



IRA Form
Labour Relations Act 1995
Section 96(5) and (6)

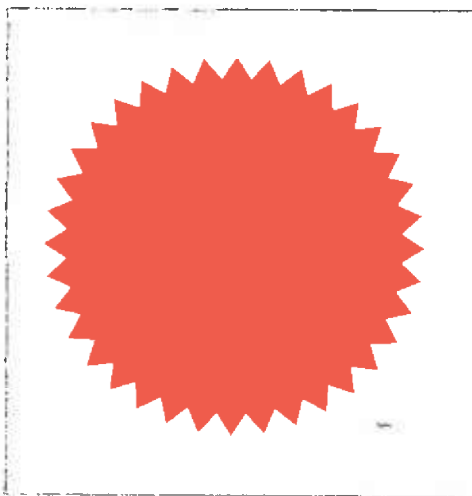
Department of Labour

It is hereby certified that on the date of registration, the constitution of the

***NATIONAL UNION FOR TRANSPORT, RETAIL AND ALLIED
WORKERS (NUTRAW)***

complied with the requirements of subsection (5) and (6) of section 95, of the Labour Relations Act, 1995.

Reference number: LR 2/6/2/3767



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Registrar of Labour Relations

CONSTITUTION
OF THE
NATIONAL UNION FOR TRANSPORT, RETAIL &
ALLIED WORKERS
(NUTRAW)

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1. Preamble

We, the trade union representatives and members in good standing, commit ourselves to unite against all forms of increased economic exploitation, oppression, discrimination of workers and austerity policies.

We believe that this can only be achieved under the Leadership of a united working class. Our history has taught us that in order to achieve this goal we will have to carry out the following tasks:

- a. Recreate and promote the spirit of unity amongst workers.
- b. Protect and defend the economic, social, educational, cultural, diversity and political interests of workers.
- c. We shall work with other trade unions and associations that are determined to establish an Industrial Solidarity Pact (ISP) which is of paramount significance during collective bargaining and grievance handling processes.
- d. We commit to denounce and demonstrate opposition to groups that embrace anti-worker tendencies and that are determined to introduce LABOUR legislation in Parliament that seeks interference, restrictions, and threaten the very survival of the operation of the Movement.
- e. We shall provide Shop Stewards and willing members with all the Skills Development that would equip them with the necessary knowledge that is pivotal in the execution of their roles and responsibilities on the job, and within the operation of the Transport and Allied Union.
- f. We shall plan and participate in joint trade union action whenever it becomes necessary.
- g. We commit to work with groups that are seriously bent on initiating policies that are in the interest of national development and geared towards improving the general living standards for all.
- h. We shall seek and affiliate with other trade unions locally, regionally and internationally as in the opinion of the Central Committee, that appear to be desirable.
- i. We intend to employ and equip Transport and Allied Union with the best qualified human resources in its determination as, in the opinion of the Central Committee, appears to be desirable.

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- j. In conclusion, to work efficiently and use all means necessary to find popular solutions to all matters of industrial relations in which the Transport and Allied Union is engaged.

2. Name of Trade Union

2.1 The name of the trade union is the **National Union for Transport, Retail & Allied Workers**

2.2 The shortened form of its name is **NUTRAW**

2.3 In this Constitution, it will be referred to as 'the union' or **NUTRAW**

3. Logo

The union Logo shall comprise an illustration of the Merron Tyre, followed by a yellow colour to give brightness to the writing of the Union name and the Slogan in black colour, followed by a red circle to complement the marron outer. Then followed by the black circle colour. The centre will be white colour inside the circle, inside the white circle will be a truck and two hands, brown and black, holding each other in front of the truck. Each with a 3D colour – with an acronym and name above.

4. Legal Status of the Trade Union

4.1 The union is a corporate body having perpetual succession and is an association of members not for gain.

4.2 No member and/or employee has a personal right to the properties and assets of the trade union.

5. Location of the Head Office

5.1 The Location of the Head Office, the Provincial Office, and the Local Office shall be determined by the National Congress (NC), the Provincial Congress (PCs), and the Local Executive Committees (LECs) of the union when required.

6. Definitions

'LRA means the Labour Relations Act No 66 of 1995, as amended.

The trade Union means the **National Union for Transport, Retail & Allied Workers (NUTRAW)**

NEC means National Executive Committee (NEC)

NC means National Congress (NC)

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NOBs	means National Office Bearers. (NOB)
Officials	means the Organiser of the union
Provincial Congress	means Provincial Congress (PC)
Provincial Executive Congress	means Provincial Executive Committee (PEC)
Provincial Office Bearers Committee (POBC)	means Provincial Office Bearers Committee
Women's Forum	means Women's Forum (WF)
Delegate (s)	means a Representative of a particular structure in any meeting of the trade union.
Local Shop Stewards Council	means Local Shop Steward Council (LSSC)
Member in Good Standing	means a worker other than a union official, who pays the trade union's subscription fees and is up to date with payment of membership fees.
Management	means any person who has the authority to employ or dismiss workers.
Union Officials	means any person employed by the union.
Elected Officials	means the General Secretary, Deputy General Secretary, Provincial Secretaries, National Operational Head and Deputy General Secretary
Office Bearer	means any member in good standing who has been elected to hold an office position in the trade union and employed in any sectors mentioned below. (OB)
Shop Steward	means a member in good standing duly elected by workers in a general meeting to represent workers.
'PFMA' amended	means Public Finance Management (Act 1 of 1999) as amended
FINCOM	means The Finance Committee

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7. Scope of the Trade Union:

The 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 service, which includes Inter Alia:

- 7.1. Passenger transport services including by Road, Rail, River, Air, and Sea;
- 7.1.2 Freight, Logistics, Storage facilities including by Road, Rail, Air, River, Sea, or Pipelines;

7.2 Any other service provider associated with any transport company.

7.3 Maritime transport, which includes: Stevedoring and cargo handling;

- 7.3.1 Shipping, Clearing, and Forwarding
- 7.3.2 Repairs to maritime equipment
- 7.3.3 Clearing and forwarding
- 7.3.4 Seafaring and berthing; and
- 7.3.5 Ship supplies and chandelling services

7.4 Civil

7.5 Aviation, which includes:

- 7.5.1 Passenger, cargo and technical services in both domestic and foreign airlines;
- 7.5.2 Operation at airport

7.6 Operation at civil aviation authorities or office;

7.7 Air traffic navigation services; and

7.8 Ramp and ground handling services;

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7.9 Fuel Suppliers

7.9.1 Operations at airports

7.9.2 Operations at civil aviation authorities or offices

7.10 Manufacturing -Iron, steel, wood, Engineering and Metallurgical Industries

7.10 Travel agencies and transport rental services, including motor vehicle rental services;

7.12 Motor Industry/ Automotive

7.13 Transport infrastructure services, which include:

7.13.1 Tollgates and road management and operation;

7.14 Car parking; Storage and Selling of Car parts and car Rentals

7.15 The operation of transport terminals;

7.16 Property services, which include:

7.16.1 Contract Cleaning;

7.17 Contract Security/ Industrial Security

7.18 Mining

7.19 Hearth Services

7.20 Wood Industry

7.21 Chemical Industry

7.22 Wholesale and Retail

7.23 Gambling, Betting and Packaging Solution, Distribution Services, Rentals and Maintenance.

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- 7.24 Concrete and Cement
- 7.25 Food, Beverages, and Bar Companies
- 7.26 Tourism
- 7.27 Telecommunications, All media Companies
- 7.28 Information Communication Technology
- 7.29 Agriculture
- 7.30 Manufacturing and hardware.
- 7.31 Finance and Business
- 7.32 Investment and Incentives
- 7.33 Agro-Processing
- 7.34 Textile, Clothing, Footwear, Tar workers, Plastic, and Leather
- 7.35 Property Services, which includes
- 7.36 Contract cleaning, Recycling, Goods Removals, and machinery production.
- 7.37 Sports and recreation clubs;
- 7.38 Temporary Employment Agencies and independent and sub-independent and Sub-contractors that provide employees to employers operating in any company, including the Security Sector;
- 7.39 Temporary Employment Agencies (TES) and independent and sub-independent contractors that provide employees to employers operating in any company, including the Security Sector;
- 7.40 The union will be open to all workers, including a typical worker, who include but are not limited to casual, part-time, temporary, fixed-term or sectoral, or seasonal workers employed in the sector, trades, entities, undertaking, and or occupation operating in the Republic of South Africa, regardless of the company in which they are employed.
- 7.41 Airlines, Rail, fishery, Bus, Chain store suppliers, and catering Companies, including Bakeries.
- 7.42 All employees employed in the State Owned Enterprises, Institutions and or Agencies in the Republic of South Africa.

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7.43 Agri-entities, Mining, Milling, Wholesale and Retail, Pharmaceutical and Health Care Industry. Construction, Gardening Services, Municipalities, Wood and Timber Works, Forestry, Educational Institutions, Chemical and Petroleum Plants, Manufacturing, Engineering, Fuel stations and Car Dealers.

8. The Goals and the Objectives of the Trade Union

- 8.1 To protect and eradicate workers against ongoing workplace exploitation;
- 8.2 To foster responsibility, accountability, and sustainability in the interest of the members of the Trade Union;
- 8.3 To implement and improve legislation intended to protect the terms and conditions of employment of workers
- 8.4 To provide effective and adequate representation to members in all workplace-related disputes or proceedings;
- 8.5 To campaign against austerity policies, perilous work conditions and minimal legislative protections, regulations, and outsourcing;
- 8.6 To ensure meaningful jobs and improve welfare of workers;
- 8.7 To prevent all forms of unjust retrenchment of workers;
- 8.8 To promote, regulate, and co-ordinate relations between employees, employers, and employers' organisations through lawful and statutory means;
- 8.9 To promote democracy and worker control in the union.
- 8.10 To demand social benefits, including unemployment insurance, retirement and medical fund, and housing subsidy provision;
- 8.11 To resolve, to participate and affiliate with South African union formations, international workers' Organisations or the International Labour Organisation.
- 8.12 To facilitate and encourage employees to become members of this progressive and democratic union;
- 8.13 To ensure appropriate legal assistance to members related to their employment.
- 8.14 To develop and establish a Financial Policy to ensure Financial Self-efficiency and to administer funds for the benefit of the union, its members, to avoid business unionism; and

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participate in schemes to provide employment-related and non-employment-related benefits to members in accordance with guidelines and policies determined by the NEC and NEC.

8.15 To encourage and regulate the settlement of disputes between members and employers and/or employers' organisations through conciliation, mediation, and arbitration (CCMA);

8.16 To make all statutory and lawful decisions in line with the spirit of the Constitution and Policies of the union that will advance or defend the interests of the union and its members;

8.17 And to buy, lease, hire, acquire or sell, mortgage any movable or immovable property, invest, take on, lend, subscribe or donate money for the furtherance of the achievement 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, organisations, undertakings, and/or occupations mentioned in clause 7 above.

10. Rights, Entitlements and Responsibilities of Members in Good Standing

10.1 Each member must harness unity amongst members of the union and promote non-racialism and non-sexism, regardless of social orientation.

10.2 Every member must observe and abide by the Provisions of the Constitution, including the lawful decisions or the resolutions of all structures of the union and any Federation to which the union belongs, and not act in a way that is detrimental or prejudicial to the interests of the union and its members.

10.3 Every member's rights and obligations are set out in the union's constitution and are further determined through the constitutional structures of the union from time to time.

10.4 Subject to the provisions of this constitution, members are required to participate in the meetings, decision-making processes and other lawful activities of the union.

10.5 To remain in good standing, every member must pay a monthly union subscription fee which is equal to 1% of the basic salary, with a minimum of R100.00 to a maximum of R170.

10.6 Members also have the right to enjoy the rights and benefits conferred in law.

10.7 Members of the union are entitled to be represented by the union in any workplace, dispute, or proceedings they may have with their employer.

10.8 Every member must uphold the Constitution.

10.9 Any employee working in the Republic of South Africa, who works in the sectors, trades, entities, companies, institutions, organisations, undertakings, and/or occupations mentioned in clause 7 (Scope of the trade union) above or any company or entity associated with them is eligible to apply for membership in the union.

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- 10.10 Application for admission of membership shall be lodged on a conflict-prescribed membership form, in writing, with LOBC or POBC.
- 10.11 Each application for membership must be considered by the LOBC or POBC within 14 days of receipt thereof.
- 10.12 The LOBC and/or POBC committee may accept the application for membership and or decline it.
- 10.13 Any employee who takes up the membership and signs the membership application form of the union binds himself/herself with the union's constitution.
- 10.14 An applicant against whose membership was rejected may within 30 days after being notified of the rejection, appeal against the decision by providing written reasons for the appeal by delivering a written appeal to the Provincial Secretary for consideration of the PEC.
- 10.15 If admission of membership is refused by the LOBC/ or the PEC, the applicant concerned shall have the right to appeal to the next Provincial PEC or NEC meeting, whichever is applicable, which constitutional structure shall have powers to confirm or reverse the decision of the LLSC or PEC
- 10.16 Such an appeal shall be submitted in writing to the PS or GS 14 days before the PEC or NEC.
- 10.17 The NEC's decision shall be final and binding.
- 10.18 Every member shall, in writing, advise the membership department of any change to his or her postal address within 21 days after the date on which the change occurred.
- 10.19 Any member who had resigned or had been expelled from the trade union may be readmitted as a member on such conditions as the NEC may determine from time to time. Each resignation and expulsion must be discussed at the NEC and resolved by the collective.

11. Termination of membership

- 11.1 The disciplinary committees at various levels, the General meetings at each workplace, PEC, PC, NEC, and the NC will be entitled to terminate the membership on lawful grounds.
- 11.2 Subject to the provisions of this constitution, the membership may also be terminated on the following grounds.
- 11.2.1 Upon expulsion from the Union on lawful grounds.
- 11.2.2 Upon the death of a member
Upon termination of employment by the employer, unless the fairness of the dismissal is being challenged by the Union.
- 11.2.3 Upon failing to pay the Union subscription for three consecutive months.

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11.2.4 A member shall cease to enjoy membership benefits and or entitlements, including the right to vote, upon the following circumstances.

11.2.4.1 If the member ceases to be employed.

11.2.4.2 Upon suspension from the Union.

11.2.4.3 Upon death.

11.2.4.4 After the Union subscription fees and or levies are three months in arrears.

12. Constitutional Structures of the Trade Union

12.1 The trade union shall consist of the following Constitutional Structures:

12.1.1 National Congress.

12.1.2 National Executive Committees.

12.1.3 Provincial Congress.

12.1.4 Provincial Executive Committees.

12.1.5 Provincial Shop Steward Councils.

12.1.6 Local Shop Steward Councils.

12.1.7 Local Executive Committees.

12.1.8 Workplace Shop Steward Committees.

12.1.9 Entities / Enterprise Shop Steward Councils.

12.1.10 Sector Shop Steward Councils.

12.1.11 Women Forum.

12.2 The National Congress and the National Executive Committee shall have powers to amend and/or review the Constitutional Structures of the trade union.

13. Terms of Office

13.1 The shop steward shall hold office for four (4) years and is eligible to stand for election upon completion of the term of office

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13.2 The tenure for the Local Office Bearers shall be four (4) years, and they are eligible to stand for election upon completion of their term of office.

13.3 The tenure of the Provincial Office Bearers shall be four (4) years, and are eligible to stand for election upon completion of their term of office.

13.4 The tenure of the National Office Bearers shall be four (4) years, and they are eligible to stand for election upon completion of their term of office.

13.5 The tenure of the Sector Office Bearers shall be four (4) years, and they are eligible to stand for election upon completion of their term of office.

13.6 The Office Bearers of the Women Forum shall be elected for a term of four (4) years and are eligible to stand for election upon completion of their term of office.

14. General Meetings

14.1 Members of the union shall hold General meetings at their respective places at least once a month.

14.2 All members in good standing are entitled to vote at a general meeting on any matter that requires a resolution by vote.

15. Powers, Competences and Responsibilities of a General Meeting

15.1 Subject to the Provisions of this Constitution, the powers, Competencies, and Responsibilities of the General Meeting shall entail inter alia the following:

15.1.1 To receive and consider reports and recommendations from the workplace shop steward committees.

15.1.2 To give mandates on any matter requiring the same, keep records such as agenda, minutes, and an attendance register of members and attendance.

15.1.3 To elect shop stewards.

15.1.4 And to do any lawful thing in the interest of the union.

16. Workplace shop steward Committees

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16.1 The workplace Shop Steward Committees shall comprise all shop stewards elected at their respective workplaces,

17. Powers, Competences and Responsibilities of the Workplace Shop Stewards Committees.

17.1 Subject to the Provisions of the Constitution, the resolutions, Policies, and Procedures of the Higher Constitutional structures, The Powers, Competencies, and Responsibilities of the Workplace Shop Stewards Committees shall entail inter alia the following:

17.1.1 To receive the reports, grievances, complaints, and concerns from the members at the plant level;

17.1.2 To collect mandates, concerns, and Constitutional compliance from members at the plant level and ensure that the matters are elevated to the higher structures for attention.

17.1.3 To ensure adequate representation of members in all disciplinary hearings, disputes, proceedings, and grievance processes etc;

17.1.4 To implement the decisions of the lower and higher structures of the trade union and to ensure participative co-determination and decision making to allow the union to remain worker-controlled in avoidance of business unionism.

17.1.5 To elect delegates to the Local Shop Steward Councils and confirm same to the Provincial Secretary and General Secretary, who in turn shall confirm same to the employer;

17.1.6 To monitor employers' compliance with the Labour Relations Act (Act 66 of 1995 as amended), the Occupational Health and Safety Health Act (Act 35 of 1993), Employment Equity Act and Regulations (Act 55 of 1998), the Constitution of the Republic of South Africa of 1996 as amended and the Basic conditions of Employment Act (Act 75 of 1997);

17.1.7 And to assert, refer and recommend any Constitutional, Lawful and Statutory matter to the Local Shop Steward Councils for Resolution;

17.1.8 And to elect workplace Shop Steward Committee Office Bearers in compliance with the Union's Constitution.

18. Meetings of the Workplace Shop Stewards Committees

18.1 The Workplace Shop Stewards Committees will meet frequently every two weeks.

18.2 Special Workplace Shop Stewards Committee meetings may be called by way of notice 7 days before the meeting date, to consider and resolve on urgent matters. Agenda items must accompany the notice.

18.3 The quorum for the workplace Shop Stewards committee to commerce shall be 50% plus 1 of the number of shop stewards elected at a particular workplace.

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18.4 An adjourned meeting of the workplace shop steward committee shall be quorate automatically, which meeting must be convened within 7 days.

19. Workplace Shop Steward Committee Office Bearers

19.1 The Work Shop Stewards Committee Office Bearers shall comprise of the Chairperson, Deputy Chairperson, and Secretary.

19.2 The workplace shop Stewards committee Office Bearers shall be members in Good Standing and workers as directed through the scope of the union as contemplated in Clause 7 above.

20. Powers, Competences and Responsibilities of the Workplace Shop Stewards Office Bearers

20.1 Subject to the Provisions of the Constitution, the Powers, Competence, and Responsibilities of the Workplace Shop Stewards Office Bearers shall entail inter alia the following:

20.1.1 To convene monthly general members' meetings in the specific workplace;

20.1.2 To implement lawful decisions and policies of the Provincial and National Structures;

20.1.3 To seek mandates, discuss decisions and programs of the union, to harness and build competence at the plant level;

20.1.4 To recruit members, report on the progress and business, and to maintain unity and coherence amongst the members;

21. Establishment and Control of the Locals

21.1 The Provincial Secretary may establish a local in a designated area, where there are 1000 or more members of the union in good standing from various workplaces.

21.2 Any application for the establishment of a local office shall be submitted to the General Secretary by the office of the Provincial Secretary for Consideration by the NOBC

21.3 The NEC may, in its direction, authorise or reject the establishment of the local and determine the location thereof.

21.4 After the NOBC has resolved to the Establishment of the local, the General Secretary shall in writing, inform the Provincial Secretary in writing within 7 Days.

21.5 The POBC and the Provincial Secretary will arrange the inauguration committee meeting of the local. During this meeting, Local Office Bearers will be elected by the shop stewards present democratically in accordance with this constitution.

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21.6 When nominations are democratically called for and endorsed at such a meeting and do not exceed the number of appointments required by this Constitution, in each instance, the members so nominated shall be declared elected on condition they are seconded and supported by the majority of shop stewards in attendance and shall hold office as contemplated above.

21.7 When relocating from an area where the members' local is situated and the member continues employment permanently in a different local's jurisdiction, then the member shall automatically become a member of the other local.

22. Local Shop Stewards Councils

22.1 The Local Shop Stewards Councils consist of elected Local Office Bearers and elected shop stewards from all workplaces under its jurisdiction.

23. Powers, Competences and Responsibilities of the Local Shop Stewards Councils

23.1 In addition to the provisions of this Constitution, resolutions, policies, and procedures of the higher constitutional structures, the powers, competences, and responsibilities of the local Shop Stewards Councils shall entail inter alia the following:

23.1.1 To recruit new members and monitor membership growth within the local;

23.1.2 To ensure the election of the Local Office Bearers;

23.1.3 To manage ill-discipline and correct behaviour unbecoming of Local Office Bearers and union officials. Recommendations for discipline must be in writing, confirming the unlawfulness of the transgression in line with the Constitution, resolutions, and policies;

23.1.4 To do any lawful thing delegated to it in the interest of the union, subject to the resolutions of the higher constitutional structures;

23.1.5 To consider legitimate and substantial matters submitted through report from various workplaces, discuss the best plan of action, and confirm a written resolution;

23.1.6 To consider and appoint joint sub-committees to assist Local to dispense its responsibilities where necessary;

23.1.7 To implement the decisions and policies of the National, Provincial, and Local structures;

23.1.8 To elevate matters outside of its responsibility to the Provincial Executive Committee for a decision and resolution;

23.1.9 To measure work performance, achievements, and targets of the local;

23.1.10 To supervise and oversee the democratic election processes of shop stewards.

24. Meetings of the Local Shop Stewards Council

24.1 The LSSC must be called at least once a month.

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24.2 A special meeting can resolve urgent matters.

24.3 No less than 50% + 1 of the shop stewards expected must be present from all workplaces within the jurisdiction of the local.

24.4 Once the quorum is confirmed within 1 hour of the time set for the meeting to start, it shall stand adjourned, and a date and time will be set for the meeting to proceed within 7 days.

24.5 During the reconvened meeting, delegates in attendance will automatically form a quorum.

25. Establishment and Control of the Provinces

25.1 At the inception of the establishment of a province (in line with the Province structure of the Republic of South Africa) the threshold required is no less than 5000 members of the union, and no less than 2 locals must have been established and operational.

25.2 A request and application to establish a Provincial must be submitted to the General Secretary for consideration by the NOBC.

25.3 The NEC may, in its discretion, authorize or reject the establishment of a Provincial and determine the location of the office thereof.

25.4 After the NOBC resolved to establish a Province, the General Secretary shall in writing inform the locals or the National Coordinator of the Decisions.

25.5 The NOBC and or the General Secretary will arrange the inaugural committee meeting of the Province. During this meeting, Provincial Office Bearers will be elected by delegates present from the locals operational in the Province and will be elected democratically in accordance with this constitution.

25.6 When nominations are democratically called for and endorsed at such a meeting and do not exceed the number of appointments required by this Constitution, in each instance, the members so nominated shall be declared elected on condition they are seconded and supported by the majority of shop stewards in attendance and shall hold office as contemplated in the clauses above

25.7 When relocating in an area where the member's Province is situated and continues employment permanently in a different Province's jurisdiction, then the member automatically becomes a member of the other Province.

26. Provincial Office Bearers

26.1 The Provincial Office Bearers are the Provincial Chairperson, Deputy-Chairperson, Provincial Treasurer, and Provincial Secretary. Their duties are similar to those of the President, Deputy-President, National Treasurer, and General Secretary, read with the changes required by the context.

26.2 The Provincial Office Bearers shall be members in good standing and work as directed through the scope of the union as contemplated in the clauses above.

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26.3 In line with the Provisions of the Constitution, the powers, competencies, and responsibilities of the Provincial Office Bearers will mirror those of the NOBC, but limited to the Province and Locals.

27. Powers, Competencies, and Responsibilities of the Provincial Office Bearers Committee.

27.1 In addition to the provisions of this Constitution, resolutions, policies, and procedures of the higher Constitutional structure, the powers, competence, and responsibilities of the POBC shall entail inter alia the following:

- 27.1.1 To receive reports and make decisions on matters arising from the sector councils; discuss the best plan of action, subject to the resolutions and decisions of higher Constitutional structures;
- 27.1.2 To receive reports and make decisions on any matters delegated to the Province
- 27.1.3 To discuss and provide mandates for negotiations on Collective Bargaining Issues
- 27.1.4 To coordinate and implement the campaigns and policies of the unions;
- 27.1.5 To monitor the progress and growth of the union in each of the sectors.
- 27.1.6 To implement strategies for growth and progress in each of the sectors.
- 27.1.7 Where appropriate, to determine delegates to bargaining forums and councils;
- 27.1.8 To supervise the election of LOB, shop stewards, and elected officials;
- 27.1.9 To keep all records required to be kept by the union in terms of any law and that pertain to that;

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27.1.10 To manage ill-discipline, correct behaviour unbecoming, and institute disciplinary proceedings against the Union Officials, Members, Shop Steward, and the Office Bearers falling under the jurisdiction of the Province;

27.1.11 To perform and implement any other function or resolution empowered to do so of the POBC, PEC, PC and the NEC.

28. Meetings of the POBC

28.1 The Provincial Office Bearers must meet twice a month.

28.2 Special Provincial Office Bearers meetings can be convened to consider and resolve on urgent matters.

28.3 No less than 3 out of 4 Provincial Office Bearers expected must be present in the meeting.

28.4 Ex-office members of the POBC will be the Provincial Secretary and the Deputy Provincial Secretary and shall attend the meeting in their respective ex-office capacities.

28.5 Once the quorum is not confirmed within 1 hour of the time set for the meeting to sit, it shall stand adjourned, and a date and time will be set for the meeting to proceed within 7 days.

28.6 During the reconvened meeting, delegates in attendance will automatically form a quorum.

29. Provincial Executive Committees

29.1 The Provincial Executive Committee shall be composed of the following:

29.1.1 The Provincial Office Bearers;

29.1.2 The Provincial Sector Office Bearers and Women Forum Office Bearers;

29.1.3 The Local Office Bearers;

29.1.4 Provincial Subcommittee office bearers for discipline in respect of members, shop stewards, elected officials, and office bearers must be workers and members in good standing as contemplated in the scope of the union (as mentioned in the clauses above);

29.1.5 All Provincial Union officials and elected Union Officials must attend the Provincial Executive Committee meetings in their ex officio capacities, and they will have speaking but no voting rights.

30. Powers, Competencies, and Responsibilities of the Provincial Executive Committee.

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30.1 In addition to the provisions of this Constitution, Resolutions, Policies, and Procedures of the higher Constitutional Structures, the Powers, Competences, and the Responsibilities of the PEC shall comprise the following:

30.1.1 To receive and accept reports from the Provincial Structures, discuss the best plan of action subject to the resolutions and decisions of higher Constitutional structures;

30.1.2 To resolve and implement strategies, set growth and performance targets, and evaluate the union officials and the office bearers within the jurisdiction of the province;

30.1.3 To establish appropriate sub-committees to execute other functions such as discipline.

30.1.4 To establish sub-committees to conduct any lawful investigation and to report back in a prescribed written form on matters determined by the PEC;

30.1.5 To implement aims and objectives, strategies, and the resolutions determined by the higher Constitutional Structures;

30.1.6 To ensure that every candidate seeking employment follows union recruitment and selection processes, and when positions are advertised;

30.1.7 To ensure effective communication filters through to the National Office from Provincial, Local, and workplace structures;

30.1.8 To diligence decisively handle and review all appeal processes emanating from grievances, disputes between members, and disciplinary processes within the union to ensure lawful and fair principles are upheld;

30.1.9 To evaluate and analyse Financial Reports before approving any budget. any budget of the Province in accordance with PFM, GAAP, and Corporate Governance Standard;

30.1.10 To review the success of the Province against Resolution, Policies, Strategies, measures and propose necessary improvements to strengthen the Province.

31. Provincial Congress

31.1 Subject to the Union Constitution and Resolution, the Provincial Congress (PC) will convene once every four years.

31.2 The PC will consist of the following:

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31.2.2 Delegates form Locals who are elected and determined in accordance with the criteria and ratio of 1 delegate for every 200 members,

31.2.3 All union officials, without exception, including elected union officials in the Province, must attend the Provincial congress in their ex officio capacities and they will have speaking but not voting rights;

31.2.4 The PEC can resolve to invite a guest speaker to advance and enrich the programme, but is limited to a selected subject in the Provincial Congress.

32. Powers, Competence and Responsibilities of the Provincial Congress

32.1 In addition to the provisions in this Construction, the resolutions of the higher structure of the union, the policies and procedures, and the powers and competence of the provincial congress shall comprise the following:

32.1.1 To evaluate and measure targets and progress of the union in the Province;

32.1.2 To analyse and discuss matters affecting the union and develop progressive resolutions on the matters affecting the union and its members in the Province;

32.1.3 To refer and recommend decisions and resolutions for further consideration and adoption to the National Congress;

32.1.4 To receive and incorporate reports from the PEC and resolve on specific measurable actions which bring matters to finality;

32.1.5 To develop a resilient programme of action with requisite strategic objectives to avoid a mismatch with National resolutions that seek to bring about growth and excellent service to members and the Province;

32.1.6 To evaluate and analyse financial reports and adopt according to the PFMA, GAAP, and Corporate Governance Standard;

32.1.6 To conduct elections of Provincial Office Bearers, Provincial Secretary and the Deputy Provincial Secretary, as well as the Provincial NEC delegates on a ratio of one delegate for every 1000 members to a maximum of 5.

33. Meetings of the Provincial Congress

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36. Powers, Competences and Responsibilities of the National Office Bearers

36.1 In addition to the provisions of this Constitution, the resolutions of higher constitutional structures, the powers, competences, and the responsibility of the National Office Bearers shall comprise of the following:

36.1.1 To coordinate political campaigns on behalf of the union and provide leadership to the union nationally;

36.1.2 To conduct Oversight over the efficacy of the union on a continuous and consistent basis;

36.1.3 To accept and receive reports from all constitutional structures, and to discuss the best plan of action subject to the resolutions and decisions of higher Constitutional Structures;

36.1.4 To evaluate and rate the key performance of all Provincial Office Bearers, Local, Provincial, and National Union Officials, National Sector Coordinators, and the National Office Bearers;

36.1.5 To do all lawful things to advance the aims, objectives, and trajectory of the union;

36.1.6 To refer and present detailed reports to the NEC for a collective resolution about the state of the union.

37. Meetings of the NOBC

37.1 The NOBC meetings must convene once every month.

37.2 No less than 4 out of the 7 NOBC must be in attendance for the meeting to form a quorum.

37.3 The General Secretary and the Deputy General Secretary must attend the NOBC meetings in their ex-officio capacities, and they will have speaking rights but no voting rights.

37.4 Once no quorum is confirmed within 1 hour of the time set for the meeting to convene, the meeting shall stand adjourned, and a new date and time will be set for the meeting to proceed within 7 days.

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33.1 The Provincial Congress will be held every 4 years, with a notice to convene the meeting to be given 30 days before the PC.

33.2 The agenda of the PC must be issued simultaneously with the notice.

33.3 The issuing of notice for the PC is the responsibility of the Provincial Secretary.

33.4 No less than 50% + 1 of the delegates expected must be present at the PC to form a quorum.

33.5 In the event that no quorum is confirmed within 2 hours of the scheduled time set for the meeting, the PC shall stand adjourned, and the status shall accordingly be declared by the Provincial Chairperson, and a new date and time will be set to reconvene the meeting within 30 days.

33.6 The adjourned Provincial Congress shall quorate automatically.

34. Special Provincial Congress

34.1 A Special Provincial Congress can be convened by the PEC, subject to the resolutions of higher Constitutional structures, for the following reasons:

34.1.1 In the event that two-thirds of the Locals motivate in writing, constitutional, lawful, and rational reason thereof;

34.1.2 When the POBC becomes dysfunctional and/or more than 50% of the elected POBC members vacate their positions either by way of resignation or desertion;

34.1.3 The provisions of this Constitution in respect of the PC will apply to a special PC;

34.1.4 In the event the Provincial Secretary is not available, the General Secretary will issue a notice 14 days before the special PC is convened; otherwise, the Provincial Secretary is responsible for issuing the notice.

35. National Office Bearers

35.1 The National Office Bearers (NOBs) will comprise the President, 1st Deputy President, 2nd Deputy President, National Coordinator, General Secretary, 1st Deputy General Secretary, 2nd Deputy Secretary, the National Treasurer and the Legal and Compliance.

35.2 The National Office Bearers must be workers and members in good standing, and workers as directed in the scope of the union as contemplated in the clauses above.

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37.5 During the reconvened meeting the NOBC in attendance will automatically form a quorum.

38. Powers, Competence, and Responsibility of the President

38.1 The powers, competence, and responsibility of the President comprise the following

38.1.1 To preside over all National meetings of the union, including the National Congress;

38.1.2 To ensure the observance, transparency, and compliance with this Constitution;

38.1.3 To be accountable and responsible for political oversight over the Constitutional Structures of the Union;

38.1.4 To promote and strengthen solidarity in all Constitutional Structures of the Union;

38.1.5 To ensure the NOBC members work together as a collective;

38.1.6 To append signatures to National meeting minutes, upon accurate recordings and reflection of the NOBC, NEC, and the NC Meetings;

38.1.7 The President and the National Operational Head shall be full-time officers, Chief Negotiator and Spokesman of the Union.

39. Powers, Competences and the Responsibilities of the 1st Deputy President, The 2nd Deputy President.

39.1 The powers, competencies, and responsibilities of the 1st Deputy President and the 2nd Deputy President comprise the following:

39.1.1 To assist the President in the execution of his/her duties set out in this Constitution;

39.1.2 To accept and perform such duties as may be delegated to them by the President from time to time;

39.1.3 To take full authority when assigned to act as the President from time to time whenever the President is unable to execute his/her responsibilities;

39.1.4 The 1st Deputy President and the 2nd Deputy President have voting rights in all Constitutional Structures of the Union;

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39.1.5 The 1st Deputy President, the 2nd Deputy President must be workers, shop stewards, and members in good standing of the Union.

40. Powers, Competencies, and Responsibilities of the National Treasure

40.1 The powers, competencies, and responsibilities of the Treasurer General will comprise the following:

40.1.1 To consolidate historical costs, monthly expenditures, and liabilities and supervise the same on behalf of the Union. All payment authorisations will be done by the General Secretary and the 1st and 2nd Deputy General Secretaries.

40.1.2 To consolidate accurate records of accounts, keeping proper electronic accounting books or systems, and for monthly consolidated financial statements in preparation for annual auditing processes;

40.1.3 To submit accurate monthly consolidated financial statements/expenditures reports and annual audited financials of the Union to the NOBC, NEC, FINCOM, and the NC;

40.1.4 To be assisted by the General Secretary to issue notices for the FINCOM meetings and to be assisted by the National Chairperson to chair FINCOM meetings;

40.1.5 The National Treasure must perform all his/her duties in terms of the Public Finance Management Act (Act No. 1 of 1999) and Generally Accepted Accounting Practice (GAAP), and other duties delegated to the Treasurer General by the NEC, NC, and NOBC.

40.1.6 The National Treasure shall have voting rights in all Constitutional structures of the Union.

40.1.7 The National Treasure must be a worker, a shop steward, and a member in good standing.

41. Powers, Competences and Responsibilities of the General Secretary

41.1 The powers, competencies, and responsibilities of the General Secretary will comprise of the following:

41.1.1 To manage and control the organisation and supervise all officials within the union, Local, Provincial and National Co-ordinators and all Local, Provincial and National administrative staff, including assessment of key performance and targets;

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- 41.1.2 To ensure compliance to the Registrar of Labour on all matters as required by the Labour Relations Act, Act 66 of 1995, as amended continuously;
- 41.1.3 To accurately report to all the state Constitutional Structures of the Union to the NOBC, CEC, and the NEC;
- 41.1.4 General Secretary shall be responsible for all proper administrative and coordination of all activities/affairs of the union;
- 41.1.5 The General Secretary is the Chief negotiator of all matters affecting the union or its members;
- 41.1.6 The general secretary shall be a full employee of the union, and he/she shall have an employment contract with the union.
- 41.1.7 The General Secretary may discipline any Provincial Union Official, National Union Official, or National Administrative staff in terms of provisions of its constitution;
- 41.1.8 The General Secretary must bank all the Funds he/she receives on behalf of the union and therefore keep the records;
- 41.1.9 The General Secretary is responsible and accountable for the total proper operational function of the union;
- 41.1.10 The General Secretary shall be responsible for ensuring the performance of all the duties which by Law and or Custom pertain to the office of the General Secretary;
- 41.1.11 The General Secretary may have speaking rights in all meetings of the union and have no voting rights.

42. Powers, Competencies, and Responsibilities of the 1st Deputy General Secretary and the 2nd Deputy General Secretary.

42.1 The powers, competencies, and responsibilities of the Deputy General Secretary and the National Operational Head will comprise the following:

42.1.1 To work collectively with the General Secretary in executing his/her duties and those of the office of the Secretariat;

42.1.2 To perform the responsibilities, competence of the General Secretary in his/her absence and/or whenever the General Secretary is unable to perform her/his duties for whatever reason;

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42.1.3 The Deputy Secretary will be a full-time employee of the union and will have a contract of employment with the union;

42.1.4 The Deputy General Secretary will have the speaking rights in all meetings of the union and will have no voting rights.

42.1.4 The Deputy General Secretary may discipline any Provincial Union Official, National Union Official, and National Administrative Staff in terms of the provisions of the Constitution;

42.1.5 All other Powers, Competence and Responsibilities of the General Secretary will be applied to the Deputy General Secretary with full authority as contained in the Constitution.

43.2 The powers, competencies, and responsibilities of the National Coordinator will comprise the following.

43.2.1 The National Coordinator reports directly into the with the Secretary office.

43.2.2 To deal with all Provinces' correspondence.

43.2.3 To Supervisor all Union Officials.

43.2.4 To report to the NOBS on all matters as required by the constitution, as amended from time to time.

43.2.5 To report on the state of all Constitution structures of the union to the NOBs, NEC, and NC.

43.2.6 National Coordinator shall be responsible for the proper administration and coordination of the provincial activities and / affairs of the union.

43.2.7 The National Coordinator shall assume the role of the National Chief Negotiator of the Union on all matters affecting the Union and/ or its members on the direction of the PEC, NOBC or NEC.

43.2.8 The National Coordinator shall be a full-time employee of the union and sh/e shall have an employment contract with the union.

43.2.9 The National Coordinator shall ensure that the membership of the Union grows.

43.2.10 The service of the National Coordinator may be terminated in terms of the provision of this Constitution by the NEC, NOBC, and/or NC.

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43.2.11 The National Coordinator shall be responsible for the proper functioning of the Provisions.

43.2.12 The National Coordinator shall be responsible for the performance of all official duties which by law and/or custom pertain to the office of the National Operational Head.

43.2.13 The National Coordinator shall have speaking rights in all meetings of the union but no voting rights.

44. Legal and Compliance

44.1 Powers and Responsibilities of the Legal and Compliance are as follows:

44.2 The Legal and Compliance shall report to the NOBs

44.3 To Conduct Investigation into potential compliance breach or misconduct.

44.4 To Enforce disciplinary action or impose penalties for non-compliance.

44.5 To Developing and implementing policies and procedures to ensure compliance with the NOBs.

44.6 Conducting Audits and reviews to ensure compliance and identify areas for improvement.

44.7 Managing risk and avoid potential liabilities.

44.8 To work hand in hand with case management and ensuring all cases are closed and well taken care of.

44.9 To make legal correspondence on behalf of the trade union and its members interest.

45. National Executive Committee

45.1 The National Executive Committee composition will be the following:

45.1.1 All National Office Bearers, All Provincial Bearers, Provincial NEC Delegates elected on the basis of 1 delegate for every thousand members in a specific Province, and the co-founders of the organisation.

46. POWER, COMPETENCE, AND RESPONSIBILITY OF THE NEC

46.1 In addition to the provisions of the Constitution, the resolution of the National Congress, the Policy and Procedure of the Union, the powers, competences, and responsibilities will be as follows:

46.1.1 To exercise oversight over the operations of the union in between the National Congresses;

46.1.2 To develop and approach policies for implementation nationally;

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- 46.1.3 To establish and task the subcommittee to research or investigate issues that affect the union and its members;
- 46.1.4 To establish the task Disciplinary Committee, Appeal Committee, Educational Committee, etc.
- 46.1.5 To rectify, approve, or Reject Audited Financial Statements;
- 46.1.6 To resolve to open an Administrative Bank Account or close the Bank Account of the Union;
- 46.1.7 To Resolve and to Task the National Treasure and FINCOM to develop and enable policy instruments to raise capital and invest on behalf of the union;
- 46.1.8 To resolve and adopt, establish a vehicle policy detailing tariffs for travelling allowance, car schemes, and the use of vehicles owned by the union;
- 46.1.9 To resolve on the acquisition of moveable and/ or immovable assets for the Union;
- 46.1.10 To institute and defend legal proceedings on behalf of the Union or its members against any person who acts contrary to the interest of the Union;
- 46.1.11 To exercise oversight on progress on implementation of constitutional structures in the Union;
- 46.1.12 To direct staff compliments and the terms and conditions of employment of the Union Officials, including elected officials to the secretariat;
- 46.1.13 To present a written recommendation to the National Congress for the possible amendments to the provision of this constitution;
- 46.1.14 To do all lawful things to advance the objectives and aims of the Union;
- 46.1.15 To exercise oversight on disciplinary, grievance and dispute, review, replace or set aside outcomes and to take disciplinary action against all as contained in the constitution;
- 46.1.16 To review, set aside or replace the decision of all constitutional structures in the Union except that of the National Congress;
- 46.1.17 To delegate competencies, responsibilities, and tasks to sub-committees, the Constitution structure of the Union, Office Bearer, and Member;

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49.1.1 To receive, review, set aside, consider, or resolve on the Secretariat Report;

49.1.2 To evaluate and measure the progress of the Union;

49.1.3 To develop strategic goals and action plans for the organisational 5-year programme for the Trade union.

49.1.4 To receive, review, or adopt the National Treasures' financial report;

49.1.5 To elect the National Office Bearers and to appoint the full-time General Secretary and 1st and 2nd Deputy General Secretary, who will be the full-time employees of the trade union.

49.1.6 To amend the union's Constitution when the recommendations are made by the union's constitutional structures;

49.1.7 To receive, consider, resolve, or adopt the reports from all constitutional structures such as the NEC, Subcommittees of the NEC, Province, women's forum, and the National Sectors of the Union;

49.1.8 To determine and adopt policies and procedures of the union;

49.1.9 To vote out the General Secretary and the 1st and 2nd Deputy General Secretary or any other NOBC member;

49.1.10 To establish and disband dysfunctional constitutional structures of the Union;

49.1.11 To adopt its agenda.

50. Meeting of the National Congress

50.1 The National Congress will convene every 5 years after 3 months' notice is issued to the Constitutional Structures of the Union;

50.2 The Secretariat Office is responsible for issuing the notice of the National Congress;

50.3 The Notice of the National Congress must include the proposed agenda;

50.4 The Venue of the National Congress must be determined by the National Office Bearers.

51. Minutes of the National Congress

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46.1.18 To call Special Congresses to fill vacancies in the NOBs or appoint individuals in an action capacity;

46.1.19 To give a clear interpretation of the constitution of the union;

46.1.20 To resolve and adopt that the Secretariat appoint and instruct an attorney on behalf of the union;

46.1.21 To correct and approve the minutes of the previous meeting;

46.1.22 And resolve and adopt that the Secretary appoint Auditors on behalf of the Union.

47. Meetings of the NEC

47.1 The NEC meeting will convene once every 6 months.

47.2 The General Secretariat must send notice of the meeting at least 14 days before the meeting is convened to all NEC delegates.

47.3 The quorum for the NEC shall be 50%+1 of all expected delegates of the NEC.

47.4 Once no quorum is met within 1 hour of the time set for the meeting to start it shall stand adjourned, and a date and time will be set for the meeting to proceed within 3 weeks.

47.6 During the reconvened meeting, delegates in attendance will automatically form a quorum.

48. National Congress

48.1 The National Congress will comprise of the following:

48.1.1 The NEC Delegates, delegates elected in the basis of one delegate for every five hundred (500) members drawn from each local, all National Co-ordinators, and National Union Officials and Head Office Staff shall attend the congress in their ex-officio capacity;

48.1.2 The NOBC may invite guests to speak on specific issues that will assist in advancing the Union's aims and objectives at the Congress.

49. Powers, Competencies and Responsibilities of the National Congress

49.1 In addition to the Constitution the power, competencies and responsibilities of the NC (highest decision-making structure) are sacrosanct and comprise the following:

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51.1 The Secretariat Office must keep minutes of the National Congress.

51.2 The minutes should be distributed to all provinces within 3 months after the National Congress has concluded.

51.3 The minutes of the National Congress must be signed off on behalf of the National congress by the President and the General Secretary.

52. Quorum of the National Congress

52.1 The quorum for the National Congress shall be 50% + 1 of the expected delegates in the Congress.

52.2 Once the quorum is not confirmed within 2 hours of the time set for the meeting to sit, it shall stand adjourned, and the date and time will be set for the meeting to proceed within 3 months.

52.3 During the reconvened meeting, delegates in attendance will automatically form a quorum.

53. Sectors of the Union

53.1 The National Office Bearers shall be responsible for setting up National Sector Councils in each sector in the union.

53.2 The elected Office Bearers of the Sector Shop Steward councils must comprise of the Chairperson, the Deputy Chairperson, the Secretary and the Deputy Secretary.

53.3 The Office Bearers of the Sector Shop Steward Councils must be workers, Shop Stewards and members in good standing.

53.4 The Provincial Office Bearers shall be responsible for setting up Provincial Sector Councils in each sector of each Province of the Union.

53.5 The Local Office Bearers are responsible for setting up the Local Sector Councils in each sector of each Local of the Union.

54. Powers, Competencies and Responsibilities of the Sectors' Councils

54.1 The powers, competencies and responsibilities of the Sectors' Council will comprise the following:

54.1.1 To receive and consider reports from workplaces and other structures of the union on matters in which the sectors have an interest;

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54.1.2 To discuss and provide mandates on all matters in which the sector has an interest;

54.1.3 To coordinate and implement in the sector the union's campaigns and policies;

54.1.4 To collate mandates received by members on issues affecting the members in their sectors;

54.1.5 To ensure implementation of Provincial, National resolutions of all Constitutional structures in the respective Sector;

54.1.6 To monitor progress and growth of the union in the respective sector;

54.1.7 To elect Sector Office Bearers;

54.1.8 **No less than 50% +1 of the Sector Shop Stewards council must be present 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 Steward Council, provided they are 1000 members recruited in that Entity or Enterprise.

55.2 The number of Enterprise or Entity delegates will 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 Steward Councils must comprise the Chairperson, the Deputy Chairperson, the Secretary, and the Deputy Secretary.

55.4 The Office Bearers of the Enterprise or Entity Shop Stewards Councils must be workers, shop stewards, and members in good standing.

55.5 The Enterprise or Entity Shop Steward Councils must convene once every 4 months.

55.6 The Enterprise or Entity Shop Steward Councils may be convened on approval by the NOBC.

56. Powers, Competencies, and Responsibilities of the Enterprise Shop Stewards Council

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56.1 The Powers, competencies, and responsibilities of the Enterprise or Entity Shop Stewards Council will be similar to those of the Sector Shop Stewards Councils read in context.

57. Women's Forum

57.1 The Women's Forum will comprise the following:

57.1.1 Elected Women's Forum Office Bearers.

57.1.2 All elected female Shop Stewards in the relevant Constitutional Structures of the Union.

58. The Structures of the Women's Forum

58.1 Women's Forum structures must be constituted at all workplaces, Locals, and Provinces, including at the National Executive Committee level.

59. Powers, competencies, and Responsibilities of the Women's Forum

59.1 In addition to the provisions of this Constitution, the resolution of the National Congress, the policies and procedures of this Union, the powers, competencies and responsibilities of the Women's Forum will comprise the following:

59.1.1 To receive, consider reports, resolve and draft resolutions on them;

59.1.2 To provide mandates on the matters affecting women in the Union;

59.1.3 To develop and implement a matriarchal programme of action for women in the Union;

59.1.4 To establish a developmental programme to capacitate women structures;

59.1.5 To develop strategies aimed at empowering women;

59.1.6 To spearhead recruitment of women members into the Union;

59.1.7 To advocate for women's representation in all structures of the Union.

60. Educational Committees

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60.1 Each Constitutional Structure shall take responsibility for setting up its individual Educational Committees.

60.2 The educational committees must convene every after 3 months.

60.3 Each Educational Committee must conduct elections of Office Bearers comprising of the Chairperson, Deputy Chairperson, the Secretary, the Deputy Secretary, and Treasurer.

60.4 The elected Office Bearers of the Educational Committee must be workers, shop stewards, and members in good standing.

61. Powers, Competencies, and Responsibilities of the Educational Committees

61.1 In addition to the provisions of this Constitution and the resolution of the National Congress, the powers, competencies, and responsibilities of the Educational Committees will comprise the following:

61.1.1 To build knowledge and skills amongst members, shop stewards, Union Officials, and the Office Bearers;

61.1.2 To develop and implement educational policies of the Union;

61.1.3 To develop educational modules with objectives for training;

61.1.4 To develop innovative strategies and tactics for recruitment of members.

62. Rules, Regulations, and Procedures for Meetings

62.1 In addition to the provisions of this Constitution, the resolution of the National Congress, the meetings of the union shall be conducted as follows:

62.1.1 The President or the National Chairperson must chair all meetings in the province;

62.1.2 The Provincial Chairperson or Deputy Chairperson must chair all meetings in the Province;

62.1.3 The Local Chairperson or the most Senior Local Office Bearer must chair all Local meetings;

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62.1.4 The Chairperson of the Workplace Shop Steward Committee or the most senior Office Bearer must chair all workplace meetings;

62.1.5 All Constitutional structures must attempt a 50% ratio of female representation by female delegates in meetings.

63. Agendas

63.1 The agenda items must be confirmed and agreed upon before the commencement of all meetings.

63.2 Any member and/or delegate in the meeting who is in good standing will be entitled to propose agenda items;

63.3 The agenda items must be proposed and seconded before being included on the agenda.

63.4 The entire proposed agenda must be seconded before the commencement of the meeting.

64. Decision-making Procedures

64.1 All motions and proposals requiring resolution must be proposed and seconded.

64.2 All motions and proposals supported by the majority of the delegates in the meeting will become the resolution of the meeting.

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

64.4 Voting must be exercised by a show of hands by members who are in good standing.

64.5 Decisions made in a particular meeting cannot be reversed in the same meeting.

65. Standing Orders in a Meeting

65.1 Any member, delegate, and/or Union official who wants to speak must be permitted by the Chairperson and must address the Chairperson directly.

65.2 Any member or delegate who proposes a motion can be permitted by the chairperson to motivate his/her motion and reply to ensuing debate.

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65.3 Any member or a delegate in a meeting can raise a point of order against any speaker who was given speaking rights by the chairperson during the course of the meeting.

65.4 The chairperson can rule on the meeting procedures and points of order raised

65.5 The meeting must appoint vote-counting coordinators to count votes and ballots where voting or balloting is required.

65.6 Adjourned meetings will reconvene subject to the provisions of this Constitution

66. Minutes of the Meetings

66.1 The appointed secretary to the meeting must take detailed minutes and records of the meeting.

66.2 The minutes of all previous meetings must be corrected and adopted by the members and delegates as a true reflection of the discussions of the meeting.

66.3 After confirmation of the minutes, the National Chairperson and/or President and the Secretary must sign it off in the meeting.

66.4 The Secretariat Office must keep all the previous meetings in a safe place.

67. Discipline in the Union

67.1 Each Provincial or National Executive Committee will democratically elect disciplinary committees consisting of three members, respectively.

67.2 The Members of the respective disciplinary committees must be competent, must be workers, shop stewards, and members in good standing.

67.3 Any Member, Union Official, or Office Bearers can be disciplined by the relevant disciplinary Committee established in terms of this Constitution.

67.4 All Disciplinary Committees must appoint a hearing Chairperson before commencement of the hearing.

67.5 The disciplinary transgression will include corruption; fraud; theft; disregarding lawful and reasonable instruction; violence; intimidation; dishonesty; negligence; dereliction of duties; contravening this Constitution; sexual harassment; assault; absenteeism; use of vulgar language; abuse, damage and misuse of or assets; serious

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violations of the Constitution; Failure to attend three consecutive meetings; malicious damage to property, arson; sowing division, factionalism and disunity in the union; bringing the union into disrepute.

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 challenging and expressing a dissenting view in any meeting;

68.1.2 Refusal to support a factional agenda;

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

68.1.4 Refusing to take any unlawful or unreasonable instruction.

69. Powers, Competencies, and Responsibilities of the PEC and the NEC Disciplinary Committees

69.1 The Provincial Executive Committee Disciplinary Committee has Constitutional jurisdiction to discipline members, shop stewards, elected union officials, and the Local Office Bearers in the Province.

69.2 The National Executive Committee Disciplinary Committee has Constitutional jurisdiction to discipline any other member, Office bearer, Union official, including the National Office Bearers.

69.3 The relevant Disciplinary Committee Chairperson may award the following sanctions and processes in any disciplinary hearing, provided they are proven on the balance of probabilities: expulsion; dismissal; suspension for 30 calendar days; and imposing appropriate warnings and cost recovery in their discretion.

70. Disciplinary Procedures

70.1 An investigation must be instituted to investigate the allegations, including allowing the Member, Office Bearer, Union Official, and Elected Official to make representations during the investigation process.

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70.2 A written, comprehensive, and rational detailed investigation report must be completed.

70.3 Any Member, Office Bearer, and Union Official, including elected union officials, must be informed of the charges against him/her in writing.

70.4 A written charge sheet must be provided to an alleged offender detailing the charges in person or throughout registered mail to his/her last known address.

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

70.6 The accused person and the Union will be entitled to call witnesses.

70.7 The accused person must be informed of the findings of the disciplinary committee.

70.8 The Union's Disciplinary Procedures and Guidelines approved by the NEC and NC must be followed.

71. Appeal Procedures

71.1 Any member, Office Bearer, Union Official and Elected Union Official who is dissatisfied with the decision of any Disciplinary Committee will have a right to appeal directly to the National Congress.

71.2 The National Appeal Committee elected by the National Congress will be entitled to hear all appeals lodged in between the National Congress.

71.3 All appeals must be lodged in writing at the Office of the President 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 submission verbal or written submission to the appeal committee. Witnesses can be called and documentary evidence can be submitted for consideration.

71.5 An appeal against the decisions of the relevant Disciplinary Committees and/or Constitutional structures lodged at the National Congress will be considered by the National Congress.

71.6 The National Congress can confirm, set aside, or vary the decision of the relevant appeal committee.

71.7 The decision of the NC shall be final.

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74.1.3.1 The Majority of the members, who voted, did not vote in favour of the strike.

75. Balloting Procedures for Strikes, Elections, and Motions in Meetings

75.1 The trade union must conduct a ballot of members in respect of whom it intends to take a strike, before calling such a strike.

75.2 The structure that calls for balloting must appoint 2 election coordinators for the purpose of supervising and counting the ballot papers. The electoral coordinators can be sourced from external Electoral service providers.

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

75.4 The secret ballot must be conducted on any matter requiring voting.

75.5 During elections, observers must be appointed to observe the elections.

75.6 The candidate who receives the most will be the winner.

75.7 The motion that receives the majority of votes will confirm the resolution of that meeting.

75.8 The outcome of the ballot must be pronounced.

75.9 The ballot papers must be kept safe by the Secretariat of the structure for a period of 5 years.

75.10 The rule of one person one vote will apply.

75.11 **Ballots will be conducted in the following manner:**

75.11.1 Notice of the ballot will be announced to each delegate by the Secretary of the structure at which the ballot is required. A ballot can be taken without notice at any meeting on the decision of a majority.

75.11.2 At least 2 coordinators will be appointed by their Local Shop Stewards Council, the Provincial Executive Committee, the National Executive Committee, or the National Congress to supervise and coordinate any ballot and to determine the results thereof;

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72. Removal of Office Bearers, Elected Officials, and the Shop Stewards

72.1 Shop stewards can be removed from their positions on the following grounds:

72.2 In the event of more than 50% + 1 of the constituency and delegates in the Constitutional structure voting in favour of the removal;

72.2.1 Expulsion;

72.2.2 Gross violation of the Constitution and for unlawful conduct;

72.2.3 Any member, Trade Union Representative, Office Bearer, and Trade Union Official, who has been removed, can appeal to the relevant Constitutional Structure against his/her removal;

72.2.4 Any appeal pertaining to removal from office must be directed in writing to the president and the Office of the General Secretary within 30 days after the decision is confirmed in written form.

73. Dismissal from Employment in the Trade Union

73.1 Notwithstanding any other provision in the Constitution, a union official and an elected union official can be dismissed by a relevant disciplinary committee and constitutional structure for unlawful conduct.

73.2 No employee of the Union can be dismissed without following the provisions of this Constitution and the Disciplinary Procedure of the Union.

73.3 Notwithstanding any other provision in this Constitution, the dismissed employees have the right to refer any dispute to the CCMA for determination thereof.

74. Ballots

74.1 Balloting can be undertaken under the following circumstances:

74.1.1 If a petition by at least 50% + 1 of the members and delegates in a Constitutional structure calls for it;

74.1.2 To break a deadlock in a meeting or to vote or elect representatives for positions

74.1.3 No member will be disciplined or expelled for failure or refusal to participate in a strike action, if:

74.1.3.1 Where a ballot was held about the strike action, or

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75.11.3 In the event that 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 the union or venue determined by the union;

75.11.4 Ballot papers will be supplied by the coordinators on behalf of the Office Bearers of the structure or meeting.

75.11.5 The ballot paper will clearly set out the item or subject to be voted on, and the ballot paper will not identify the individual voter.

75.11.6 The ballot boxes shall be inspected and sealed by coordinators in full view of observers and members before issuing ballot papers and voting taking place;

75.11.7 One ballot paper will be issued to each member who is entitled to vote at the structure or meeting.

75.11.8 Each voter, in full view of the coordinator, will be issued with one ballot paper; thereupon, complete, fold, and deposit it into the ballot box provided.

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 in expressing and recording his/her vote;

75.11.10 A ballot paper containing markings other than the mark intended for voting will be regarded as a spoiled ballot and will not be counted.

75.11.11 After all votes were cast, the result thereof will be determined by the coordinators in the presence of the members of the structure meeting.

75.12 No member shall be disciplined or have their membership terminated for failure or refusal to participate in a strike or lock-out if:

75.12.1 No ballot was held about the strike and/or lock-out;

75.12.2 A ballot was held, but the majority of the members who voted did not vote in favour of the strike or the lock-out.

76. Finances of the Trade Union

76.1 The authority to open and close any bank account of the union is the responsibility and decision of the NEC.

76.2 The funds of the union shall be used solely for the following reasons:

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76.2.1 For the operations and administration as outlined in the constitution and policies of the union; for the acquisition of moveable or immovable assets of the union and its members; for the sustainable growth and expansion of the union, and for any other lawful purpose, notwithstanding the provisions of the Constitution and policies of the Union.

76.3 No member of the union will have a right to claim the funds of the union, unless so provided by any Policy and/or Share Scheme of the Union.

76.4 The NEC must resolve and ensure that a reputable auditing firm is appointed to audit the finances of the union on an annual basis as required by the Labour Registrar.

76.5 The NEC will be in charge of the proper administration of the Finance Committee of the Union.

76.6 No funds must be received by Members, Union Officials, Provincial Secretaries, or the General Secretary on behalf of the union; all funds must be deposited directly to the union's Bank Account.

76.5 Payments of accounts can be operational only by being approved by the General Secretary or the Deputy General Secretary on behalf of the NEC, and all cheques must be signed by the General Secretary and Deputy General Secretary.

77. Finance Committee

77.1 The FINCOM must convene once a month to consider the financial reports of the union, openly and transparently.

77.2 FINCOM shall comprise the National Treasurer, General Secretary, Deputy General Secretary, Provincial Treasurer, Provincial Secretaries, National Operational Head, and the President.

78. Powers, Competencies, and Responsibilities of FINCOM

78.1 To consolidate accurate records of accounts, keep proper electronic accounting books or systems, and prepare monthly consolidated financial statements in preparation of annual auditing processes, and to supervise the financial affairs of the union.

78.2 To reconcile invoices and payments to monitor monthly expenditure and complete expenditure reports.

78.3 To ensure that proper books of accounts are kept and maintained at the financial office at the Union's Head Office.

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78.4 Prepare the National Budget for approval by the NEC.

78.5 Make recommendations on any financial matters.

78.6 To determine the 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, leave, fines, must be paid into the NEC bank account(s) of the Union.

79.2 The bank account must be registered in the name of the National Union for Transport, Retail & Allied Workers (NUTRAW)

79.4 National Office Bearers members must be registered as signatories on the NEC Bank accounts on behalf of the Union.

79.5 There must be two signatories signing and authorizing the issuance of cheques and/or payments on behalf of the Head Office when required.

80. Provincial Bank Account

80.1 The NEC can consider opening the Provincial accounts to be administered by the Provincial Office Bearers in Provinces.

80.2 POBC members must be registered as signatories on the Provincial Bank account.

80.3 There must be two signatories signing and authorizing cheques on behalf of the Provincial Office when required.

80.4 The monthly allocation must be sent via Electronic Funds Transfer (EFT) into the bank account of the Province.

80.5 The POBC must reconcile and account to the NOBC regarding the monthly expenditure of funds allocated.

81. Annual Audits of the Finances of the Union

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81.1 The financial year of the Union is 30th June to 1st July (Yearly) for submission to the Labour Registrar on 1st August (Yearly).

81.2 All accounts and the assets of the Union must be audited annually by a reputable audit firm.

81.3 The consolidated audited financial statements must be presented at the FINCOM and NEC meetings of the National Congress for ratification.

81.4 The Auditor's reports must state the following information.

81.4.1 Whether the unions' consolidated financial statements have been prepared in accordance with the carrying amounts of assets and liabilities.

81.4.2 Whether estimates and assumptions have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities.

81.4.3 Whether the application of accounting policies, NOBC determined how resulting estimates differ from the actual results, to what extent the estimated and underlying assumptions are continually evaluated based on historical experiences, revisions to accounting estimates are recognized and revised for future periods, and to what extent inaccurate assumptions could result in a significant impact on financial results

81.4.4 To what extent are the Auditors satisfied that the financial statement accurately depicts non-financial assets, inventories, provisions, income, financing costs, borrowing costs, leave payments, current taxation, employee benefits, defined benefit plans, defined contribution plans, and investments of the Union?

82. Subscription Fees and Union Levies

82.1 The Union subscription fee will be 1% of a member's basic salary, provided the amount is no less than R100.00 minimum subscription fee per month and not more than R170.00 maximum subscription fee per month.

82.2 The National Executive Committee may resolve on a majority decision to introduce a levy to finance the activities of the Union.

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82.3 The union levies will be the equivalent of 1% of members' monthly basic wage and may not exceed 1%, with a minimum of R100 to a maximum of R170.

82.4 The NEC or the NC, in its discretion, can consider an increase in the minimum and maximum subscription fee for the purpose of ensuring the activities of the Union is funded and to improve the financial position of the Union.

82.5 A non-union member requesting assistance with a matter at the CCMA, Bargaining Council, or the Company from the union will be charged R500 once off.

83. Irregular Expenditure

83.1 All Members, Union Officials, Office Bearers, and Elected Union Officials will be held liable for irregular, fruitless, and wasteful expenditure of the Union's finances and will face disciplinary action.

83.2 No member, Office Bearer, Union Official, including elected Officials, is allowed to incur, spend, or commit the funds of the union without authorization.

84. Indemnification

84.1 The Members, Union Officials, Office Bearers, and Elected Union Officials of the union, provided that they have not acted in a manner which would amount to misconduct, can be indemnified by the Union against all proceedings, costs, and expenses incurred by reason of any omission, negligence or other act done whilst performing their duties on behalf of the Union.

84.2 All members, Union Officials, Office Bearers, and Elected Union Officials shall not be personally liable for any of the liabilities of the Union.

85. Dissolution

85.1 The Union may be dissolved if a 50% + 1 of majority of the members of the Union resolve to dissolve the Union, with the prerequisite that such a resolution be determined through voting by ballot in line with the provisions of this Constitution.

85.2 If the union is liquidated and the National Congress must ensure that a liquidator is appointed.

85.3 If the Union is unsustainable and have the inability to continue to function.

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85.4 In the event of the union having to be dissolved the National Congress must apply to the Labour Court to grant an order in terms of Section 103 of the Labour Relations Act.

85.5 After all creditors and the costs of the liquidators have been settled, the remaining funds must be paid to all members in good standing who have exceeded 12 months' subscription fees.

86. Amalgamation and Mergers

86.1 The union may amalgamate or merge with one or more Trade Unions once 50% + 1 of the delegates by the resolution in a NEC or NC vote in favour of the merger.

86.2 The NEC or the NC will resolve on the terms and conditions of the amalgamation or merger.

86.3 As part of the terms and conditions of amalgamation or merger, all assets of the Union will be transferred into the new Union in accordance with the provisions of Section 102 of the Act

87. Affiliation.

87.1 The NEC and National Congress to unite all workers covered by the scope of this Constitution under NUTRAW to affiliate with any progressive Federation.

87.2 The National Congress is entitled to endorse set-aside or review its affiliation to the Federation in terms of the provisions of this constitution.

88 Representation on Bargaining and Statutory Councils

88.1 The NEC can resolve that the Trade Union become a party to a Bargaining Council or Statutory Council established in terms of the Labour Relations Act 66 of 1995 as amended.

88.2 The NEC will appoint representatives to the Bargaining or Statutory Councils after nominations are received from the Provincial Executive Committees.

88.3 No person nominated as a representative unless if he/she is a member in good standing, a Union Official, an Elected Union Official, and an Office Bearer of the Union.

88.4 The Representatives of the Trade Union serving at the Bargaining or Statutory Councils is accountable for making recommendations to the NEC for approval on any matter.

89 Amendments to the Constitution of the Trade Union

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89.1 The NEC or NC may repeal, amend, or add to the provisions of this Constitution by way of a resolution that is supported by a majority.

89.2 No changes or amendments to this Constitution will be of any force or effect until certified in terms of Section 101(13) of the LRA.

90 Interpretation of this Constitution

90.1 Whenever there is a dispute about the accurate interpretation of any provision of this Constitution, the NEC can make a ruling on the dispute of the interpretation of this Constitution.

90.2 The NEC ruling on the interpretation of this Constitution will be binding and can only be reversed by the NEC.

90.3 The NEC decision on the interpretation of this Constitution is final.

91 Authorisation and Approval by:

Phumla Makwarreia

Name and Surname

[Signature]

President

Date: 07/10/2025

Frank Masfo

Name and Surname

[Signature]

General Secretary

Date: 07/10/2025

NUTRAH

