

The logo of the South African Communications Union (SACU) is centered in the background. It features the acronym 'SACU' in large, blue, block letters at the top. Below it is a stylized blue 'U' shape with a red circle in the center, and two red horizontal bars on the top left and right. At the bottom is a blue, three-dimensional cube-like structure.

CONSTITUTION

OF THE

SOUTH AFRICAN COMMUNICATIONS UNION

south african
communications union

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CONSTITUTION OF THE SOUTH AFRICAN COMMUNICATIONS UNION

1 NAME

The name of the Union is the **South African Communications Union** and "**SACU**" shall be used as an acronym.

2 DEFINITIONS

- 2.1 Any expression used in this Constitution and which is defined in the Labour Relations Act, 1995 as amended, shall have the same meaning as in the Act.
- 2.2 Wherever the term **Union** is used in this Constitution it shall have the same meaning as the term "Trade Union" as defined in the Act.
- 2.3 All references in this Constitution referring to the male gender shall also include the female gender and vice versa.
- 2.4 All references to **Full Time Shopsteward** shall mean any Union member elected at Regional Congress and appointed by the National Council to this position.
- 2.5 All references to **Organising Consultant** shall mean any person appointed by the Union to perform this function and shall be deemed as a Union Official.
- 2.6 **Disciplinary Procedure** shall mean the procedure for dealing with discipline against *Employees* of the Organisation.
- 2.7 **Grievance Procedure** shall mean the procedure for dealing with Grievances of *Employees* in the Organisation.
- 2.8 **Employee** shall mean any person employed by the Union on a fulltime/part-time basis. This will exclude any elected member.
- 2.9 **Member** shall mean any person whose application for membership is accepted by the National Council or any delegated body thereto, of the Organisation.
- 2.10 **Industry** shall mean any company other than Telkom SA where the Organisation has *members*



- 2.11 **Sector** shall mean any Company/Group of Companies which nature of business is substantially the same or similar.
- 2.13 **Code of Good Conduct** shall refer to the Code attached hereto as Annexure B.
- 2.14 **Regional Office Bearer** shall mean any member elected to Office in his/her respective Region. This will exclude any Regional Chairperson but will include all Full Time Shopstewards.
- 2.15 **National Office Bearer** shall mean any member elected to a National Office including all regional Chairpersons.
- 2.16 **Union Official** shall mean any person employed by the Union on a Fulltime basis to perform a specific function for the Union irrespective whether this is nationally or regionally.

3 OBJECTIVES

The objectives of the Union shall be -

- 3.1 to regulate relations between employees and employers, including any employers' organisation;
- 3.2 to promote the interest of members;
- 3.3 to plan and organise its administration and lawful activities;
- 3.4 to affiliate with and participate in the affairs of any national and international labour organisation or the International Labour Organisation;
- 3.5 to promote, support or oppose any proposed legislative or other measures affecting the interests of members;
- 3.6 to use every legitimate means to induce employees to become members;
- 3.7 to provide legal assistance in their employment relationship to members;
- 3.8 to establish and administer funds for the benefit of members and their dependants;



- 3.9 to encourage the settlement of disputes between members and employers or employers' organisations by means of any method contained in current legislation;
- 3.10 to do such lawful things as may appear to be in the interest of the Union and its members and which are not inconsistent with the objective or any matter specifically provided for in this Constitution; and
- 3.11 to borrow, invest, lend, subscribe donate or spend money to further the objectives of the Union.

4 STATUS OF THE UNION

This Union shall be a body corporate with perpetual succession capable of entering into contractual and other relations and of suing and being sued in its own name and shall be an organisation not for gain.

5 MEMBERSHIP

- 5.1 Any employee in the Republic of South Africa shall be eligible for membership of the Union.
- 5.2 Applications for admission or readmission to membership shall be lodged with the Union on the official application form which shall also serve as a stop order / debit order.
- 5.3 Every application for membership shall be considered by the Union, or body delegated thereto, within four weeks of receipt thereof.
- 5.4 An applicant to whom admission to membership is refused shall be provided with reasons for such refusal and shall be entitled to a refund of any membership fee paid by him on application.
- 5.5 Every member is to notify the Union, in writing, of his/her postal address and any change thereof within 30 days of the date on which the change occurred.



- 5.6 A member who has resigned or been expelled from the Union may be readmitted to membership on such conditions as the National Council may determine after due consideration to the merits of the application.

6 FORFEITURE OF BENEFITS AND/OR MEMBERSHIP

- 6.1 Of its own motion or on recommendation of the Regional Management Committee, the National Management Committee may suspend, fine or expel a member, institute and undertake any inquiry and/or appoint any person or persons to undertake such inquiry on its behalf and to make recommendations to it, if a member-
- 6.1.1 fails within 30 days of demand, in writing, by the General Secretary to pay membership fees, fines or levies which are more than one month in arrears;
 - 6.1.2 infringes any of the terms of this Constitution or acts or expresses the intention to act in a manner which is detrimental to the interests of the Union:
 - 6.1.3 contravenes the provisions of the Labour Relations Act, 1995 regulating closed shop agreements.
- 6.2 There shall be a right of appeal against the suspension, the imposition of a fine or the expulsion of a member to the first ensuing National Council meeting. Notice of any such appeal shall be given to the General Secretary in writing within seven (7) days of the date on which the decision of the National Management Committee was communicated to the person concerned.
- 6.3 No member may be suspended, fined or expelled unless he has been afforded an opportunity to state his case personally or in writing to a meeting of the National Management Committee, after having received such intention to suspend him, from the General Secretary not less than 14 days prior to the next National Management Committee meeting. The matter with which the member is charged shall be set out in such notice.



- 6.4 A member who has appeared before the National Management Committee shall, if he is dissatisfied with the decision of the National Management Committee and has lodged an appeal in the manner herein provided, have the right to restate his case personally or in writing to the National Council meeting which shall consider the matter.
- 6.5 A member shall be entitled to call witnesses or submit affidavits in support of his case when such a matter is heard by the National Management Committee or the National Council, as the case may be.
- 6.6 Any decision taken by the National Management Committee in terms of this clause shall, when an appeal has been lodged, be subject to ratification or otherwise by the National Council.
- 6.7 Upon expulsion of a member, all monies due to the Union by such member shall become payable. If payment thereof is not made within 14 days the National Management Committee shall take any action it deems necessary to secure a settlement.
- 6.8 A member shall cease to be entitled to any of the benefits of membership, including the right to vote or engage in any organised Union activities, from and including the date of his expulsion; or during any period during which he/she is under suspension in terms of this Constitution; and if he ceases to be employed.
- 6.9 In the event that a member wishes to personally state his case or call a witness(es) before the National Council or the National Management Committee he shall be personally liable for any costs incurred, however, should the National Council find such a member not guilty of the infringement he was accused of it may at its own discretion bear any or all costs incurred by the member or his witness(es).



7 TERMINATION OF MEMBERSHIP

- 7.1 A member may resign by giving one months' notice in writing to the General Secretary: Provided that no resignation shall take effect until all moneys due to the Union by the member concerned have been paid.
- 7.2 Notwithstanding the provisions of clause 7.1 a member may resign with immediate effect and shall in such case summarily forfeit his right to all benefits and rights in terms of this Constitution including membership fees already paid and the entitlement to participate in any organised activities of the Union.
- 7.3 A member whose membership fees are more than one month in arrears shall automatically cease to be a member of the Union. Such person shall, however, be liable for all monies due to the Union as at the date on which he ceases to be a member of the Union.
- 7.4 Notwithstanding the above, membership can also be terminated as set out in terms of Clause 6.

8 MEMBERSHIP FEES

- 8.1 A membership fee as determined by the Congress from time to time but not exceeding 2% of a member's gross monthly income, shall be payable monthly in advance by each member of the Union.
- 8.2 In addition to the membership fee a member shall also be liable for the payment in the same manner of such other fees as may be prescribed in terms of the rules governing any fund established in terms of sub-clause 3.8.
- 8.3 A member shall be exempted from the payment of the aforesaid membership fee in respect of any period and for any reason approved of by the National Management Committee.



9 COMPOSITION

9.1 CONGRESS

Congress comprise of:

- 9.1.1 The President;
- 9.1.2 The Vice President
- 9.1.3 Two Delegates from each Region (One (1) of whom shall be the Regional Chairperson);
- 9.1.4 All Full Time Shopstewards;
- 9.1.5 All Organising Consultants;
- 9.1.6 The National Treasurer;
- 9.1.7 General Secretary;
- 9.1.8 All other Paid Officials;
- 9.1.9 Telkom Affairs;
- 9.1.10 Communications.

9.2 NATIONAL COUNCIL

The National Council comprise of;

- 9.2.1 The President;
- 9.2.2 The Vice President
- 9.2.3 The Regional Chairperson their secundi;
- 9.2.4 The Full Time Shopstewards;
- 9.2.5 The National Treasurer;
- 9.2.6 The General Secretary;
- 9.2.7 Telkom Affairs;



9.2.8 Communications.

9.3 NATIONAL MANAGEMENT COMMITTEE

The National Management Committee comprise of;

- 9.3.1 The President;
- 9.3.2 The Vice President
- 9.3.3 The General Secretary;
- 9.3.4 National Treasurer
- 9.3.5 2 Elected National Council members (of which 1 (one) shall be a Regional Chairperson);
- 9.3.6 Telkom Affairs;
- 9.3.7 Communications.

9.4 REGIONAL CONGRESS

Regional Congress comprises of:

- 9.4.1 The Regional Chairperson,
- 9.4.2 The Regional Vice-Chairperson;
- 9.4.3 The Regional Secretary,
- 9.4.4 two (2) delegates from Shopsteward council committee one (1) of whom shall be the Shopsteward council committee Chairperson, within the Region's area of jurisdiction
- 9.4.5 Full Time Shopsteward
- 9.4.6 The Organising Consultant (where applicable)



9.5 REGIONAL COUNCIL

The Regional Council comprise of;

- 9.5.1 The Regional Chairperson;
- 9.5.2 The Regional Vice-Chairperson;
- 9.5.3 The Regional Secretary;
- 9.5.4 The Full Time Shopsteward
- 9.5.5 The Organising Consultant (Where applicable)
- 9.5.6 Shopsteward Council Committee Chairperson

9.6 REGIONAL MANAGEMENT COMMITTEE

The Regional Management Committee comprises of;

- 9.6.1 The Regional Chairperson;
- 9.6.2 The Regional Vice-Chairperson;
- 9.6.3 The Regional Secretary;
- 9.6.4 The Full Time Shopsteward
- 9.6.5 The Organising Consultant (Where applicable)



9.7 Shopsteward Council Committee

A Shopsteward Council Committee comprises of all Shopstewards within a region.

The Shopsteward Council Committee comprises of:

- 9.7.1 The Shopsteward Council Committee Chairperson;
- 9.7.2 The Full Time Shopsteward (ad-hoc) and/or the Organising Consultant (ad-hoc);
- 9.7.3 All Shopstewards of the locals.

9.8 LOCALS

Locals comprise of a Lead Shopsteward, local Shopstewards and a minimum of ten (10) and a maximum of approximately thirty (30) members in a specific workplace, an Industry/group of Industries, a group of work places or a geographical area as decided by the Regional Congress.



10 AUTHORITY / REPORTING LEVELS

10.1 CONGRESS

The supreme control of all the assets of the Union, its general policy, its dissolution, all other matters or things whatsoever concerning or likely to concern its affairs, the affairs of any of its committees and the rights and obligations of its members, shall be vested in, and exercised by Congress. Without prejudice to the generality of the powers conferred herein, the powers and duties of Congress shall be:

- 10.1.1. to appoint standing or ad - hoc committees of its own members or otherwise with power to consider, discuss and make recommendations to it:
- 10.1.2 to determine the area of jurisdiction of any group of members including the establishment of Regions and for the purpose of organizational structuring to demarcate sectors and/or sub sectors.
- 10.1.3 to delegate one or more of its members to investigate the affairs of any Region
- 10.1.4 to ensure compliance to the provisions of the Labour Relations Act, 1995 (as amended) by the Union.
- 10.1.5 to make such special grants of money for the furtherance of the objectives of the Union.
- 10.1.6 to impose a special levy of an amount equal to the subscription fee per month for a period not exceeding twelve months for the purpose of meeting any special expenditure; Any such levy duly imposed shall be in addition to each members' monthly subscription.
- 10.1.7 to suspend or expel any member from the Union.
- 10.1.8 to return to any Region, for amendment, any resolution or recommendation submitted for Congress or motion submitted to National Council or National Management Committee which in its opinion is vague and does not convey fully the intentions of that Region.



- 10.1.9 to co-opt a member to fill any vacancy which may occur on the National Management Committee for the unexpired period of office.
- 10.1.10 to appoint a General Secretary and any other employees as required for the proper functioning of the Union. The sole discretion of appointment of Officials are vested in the National Congress.
- 10.1.11 to co-opt any member to represent the Union or a Region, sector or a sub-sector of the Union.
- 10.1.12 to be the only spokesperson of the Union or to appoint a member to act as a spokesperson.
- 10.1.13 to conduct postal ballots of the members.
- 10.1.14 to frame such rules, regulations or by-laws prescribing the procedure to be followed in carrying out or giving effect to any provision of this Constitution.
- 10.1.15 to publish in any form newsletters or any information intended to promote the objectives of the Union or the welfare of its members.
- 10.1.16 to vary the subscription fee.
- 10.1.17 to supervise and control the activities of Regions.
- 10.1.18 to elect a President and a National Management Committee in terms of the provisions of sub-clause 14.1
- 10.1.19 to acquire any asset, either by purchase, lease or otherwise, any movable or immovable property on behalf of the Union, and to sell, let, mortgage, or otherwise deal with or dispose of any movable or immovable property belonging to the Union.
- 10.1.20 to review, confirm, alter reverse or ratify any decision of the National Council or National Management Committee.



10.2 NATIONAL COUNCIL

In the intervals between Congress the sole control and management of the affairs of the Union, its assets, and the attainment of its objective in accordance with the general policy lay down or express directions or resolutions given by Congress and the Constitution shall be vested in the National Council.

10.3 NATIONAL MANAGEMENT COMMITTEE

In the intervals between meetings of the National Council the sole control and management of the affairs of the Union, its assets, and the attainment of its objective in accordance with the general policy lay down or express directions or resolutions given by Congress, the National Council and the Constitution shall be vested in the National Management Committee.

10.4 REGIONAL CONGRESS

The supreme control of the Region as demarcated by the National Council shall be vested in the Regional Congress. Without detracting from the authority of Congress its functions and duties as defined in this Constitution shall *mutatis mutandis* apply to Regional Congress.

10.5 REGIONAL COUNCIL

In the intervals between Regional Congresses the sole control and management of the affairs of the Region, shall be vested in the Regional Council.

10.6 REGIONAL MANAGEMENT COMMITTEE

In the intervals between meetings of the Regional Council the sole control and management of the affairs of the Region shall be vested in the Regional Management Committee.

10.7 Shopsteward Council Committee

The Shopsteward Council Committee is responsible for the control and management of member/union affairs in the region. The Shopsteward Council Committee Chairperson reports to the Regional Chairperson.



10.8 LOCALS

Locals are the most important bodies in the Union providing its elected leadership with direction and mandates. Local Shopstewards are the spokespersons of the members in places of work and report to the Lead Shopsteward and Shopsteward Council Committee Chairman.

11 MEETINGS

11.1 CONGRESS

Congress shall meet triennially during the month of September at such a place as will be decided upon by National Council. A Special Congress may be convened on request of at least 30 % members of the National Council. At each meeting the General Secretary shall take minutes and a record of resolutions.

11.2 NATIONAL COUNCIL

The National Council shall meet once every 6 months. A Special National Council meeting may be convened on request of at least 30 % members of the National Council. Of each meeting the General Secretary shall take minutes and a record of resolutions.

11.3 NATIONAL MANAGEMENT COMMITTEE

The National Management Committee shall meet quarterly. A Special National Management Committee meeting may be convened on request of at least 30 % members of the National Management Committee or on request by the President. Of each meeting the General Secretary shall take minutes and keep a record of resolutions.

11.4 REGIONAL CONGRESS

Regional Congress shall meet triennially during the month of June of the same year National Congress is convened. A Special Regional Congress may be convened on the request of at least 30 % members of the Regional Council. At each Congress the Regional Secretary shall take minutes and a



record of resolutions and shall submit such to the National Council within twenty-one days following Congress.

11.5 REGIONAL COUNCIL

The Regional Council shall meet once every 6 months. A Special Regional Council meeting may be convened on request of at least 30 % members of the Regional Council. At each meeting the Regional Secretary shall take minutes and a record of resolutions.

11.6 REGIONAL MANAGEMENT COMMITTEE

The Regional Management Committee shall meet once per month. A Special Regional Management Committee may be convened on request of at least 30 % members of the Regional Management Committee or on request of the Regional Chairperson. At each meeting the Regional Secretary shall keep minutes and a record of resolutions.

11.7 Shopsteward Council Committee

11.7.1 Shopsteward Council Committee will meet yearly. A Special Shopsteward Council Committee meeting may be convened on request of at least 30% of members of the Shopsteward Council Committee or on request of the Shopsteward Council Committee Chairperson. The Shopsteward Council Committee Chairperson will co-opt a secretary who shall take minutes of all meetings and submit such to the Operational Council Chairperson and the Regional Chairperson.

11.7.2 Annually during the month of July each Shopsteward Council Committee shall convene a meeting to elect a Chairperson and Vice Chairperson. Members who wish to avail themselves for office in the Shopsteward Council Committee shall make such known to the meeting. Members may also nominate fellow members for office in the Shopsteward Council Committee. Each nominee will be afforded the opportunity to address the Meeting in order to canvass votes.

11.8 LOCALS



- 11.8.1 Locals meet at the places of work during working hours either once every month for two hours or for two, one hour meetings per month. The Local Shop Steward shall co-opt a secretary who shall take minutes of all meetings and submit such to the Lead Shop Steward, Shopsteward Council Committee Chairperson and Regional Chairperson.
- 11.8.2 Annually during the month of April each Local shall convene a General Local meeting. This meeting shall take the form of two, one- hour meetings. During the first session of the meeting, members who wish to avail themselves for the office of Local Shop Steward shall make the fact known to the meeting. During the second session of the meeting candidates shall address the meeting in order to canvass votes.
- 11.8.3 Members may also nominate fellow members for the office. Members shall then be afforded the opportunity to elect by ballot a Local Shop Steward from the candidates who availed themselves for the office or who have been nominated for the office.

12 NOTICES

12.1 CONGRESS

Notice for Congress shall be given by the General Secretary two months in advance. Notice of Special Congress shall be given at least one month in advance.

12.2 NATIONAL COUNCIL

Notice for National Council meetings shall be given by the General Secretary one month in advance. Notice of a Special National Council meeting shall be given at least two weeks in advance.



12.3 NATIONAL MANAGEMENT COMMITTEE

Dates for National Management Committee meetings shall be determined on an annual basis by the National Management Committee however notice shall be given by the General Secretary one week in advance. Notice of Special National Management Committee meetings shall be given at least three days in advance.

12.4 REGIONAL CONGRESS

Notice of Regional Congress shall be given by the Regional Chairperson one (1) month in advance. Notice of Special Regional Congresses shall be given at least 14 calendar days in advance.

12.5 REGIONAL COUNCIL

Notice of Regional Council meetings shall be given by the Regional Chairperson two weeks in advance. Notice of Special Regional Council meetings shall be given at least five (5) days in advance.

12.6 REGIONAL MANAGEMENT COMMITTEE

Notice for Regional Management Committee meetings shall be given by the Regional Chairperson five days in advance. Notice of Special Regional Management Committee meetings shall be given at least three days in advance.

12.7 Shopsteward Council Committee

The Shopsteward Council Committee Chairperson shall give notice of Shopsteward Council Committee meetings at least five days in advance. Notice of Special Shopsteward Council Committee Meetings shall be given at least three days in advance.

12.8 LOCALS

Notice of meetings shall be given by the Local Shopsteward at least one week in advance by notices on notice boards, facsimile and electronic mail where available and in accordance with any existing collective or other agreement with the employer.



13 QUORUMS

13.1 CONGRESS

A Quorum for a meeting of Congress is 66% of members. If a quorum does not exist within five hours, without sufficient notification after the scheduled starting time of the meeting, Congress shall be postponed for 30 days to be held at the same time and place. The members attending such a postponed Congress shall constitute a quorum.

13.2 NATIONAL COUNCIL

A Quorum for a meeting of the National Council is 66% of members. If a quorum does not exist within one hour without sufficient notification after the scheduled starting time of the meeting, the meeting shall be postponed for 30 days to be held at the same time and place. The members attending such a postponed National Council meeting shall constitute a quorum.

13.3 NATIONAL MANAGEMENT COMMITTEE

A Quorum for a meeting of the National Management Committee is 66% of members. If a quorum does not exist within one hour without sufficient notification after the scheduled starting time of the meeting, the meeting shall be postponed for 7 days and held on at the same time and place. Members attending such a postponed National Management Committee shall constitute a quorum.

13.4 REGIONAL CONGRESS

A Quorum for a meeting of a Regional Congress is 66% of members. If a quorum does not exist within five hours without sufficient notification after the scheduled time of the meeting, Regional Congress shall be postponed for 30 days to be held at the same time and place. Members attending such a postponed Congress shall constitute a quorum.

13.5 REGIONAL COUNCIL

A Quorum for a meeting of the Regional Council meeting is 66% of members. If a quorum does not attend within 45 minutes without sufficient notification after the scheduled time of the meeting, the meeting shall be postponed for 30 days to be held on at the same time and place. Members attending such a postponed Regional Council meeting shall constitute a quorum.



13.6 REGIONAL MANAGEMENT COMMITTEE

A Quorum for a meeting of the Regional Management Committee is 66% of members. If a quorum does not attend within 45 minutes after the scheduled time of the meeting, the meeting shall be postponed for 30 days to be held at on the same time and place. Members attending such a postponed Regional Management Committee shall constitute a quorum.

13.7 Shopsteward Council Committee

A Quorum for a meeting of the Shopsteward Council Committee is 50% of its members. If a quorum does not attend within 30 minutes after the scheduled starting time of the meeting, the meeting shall be postponed for five working days to be held at the same time and place as the postponed meeting. Members attending such a postponed Shopsteward Council Committee Meeting shall constitute a quorum.

13.8 LOCALS

A Quorum for a meeting of a Local is 10% of members. If a quorum does not attend within 15 minutes after the scheduled starting time of the meeting, the meeting shall be postponed for five working days to be held on at the same time and place. Members attending such a postponed Local meeting shall constitute a quorum.

14 VOTING

14.1 CONGRESS

14.1.1 The President shall preside over Congress and in his absence the Vice-President shall act as Chairperson of the meeting.

14.1.2 Regions shall have two votes each. Paid officials shall not have any vote and the President or chairperson in his stead may exercise a casting vote.

14.1.3 Unless voting by ballot is prescribed by the Labour Relations Act, 1995, the Constitution or on a motion by a member, voting shall take place by the show of hands and recorded by the General Secretary. In the event of a motion for vote by ballot be received by the President, he shall call for a vote by the show of hands on that motion. The will of the majority shall be expressed by a 50% + 1 majority. Notwithstanding any of the above, voting for any office shall under all circumstances be conducted by ballot.



14.1.4 Each region, inclusive of the Full Time Shopstewards, shall have two votes only, except for the President or, in his stead, the chairperson, and paid officials whom shall have no vote. Only in the event of an equality of votes the President may exercise a casting vote.

14.2 NATIONAL COUNCIL

14.2.1 The President shall preside over the National Council meeting and in his absence the Vice-President shall act as chairperson of the meeting.

14.2.2 Regions shall have two votes each. Paid officials shall not have any vote and the President or chairperson in his stead may exercise a casting vote.

14.2.3 Unless voting by ballot is prescribed by either the Labour Relations Act, 1995, the Constitution or on a motion by a member, voting shall take place by the show of hands and recorded by the Union Secretary. In the event of a motion for vote by ballot be received by the President, he shall call for a vote by the show of hands on that motion. The will of the majority shall be expressed by a 50% + 1 majority. Notwithstanding any of the above, voting for any office shall under all circumstances be conducted by ballot.

14.2.4 Each region, inclusive of the Full Time Shopstewards, shall have two votes only, except for the President or, in his stead, the chairperson, and paid officials whom shall have no vote. Only in the event of an equality of votes the President may exercise a casting vote.

14.3 NATIONAL MANAGEMENT COMMITTEE

14.3.1 The President shall preside over the National Management Committee meeting and in his absence the General Secretary shall act as Chairperson of the meeting.

14.3.2 The aim of the National Management Committee is to run the affairs of the Union on a day-to-day basis. The objective is to seek consensus on matters. Notwithstanding this, should the National Management Committee not reach consensus voting shall take place by the show of hands, and the will of the majority shall be expressed.

Each elected delegate shall have one vote only except for the President or, in his stead, the chairperson, who may exercise a casting vote only in the event of an equality of votes.



14.4 REGIONAL CONGRESS

- 14.4.1 The Regional Chairperson shall preside over Regional Congress and in his absence the Regional Vice Chairperson shall act as chairperson of the Regional Congress.
- 14.4.2 Voting shall take place by show of hands, unless voting by ballot is prescribed by the Labour Relations Act, 1995, the Constitution or on a motion by a member. Should the Regional Chairman receive such a motion; he shall call for a vote by the show of hands on that motion. In the event where voting takes place by ballot the procedure prescribed by this Constitution shall be applied. The will of the majority will be expressed by a 50% + 1 majority. Notwithstanding any of the above, voting for any office shall under all circumstances be conducted by ballot.
- 14.4.3 Regional Vice-Chairperson, Regional Secretary and Full Time Shopsteward shall have one vote each. Shopsteward Council Committee chairperson shall have one vote each and paid officials shall have no vote. In the event of an equality of votes the chairperson may exercise a casting vote.
- 14.4.4 Each delegate shall have one vote only except for the Regional Chairperson or, in his stead, the Chairperson and paid officials. Only in the event of an equality of votes the Regional Chairperson may exercise a casting vote.

14.5 REGIONAL COUNCIL

- 14.5.1 The Regional Chairperson shall preside over Regional Council meetings and in his absence the Regional Vice Chairperson shall act as Chairperson of the meeting.
- 14.5.2 Voting shall take place by show of hands, unless voting by ballot is prescribed by either the Labour Relations Act, 1995, the Constitution or on a motion by a member. Should the Chairman receive such a motion; he shall call for a vote by the show of hands on that motion. In the event where voting takes place by ballot the procedure prescribed by this Constitution shall be applied. The will of the majority will be expressed by a 50% + 1 majority. Notwithstanding any of the above, voting for any office shall under all circumstances be conducted by ballot.
- 14.5.3 Each delegate shall have one vote only except for the Regional Chairperson or, in his stead, the Chairperson and paid officials. Only in



the event of an equality of votes the Regional Chairperson may exercise a casting vote.

14.5.4 Regional Vice-Chairperson, Regional Secretary and Full Time Shopsteward shall have one vote each. Shopsteward Council Committee Chairperson shall have one vote each and paid officials shall have no vote. In the event of an equality of votes the Chairperson may exercise a casting vote.

14.6 REGIONAL MANAGEMENT COMMITTEE

14.6.1 The Regional Chairman shall preside over Regional management Committee meetings and in his absence the Regional Vice Chairman shall act as chairman of the meeting.

14.6.2 The aim of the Regional Management Committee is to run the affairs of the Union in the Region on a day-to-day basis. The objective is to seek consensus on matters. Notwithstanding this, should the Regional Management Committee not reach consensus voting shall take place as set out in sub-clause 14.6.3.

14.6.3 Voting shall take place by show of hands, unless voting by ballot is prescribed by the Labour Relations Act, 1995, the Constitution or on a motion by a member. Should the Chairperson receive such a motion; he shall call for a vote by the show of hands on that motion. In the event where voting takes place by ballot the procedure prescribed by this Constitution shall be applied. The will of the majority will be expressed by a 50% + 1 majority. Notwithstanding any of the above, voting for any office shall under all circumstances be conducted by ballot.

14.6.4 Each delegate shall have one vote each except for the Chairperson and paid officials. In the event of an equality of votes the Chairperson may exercise a casting vote.



14.7 Shopsteward Council Committee

- 14.7.1 The Shopsteward Council Committee Chairperson shall preside over Shopsteward Council Committee meetings and in his absence the Operational Council Vice-Chairperson shall act as Chairperson of the meeting.
- 14.7.2 Voting shall take place by show of hands, unless voting by ballot is prescribed by the Labour Relations Act, 1995, or the Constitution. In the event where voting takes place by ballot the procedure prescribed by this Constitution shall be applied. The will of the majority will be expressed by a 50% + 1 majority of members present at the meeting. Notwithstanding any of the above, voting for any office shall under all circumstances be conducted by ballot.
- 14.7.3 Lead Shop Stewards shall have one vote each and paid officials shall have no vote. In the event of an equality of votes the Chairperson may exercise a casting vote.

14.8 LOCALS

- 14.8.1 The Local Shop Steward shall preside over Local meetings and in his absence members of the Local shall elect a fellow member of the Local to act as chairperson of the meeting.
- 14.8.2 Voting shall take place by show of hands, unless voting by ballot is prescribed by the Labour Relations Act, 1995, or the Constitution. In the event where voting take place by ballot the procedure prescribed by this Constitution shall be applied. The will of the majority will be expressed by a 50% +1 majority of members present at the meeting. Notwithstanding any of the above, voting for any office shall under all circumstances be conducted by ballot.
- 14.8.3 Each member shall have one vote each except for the Chairperson or an official attending such meeting. In the event of an equality of votes the Chairperson may exercise a casting vote.



15 TERMS OF OFFICE

15.1 CONGRESS

15.1.1 During Congress the President, Vice-President, National Treasurer and National Management Committee's elected members from National Council, shall be elected for a period of three years.

15.1.2 Candidates for election to any of the offices of President, National Treasurer, the National Management Committee may be members of the National Council or Regional Council who avail themselves for any specific office by submitting a *curricula vitae*; or members who were duly nominated by Regional Councils. Full Time Shopstewards are eligible to stand for office.

15.1.3 Any candidate who avails himself or any Regional Council who submit a nomination, shall at least two month prior to Congress submit a *curriculum vitae* of the candidate(s) to the General Secretary. Such *curricula vitae* shall at least one month prior to Congress be distributed by the General Secretary to all Regional Councils for its consideration and mandatement.

15.1.4 During Congress each candidates' nomination shall officially be made known by the President who shall after such announcement of the candidate call for secondments. Only candidates who were duly seconded by Regions, other than their own Regions, shall be eligible for election.

15.2 REGIONAL CONGRESS

15.2.1 During Regional Congress the Regional Chairperson, Regional Vice Chairperson, Regional Secretary and, Full Time Shopsteward shall be elected for a period of three years.

15.2.2 Candidates for election to any of the offices of Regional Office Bearers may be members who were duly nominated by Locals.

15.2.3 Any candidate who avails himself for election for the office of the Chairperson, Secretary or vice Chairperson, shall at least two months prior to Regional Congress submit a *curriculum vitae* of the candidate(s) to the Regional Council. Such *curricula vitae* shall at least one month prior to Regional Congress be distributed by the Regional Secretary to all Operational Councils, for its consideration and mandatement.



- 15.2.4 Any candidate who avails himself for election for the Office of Full Time Shopsteward shall at least two months prior to the Regional Congress submit *curriculum vitae* of the candidate(s) to the Regional Council. Such curriculum vitae shall at least one 40 days prior to Regional Congress be forwarded by the Regional Secretary to the Union Secretary. Such curriculum vitas will then be short listed by the National Council in terms of the Criteria as agreed upon from time to time.
- 15.2.5 Only those candidates' *curriculum vitae*s who are accepted by National Council will be eligible to stand for Office of Full Time Shopsteward in his/her Region. Such curriculum vitae will then be distributed by the Regional Secretary to the Shopsteward Council Committee at least 1 month prior to Congress.
- 15.2.6 During Congress each candidate's nomination shall officially be made known by the Regional chairperson who shall after such announcement of the candidate call for secondments. Only candidates who were duly seconded by Shopsteward Council Committee, other than their own Operational Councils, shall be eligible for election.

15.3 Shopsteward Council Committee

Shopsteward Council Committee Chairperson and Vice Chairperson shall be elected for a term of one year during a Shopsteward Council Committee meeting which is held in the month of June.

15.4 LOCALS

Local Shop Stewards shall be elected for a term of one year during General Local meetings which are held in the month of April.

16 FUNCTIONS AND DUTIES OF NATIONAL OFFICE BEARERS AND OFFICIALS

16.1 PRESIDENT:

The President shall report to the National Council and the Functions of the office of the President shall be:

- 16.1.1 To preside over, facilitate and chair the National Council Meeting, National Management Committee Meetings, National Congress
- 16.1.2 to function as the figure head and ensure that all high level meetings are attended to in conjunction with the General Secretary.



- 16.1.3 to be the custodian of the constitution,
- 16.1.4 to compile a comprehensive business plan for the union,
- 16.1.5 to ensure that the Union policies and procedures are followed and executed,
- 16.1.6 to perform all such other duties which by usage and custom pertain to the office of President;
- 16.1.7 to provide the National Council with monthly reports of activities.

16.1A VICE PRESIDENT:

- 16.1.A1 In the absence of the President, the Vice-President will automatically perform the duties of the President.
- 16.1A2 The functions of the President shall apply mutatis mutandis to the Vice-President, when required.
- 16.1A3 The Vice-President may from time to time be expected on instruction from the National Management Committee, to take control of operations of Region(s) as and when the need arises.
- 16.1A4 The Vice-President is responsible for oversee the appointment and managing of the Organising Consultants, in conjunction with Regions affected as well as the FTSS responsible for that Region.
- 16.1A5 The Vice President is responsible for oversee marketing, consultations with Chairpersons and management of the membership data base.

16.2 GENERAL SECRETARY:

The Scope of the Office of General Secretary is to be solely responsible to manage the affairs of the Union and ensure that all functions are executed with reference to the following duties of the Office of Union Secretary are:



The General Secretary shall report to the National Council as a body and to the President for day to day operations and the Functions of the office of the General Secretary shall be.

- 16.2.1 The General Secretary reports to the National Council
- 16.2.2 Overall responsible for implementation of all Elected Structure resolutions
- 16.2.3 Manage the Affairs of the Union
- 16.2.4 Accountable for all aspects of the Union
- 16.2.5 Responsible for the Human Resource Function of the Union in Conjunction with the President
- 16.2.6 Submit an Annual Business Plan to the Elected Structure
- 16.2.7 Perform the Secretarial Function at the Congress and all National meetings
- 16.2.8 Perform Liaison duty between any Alliance partners
- 16.2.9 Perform liaison between the Union and the Federation
- 16.2.10 Ensure that the Union Comply to legislation
- 16.2.11 Ensure that the Union's membership is maintained
- 16.2.12 Ensure that all other Union functions are performed
- 16.2.13 Accountable for all negotiations, co-ordinate negotiations and negotiators within all Companies. To compile the team of delegates that will attend these meetings, and ensure feedback to President.
- 16.2.14 Submit quarterly Reports to the President
 - 16.2.14.1 Finances
 - 16.2.14.2 Membership
 - 16.2.14.3 Operations



16.2.14.4 Communication

16.2.14.5 Negotiations

16.2.14.6 Recruitment/Marketing

16.2.14.7 Training

16.2.14.8 Legal Matters

16.2.14.9 Oversee the Telkom Affairs Portfolio

16.2.15.10 Oversee the Communications Portfolio

16.4 NATIONAL TREASURER:

The Treasure shall be responsible and accountable for the management of the Union's funds, investments and other fixed assets in accordance with the Union's Constitution. In this capacity he/she shall be part of the National Management Committee. Following are his/her functions:

16.4.1 to be in control and audit of the Union's income and expenditure through sound financial practices (including debit orders budgets and cash flow projections)

16.4.2 to Ensure proper bookkeeping in accordance with acceptable bookkeeping practices

16.4.3 to prepare and submit an annual balance sheet, income statement and cash flow projections, reporting on the Union's financial status and performance, in conjunction with the Union's auditors.

16.4.4 to report to the President/Management Committee on a monthly basis with respect to the Union's financial performance



- 16.4.5 to establish and control effective and efficient financial systems for each region in conjunction with the regional executive for finances and in accordance with Union policy
- 16.4.6 to maintain a banking account, effecting expenditure through a cheque account of which he/she will be a joint signatory
- 16.4.7 to compile annual operational and capital budgets in conjunction with all the Area organisers,
- 16.4.8 to invest surplus funds in conjunction with the NFC in order to maximise the Union's financial resources to maintain an asset register of all the Union's fixed and current assets

16.5 REGIONAL CHAIRPERSONS:

The Regional Chairperson shall report to the President and the functions of the Office of the Regional Chairperson shall be to be accountable and responsible for all operational issues in his/her region with regards to the following:

- 16.5.1 to manage all regional affairs of the Organisation with regards to the following:
- 16.5.2 to be responsible for the organizer and Full Time Shopsteward
- 16.5.3 to submit a comprehensive budget to the National Treasure as and when requested by the National Treasurer.
- 16.5.4 will be responsible and accountable for all regional assets, where applicable.
- 16.5.5 to obtain and submit monthly activity reports of all Paid officials and Full Time Shopstewards under his/her control,
- 16.5.6 to submit reports on the functionality of the region,



16.5.7 to facilitate and ensure that all Regional Congresses are executed in terms of this constitution, in conjunction with the Fulltime Shopsteward

16.5.8 to improve the service levels of members

16.5.9 to represent the region at National Council

16.5.10 to Convene and facilitate Regional Council, Management committee and general meetings as per union constitution

16.5.11 to draft and execute an annual regional business plan,

16.5.12 50% of Chairpersons to serve on the Finance Committee on a rotational basis for a period of 6 months.

16.6 FULLTIME SHOPSTEWARDS

The Full Time Shopsteward will be elected/appointed by the Regional Congress as per Clause 15.2.4 and 15.2.5. The Full Time Shopsteward will function in the Region he/she has been elected/appointed by only. The Full Time Shopsteward shall report to the Regional Chairperson and the Functions of the Office of the Full Time Shopsteward shall be:

16.6.1 to maintain and put in place regional structures,

16.6.2 to assist members in Disciplinary and grievances,

16.6.3 to Market and recruit new members.

16.6.4 to conduct general meetings with members

16.6.5 to attend to CCMA hearings,

16.6.6 to oversee elected shop steward's training,

16.6.7 to be a liaison with divisional structure

16.6.8 to oversee the day-to-day activities and funding of the Organising Consultants in their respective Areas of Operation

16.6.9 to submit monthly activity reports to the regional chairpersons,



- 16.6.10 to attend all Regional Council meetings,
- 16.6.11 to assist the Regional Management Committee with ensuring
Regional overall readiness for Regional Congresses
- 16.6.12 To manage the funds that have been allotted to each region from
the National Office Funds as follows:-

16.6.12 An appointees fees (per month).

16.6.12 B Expenses for Conciliations, Arbitrations, Disciplinary and
Grievances.

16.6.12 C. Amount annually sponsored to each region for the holding of
two (2) Regional Council (RC) Meetings and four (4) Regional
Management Committee (RMC) Meetings.

16.6.13 To attend quarterly NMC meetings.

16.7 ORGANISING CONSULTANTS

The Organising Consultants will be appointed by the Regional Congress on recommendation and approval of the National Council. Their appointments will be in a Consultancy Capacity. The Organising Consultants shall report to the Full Time Shopstewards in the respective Areas of Operation and the Functions of the Office of the Organising Consultant shall be:

16.7.1 To advise and maintain structures in other industries of his elected
Region where possible.

16.7.2 To assist with the duties of the Full Time Shopstewards in their
elected Region



16.7.3 Attend a minimum of six membership meetings per month in Telkom, in order to boost SACU visibility in defending current membership numbers. An attendance register with members' details and signatures needs to be retained.

16.8. TELKOM AFFAIRS PORTFOLIO

The Telkom Affairs Portfolio is responsible for compiling of teams in conjunction with the General Secretary for all negotiations. Responsibility of compiling an executive summary of meetings for the NC/NMC immediately after National meetings also rests with this portfolio. The incumbent reports to the General Secretary

16.9. COMMUNICATIONS PORTFOLIO

The Communications Portfolio is responsible for drafting of all communication within the organization. The incumbent reports to the General Secretary.

16.10 FUNCTIONS AND DUTIES OF REGIONAL OFFICE-BEARERS AND OFFICIALS.

The functions and duties of all Regional Office bearers shall be, respectively, to effect the operational requirements of the relevant region and its membership as prescribed by the Constitution and its policies, and to report, when required, to the National Council members and/or National Management Committee. Further to this all Functions as set out in the respective Job Descriptions for each portfolio.

17. REMOVAL OF OFFICE-BEARERS, AND UNION REPRESENTATIVES

For purposes of this clause any Union Official or Paid official are excluded. Similar circumstances are dealt with in terms of the Disciplinary Procedure (Annexure A).



17.1 CIRCUMSTANCES

An office-bearer, or Union representative may be removed from office:

- 17.1.1 if he/she infringes any of the provisions of this Constitution;
- 17.1.2 and if he/she acts in a manner which is detrimental to the interests of the Union
- 17.1.3 and if he/she conducts him/herself contrary to the **Code of Good Conduct**.
- 17.1.4 An office-bearer, or Union Representative may not be removed from office unless he/she has been afforded an opportunity to state his/her case personally or in writing to the Regional Management Committee, National Management Committee or a Committee delegated for this purpose.

17.2 PROCEDURE

17.2.1 REGIONAL

- 17.2.1.1 Any complaint with regards to any Union Representative or Regional Office Bearer must be made known in writing to the Regional Management Committee within 30 days of the alleged conduct.
- 17.2.1.2 On receiving such written complaint the Regional Management Committee must investigate the matter and convene a meeting to hear all parties concerned *in camera* individually.
- 17.2.1.3 After hearing all parties the Regional Management Committee must consult with the Union Secretary and furnish a finding.
- 17.2.1.4 Should the finding be the removal of the Regional Office Bearer and/or Union Representative such Regional Office Bearer and/or Union Representative must be notified in writing of the outcome.
- 17.2.1.5 A Regional Office-bearer and/or Union Representative who is dissatisfied with its decision shall have the right to appeal to the National Management Committee.
- 17.2.1.6 The National Management Committee may reverse the decision of the Regional Management Committee or Delegated Committee, and its decision shall be final.

17.2.2 NATIONAL



- 17.2.2.1 Any complaint with regards to any Regional/National Union Representative or Regional/National Office Bearer must be made known in writing to the National Management Committee within 30 days of the alleged conduct.
- 17.2.2.2 On receiving such written complaint the National Management Committee must investigate the matter and convene a meeting to hear all parties concerned *in camera* individually or refer the matter to the Regional Management Committee to investigate and convene a meeting. If the matter is referred to the Regional Management Committee for investigation, the finding of the Regional Management Committee must be forwarded to the National Management Committee for approval prior to forwarding it to the member.
- 17.2.2.3 After hearing all parties the National Management Committee must furnish a finding.
- 17.2.2.4 Should the finding be the removal of the Regional/National Office Bearer and/or Regional/National Union Representative such National Office Bearer and/or National Union Representative must be notified in writing of the outcome.
- 17.2.2.5 A Regional/National Office-bearer and/or Regional/National Union Representative who is dissatisfied with its decision shall have the right to appeal to the National Council.
- 17.2.2.6 The National Council may reverse the decision of the National Management Committee or Delegated Committee, and its decision shall be final.

18 BALLOTS

- 18.1 In addition to those cases in respect of which the taking of a ballot of members of the whole Union or of a Region is compulsory in terms of this Constitution, a ballot on any question shall be taken if the National Council so decides, and shall also be taken -
- 18.1.1 if demanded by a 50 percent (50%) of the Regions;
- 18.1.2 on any proposal to declare or take part in any strike.
- 18.2 Ballots shall be conducted in the following manner:
- 18.2.1 Notice of a ballot shall be given to the Regional Management Committee in writing by the General Secretary, at least three days before the ballot



is to be taken: Provided that a ballot may be taken without notice at any general meeting on the decision of a majority of the members present.

- 18.2.2 Two scrutineers shall be appointed by each Regional Management Committee or a general meeting to supervise any ballot and to ascertain the result thereof.
- 18.2.3 Except in the case of postal ballots and ballots taken at general meetings on the decision of a majority of the members present, ballots shall be conducted by the Regional Management Committee on the date and time specified in the said notice.
- 18.2.4. Ballot papers shall be supplied to the Region Chairmen by the General Secretary. The issue to be voted upon shall be set forth clearly on the ballot papers and such papers shall not contain any information by means of which it will be possible to identify the voter.
- 18.2.5 Ballot boxes shall be inspected by the scrutineers and sealed by the Regional Chairmen in their presence prior to the issuing of ballot papers.
- 18.2.6. One ballot paper only shall be issued on demand at the place and during the hours fixed for the taking of the ballot to each member of the Region who is entitled to vote.
- 18.2.7 Each voter shall, in the presence of the scrutineers, be issued with one ballot paper which he/she shall thereupon complete, fold and deposit in a ballot box provided for the purpose.
- 18.2.8 Ballot papers shall not be signed or marked in any way apart from the mark required to be made by a member in recording his/her vote. Papers bearing any other marks shall be regarded as spoilt and shall not be counted.
- 18.2.9 On completion of a ballot or as soon as possible thereafter, the result thereof in respect of each Region shall be ascertained by the scrutineers appointed for such Region in the presence of the Regional Chairman and made known to the Regional Management Committee which shall as soon as possible advise the National Council.
- 18.2.10 Ballot papers, including spoilt papers, shall be placed in a container which shall be sealed after they have been counted and retained by the Regional Chairmen for not less than three years.



- 18.2.11 The National Council may decide that a postal ballot of members shall be taken, in which event the ballot shall be conducted in the following manner:
- 18.2.11.1 The General Secretary shall send by registered post to each member of the Union a ballot paper and a stamped and addressed envelope marked "Ballot". The ballot paper shall on completion be inserted in the envelope provided for the purpose which shall be sealed and posted so as to reach the General Secretary within 21 days from the date of despatch from head office to such member. On receipt of such envelopes, the General Secretary shall immediately place such envelopes in a sealed ballot box.
- 18.2.11.2 Two scrutineers shall be appointed by the National Management Committee to ascertain the result of the ballot. The ballot box shall be opened and the ballot papers counted by the scrutineers in the presence of the General Secretary, who shall immediately advise the National Management Committee of the result of the ballot.
- 18.2.12 The same procedure shall *mutates mutandis* apply to a postal ballot confined to members of the National Council or any Regional Council of the Union.
- 18.2.13 In any ballot conducted in connection with any election the candidates, up to the required number, receiving the highest number of votes shall be declared elected.
- 18.2.14 The Congress, the National Council or the Regional Council shall be bound to take action according to the decision of a majority of members voting in a ballot.
- 18.2.15 The Union shall, before calling a strike, conduct a ballot of those of its members in respect of whom it intends to call the strike.
- 18.3 Notwithstanding anything to the contrary contained in this Constitution, members of the Union shall not be disciplined or have their membership terminated for failure or refusal to participate in a strike if -
- 18.3.1 no ballot was held about the strike; or
- 18.3.2 a ballot was held but a majority of the members who voted did not vote in favour of the strike.



19.NATIONAL TREASURY

19.1 FINANCE

- 19.1.1 The funds of the Union shall be applied to the payment of expenses, to the acquisition of property, towards the attainment of the objectives of the Union and for such other lawful purposes as may be decided upon by the Congress, the National Council or the National Management Committee or any other committee duly authorised thereto for the attainment of the said objectives.
- 19.1.2 The funds received by the General Secretary on behalf of the Union shall be deposited to its credit within five days of receipt, at a bank decided upon by the National Council.
- 19.1.3 Payments shall require the prior approval of the National Treasurer or National Council or designated committee and shall be made by electronic banking or per cheque signed by the National Treasurer except when the amount in question is less than R 500 (five hundred rand) when payment may be made from petty cash.
- In the absence of the President or the National Treasurer cheques shall in his stead be signed by a member of the National Management Committee or a person appointed by it for that purpose.
- 19.1.4. Remittances to the General Secretary shall be accompanied by statements showing the names of members from whom collected, the amount paid in by each member, the names of members, if any, whose membership fees are in arrears and the amount of such arrears. The statements shall also detail any arrears payment made by members.
- 19.1.5 Regions may apply the funds appropriated to them to the payment of expenses and towards the attainment of the objectives specified in this Constitution as may be determined by the Regional Council: Provided that expenditure in excess of R2 000 shall not be incurred except with the approval of and subject to such conditions as may be determined by the National Council.
- 19.1.6 If any Region incurs expenditure except as provided for in this Constitution, the members present at the meeting at which such expenditure was agreed to shall be jointly and severally liable for



refunding the amount in question: Provided that no liability shall rest on the members who at the time specially requested that their protest against the incurring of such expenditure be recorded in the minutes of the meeting.

19.2. GENERAL

- 19.2.1 Statements of income and expenditure reflecting the financial position of the Union shall be prepared monthly by the National Treasurer concerned and submitted to the General Secretary/National Management Committee. The National Treasurer shall also be responsible for furnishing the Congress with the Union's latest financial statements.
- 19.2.2 In accordance with the provisions of section 98(1)(b) of the Labour Relations Act, 1995, the National Treasurer shall prepare a statement of income and expenditure and a balance sheet in respect of each financial year ending at the end of February. Such statements and balance sheets shall be audited and dealt with as required by section 98(2) of the Act.
- 19.2.3. Legal and other professional expenses shall be borne by the Union (Nationally) concerned in accordance with the Unions' current policy regarding such expenses.
- 19.2.4. The National Council may at any time, with a view to securing funds for the objectives of the Union, impose a levy not exceeding one month's membership fee on each member in any period of one month for a period not exceeding 12. Months: Provided that notice of the proposed levy has been given to all Regions: Provided further that at least 50% of Regional Councils may demand that a ballot of members of the Union be taken on the subject.
- 19.2.5 A member who resigns or is expelled from membership shall have no claim on the funds of the Union.
- 19.2.6. The National Council shall, subject to confirmation by the Congress, have the power to invest surplus Union moneys in such a manner that the Union stands to benefit from the investments.



20. REPRESENTATION ON BARGAINING AND STATUTORY COUNCILS

- 20.1 The National Council may at any time recommend that the Union shall become a party to a bargaining or statutory council established in terms of the Labour Relations Act, 1995.
- 20.2 Representatives and their alternates shall be appointed by the National Council Representatives or their alternates on a bargaining or statutory council may be removed by the National Council, and may resign on giving one months' notice to the National Council or such notice as may be prescribed in the Constitution of the Council.
- 20.3 In the event of the resignation or death of a representative or an alternate or his/her removal by the National Council the vacancy shall be filled by the National Council.
- 20.4 Representatives or their alternates shall be fully mandated by the National Management Committee, National Council or Congress and shall have full power to enter into agreement on behalf of the Union.

21 CHANGING OF CONSTITUTION

- 21.1 Any of the provisions of this Constitution may be repealed, changed or added to in any manner by a 66% majority resolution of Congress or the National Council: provided that the delegates attending the National Council are fully mandated from their respective regions. Therefore the proposed changes must be circulated to the Regional Chairperson at least 14 days prior to the National Council.
- 21.2 No changes or additions shall have any force or effect until certified in terms of Section 101(3) of the Labour Relations Act, 1995.

22 WINDING-UP

- 22.1 The Union shall be wound up if at a ballot conducted in the manner prescribed in the constitution not less than seventy five percent (75%) of the total number of members of the Trade Union vote in favour of a resolution that the organisation be wound up.
- 22.2 If a resolution for the winding-up of the Union has been passed or if for any reason the Union is unable to continue to function the following provisions shall apply:
- 22.2.1 The last-appointed President of the Union, or if he/she is not available, the available members of the last-appointed National Council of the Union, shall forthwith transmit to the Labour Court a statement signed by him/her or them setting forth the resolution adopted or the reasons for the Union's inability to continue to function, as the case may be, and request the Labour Court to grant an order in terms of section 103 of the Labour Relations Act, 1995.
- 22.2.2 The liquidator appointed by the Labour Court shall call upon the last-appointed office-bearers of the Union to deliver to him/her the Union's books of accounts showing the assets and liabilities together with the register of members showing, for the 12 months prior to the date on which the resolution for winding-up was passed or to the date as from which the Union was unable to continue to function, as the case may be, (hereinafter referred to as the date of dissolution), the membership fees paid by each member and his/her address as at the said date.
- 22.2.3 The liquidator shall also call upon the said office-bearers to hand over to him/her all unexpended funds of the Union and to deliver to him/her the Union's assets and the documents necessary to liquidate the assets.
- 22.2.4 The liquidator shall take the necessary steps to liquidate the debts of the Union from its unexpended funds and any other monies realised from any assets of the Union, and if the said funds and moneys are insufficient to pay all creditors after the liquidation's fees and the expenses of winding-up have been met, the order in which creditors shall be paid the same as that prescribed in any law for the time being in force relating to the distribution of the assets of an insolvent estate, and the liquidation's fees and the expenses of winding-up shall rank in order as that of an insolvent estate and as though the expenses were the costs of sequestration of an insolvent estate.
- 22.2.5 After the payment of all debts in accordance with this clause, the remaining funds, if any, shall be distributed among the remaining



members of the Union on the basis of membership fees actually paid during the 12 months prior to the date of dissolution.

22.2.6 After the payment of all the liabilities, any assets that cannot be disposed of in accordance with the provisions of this clause shall be realised by the liquidator and the proceeds paid to the Commissioner for Conciliation, Mediation and Arbitration (in accordance with section 103(5) of the Labour Relations Act, 1995).

22.2.7 The liability of members shall for the purpose of this clause be limited to the amount of membership fees due by them to the Union in terms of this Constitution as at the date of dissolution.

23 DOMICILIA AND NOTICE

23.1 The Union choose *domicilium citandi et executandi* ('domicilium') as follows:

South African Communications Union (Head Office)
Unit 522
Riverside lofts
Tyger Falls
Bellville
7535

Signed at _____ on this _____ day of _____ 2014.

.....
Karriem Abrahams
General Secretary
SACU

.....
Michael Hare
President
SACU



SCHEDULE 1

SACU

CODE OF CONDUCT

1. Introduction

As executives, our conduct and actions reflect and impact directly upon our organization.

It is crucial that we exhibit the highest virtues and qualities of leadership. To that end, this code was devised to ensure that our executives maintain a high standard of conduct by having a reference point – which in this respect is the *code of conduct*.

This code will also be used as a non-exclusive standard against which the conduct of either individual executives or executive bodies may be assessed in the interests of maintaining the integrity of SACU.

It was considered necessary to have a *code* comprised of four parts:

1 – ***Executive credo***, which outlines the broad area of expectation and ethos of conduct

2 – ***Desired or general conduct***, which describes minimum acceptable standards

3 – ***Forbidden conduct***, which highlights practices that are considered by the national council to be highly

damaging to any organisation in general and to a union in particular.

Considering the trust and powers

and expectations invested in an executive of the union, any forbidden

conduct makes disciplinary action

mandatory to avoid recurrence.

4 – ***Reference*** to the disciplinary process as prescribed by the constitution of SACU.

2. Executive credo

I recognise that I have been elected to office as a result of faith in my abilities to execute the duties assigned to my portfolio. I acknowledge this to be a position of trust so long as I am true to the ethics and ethos of the South African Communications Union. I acknowledge that I am expected to enhance the leadership and skills of the union.



My fundamental duty is to serve our members, and to that end my fundamental obligation is to implement the policies of the union within the parameters of both my specific portfolio and the constitution.

Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secret and not used for pecuniary or other self – interest.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions in executing my obligations demanded by my particular portfolio.

3. General Conduct

Maintain a professional attitude and always present yourself in a positive manner. During meetings, there will be no interruptions while other executives are speaking. Quiet conversations must be kept to a minimum, as they serve to distract from the business at hand.

3.1 All public and private meetings should be handled professionally. All members and officers will yield to whomever is speaking. Courtesy will be observed at all times. The person who has the floor will be determined by the nature of the meeting or the topic at hand.

3.2 Personal and professional differences should be set aside. Each officer and member will be treated with courtesy and respect. Public criticism of any individual or organization will not be tolerated (criticism must take place only within the confines of official meetings). Differences in opinions will be handled privately and in a civil manner - neither in a public setting (e.g. meetings, socials, etc.) nor by broadcasting e-mail messages which by design or accident can arrive in the wrong hands, etc.

3.3 Public confrontations between executives will not be tolerated. Should such an event occur, both parties would be brought before neutral executive board members selected by the executive president to resolve the matter. At that time appropriate sanctions will be imposed. First offences will result in a verbal warning and a probationary period to be decided upon by that body. Also, the parties involved will be required to meet with the executive president at his discretion for immediate conflict resolution. Second offences will result in immediate dismissal from the executive body be it national or regional.

3.4 Should a dispute arise between any individual members of SACU (including an executive), it must be brought to the immediate attention of the executive president for immediate resolution. Failure to do so will result in the warning/probation sanction described in item five. It is highly recommended that those parties involved be very co-operative in resolving any dispute promptly in order to prevent the disruption of SACU affairs.



3.5 Attendance at all executive or associated meetings is mandatory for all officers. Extenuating circumstances will be accepted provided an apology for absence is forwarded to the organiser of the meeting before the commencement of the meeting. Non-notified absence will not be excusable unless it is of a nature such as a personal emergency or 'act of God'. Sanctions for unexcused absences will be imposed in accordance with the SACU Constitution and this code of conduct.

3.6 An officer may leave a meeting only in the event of an emergency. As part of the responsibility of being an executive, courtesy must be extended to all members and observers etc. By leaving before a meeting is adjourned the nature and the integrity of our meetings is undermined and reflects a lack of courtesy to the organization and any observers.

4. Forbidden Conduct

4.1 Lying

4.2 Theft

4.3 Disclosure of any confidential information accidental or otherwise - outside the confines of an official meeting - to a third party.

4.4 Any public behaviour, remarks or statements - outside the confines of an official meeting - which creates mistrust, suspicion or strained relations between any members of the union.

4.5 Causing division through any unsanctioned action - outside the confines of an official meeting

4.6 Initiating unsanctioned remarks or statements – outside the confines of an official meeting - which diminish the credibility or dignity of any member of the union

4.7 Propaganda in any form which diminishes the integrity of SACU or any of its members.

4.8 Propagating misleading information

4.9 Avoidable neglect of an assigned duty

4.10 Assuming authority of another portfolio without prior or proper delegation of authority

4.11 Use of any of the union's media, structures, and equipment for any forbidden purpose as defined by this code or by the national council.

4.12 Infringing any of the terms of the Constitution or expressing the intention to act in a manner which is detrimental to the interests of the Union (6.1.4)



5. REFERENCES TO DISCIPLINE

Only the national executive committee may suspend, fine or expel a member or institute and undertake any inquiry and/or appoint any person or persons to undertake such inquiry on its behalf and to make recommendations to it (Section 6.0 of the constitution). Neither the president nor the executive president can act on behalf of the executive committee (in session) in this regard.

The correct method for dealing with a grievance or request for disciplinary action is to address it directly to the National Management Committee (care of the President) for the necessary attention.

An appeal is handled by the National Council (in session) as per section 6 of the constitution.