



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

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Reference: LR 2/6/2/3205

The Secretary
Dynamic People's Union of South Africa (DYPUSA)
No. 4 Henri Street
Braamfontein
JOHANNESBURG
2001

E-mail: admin@dypusa.org

Dear Sir/Madam

LABOUR RELATIONS ACT, 1995: APPLICATION FOR REPLACEMENT OF CONSTITUTION: DYNAMIC PEOPLE'S UNION OF SOUTH AFRICA (DYPUSA)

Your application to replace the trade union's constitution has reference.

Kindly be informed that the said application has been approved with effect from

13 March 2023.....

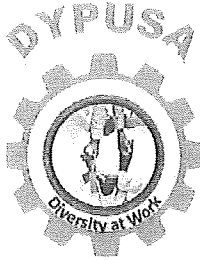
Attached herewith find a copy of the approved constitution.

Yours faithfully

REGISTRAR OF LABOUR RELATIONS

DATE: 13 March 2023.....

Department of Employment and Labour • Departement van Indiensneming en Arbeid
Muhasho wa zwa Mishumo na Vhashumi • uMnyango Wezemisebenzi Nezabasebenzi • Ndzawulo ya Mintirho
Litiko Letekucasha Netebasebenti • UmNyango wezokuQatjha nezabaSebenzi • Kgoro ya Mešomo le Bašomi
Lefapha la Thiro le Basebetsi • Lefapha la Merero ya Ditiro le Badiri • ISebe lezeNgqesho nezabaSebenzi



DYNAMIC PEOPLE'S UNION
OF SOUTH AFRICA
Est. 2021

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RESOLUTION AND CERTIFICATE

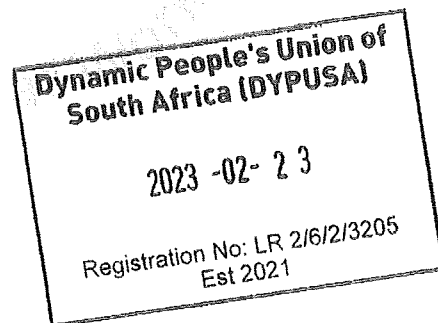
This is to certify that at a NATIONAL EXECUTIVE COMMITTEE (NEC) Meeting held on
14th - 16th OCTOBER 2022 a resolution was taken to amend/ adopt a new
constitution of the trade union.

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

GENERAL SECRETARY

DATE: 23 February 2023

I HEREBY CERTIFY IN TERMS OF SECTION 101 (3) (a) OF THE ACT THAT THE AMENDMENT TO / REPLACEMENT OF THE CONSTITUTION HAS BEEN REGISTERED ON:- <u>13 March 2023</u> DATE:
REGISTRAR OF LABOUR RELATIONS



National Office Bearers: Acting President -Modisa Shilakoe, General Secretary- Mashudu Raphetha,
Dep General Secretary -Langa-Lesizwe Madonsela, Treasurer General -Palesa Mogorosi



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Department:
Labour
REPUBLIC OF SOUTH AFRICA

LRA Form 6.3
Labour Relations Act 1995
Section 96(7)(a)

CERTIFICATE OF REGISTRATION OF A TRADE UNION

This is to certify that

Dynamic People's Union of South Africa (DYPUSA)

(Name of a trade union)

has in terms of section 96(7)(a) of the Labour Relations Act, 1995, been registered as a trade union with effect from

12 October 2021

(date)



(Official stamp of Registrar)

Date: 12 October 2021

Reference number: LR 2/6/2/3205

Registrar of Labour Relations

THE CONSTITUTION

THE DYNAMIC PEOPLE'S UNION OF SOUTH AFRICA (DYPUSA)

AMENDED ON THE 16th OCTOBER 2022

DEPT OF EMP & LABOUR
PRIVATE BAG X117
2023 -02- 20
PRETORIA 0001
DEPT OF EMP & LABOUR

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1. PREAMBLE

We, the trade union representatives hereby firmly commit to diversify bridge and foster unison in our quest to achieve common objectives and protect workers who elected to associate with this non-profit organisation.

We believe that the founding principles amongst others of transformation, diversification, autonomy, partnership, transparency, accountability, coherence, inclusiveness and equality as well as sustainability as undertook by workers to organise all workers within the borders of the Republic of South Africa shall change the landscape by introducing a harmonious way of engaging in collective bargaining in order to rebuild workers confidence post the effects of the covid-19 pandemic.

To this end we shall protect, advance, and defend the rights of workers and most importantly remain independent and guard against any form of discrimination whether it is in the form of race, religion and/or gender etc.

1.1 DEFINITIONS

1.1.1 "The Union" shall mean Dynamic People's Union of SA (DYPUSA).

1.1.2 "LRA" shall mean the Labour Relations Act 66 of 1995 as amended from time time.

1.1.3 "Delegate" shall mean a representative of a particular Constitutional structure in any meeting of the trade union.

1.1.4 "Local Shop Steward Council" shall mean the shop stewards elected within a constitutional jurisdiction of an area of a local.

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- 1.1.5 "Member" shall mean a worker other than a union official (employed by the union) who elect to join the union by signing up a membership.
- 1.1.6 "Member in good Standing" shall mean a member who pays trade union subscription fees and is up to date with payments of membership fees.
- 1.1.7 "Trade Union officials" shall mean an Elected Officials and/or all employees of the union.
- 1.1.8 "Elected Officials" shall mean the General Secretary, Deputy Secretary, Provincial Secretaries and Deputy Provincial Secretaries without voting rights.
- 1.1.9 "Office – bearer" shall mean member in good standing who had been elected to hold an office in the trade union and is paying membership fees and also employed within the sectors the union organises in.
- 1.1.10 "National Office - bearers" shall mean the President, Deputy President, and Treasurer General (with voting rights).
- 1.1.11 "Provincial Office- bearers" shall mean the Provincial Chairperson, Deputy Provincial Chairperson, Provincial Treasurer (with voting rights).

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- 1.1.12 “Local”** shall mean an area demarcated by the NEC or NC as a constitutional local of the trade union in the particular province.
- 1.1.13 “Local Office-bearers”** shall mean the Local Chairperson, Deputy Local Chairperson, Local Treasurer, Local Secretary and the Deputy Local Secretary. All LOB’s shall be members in good standing.
- 1.1.14 “Workplace Office-bearers”** shall mean Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer at the workplace level (all with voting rights).
- 1.1.15 “Shop Steward or Trade Union Representative”** shall mean a member in good standing duly elected by general meeting to represent workers with voting rights.

2. NAME OF THE UNION

- 2.1.** The name of the trade union is Dynamic People’s Union of South Africa (DYPUSA).

3. LOCATION OF THE OFFICES

- 3.1** Location of the Head Office, Provincial Offices, and Local Offices shall

be determined by the National Congress, National Executive Committee, Congresses and Local Executive Councils.

4. LEGAL STATUS OF THE UNION

- 4.1 The union shall be corporate body having perpetual succession and it is an association not for gain.
- 4.2 The union may sue and/or be sued in its own name.
- 4.3 No member or an employee has any right to own properties or assets of the union.
- 4.4 The union may enter into contract with any natural or legal person in its name.

5. STRUCTURES

- 5.1 National Congress (NC)
- 5.2 National Executive Committee (NEC)
- 5.3 Provincial Congress (PC)
- 5.4 Provincial Executive Committee (PEC)
- 5.5 Local Shop Steward Council (LSSC)
- 5.6 Local Shop Steward Executive Committee (LSSEC)
- 5.7 Workplace Shop Steward Committees (WSSC)

6. AIMS AND OBJECTIVES

- 6.1 To render excellent service to our members.
- 6.2 To eradicate exploitation, harassment, persecution and oppression perpetrated against our members.

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- 6.3 To negotiate for better terms and conditions of employment.
- 6.4 To negotiate living wages, annual bonuses, and 13th Cheque.
- 6.5 To defend jobs of workers and present solutions to avoid dismissals.
- 6.6 To provide legal assistance to members relating to employment matters.
- 6.7 To recruit, represent and encourage settlement of disputes between members and employers.
- 6.8 To educate, train, and coach members on matters of discipline, financial advice and relevant campaigns in the interest of members.
- 6.9 To plan, organise and lead activities in the interest of our members.
- 6.10 To advance and promote democratic practices at the workplaces in order to achieve just and equitable fair labour practices.
- 6.11 To uphold the rule of this constitution in order to achieve goals and objectives of the union.
- 6.12 To play a significant role in reducing unemployment, poverty, and inequality through sound collective bargaining.
- 6.13 To implement all relevant legislations.
- 6.14 To perform any lawful acts as may appear to be in the interest of the union members.

7. VISION

- 7.1 The Union shall strive for diversifying, bridging and fostering common goals between all workers for the purpose of promoting sound collective bargaining, employment creation, upskilling, reskilling, equality at workplaces, transformation, and workplace democratisation.

8. MISSION

- 8.1 Diversifying to achieve unity of workers in pursuing the interest of all workers.
- 8.2 Maintaining the autonomy of our union by guarding against interference of employers.
- 8.3 Striving for stakeholder partnership to create and sustain labour working relations.
- 8.4 Advancing openness, transparency and encourage reporting incidents at workplaces.
- 8.5 Creating a habit of accountability amongst representatives, employers and all officials for the purpose of realising consequence management.
- 8.6 Practicing coherence and aggressive debates to sharpen skills, strategies and ability of our representatives in order to achieve our goals.
- 8.7 Practical and honest inclusiveness of our members in decision making to provide for mandate-driven and worker-controlled organisation.
- 8.8 Advancing tangible transformation.

9. VALUES

- 9.1 Members
- 9.2 Efficiency
- 9.3 Diversity
- 9.4 Accountability
- 9.5 Democratisation
- 9.6 Transparency
- 9.7 Honesty

9.8 Respect

9.9 Integrity

9.10 Trust

10. MEMBERSHIP

10.1 Membership is open to all workers in the sector, trade , entities and organizations referred in clause 11 below.

11. SCOPE OF THE UNION

11.1 Aviation Sector

- 11.1.1 Airlines both Domestic and International.
- 11.1.2 Cargo Services
- 11.1.3 Technical Services
- 11.1.4 Airport Shuttles
- 11.1.5 Car Rentals
- 11.1.6 Lounges, Airport Restaurants and Porters
- 11.1.7 Fuel Suppliers and Petroleum
- 11.1.8 Ground, Baggage and Airline Cleaning and Grooming
- 11.1.9 Air Traffic and Navigation Services
- 11.1.10 Airline Catering
- 11.1.11 Civil Aviation Staff
- 11.1.12 Forwarding and Airfreight
- 11.1.13 Pilots

11.2 Food, Security, Tourism and Hospitality Sector

- 11.2.1 SOEs and its Protection Services, Cash in Transit and Private Security Services
- 11.2.2 Airport Security and Contract Cleaning
- 11.2.3 Bakeries and Milling Companies
- 11.2.4 Wholesalers and Restaurants
- 11.2.5 Agricultural entities,
- 11.2.6 Chain Stores, and its warehouses
- 11.2.7 Leisure Transport Companies
- 11.2.8 Game Reserves
- 11.2.9 Hotel and Lodges
- 11.2.10 Garages and Fuel Stations
- 11.2.11 Ports of Entry, and Maritime
- 11.2.12 Dairy Producers

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11.3 Logistics and Transport Services Sector

- 11.3.1 Clearing and Forwarding
- 11.3.2 Road Freight and Logistics
- 11.3.3 Rail Services
- 11.3.4 Government Agencies and Educational Institutions
- 11.3.5 Bus Services

11.4 Metal and manufacturing Sector

- 11.4.1 Pharmaceutical
- 11.4.2 Saw Mills and Timbers
- 11.4.3 Metal and Engineering
- 11.4.4 Mining and Construction
- 11.4.5 Hardware

11.5 Telecommunications Sector

- 11.5.1 Telecommunication Technician Companies
- 11.5.2 Networks, Office Staff and Cleaners
- 11.5.3 All Media Companies

11.6 Production and Services Sector

- 11.6.1 Chemical Productions and Private Companies with their Subsidiaries
- 11.6.2 Temporary Employment Agencies/ Services
- 11.6.3 Independent Subcontractors
- 11.6.4 Fisheries
- 11.6.5 Paperwork's and Storage Companies
- 11.6.6 Automobile, Car Dealerships and machinery production
- 11.6.7 Plastic, Textile, Clothing, healthcare, recycling and Goods Removals
- 11.6.8 Gardening and/or Horticulture Services
- 11.6.9 Packaging Solutions, Distribution Services, Rental, and Maintenance
- 11.6.10 Gambling, Sport, and Bar Companies

**12. RIGHTS ENTITLEMENTS AND RESPONSIBILITIES OF MEMBERS
IN GOOD STANDING**

- 12.1 Every Member must observe the provisions of this Constitution.
- 12.2 Every Member shall have a right to vote in any election and/or be voted into any Position in the Constitutional structure of the Union.
- 12.3 Every Member must pay monthly Union Subscription fees.
- 12.4 Every Member is entitled to be represented by the Union in any Labour related matter.
- 12.5 Every Member shall be entitled to view finances of the Union.

13. APPLICATION FOR MEMBERSHIP

- 13.1 Any employee within the Republic of South Africa can apply to be a Member

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of the Union who works in any sector mentioned in clause 11 above.

- 13.2 Applications for admission or readmission of membership shall be lodged in writing with Local Secretary.
- 13.3 Such application shall be considered within two weeks of receipt thereof.
- 13.4 The Local Shop steward Council may accept or decline, provided fair reasons are raised.
- 13.5 Any employee who takes membership shall be bound by this Constitution.
- 13.6 Membership which is refused, an applicant has a right to appeal to the Provincial Executive Committee (PEC) and same must be in writing to the Provincial Secretary and General Secretary within reasonable time.
- 13.7 The National Executive Committee's (NEC) decision shall be final until it is reversed by the National Congress in its discretion.
- 13.8 Any member who had resigned or been expelled may be readmitted on conditions set by the NEC from time to time.

14. TERMINATION OF MEMBERSHIP

- 14.1 Disciplinary Committees such as PEC, PC, NEC and National Congress shall have powers to terminate the membership on the following grounds:
- 14.1.1 Upon expulsion from the Union.
- 14.1.2 Upon death of a member.
- 14.1.3 Upon ceasing to be employed unless the fairness of one's dismissal is being challenged by the union.
- 14.1.4 Upon failing to pay Union subscription fees for three consecutive months.
- 14.1.5 Upon serving a 30 days notice to the union.

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14.2 A member shall cease to enjoy Membership benefits on the following grounds:

14.2.1 Upon expulsion.

14.2.2 Upon death

14.2.3 Upon subscription fees being in three months arrears.

15. MEMBERSHIP FEES AND UNION LEVIES

15.1 Union subscription fees shall be R100 per month.

15.2 The National Executive Committee may resolve on majority decision to introduce levy in order to finance special activities of the Union.

15.3 The Union levies may not exceed the maximum subscription referred in clause 15.1 above.

15.4 The NEC and/or the National Congress may through majority decision review the subscriptions mention in clause 15.1 above on good cause shown.

16. MEETINGS

16.1 Workers shall hold general meetings at their respective workplaces at least once in 4 weeks.

16.2 Only Members in good standing are entitled to vote on those general meetings.

17. QUORUM

17.1 Quorum of all Constitutional meetings of this Union shall be 50% plus one.

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- 17.2 If the Quorum is not met within two hours of the time fixed for such constitutional meetings, such meetings must stand adjourned for a period not exceeding 7 days except for National Congress which shall only be adjourned for a period not exceeding three (3) months for the purpose of logistical and/or arrangements of releasing of trade union representatives by employers.
- 17.3 Adjourned Constitutional meetings shall not require a quorum same shall quorate automatically.
- 17.4 All Constitutional meetings shall be convened subject to provisions of this Constitution by either the Chairpersons and/or the President.

18. TERMS IN OFFICE

- 18.1 Shop Stewards, Local Office-bearers, Provincial Office-bearers, National Office-bearers and Sector Office-bearers shall hold office for three (3) years save that they are entitled to stand for re-election upon expiry of their respective tenure.

19. DECISION MAKING PROCEDURES

- 19.1 All motions and/or matters requiring a resolution must be proposed and seconded.
- 19.2 All motions and/or proposals supported by majority of Members and/or delegates shall be a resolution of that meeting.
- 19.3 Decisions of the respective meetings must be taken by majority vote of the Members and/or delegates who are Members in good standing.

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- 19.4 Voting must be exercised by show of hands or ballot by Members who are in good standing.
- 19.5 Decisions made in a particular meeting cannot be changed in the same meeting.

20. STANDING ORDERS IN A MEETING

- 20.1 Any member, delegate and/or a 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.
- 20.2 Any member and/or delegate who proposes a motion may motivate such motion.
- 20.3 Any Member may raise a point of order against any speaker.
- 20.4 Such point of exigency must be raised in an orderly manner through the Chairperson with an expressed permission of such Chairperson.
- 20.5 Chairperson shall make rulings on the meeting procedure including point of exigency.

21. MINUTES OF THE MEETINGS

- 21.1 The Secretary or a person appointed to act as a stand-in Secretary in a particular meeting must take minutes in that meeting.
- 21.2 The minutes must be confirmed by Members at the next meeting for reflection deliberations and adoption.

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21.3 Confirmed minutes must be signed off by the Chairperson and the Secretary of such Constitutional structure.

21.4 All signed copies must be submitted to the General Secretary for safe keeping.

21.5 Minutes of the National Congress, and National Executive Committee must be taken by the General Secretary and/or his deputy and shall be furnished to all constitutional structures of the Union within two (2) months after such Congress or NEC.

21.6 Minutes of the NC and NEC must be confirmed by the NC and NEC and signed off by both the President and General Secretary.

22. Establishment of the Office of the Secretary and Functions of the Secretary General.

22.1 The Office of the General Secretary shall be stationed at the Head Office of the Union.

22.2 The General Secretary shall deal with all Head Office correspondences.

22.3 Shall supervise all Union Officials including the Deputy General Secretary.

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

22.5 Shall be a fulltime employee of the Union.

22.6 Shall be responsible and accountable for proper administration of the Union.

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22.7 Services of the General Secretary shall ensure Membership growth and report the state of the Union.

22.8 Shall bank all the funds he/she receives on behalf of the union in the union account within 7 days of receipt of such funds and submit the financial records to the Treasurer General thereof.

22.9 Shall have speaking rights in all meetings of the Union but no voting rights.

23. FUNCTIONS OF ALL GENERAL MEETINGS

23.1 Subject to the Provisions of this Constitution, the Powers and responsibilities of the General meeting are:

23.1.1 To receive reports;

23.1.2 To recommend and discuss all challenges facing workplaces;

23.1.3 To give mandate;

23.1.4 To elect Shop Stewards; and

23.1.5 To do any other lawful activity as may be decided by Members at that workplace in the interest of the Union.

24. RULES AND REGULATIONS OF THE CONSTITUTIONAL MEETINGS

24.1 The President or the most Senior National Office Bearer except for General Secretary and his Deputy must chair all National meetings.

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24.2 The Provincial Chairperson or Senior Provincial Office Bearer except for Provincial Secretary must chair all Provincial meetings.

24.3 The Local Chairperson or the most senior LOB must chair local meetings as well as the Chairperson of the workplace Shops Steward Committee in the above order.

25. AGENDAS

25.1 Agenda items must be raised, debated and agreed upon before commencement of a meeting.

25.2 Any Member in good standing shall be entitled to propose agenda items to be consider by the meeting.

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

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

26. WORKPLACE SHOP STEWARD ELECTIONS

26.1 Shop stewards/Representatives shall be elected by a general meeting convened in accordance with this constitution.

26.2 Workplace Shop Stewards committee shall comprise of all Shop Stewards elected at the respective workplaces.

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26.3 The workplace Shop Stewards Committee shall elect workplace office-bearers comprising of Chairperson, Deputy Chairperson, Secretary and Deputy Secretary of such Shop Stewards Committees.

27. FUNCTIONS OF THE WORKPLACE SHOP STEWARD COMMITTEE

27.1 Subject to the provisions of this Constitution, resolution, policies and procedures a set out by the upper structures, functions of the workplace Shop Stewards Committee shall be:

27.1.1 To receive, report, grievances, complaints and all challenges from the Members at the plant level.

27.1.2 To collate mandates from Members at the plant level.

27.1.3 To represent Members in the disciplinary hearings, grievance procedures etc.

27.1.4 To implement decisions of the upper structures of the Union.

27.1.5 To elect delegates to the Local Shop Stewards Councils.

27.1.6 To monitor employer's compliance of the labour legislations.

27.1.7 To ensure compliance of Health & Safety at workplace by the employers.

27.1.8 To elect full-time Shop Stewards in cases where there is no National Enterprise Shop Stewards Council.

28. MEETINGS OF THE WORKPLACE SHOP STEWARDS COMMITTEE

28.1 The workplace shop stewards Committee shall meet once every two weeks.

28.2 The quorum shall be 50% plus 1 of the number of elected shop Stewards at a

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particular workplace.

29. FUNCTIONS OF THE WORKPLACES SHOP STEWARD OFFICE BEARERS

- 29.1 To convene the general meetings.
- 29.2 To assign or allocate Shop Stewards lawful Union activities.
- 29.3 To build strong organisation at the plant level.
- 29.4 To diversify, bridge and foster general membership.
- 29.5 To do any lawful things in the interest of the union.

30. ESTABLISHMENT AND CONTROL OF THE LOCAL OFFICES

- 30.1 A Local office may be established in any area where there are no less than 1500 Members of the union from different workplaces.
- 30.2 The NEC may, in its discretion authorise establishment of the Local.
- 30.3 Local Shop Stewards Councils shall comprise of the LOBs from relevant Locals elected by Shop Stewards under the jurisdiction of such Local.

31. FUNCTIONS OF THE LOCAL SHOP STEWARD COUNCIL

- 31.1 Subject to the provisions of this Constitution, the resolutions, policies and Procedures of the Union, the functions of the Local Shop Stewards Council shall include but not limited to:
 - 31.1.1 To monitor growth of the Union within the jurisdiction of such Local.
 - 31.1.2 To elect Local Office-bearers.
 - 31.1.3 To implement resolutions of the Union.

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- 31.1.4 To strengthen the Union in such Local.
- 31.1.5 To receive, discuss and resolve on reports from workplace.
- 31.1.6 To evaluate, assess and recommend solutions to the Provincial Executive Committee on any issue affecting the Union at the usual level.
- 31.1.7 To conduct Shop Stewards elections at the work places.

32. MEETINGS OF THE LSSC

- 32.1 The LSSC shall sit at least once in 4 weeks.

33. PROVINCES

- 33.1 A Province may be established where there are no less than 2000 Members.
- 33.2 Only the NEC shall in its discretion authorise establishment of the Province.

34. PROVINCIAL OFFICE-BEARERS & ELECTED OFFICIAL

- 34.1 The POB's shall comprise of the Provincial Chairperson, Deputy Chairperson, Provincial Treasurer and Provincial Secretary.

35. FUNCTIONS OF THE PROVINCIAL EXECUTIVE COMMITTEE

- 35.1 The PEC shall sit once in every 4 months.
- 35.2 The PEC shall receive reports from Locals and provide leadership.
- 35.3 Evaluate and decide on the performance of the Union Officials.
- 35.4 Shall set up disciplinary committees.
- 35.5 To elect subcommittees for research and reporting on any matter.
- 35.6 To implement resolutions of the union.

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35.7 To address grievance and complaints lodged by Members.

35.8 To do all lawful things in the interest of the Members.

36. PROVINCIAL CONGRESS

36.1 The PC shall sit every three (3) years.

36.2 The Provincial Congress shall comprise of the POBs; Local delegates determined at a ratio of one delegate for every 200 Members.

36.3 Union Officials may attend the PC with no voting rights.

37. FUNCTIONS OF THE PROVINCIAL CONGRESS

37.1 Subject to the Provisions of this Constitution, the functions of the PC shall entail inter alia the following: -

37.1.1 To monitor and assess progress in the Province.

37.1.2 To discuss adopt resolutions.

37.1.3 To receive reports from PEC.

37.1.4 To elect POBs.

37.1.5 To elect NEC delegates on the ratio of one delegate for every 1000 Members.

38. MEETINGS OF THE PROVINCIAL CONGRESS

38.1 The PC shall sit every three (3) years upon giving a 30-days notice by the Provincial Secretary.

39. SPECIAL PROVINCIAL CONGRESS

39.1 A special PC may be convened by the PEC and/or NOBC on the following grounds:

39.1.1 In the event that two third of the Locals make a request to the General Secretary or President.

39.1.2 If more than 50% of the POB's have vacated their positions.

39.1.3 14 days notice must be issued.

40. NATIONAL OFFICE BEARERS AND ELECTED OFFICIALS

40.1 NOB's and Elected Officials shall comprise of the President, Deputy President, Treasurer General, General Secretary and Deputy General Secretary.

40.2 NOB's must be workers and Members in good standing.

41. FUNCTIONS OF THE NOBC AND ELECTED OFFICIALS

41.1 Subject to the Provisions of this Constitution, resolutions of the NEC and the NC the powers and responsibilities of the NOBs shall entail the following:

41.1.1 To receive, consider and resolve on report from the Provincial sectors, negotiations and all challenges emanating from the lower structures.

41.1.2 To monitor, evaluate and supervise all lower structures and their respective office-bearers.

41.1.3 To institute disciplinary action against any Union Official as well as Office-

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bearers.

41.1.4 To lead as a collective.

41.1.5 To ensure smooth operations of the Union.

41.1.6 To monitor and assess performance of Junior Office-bearers.

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

41.1.8 To grow the Union organisationally and otherwise.

41.1.9 To unite and forster labour peace between Members of the Union.

41.1.10 To uphold the rule of this Constitution.

41.1.11 To ensure that all structures of the Union are functional and operational.

41.1.12 To defend the Union and its Members.

41.1.13 To ensure that all the Policies and Procedures are adhered to.

42. MEETINGS OF THE NOBC AND ELECTED OFFICIALS

42.1 The NOBC shall sit at least once every month.

43. FUNCTIONS OF THE PRESIDENT

43.1 To Preside over all national meetings.

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

43.3 To exercise Political oversight of all Constitutional structures of the Union.

43.4 To unify members.

43.5 To lead campaigns and marches.

43.6 To enforce the compliance of this Constitution.

43.7 To sign minutes.

43.8 To supervise the Deputy President.

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43.9 The President has a deliberative and casting votes in all meetings of the Union.

43.10 To present Presidential reports in the NEC and National Congress.

43.11 President must be a worker employed in trades, sectors and within South Africa except the employees of the Union.

43.12 To work together with the rest of the NOBs and Elected Officials.

44. FUNCTIONS OF THE DEPUTY PRESIDENT

44.1 To assist the President.

44.2 To perform such duties as may be delegated by the President.

44.3 To act in an absence of the President.

44.4 To unite workers.

44.5 To do any other lawful activities in the interest of the union.

45. FUNCTIONS OF THE DEPUTY GENERAL SECRETARY

45.1 To assist the General Secretary.

45.2 To act in an absence of the General Secretary.

45.3 The Deputy General Secretary shall be a full-time of the union stationed at the head office of the union.

46.4 The Deputy General Secretary shall report to the General Secretary.

46. FUNCTIONS OF THE TREASURER GENERAL

46.1 To supervise financial affairs of the Union.

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

- 46.3 To raise funds.
- 46.4 To present management accounts.
- 46.5 To submit financial statements, to the NEC.
- 46.6 To ensure that the finances of the union are properly run.
- 46.7 To manage all donations, financial support in the interest of members.
- 46.8 To manage the financial accounts of the Union.
- 46.9 To account on behalf of all Provincial Treasurers.
- 46.10 To make lawful payment.
- 46.11 To plan, implement, manage and run all financial matters.
- 46.12 To provide strategic financial recommendations to the NOBC & NEC.

47. NATIONAL EXECUTIVE COMMITTEE

- 47.1 Composition of the NEC shall be:
 - 47.1.1 NOBs and Elected Officials.
 - 47.1.2 POBs and Elected Officials.
 - 47.1.3 Sector Office-bearers if any.
 - 47.1.4 PEC delegates at a ratio of one (1) delegate for 1000 Members in a specific Province.

48. FUNCTIONS OF THE NEC

- 48.1 To oversee and control the operations of the union between the National Congress.
- 48.2 To develop and adopt national policies of the Union.
- 48.3 To set up Committees.

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- 48.4 To ratify resolutions.
- 48.5 To set up disciplinary committees.
- 48.6 To approve and adopt the Financial statements.
- 48.7 To approve annual budgets.
- 48.8 To open Bank accounts.
- 48.9 To raise & borrow money and invest on behalf of the Union.
- 48.10 To develop Policies.
- 48.11 To hold all Union members, Union Officials and Office-bearers to account.
- 48.12 To set up all Constitutional structures of the Union.
- 48.13 To do all lawful things in the interest of the Union.
- 48.14 To fill vacancies in the NOBC.
- 48.15 To interpret the Constitution of the Union.

49. MEETINGS OF THE NEC

- 49.1 The NEC meeting shall meet once every 4 months.
- 49.2 The General Secretary must give a 30 days notice.

50. NATIONAL CONGRESS

50.1 The NC shall comprise of:

50.1.1 NOBs

50.1.2 Delegates elected on the basis of one delegate for every 500 Members from each Local.

50.1.3 Head Office staff without voting rights.

50.2 Special National Congress may be convened by the NEC on the following grounds:

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50.2.1 In the event that the two thirds of the Provinces make a written request thereof;

50.2.2 If more than 50% of the NOBs have vacated their positions;

50.2.3 The provisions of this Constitution pertaining to the National Congress shall apply to the Special National Congress; and

50.2.4 The General Secretary must issue a 14 days notice of the Special National Congress.

50.3 A quorum of the National Congress shall be 50% plus one (1) of the expected number of delegates in a Congress.

50.4 The National Congress shall sit every three (3) years upon giving a two Months notice to all Constitutional structures.

50.5 Amongst others the following are the functions of the National Congress:

50.5.1 To receive, consider and resolve on the reports from the NEC, Sub-committees, and all sectors of the union.

50.5.2 To receive, consider and resolve on the President's Political report.

50.5.3 To receive, consider and resolve on the Secretariat report.

50.5.4 To assess the Organisational progress of the trade union.

50.5.5 To develop four years programme of action of the trade union.

50.5.6 To receive, consider and adopt the Treasurer's financial report.

50.5.7 To adopt the resolutions including sponsored motions.

50.5.8 To elect National Office-bearers including electing the General Secretary and the Deputy General Secretary who shall assume full-

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time employee status in the union upon their respective appointments.

- 50.5.9 To amend the Constitution whenever it is necessary.
- 50.5.10 To determine policies and procedures of the union.
- 50.5.11 To deal with any other matter referred to it for resolution and/or guidance.
- 50.5.12 To establish and/or disband any Constitutional structure of the union.

51. DISCIPLINE IN THE UNION

- 51.1 Each PECs and NECs shall elect their disciplinary committees.
- 51.2 Members of the Disciplinary Committees must be workers, shop-stewards and members in good standing.
- 51.3 Disciplinary Offences shall include but not limited to the following:
 - 51.3.1 Corruption, fraud, theft, threats, intimidation, dishonesty, negligence, dereliction of duties, contravening the constitution, violating the policies and procedures of the union, assault, absenteeism, insulting and abusing members, misusing union funds/properties and assets of the union, malicious damage to union properties, arson, sowing division in the union, bringing the name of the union into disrepute, instigating illegal strikes, rebelling against the union, etc.
- 51.4 No member, Office-bearer, Union Official may be disciplined for expressing a dissenting view in any constitutional structure and/or a meeting.

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- 51.5 The Disciplinary Committees may, subject to procedures in terms of this constitution suspend, investigate, dismiss, expel or impose any other penalty deemed appropriate in its discretion.
- 51.6 No member, Office-bearer or union official shall be dismissed or expelled without formal charges and a formal hearing.
- 51.7 Any member, office bearer, may appeal the decision at the National Congress.
- 51.8 No member shall be disciplined in the circumstances referred to in Clause 53.2 of this Constitution.
- 51.9 Such appeals must be lodged in writing to the General Secretary within 30 days from the date of the decision being appealed against.
- 51.10 The decisions of the National Congress shall be binding and final.

52. REMOVAL OF OFFICE BEARERS, ELECTED OFFICIALS AND SHOPSTEWARDS

52.1 Notwithstanding any other provision in this constitution, shopstewards, Office-bearers and Elected Officials may be removed from their respective positions on the following grounds:

52.1.1 In the event of more than 50% of the Constituency and/or delegates in relevant Constitutional Structures voting in favour of such removal.

52.1.2 Disciplinary Action.

52.1.3 Expulsion.

52.1.4 Gross Violation of the Constitution.

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52.1.5 Missing three consecutive meetings without an apology.

52.1.6 Any other legal ground.

53. BALLOTS AND BALLOTING PROCEDURES FOR STRIKES, ELECTIONS AND MOTIONS

53.1 Balloting shall be undertaken in the following manner:

a) Reasonable notice must be given to members of the holding of a ballot.

Notice may be given to employees by direct communication, including emails or sms's, or by the display of notices at the workplace and at trade union offices. While there is no fixed standard, a period of three (3) days would generally be considered be a reasonable notice.

b) The notice must specify the time and the place of the ballot.

c) The question that is the subject of the ballot must be clearly phrased, and must be consistent with the terms of the dispute referral.

d) Ballot papers must be prepared in accordance with any applicable union or employer organisation's constitutional provisions.

e) Ballots must not contain any information that will make it possible to identify voters.

f) A ballot must be conducted in terms of voters' roll of those members who are in good standing in terms of the unions constitution that the union proposes to call on strike. The voters roll may be derived from the unions membership records or from the employers records. The voters roll identifies which members are entitled to vote and must be marked to ensure that members vote only.

g) In the case of an electronic ballot conducted by email or SMS, the

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voters roll must reflect the email address or mobile phone number of the members concerned and must be scrutinised and conducted by the CCMA or any independant organisation must keep the records of balloting for three (3) months and thereafter submit to the trade union for record keeping.

- h) In the case of postal ballot, the voters roll must reflect the postal addresses of the members and the CCMA or any independant organisation must keep the postal ballots for three (3) months and thereafter submit to the trade union for record keeping.
- i) A trade 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 trade union proposes to call on strike.
- j) A union may employ independent scrutineers to conduct or observe the ballot. However, there is no obligation to do so, unless provided for in a collective agreement or the trade union's constitution. In all the ballots there will be a scrutineer.
- k) There is no requirement on a trade union to permit employer observers at a ballot, unless s[sic] provided for in a recognition or other collective agreement.
- l) The union must provide ballot boxes for secret ballot. Members listed on the voters' roll must receive a ballot paper and be able to mark it and place it in an unmarked ballot box without their vote being observed by any other person.

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m) Ballots may be counted at the voting place, at a union office or at another place determined by the independent Scrutineer. Where the ballot boxes are transported to another place, they must be sealed.

n) Records of voting must be returned for a period of three (3) years. These records include the voters' rolls, ballots in sealed ballot boxes or other containers and any documents used to calculate the outcome of the ballot.

o) In case of electronic ballots, appropriate records must be retained.

53.2 Notwithstanding anything to the contrary contained in this Constitution, members of the trade union shall not be disciplined or have their members terminated for failure or refusal to participate in a strike if:

53.2.1 a secret ballot was not held about the strike/ lockout; or

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

54. UNION FINANCES

54.1 The authority to open and close any bank account of the union shall be vested in the NEC and/or any Office-bearer authorised by the NEC.

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

54.2.1 For the activities of the union and in the interest of the union.

54.2.2 For the administration of the union in general.

54.2.3 For the acquisition of moveable or immoveable properties on behalf of the union.

54.2.4 For investment on behalf of the union and/or its members provided

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there would be no conflict of interest.

54.2.5 For advancing the interests and goals of the union.

54.2.6 And any other lawful financial activity in the interest of its members.

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

54.4 The NEC shall ensure that the finances of the union are audited by an independent body annually.

54.5 The NEC shall set up the Finance Committee of the union.

54.6 The Treasure General, the President and the General Secretary shall be signatories of all NEC accounts.

55. FINANCE COMMITTEE

55.1 The FINCOM shall convene every three months to consider financial reports of the union.

55.2 FINCOM shall consist of the following:

55.2.1 The Treasurer General

55.2.2 All Provincial Treasurers

55.2.3 The President

55.2.4 General Secretary

55.2.5 Employees not exceeding two (2) from the Finance Department.

56. FUNCTIONS OF THE FINCOM

56.1 To supervise and control the financial affairs in the union.

56.2 To ensure that books of account of the union are kept and maintained.

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- 56.3 To monitor, evaluate and assess the financial performance of the union.
- 56.4 To evaluate, and approve budgets as prepared by the Treasurer General and finance team.
- 56.5 To make financial recommendations to the NEC.
- 56.6 To develop, maintain and implement financial policies subject to the approval of the NEC.
- 56.7 To monitor financial growth of the union and ensure no fruitless expenditure.
- 56.8 To receive reports and endorse liquidity and cash management in the union to comply with the acceptable financial principles.
- 56.9 To monitor Financial Risks that may come as a loss of members and present a solution.
- 56.10 To receive reports and adherence of paying UIF for employees, PAYE and any other relevant payments and approval thereof.
- 56.11 Lastly but not the least, the FINCOM shall in a nutshell exercise general financial oversight, encourage funding and fundraising, endorse financial planning, budgeting; ensure that banking and keeping record of the financial books are adhered to.

57. NEC BANK ACCOUNTS

- 57.1 All monies payable to the union, including the subscription fees, levies and fines shall be paid in the union's bank account.
- 57.2 The bank account must be in the name of the union.
- 57.3 The NEC may open an Agency Shop Fees Bank Account and/or reserve account.

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57.4 The Treasurer General, The General Secretary and The President must be registered as signatories on the NEC bank accounts of the union.

58. ANNUAL AUDITS OF THE UNION

58.1 The financial year of the union shall run from 1st day of January each year to the last day of December of the same year.

58.2 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.

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

58.4 The Auditors reports must state the following information:

58.4.1 Whether or not all the books of accounts including assets registers and records were examined.

58.4.2 Whether the Auditors are satisfied with the existence of the requisite securities or not.

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

58.4.4 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.

58.4.5 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.

58.4.6 Whether the Auditors are satisfied that the provisions of the constitution pertaining to the finances have been complied with or not as well as compliance with provisions of section 25 of the Act.

58.4.7 And whether the provisions of the Public Finance Management Act (PFMA) 1 of 1999 as amended from time to time including provisions of King's Reports on corporate governance have been complied with.

59. UNAUTHORISED EXPENSES

59.1 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.

59.2 No member, Office-bearer, Union Official including elected officials may spend the funds of the union without authorisation.

60. INDEMNIFICATION

60.1 Any member, Office-bearer, union official including elected officials shall be identified by the union against all proceedings, costs, legal action and/or expenses incurred in the course of carrying out their duties on behalf of the union provided that they acted in good faith.

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60.2 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, gross negligence, committed fraud against the union and/or implicated in corruption and/or fraud against the Union.

61. DISSOLUTION

61.1 The union may be dissolved under the following circumstances:

61.1.1 If two-thirds of the overall members of the union resolve to dissolve the union, in which case of ballot must have been conducted in terms of the provisions of this Constitution;

61.1.2 If the union is liquidated in terms of the applicable legislation;

61.1.3 If the union is completely unable to further the interests of members;

61.1.4 In the event of the union having to be dissolved for whatever reason, then the following provisions will apply:

61.1.4.1 The available NOBC members and/or NEC members available must deliver to the Labour Court a statement signed by them setting out the reasons for the union's inability to continue to function.

61.1.4.2 The availability of the 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 from time to time.

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61.1.4.3 The available members of the NOBC and/or NEC members 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.

61.1.4.4 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.

61.1.4.5 If the funds of the union including those realised 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.

61.1.4.6 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.

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

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62. AMALGAMATION AND MERGERS

- 62.1 The union may amalgamate or merge with one or more trade unions in terms of the resolution of the NEC or the National Congress.
- 62.2 The NEC or the National Congress shall consider and endorse the terms and conditions of any amalgamation and/or merger.
- 62.3 Upon amalgamation and/or merger, all liabilities and assets of the union will be transferred to the new union subject to the relevant and/or applicable labour legislation.

63. AFFILIATION

- 63.1 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.
- 63.2 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.

64. REPRESENTATION ON BARGAINING AND STATUTORY COUNCILS

- 64.1 The NEC may at anytime make a decision to become party to any bargaining council or statutory council.
- 64.2 The NEC may request from time to time the PECs to submit nominations for the respective councils.

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64.3 No person shall be nominated as a representative unless if he/she is:

64.3.1 A member in good standing,

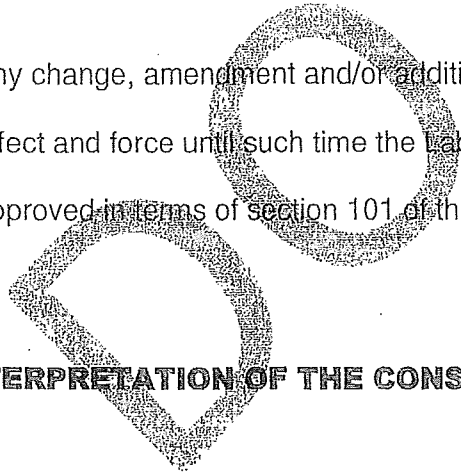
64.3.2 An Official, Elected Official and/or an Office-bearer of the union.

65. AMENDMENTS TO THE CONSTITUTION OF THE UNION

65.1 The NEC or NC may amend and/or add to the provisions of this Constitution by majority resolution provided at least 14 days notice of any proposed changes have been submitted by at least majority of members.

65.2 If within the prescribed period referred to above majority of the provinces demand a ballot of the whole union be taken on the matter, such a ballot shall be taken.

65.3 Any change, amendment and/or addition to this Constitution will not take effect and force until such time the Labour Registrar would have certified or approved in terms of section 101 of the LRA.



66. INTERPRETATION OF THE CONSTITUTION

66.1 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.

66.2 All NEC rulings on interpretation of this Constitution will be binding until reversed by the National Congress.

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66.3 The National Congress shall be the final arbiter in interpretation of this Constitution.

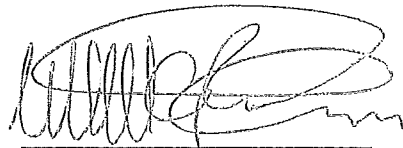
66.4 The National Congress resolution on interpretation of this Constitution shall be final and binding.



The Acting President

Modisa Shikwe

Name & Surname of the Signatory



The General Secretary

MASHUDU CALTON RAPHEHA

Name & Surname of the Signatory