.12. And to elect the Chairperson, Deputy Chairperson, Secretary and the Treasurer.

60. **EDUCATION COMMITTEES**

60.1. Each Constitutional Structure of the Union shall be responsible for setting up their respective Education Committees.
60.2. The education committees at all levels shall sit at the least once in a month.

60.3. The respective Education Committees shall elect the Office Bearers comprising of a Chairperson, Deputy Chairperson, the Secretary and the Treasurer.

60.4. The Office Bearers of the education Committee shall be workers, Shop Stewards and members in good standing.

61. **POWERS AND RESPONSIBILITIES OF THE EDUCATION COMMITTEES**

61.1. To build capacity amongst Members, Shop Stewards, Union Officials and the Office Bearers within the area of their jurisdiction.

61.2. To raise political and ideological consciousness amongst the Members, Shop Stewards, Union Officials and the Office Bearers within the area of their respective jurisdiction.

61.3. To develop education policies of the Union.

61.4. To develop education manual of the Union for endorsement by the NEC and/or the National Congress.

61.5. To recommend recruitment and organizing strategies and tactics to the NEC.
62. **RULES AND REGULATIONS PERTAINING TO MEETINGS PROCEDURES**

62.1. Subject to the provisions of this Constitution, all meetings of the union shall be conducted as follows:

62.1.1. The President or the most senior NOB except for the General Secretary and his/her Deputy must chair all National meetings.

62.1.2. The Provincial Chairperson or the most senior POB except for the Provincial Secretary must chair all meetings in the Province.

62.1.3. The Local Chairperson or the most senior LOB must chair all Local meetings.

62.1.4. The Chairperson of the workplace Shop Stewards Committee or the most senior office Bearer must chair all workplace meetings.

62.1.5. All Constitutional structures of the union shall strive to attain 50% representation by female delegates in their respective meetings.

63. **AGENDAS**

63.1. The agenda items must be raised, debated and agreed upon before commencement of a meeting.
63.2. Any member and/or delegate who is a member in good standing shall be entitled to propose agenda items to be considered by the meeting.

63.3. The agenda items must be moved and seconded before being included in the agenda.

63.4. The proposed agenda must be moved and seconded before commencement of a meeting.

64. DECISION MAKING PROCEDURES.

64.1. All motions and/or matters requiring a resolution must be proposed and seconded.

64.2. The motion and/or proposal supported by majority of the members and/or delegates in good standing at the meeting shall be the resolution of that meeting.

64.3. The decisions at the meetings must be taken by majority vote of the members and/or delegates who are members in good standing.

64.4. Voting must be exercised by show of hands by members and/or delegates who are members in good standing.

64.5. Decisions made in a particular meeting cannot be changed in the same meeting.
65. STANDING ORDERS IN A MEETING

65.1. Any member, delegate and/or Union Official who wants to speak may do so with expressed permission of the Chairperson and must address the chairperson in respect of the contribution and/or the matter he/she raises.

65.2. Any member and/or delegate who proposes a motion may motivate that motion and reply to the ensuing debate with the expressed permission of the chairperson.

65.3. Any member and/or a delegate at a meeting who is a member in good standing may raise a point of order against any speaker who is speaking on any matter during the meeting.

65.4. The point of order must be raised through the chairperson with expressed permission of the Chairperson.

65.5. The Chairperson may make rulings on the meeting procedures including the points of order.

65.6. The meeting must appoint at least two scrutinizers to count votes and/or ballots for any matter that requires voting or balloting.

65.7. Subject to the provisions of this Constitution, any adjourned meeting shall reconvene within seven days from the date of adjournment.
66. **MINUTES OF THE MEETINGS**

66.1. The Secretary or a Person appointed to act as a Stand-in Secretary in a particular meeting must take the minutes in that meeting.

66.2. The minutes of the meeting must be confirmed by the members and/or delegates at the next meeting as the true reflection of the deliberations of that particular Constitutional structure and/or corrected.

66.3. The confirmed minutes of the meeting must be signed off by the Chairperson and the Secretary of that Constitutional structure.

66.4. All signed copies of the minutes of the previous meetings must be kept safe by the Secretary of that particular Constitutional structure.

67. **DISCIPLINE IN THE UNION**

67.1. Each Provincial Executive Committee as well as the National Executive Committee shall elect their respective disciplinary committees consisting of three members.

67.2. The members of the respective disciplinary committees must be workers, shop stewards and members in good standing.
67.3. Any member, Union Official, Office Bearer and/or an elected Official may be disciplined by the relevant disciplinary Committee established in terms of this Constitution.

67.4. The relevant disciplinary Committee must appoint a Chairperson prior to the commencement of the hearing.

67.5. The disciplinary offences shall include, but not be limited to the following:

67.5.1. Corruption;
67.5.2. Fraud;
67.5.3. Theft;
67.5.4. Disregarding lawful orders;
67.5.5. Threats;
67.5.6. Intimidation;
67.5.7. Dishonesty;
67.5.8. Negligence;
67.5.9. Dereliction of duties;
67.5.10. Contravening this Constitution;
67.5.11. Violating policies and procedures of the Union;

67.5.12. Assault;

67.5.13. Absenteeism;

67.5.14. Insulting and Abusing members, Office Bearers and Union Officials including elected Union Officials;

67.5.15. Misusing the Union’s properties or assets;

67.5.16. Acting contrary to the interests of the Union and/or its members;

67.5.17. Failure to attend three consecutive meetings;

67.5.18. Malicious damage of the union properties;

67.5.19. Arson;

67.5.20. Sowing division, factionalism and disunity in the union;

67.5.21. Bringing the name of the union and/or its reputation into Disrepute;

67.5.22. And for committing any other disciplinary offence.

68. **EXEMPTIONS FROM DISCIPLINARY ACTION**

68.1. No member, Office Bearer, Union Official including elected Union Officials may be disciplined on the following grounds:
68.1.1. For expressing a dissenting view in any Constitutional structure and/or meeting.

68.1.2. Refusal to support a factional agenda.

68.1.3. Constructive criticism of the Union and/or its leadership.

69. **POWERS AND RESPONSIBILITIES OF THE PEC AND THE NEC DISCIPLINARY COMMITTEES**

69.1. The Provincial Executive Committee Disciplinary Committee shall have jurisdiction to discipline members, Shop Stewards, elected Union Officials and the Local Office Bearers within the Province.

69.2. Notwithstanding any other provision in this Constitution, the National Executive Committee, Disciplinary Committee shall have jurisdiction to discipline any other member, Office Bearer, Union Official including the National Office Bearers.

69.3. The relevant Disciplinary Committee may hand down the following sanctions in any disciplinary hearing conducted in terms of this Constitution provided the allegations against the accused member, Office Bearers and/or Union official including the elected Officials were proven on the balance of probabilities:

69.3.1. Expulsion.

69.3.2. Dismissal
69.3.3. Suspension for an indefinite period not exceeding 12 Months.

69.3.4. Imposing any other penalty deemed appropriate in its discretion.

70. DISCIPLINARY PROCEDURES

70.1. Any member, Office Bearer and/or Union Official including elected Union Officials shall be entitled to be informed of the charges against him/her in writing.

70.2. A written charge sheet may be sent to the accused member, Office Bearer and/or Union Official including elected Official by registered mail to his/her last known address, alternatively it may be hand delivered.

70.3. At the disciplinary hearing the charges shall be read out to the accused person, who would be asked to enter a plea on the charges.

70.4. Should the accused person fail to appear at the hearing, the relevant disciplinary Committee may proceed in the absence of the accused provided the union prove that a notice was either hand delivered and/or mailed to the person concerned.

70.5. Each party shall be entitled to call in witnesses to corroborate its case.

70.6. The accused person shall be informed of the findings of the disciplinary committee on whether he/she had been found guilty or not.
70.7. The accused person who had been found guilty shall have the right to address the disciplinary committee in mitigation before the sanction is imposed.

71. **APPEAL PROCEDURES**

71.1. Any Office Bearer, Union Official and/or Trade Union Representative who is dissatisfied with the decision of any disciplinary Committee shall have the right to appeal to the National Congress Appeal Committee.

71.2. The National appeal committee elected by the National Congress shall be entitled to hear all appeals lodged by members, Office Bearers and the Union Officials including Elected/appointed officials in between the National Congresses.

71.3. All appeals must be lodged in writing at the Office of the General Secretary within 30 days from the date of the decision being appealed against.

71.4. Each party at the appeal proceedings shall be entitled to make submissions in corroboration of its case to the appeal committee. To this end, witnesses may be called and/or documentary evidence be handed up for consideration.

71.5. An appeal against the decisions of the relevant disciplinary committees and/or constitutional structures lodged at the National Congress shall be heard by the National Congress.
71.6. The National Congress may confirm and/or vary the decision of the relevant appeal committee.

71.7. The decision of the NC shall be final on all appeal matters.

72. **REMOVAL OF OFFICE BEARERS, ELECTED OFFICIALS AND THE SHOP STEWARDS OF THE TRADE UNION**

72.1. Notwithstanding any other provision in this Constitution, Shop Stewards and Office Bearers may be removed from their respective positions on the following grounds:

72.1.1 In the event of more than 50% of the constituency and/or delegates in a relevant Constitutional structure voting in favour of the removal.

72.1.2 Disciplinary action.

72.1.3 Expulsion.

72.1.4 Gross violation of the Constitution.

72.1.5 And for any other legal ground.

72.1.6 Any member, Trade Union Representative, OfficeBearer and/or Trade Union Official, who had been removed from office shall be entitled to appeal against his/her removal.
72.1.7. Any appeal pertaining to removal from office shall be lodged in writing at the Office of the General Secretary within 30 days of the decision having being communicated.

73. DISMISSAL FROM EMPLOYMENT IN THE TRADE UNION

73.1. Notwithstanding any other provision in this Constitution, an employee of the Union including Elected Union Officials may be dismissed by the relevant disciplinary committee and/or relevant Constitutional structure for misconduct and/or any legal ground.

73.2 No Staff member and/or Union Official may be dismissed without being accorded the right to present his/her case either in writing or verbally unless in the case of abscondment.

73.2. Notwithstanding any other provision in this Constitution, the dismissed employees may refer disputes pertaining to their respective dismissals to the CCMA for determination thereof.

74. BALLOTS

74.1. Ballotting may be undertaken under the following circumstances:

74.1.1. If a petition by at least 50% of the members and/or delegates in a relevant Constitutional structure call for it.

74.1.2. When two thirds of the members and/or delegates in a relevant Constitutional structure vote in favour of a ballot.
74.1.3. For breaking a deadlock in a meeting, unless the members and/or delegates at that meeting resolve otherwise.

74.1.4. And for any other legal ground.

74.1.5. Notwithstanding anything to the contrary contained in this Constitution, members of the Trade Union shall not be disciplined or have their membership terminated for failure or refusal to participate in a strike action, if:

(i) No ballot was held about the strike; or

(ii) A ballot was held, but a majority of the members, who voted did not vote in favour of the strike.

75. BALLOTING PROCEDURES FOR STRIKES, ELECTIONS AND MOTIONS IN A MEETING

75.1. The Trade Union shall conduct a ballot of those members in respect of whom it intends to call for any strike, before calling such a strike.

75.2. The Constitutional Structure and/or Constituency that called for a ballot must appoint at least two independent scrutineers for the purpose of supervising and counting the ballot papers.

75.3. Only members in good standing are entitled to participate in the voting process.

75.4. The secret ballot shall be conducted on any matter requiring voting, unless agreed otherwise by the meeting.
75.5. In the case of elections, observers must be appointed to oversee such elections.

75.6. The Candidate that receives the most votes shall be deemed to be the winner.

75.7. The motion that receives the most votes at a relevant meeting shall be deemed to be the resolution of that meeting.

75.8. The outcome of the ballot must be pronounced instantly to the members and/or delegates in the relevant Constitutional structure.

75.9. The ballot papers must be kept by the Secretary of the relevant Constitutional structure for a period not exceeding six months and be transmitted to the General Secretary for safe keeping.

75.10. The one person one vote principle shall apply.

75.11. Ballots shall be conducted in the following manner:

75.11.1. Notice of a ballot shall be given to each member or delegate by the Secretary of the relevant structure at which the ballot is required and/or higher Constitutional structure at least three days before the ballot is taken, provided that a ballot may be taken without notice at any meeting on the decision of a majority of the members and/or delegates present.
75.11.2. At least two independent scrutineers shall be appointed by either the Local Shop Stewards Council, the Provincial Executive Committee, the National Executive Committee or the National Congress to supervise any ballot and to ascertain the results thereof.

75.11.3. Except in the case of Postal ballots and ballots taken at any meeting on the decision of a majority of the members or delegates, ballots shall be conducted at the Office of a Trade Union or at such other places as may be specified in the notice referred to in clause 75.11.1 above, on the date and during the hours specified in the said notice.

75.11.4. Ballot papers will be supplied by the independent scrutineers in consultation with the Office Bearers of the relevant structure and/or meeting.

75.11.5. The issue to be voted upon shall be set forth clearly on the ballot papers and such a paper shall not contain any information by means of which it will be possible to identify the voter.

75.11.6. The ballot boxes shall be inspected and sealed by the independent scrutineers in presence of the observers and/or members or delegates prior to issuing of ballot papers.
75.11.7. One ballot paper shall be issued against each member and/or delegate, who is entitled to vote at the place and during the hours fixed for the taking of the ballot.

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

75.11.9. Ballot papers shall not be signed or marked in any way apart from the mark required to be made by a member or delegate in recording his/her vote.

75.11.10. Any ballot paper bearing any other mark other than the voting mark shall be regarded as a spoilt ballot and shall not be counted.

75.11.11. A pre-determined voter’s role of the members in respect of whom the union intends to call to strike must be present at the voting station. The members entitled to vote must be in good standing and eligible to vote in terms of the union constitution.

75.11.12. On completion of a ballot or as soon as possible thereafter, the result thereof shall be ascertained by appointed independent scrutineers in the presence of the observers and be made known to the committee concerned and/or meeting.
75.11.13. Ballot papers, including spoilt papers, shall be placed in a container, which shall be sealed after they have been counted and retained by the Local Secretary, Provincial Secretary and/or the General Secretary for a period not exceeding three years.

75.11.14. The National Executive Committee may decide that a Postal ballot of members be taken, in which event, the ballot shall be conducted in the following manner:

75.11.14.1. The General Secretary shall send by registered post to each member of the Trade Union a ballot paper and a stamped and addressed envelope marked “Ballot”.

75.11.14.2. The ballot paper shall on completion be inserted in the envelope provided for the purpose, which shall be sealed and posted so as to reach the General Secretary within 10 days from the date of dispatch from the Head Office such member.

75.11.14.3. On receipt of such ballot the General Secretary shall place such envelopes in a sealed ballot box.

75.11.14.4. Two independent scrutineers and the observers appointed by the National Executive Committee shall ascertain the results of the ballot.
75.11.14.5. The Ballot box shall be opened and the ballot papers counted by independent scrutineers in the presence of the General Secretary, who shall immediately place such envelopes in a sealed ballot box.

75.11.14.6. The same procedure shall apply “mutatis mutandis” to a postal ballot confined to the members of the National Executive Committee.

75.11.14.7. In any ballot conducted in connection with any election of the candidates, up to the required number, then the candidates receiving the highest number of votes shall be declared elected.

75.11.14.8. The National executive Committee, and/or the relevant Constitutional structure or a meeting in which the ballot was taken shall be bound to take action according to the decision of a majority of members or delegates, who voted in a ballot.

76. FINANCES OF THE TRADE UNION

76.1. The authority to open and close any bank account of the union shall be vested in the NEC and/or any Office Bearer authorized by the NEC.

76.2. The finances of the union shall be used solely for the following purposes:

76.2.1. For the activities of the Union;
76.2.2. For the administration of the union in general;

76.2.3. For Acquisition of moveable or immoveable properties on behalf of the Union;

76.2.4. For Investment on behalf of the union and/or its members provided there would be no conflict of interests,

76.2.5. For advancing the interests and goals of the union;

76.2.6. And for any other lawful purpose in furtherance of the interests of the union or its members.

76.3. The NEC shall open a separate account for the agency shop fees.

76.4. No member and/or employee of the Union shall have a right to claim the funds of the union.

76.5. The NEC shall ensure that the finances of the Union are audited annually.

76.6. The NEC shall set up the Finance Committee of the union.
76.7. The funds of the Trade Union shall be applied to the payment of expenses, to the acquisition of property, towards the attainment of the goals specified in clause 8 of this Constitution and for such other lawful purposes as may be decided upon by the National Executive Committee or by members or delegates voting by ballot for the attainment of the said objects.

76.8. The funds received by the respective Provinces or the General Secretary on behalf of the Trade Union shall be deposited to its credit in to the NEC bank account of the Union within two days of receipt thereof.

76.9. The National Executive Committee shall from time to time, where necessary decide on the Bank/s in which, the accounts of the Union will be held.

76.10. Payments shall require the prior approval of the NEC and shall be made by Cheque signed by the President, the General Secretary and Treasurer General and/or any three NOBs, except when the amount in question is less than R500, 00 in which case payment may be made from the Petty cash.

76.11. In the absence of the NOBs and one of the Elected/appointed National Officials may be a co-signatory to the account, the Cheque of the Trade union shall be signed by the members of the NEC appointed by the NEC for that purpose.
76.12. All Provinces shall on month to month and no later than 15\textsuperscript{th} day of each Month, forward to the Head Office, the total monies collected by them during the preceding month.

77. **FINANCE COMMITTEE**

77.1. The FINCOM shall convene every three months to consider the financial reports of the Union including Audited financial statements and/or records of the union shall be openly and transparently made available to the members of the Union.

77.2. FINCOM shall comprise of the following:

77.2.1. The Treasurer General;

77.2.2. General Secretary;

77.2.3. Provincial Treasurers;

77.2.4. Provincial Secretaries;

77.2.5. The President;

77.2.6. Including two employees of the union working in finance department at the Head Office. The General Secretary, Provincial Secretaries and two employees of the union from finance department would participate in FINCOM in their ex-officio capacities i.e. they have speaking, but no voting rights.
78. **POWERS AND RESPONSIBILITIES OF FINCOM**

78.1. To supervise and control the financial affairs of the Union.

78.2. To ensure that proper books of account are kept and maintained at the Provincial offices and the Head office of the Union.

78.3. Scrutinize, consider and make payments on behalf of the Union upon approval by the NEC.

78.4. Prepare the draft national budget for approval by the NEC.

78.5. Make recommendations on any financial matter to the NEC.

78.6. To report to the NEC fully on all financial matters.

78.7. To recommend proposals to the NEC on how the union can be financially sustainable.

78.8. To develop and/or draft finance policies of the Union for approval by the NEC.

78.9. To determine Monthly allocation for Provincial constitutional Structures and/or any Constitutional structure upon approval by the NEC.
79. **THE NATIONAL EXECUTIVE COMMITTEE BANK ACCOUNT**

79.1. All monies payable to the Union, including the subscription fees, levies, fines shall be paid in to the NEC bank accounts of the Union.

79.2. The bank account must be called National Transport Movement NEC Main account.

79.3 The National Executive Committee may open an Agency Shop Fees bank account as well as a reserve account.

79.4. NOBC members must be registered as signatories on the NEC Bank accounts of the Union.

79.5. There must be three signatories signing and authorizing issuance of any Cheque and/or payments on behalf of the Union at any given time.

80. **THE PROVINCIAL BANK ACCOUNTS**

80.1. The NEC may on good cause shown open the Provincial accounts to be run by the Provincial Office Bearers in the relevant Province.

80.2. POBC members must be registered as signatories on the Provincial Bank account.
80.3. There must be two signatories signing and authorizing any Cheque on behalf of the relevant Provincial Office at any given time.

80.4. The monthly allocation must be paid in to the Bank account of the respective provinces.

80.5 The POBC must account to the National Office Bearers on monthly basis in respect of how they used the money allocated to their respective provinces.

81. **ANNUAL AUDITS OF THE FINANCES OF THE UNION**

81.1. The Financial year of the Union shall run from the first day of January each year to the last day of December of the same year.

81.2. All Accounts and the assets of the Union must be audited annually by a body registered as accounting or auditing firm in terms of section 23 of the Public Accountants and Auditors Act.

81.3. The consolidated audited financial statements must be presented at the NEC meetings and/or National Congress for endorsement.

81.4. The Auditors’ reports must state the following information:

81.4.1. Whether or not all the books of accounts including assets registers and records were examined or not.
81.4.2. Whether the Auditors are satisfied with the existence of the requisite securities or not.

81.4.3. Whether the Auditors are satisfied that the union had kept proper books of accounts or not.

81.4.4. Whether the Auditors have acquired all requisite information and explanations from the NOBC and/or any other Office Bearer, Union Official or member or not.

81.4.5. Whether the Auditors are satisfied that the statement of income and expenditure and the balance sheet accurately depict the financial position of the Union or not.

81.4.6. Whether the auditors are satisfied that the provisions of the Constitution pertaining to finances have been complied with or not as well as compliance with provisions of section 25 of the Act.

81.4.7. And whether the provisions of the Public Finance Management Act (PFMA) 1 of 1999 as amended including provisions of king’s various reports have been complied with.

**82. SUBSCRIPTION FEES AND UNION LEVIES**

82.1. The Union subscription fee shall be 1% of a member’s basic salary provided the amount is not less than R60.00 minimum subscription fee per month and not more than R105.00 maximum subscription fee per month.
82.2. The National Executive Committee may resolve on majority decision to introduce a levy in order to finance the activities of the union and/or improve the financial position of the union.

82.3. The union levies may not exceed 2% of the member’s monthly basic salary.

82.4. The NEC and/or the National Congress may resolve from time to time on majority decision to increase the minimum and the maximum subscription fees on good cause shown.

83. **UNAUTHORISED EXPENSES**

83.1. Should any member, Office Bearer, Union Official and/or elected official incur expenses irregularly and/or improperly, that person/s may be held liable to reimburse such monies to the Union.

83.2. Notwithstanding paragraph 83.1 above, the union may take disciplinary action against the culprit/s who incurred unauthorized expenditure to the Union.

83.3. No member, Office Bearer, Union Official including elected Officials may spend the funds of the Union without authorization.
84. INDEMNIFICATION

84.1. Any member, Office Bearer, union official including elected Officials shall be indemnified by the Union against all proceedings, costs, legal action and/or expenses incurred in course of carrying out their duties on behalf of the union provided that they acted in good faith.

84.2. The union shall not carry the legal expenses of a member, Office Bearer, Union official including an elected Union Official who acted in bad faith against the Union, committed fraud against the Union and/or implicated in corruption and/or fraud against the Union.

85. DISSOLUTION

85.1. The union may be dissolved under the following circumstances:

85.1.1. If two-third of the overall members of the Union resolve to dissolve the Union, in which case a ballot must have been conducted in terms of the provisions of this Constitution;

85.1.2. If the Union is liquidated in terms of the applicable legislation;
84.1.3. If the Union is completely unable to further the interests of members;

85.1.4. In the event of the union having to be dissolved for whatever reason, then the following provisions will apply:
85.1.4.1. The available NOBC members and/or the NEC members available must deliver to the Labour Court a statement signed by them setting out the reason/s for the Union's inability to continue to function.

85.1.4.2. The available NOBC members and/or NEC members must submit resolutions to the Labour Court applying for an order in terms of Section 103 of the Labour Relations Act 66 of 1995 as amended.

85.1.4.3. The available members of the NOBC and/or NEC must deliver to the Liquidators appointed by the Labour Court all books of account of the union and records showing liabilities and assets together with the register of members for the last 12 months prior to the date on which the union was unable to function.

85.1.4.4. The Liquidators must take all legal steps to liquidate the debts of the union from unexpended funds and from any money raised from the assets of the union.

85.1.4.5. If the funds of the union including those realized from any assets are insufficient to pay all creditors after subtraction of the Liquidators fees and expenses of winding up, then the order in terms of which the creditors must be paid ought to be the same as that prescribed in any law for the purpose of disposing of the assets of an insolvent estate.
85.1.4.6. After all creditors including the costs of liquidation have been paid out the remaining funds not exceeding 12 months subscription fees of each member must be paid to the qualifying members who were members in the last 12 months from the date of the union’s inability to function.

85.1.4.7. The remaining funds must be ceded to the CCMA in equal proportion.

86. **AMALGAMATION AND MERGERS**

86.1. The union may amalgamate or merge with one or more Trade Unions in terms of the resolution of the NEC or the National Congress.

86.2. The NEC or the National Congress shall consider and endorse the terms and conditions of any amalgamation and/or merger.

86.3. Upon amalgamation and/or merger, all liabilities and the assets of the union will be transferred to the new Union subject to the relevant and/or applicable Labour legislation.

87. **AFFILIATION**

87.1. The NEC and/or the National Congress may resolve on any matter pertaining to a possible affiliation to any Labour Federation be it National and/or International Labour Federation.
87.2. The National Congress and/or the Special National Congress shall be entitled to endorse and/or reverse the NEC resolution regarding affiliation to any Federation.

88. REPRESENTATION ON BARGAINING AND STATUTORY COUNCILS.

88.1. The NEC may at anytime make decisions that the Trade Union shall become a party to a bargaining or statutory Council established in terms of the Labour Relations Act 66 of 1995 as amended.

88.2. The NEC may request the Provincial Executive Committees to submit nominations of the persons for election as representatives and/or alternates in the respective Bargaining or Statutory Councils.

88.3. No person shall be nominated as a representative unless if he/she is:-

(i) A member in good standing.

(ii) An Official, Elected Official and/or an Office Bearer of the Union.

88.4. The Representatives of the Trade Union in the respective Bargaining or Statutory Councils shall make recommendations to the NEC for approval and/or ratification.
89. AMENDMENTS TO THE CONSTITUTION OF THE TRADE UNION

89.1. The National Executive Committee or the National Congress may repeal, amend and/or add to the provisions of this Constitution by a majority resolution provided at least 14 days notice of any proposed change/s must have been given to the Provinces.

89.2. If, within the prescribed period referred to in 89.1 above, two third (2/3) majority of the Provinces demands a ballot of the whole Union be taken on the matter, such a ballot shall be taken.

89.3. Any change, amendment and/or addition to this Constitution will not take effect and force until such a time that the Labour Registrar would have certified them in terms of section 103 (3) of the Labour Relations Act 66 of 1995 as amended.

90. INTERPRETATION OF THE CONSTITUTION

90.1. Whenever, there is a dispute about the accurate interpretation of any provision of this Constitution, the NEC may make an interim ruling on the dispute pertaining to interpretation of this Constitution.

90.2. All NEC rulings on interpretation of this Constitution will be binding until reversed by the National congress.
90.3. The National Congress shall be the final arbiter on interpretation of this Constitution.

90.4. The National Congress resolution on interpretation of this Constitution shall be final and binding.