

2010

DENOSA ADOPTED CONSTITUTION

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## **PREAMBLE**

We, the members of DENOSA bound together in common goals and sentiments recognize the importance of unity for all Nurses. We further recognize the importance of our collectivism as a vehicle to deepen and advance our common interest.

We recognize that we are on a lifelong journey of balancing both professionalism and trade unionism. Therefore, we commit ourselves to challenging any position and health model which seeks to promote the separation of nurses.

Our philosophy is to promote equality for all and acknowledge our divergent cultural identities. We will seek to bring down all gender bias, class barriers and disparities that have characterized our society in general and our health care system, in particular.

As Nurses, we are mindful that the struggle of the working class is neither an isolated one nor elitist. It is international, humane and revolutionary. For this reason, we also dedicate ourselves to work with all organizations that share our vision at home, Africa and internationally.

Therefore, this special meeting of DENOSA, representing thousands of Nurses duly constituted and assembled, cognizant of its momentous mission to build worker unity and solidarity to fulfill this mission, hereby adopts this Constitution.

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# **CHAPTER I : ORGANISATION IDENTITY**

## **1. PUBLIC IDENTITY OF THE ORGANISATION**

1.1 The name, the logo and the motto shall constitute the public identity of the Organization.

## **2. NAME OF THE ORGANISATION**

2.1 The name of the organization shall be Democratic Nursing Organization of South Africa (DENOSA) (hereinafter referred to as "the organization).

## **3. CHARACTER OF THE ORGANIZATION**

3.1 DENOSA is a voluntary, independent, non discriminatory nurses organization.

3.2 It is dynamic, proactive, and transparent and believes in democracy, excellence and professionalism, non-racial and non-sexist, humility, collectivism, solidarity and unity as its core values.

3.3 It has both union and professional components.

## **4. LEGAL STATUS**

4.1 The organization 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.

4.2 It shall hold property apart from its members.

4.3 The liability of members shall be limited to the amount of their subscriptions outstanding or other monies due to the Organization at any time. The Organization is an association not for gain.

- 4.4 Members and office bearers have no rights in the property or other assets of the Organisation solely by virtue of being members or office bearers. The Organisation's income and property are not distributable to its members or office bearers, except as reasonable compensation for services rendered. The financial transactions of the Organisation are to be conducted by means of banking accounts.

## **5. AIMS AND OBJECTIVES**

- 5.1 The aims and objectives of the Organization shall be:
- 5.1.1 To organize and unite all nurses, in both public and private sectors and to work for a just and equitable health Care system in a democratic South Africa;
  - 5.1.2 To build democratic worker controlled organization based on membership participation in policy and decision making;
  - 5.1.3 To safeguard and promote the dignity, rights and socio-economic status of members through collective bargaining and all other legitimate means available to the organization.
  - 5.1.4 To recruit and unite all nurses in both public and private health sectors into one organization.
  - 5.1.5 To advance member's individual and collective interests through collective bargaining and other legitimate means and forms of struggle;
  - 5.1.6 To defend and protect members against any acts of unfair labour practices by employers and threat to their job security;
  - 5.1.7 To play an active role in the fight against gender discrimination at the workplace and at a societal level;

- 5.1.8 To develop a strong shop steward movement sustained by quality and working class biased education and training;
- 5.1.9 To promote professional integrity and high standards of ethical conduct among members and in the health profession including delivery of total health to the populace of South Africa through quality and dedicated service by health care professionals;
- 5.1.10 To promote equal access to health care by the general populace of South Africa;
- 5.1.11 To participate in, seek to influence and lobby all relevant policy making bodies and institutions in the health sector both nationally and internationally;
- 5.1.12 To develop and maintain contacts and relationships with other trade unions, trade union federations and organizations in pursuance of maximum working class unity and solidarity, nationally and internationally.
- 5.1.13 To promote or oppose, as the case may be, any laws and administrative procedures that affect the interests of the members, in particular and health care, in general;
- 5.1.14 To do all other things that may promote and/or are in the interests of the Organization and its members, and which are consistent with the aims and objects of this Constitution.

## **6. DISCIPLINE**

### **6.1 Decision making**

- 6.1.1 The decision making process in the organization is informed by a mandating practice, the outcome of which, shall be

representative of the organisation's collective voice and a will of the majority.

- 6.1.2 Decisions shall always be taken at an appropriate level of the organizational structure or office with the necessary authority and powers to do so. Decisions by a higher structure or office have a binding effect on the lower structures providing that they are consistent with the constitution and overall policies of the organization.

## **6.2 Representation**

- 6.2.1 The organization shall be governed by both direct and representative forms of democracy. Members of the organization shall participate directly in the affairs of the organization both at workplace and local levels and in the election of those who shall be responsible for the administration of the organization at regional, provincial and national levels.

- 6.2.2 Proportional representation shall be a guiding principle in determining the number of elected representatives to all governance structures

## **6.3 Discipline**

- 6.3.1 All members, including office bearers, shall be subject to the organizational discipline and code of conduct, which shall be determined by the NEC from time to time, and also to any disciplinary processes or sanctions defined in such a code.

## **CHAPTER II: ORGANISATION MEMBERSHIP**

### **7.1 Scope and application**

7.1.1 Membership of the organization shall be open to all nurses, midwives/accoucheurs employed or retired including learners who are eligible for registration or enrolment.

### **7.2. Eligibility**

#### **7.2.1 Full membership**

All persons registered as nurses/midwives/accoucheurs/learners are eligible for membership.

#### **7.2.2 Associate membership**

All persons professionally admitted to be nurses, but are no longer practicing and those who qualified as nurses and are not yet employed are eligible for associate membership. Associate members are not entitled to vote or stand for election as Office Bearers but can fully participate in the proceedings or admitted as observers to Conferences and Congresses of the Organization and may be assigned to perform Organization duties.

#### **7.2.3 Honorary membership**

Honorary membership may be conferred by the NEC or National Congress on any person in recognition of a special or exceptional contribution or service to the Organization or in the field of Health. Benefits of the person to whom the organization has conferred honorary membership to, will be determined by the National Executive Committee (NEC) of the Organization.

#### **7.2.4 International Solidarity membership**

International Solidarity membership may be conferred to (Nurses) of any country who wish to pledge support and solidarity to the organization. The NEC shall decide on whether or not to extend the organization's benefits to the member.

#### **7.2.5 Learner membership**

Any learner studying towards a nursing qualification is eligible to the organization's membership, to which the subscription fee payable and associated rights thereof, shall be determined by the organization from time to time.

#### **7.2.6 Dual membership**

7.2.6.1 Any member who joins DENOSA automatically revokes membership of another trade union since the organization does not subscribe to dual membership.

7.2.6.2 A member with dual membership will not be eligible for any leadership position.

#### **7.3 Application for membership**

Shall be made by a nurse/learner wishing to associate her/himself with the organization on the organization standard application form.

#### **7.4 Subscriptions, levies and benefits**

##### **7.4.1 Subscriptions**

7.4.1.1 The National Congress or the CEC shall have the power to determine the rate of subscription payable by members of the organization.

7.4.1.2 Any proposal to increase subscription payable to the organization by members shall be approved by the Congress or the NEC whichever comes first.

7.4.1.3 A member may cease to be a member of the organization if she/he is in arrears for three months of her/his subscriptions.

#### **7.4.2 Levies**

7.4.2.1 The NEC may from time to time approve a levy to be paid by members of the organization for a specified purpose

#### **7.4.3 Benefits**

7.4.3.1 The NEC shall have powers to establish benefit schemes on behalf of DENOSA members prior to the establishment of any benefit scheme, the organization will allow sufficient consultation with the structures of the Organization.

7.4.3.2 Benefit schemes shall be separate financial entities or units governed by the set of rules applicable in their field of business.

#### **7.5 Termination of membership**

7.5.1 Any member is entitled to resign from the



organization after giving and serving three months written notice to the Provincial Secretary;

- 7.5.2 In the event the organization decides that the conduct of a member is detriment to the interests of the organization and subjects such a member to a disciplinary hearing and same concludes that the member's membership with the organization should be terminated;

### **CHAPTER III: ORGANISATIONAL STRUCTURES**

#### **Part A: WORKPLACE/BRANCH LEVEL**

#### **8. WORKPLACE/BRANCH/LEVEL**

A workplace/branch refers to any place of work where nurses render services.

##### **8.1. Shop Stewards**

Members of the organization in good standing in each workplace/branch may elect a shop steward, by show of hands or secret ballot, from among themselves. All shop stewards shall be eligible for re-election upon the expiry of their term of office.

##### **8.1.1. Election of Shop stewards**

- 8.1.1.1 The term of office of shop stewards shall be two (2) years;
- 8.1.1.2 At every Shop steward Committee which the organization has a minimum of fifty members shall elect a committee.
- 8.1.1.3 All shop stewards elections shall be unit or facility based and conducted in terms of the organization's constitution;

- 8.1.1.4 Should there be only one nomination received for the unit or facility, the only candidate shall be duly elected;
- 8.1.1.5 In the event of more than one candidate for the vacancy, members must take a ballot and the candidate who receives the most number of votes shall be duly elected;
- 8.1.1.6 Shop stewards must hold office until the next election provided this does not extend beyond six months of the shop steward's official term of office.

## **8.2 Composition of Committees**

- 8.2.1 The Shop Steward Committee shop shall consist of the Chairperson, Deputy Chairperson, Treasurer and Secretary and Deputy Secretary (WEC/BEC) and all Shop stewards elected from and among the various units in the workplace/branch.
- 8.2.2 In the event of the shop steward Committee/s not meeting the required formula, the shop steward (s) shall between or among themselves appoint a coordinator within the seven days.
- 8.2.3 The PEC may after careful assessment of proper coordination of union activities and organizational efficiency decide to join these workplaces/branches to constitute the Shop Steward Committee or allocate shop stewards concerned to the nearest constitutionally constituted shop stewards committee.
- 8.2.4 Members of the workplace/branch shall within seven days after their election, meet to appoint a coordinator among

themselves.

### **8.3. Powers and Functions**

- 8.3.1 To recruit members in the workplace/branch;
- 8.3.2 To manage the affairs of the union at the workplace/branch.
- 8.3.3 Receive and attend to complaints of members concerning their employment and where necessary to report such complaints to the LEC;
- 8.3.4 To communicate the decisions and policies of the organization to members;
- 8.3.5 To communicate the decisions of the organization structures to members and to report to the LEC.
- 8.3.6 To undertake any work or assignment as mandated by members or structures of the organization in compliance or furtherance of the objects of this constitution or organization policy directives.

### **8.4 Frequency of Meetings**

- 8.4.1 The Shop Steward Committee shall meet at least once in two weeks.

### **8.5 Vacation of office**

8.5.1.A member of any elected body of the organization shall vacate office if:

- 8.5.1.1 Such member's estate is sequestrated;
- 8.5.1.2 Such member is absent from three (3) consecutive ordinary meetings of the structure in question without leave or permission.

8.5.1.3 Such member ceases to be a member of the organization.

8.5.1.4 Such member is convicted of a criminal offence involving dishonesty.

8.5.1.5 Such member is certified as having illness that affect the soundness of his mental state.

8.5.1.6 Such member has been found guilty of disgraceful conduct by the regulatory body which may damage the image of the organization

8.5.1.7 Such member has been found guilty of a serious criminal offence which may damage the image of the organization.

## **8.6 Workplace/Branch General Meetings**

### **8.6.1 Composition**

8.6.1.1 All members and shop stewards in the workplace/branch are required to attend these general meetings.

### **8.6.2 Powers and Functions**

8.6.2.1. The workplace/branch meeting shall discuss and implement policy and decisions of the organization.

8.6.2.2 The meeting shall also discuss all issues that are affecting the workplace/branch including mandating and recalling representatives on the shop steward committee.

### **8.6.3 Frequency of meetings**

8.6.3.1 The general meetings shall take place at least six times a year.

8.6.3.2 The workplace/branch is responsible for convening workplace meetings. The Secretary shall circulate a notice of the meeting to members no later than fourteen (14) days from the date of the normal/branch meeting and or forty eight (48) hours before an urgent special meeting.

#### **8.6.4 Quorum**

8.6.4.1 The quorum for the workplace/branch general meeting shall at least be one third of the total paid up members of the workplace/branch present including the majority of duly elected members of the shop stewards committee;

8.6.4.2 In the event of there being no quorum within one (1) hour of the scheduled time of such a meeting, the meeting must stand adjourned. The Chairperson must formally open the meeting, and after consultation with the shop stewards committee present shall inform members of the date, time and venue of such adjourned meeting, which date shall not be later than 14 calendar days;

8.6.4.3 Notwithstanding the provisions of clause 8.6.4.1 above, and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as members present will constitute a quorum.

### **PART B: LOCAL LEVEL**

#### **9. LOCALS**

9.1 A local refers to a collection of workplaces/branches within the same locality where nurses render services in compliance with their

contract of employment obligations.

## **9.2 Demarcation of Locals**

The Provincial Executive Committee (PEC) may demarcate locals and local structures in any of the official regions.

## **9.3 Local Office Bearers (LOB)**

### **9.3.1 Composition of the LOB's**

9.3.1.1 The LOB shall consist of the Chairperson, Deputy Chairperson, Treasurer, Secretary and Deputy Secretary who shall be elected to serve a two year term of office.

9.3.1.2 The LOB's shall be elected from the Workplace/Branch Executive Committee Members who form part of the Local.

## **9.4 Local Executive Committee (LEC)**

### **9.4.1 Composition of the LEC**

9.4.1.1 The Local Executive Committee (LEC) shall be elected from among the Workplace/Branch Executive Committee members who form part of the Local.

9.4.1.2 The LEC shall consist of the LOB's, as well as Chairpersons, and Secretaries of the Workplace/Branch Executive Committee within Local.

## **9.5 Powers and Functions**

- 9.5.1 To recruit members in the Locals;
- 9.5.2 To manage the affairs of the union at the local levels;
- 9.5.3 Receive and attend to complaints of members concerning their employment and where necessary to report such complaints to the LEC;
- 9.5.4 To communicate the decisions and policies of the union of members;
- 9.5.5 To communicate the decisions of the union structures to members and to report to the LEC;
- 9.5.6 To undertake any work or assignment as mandated by members or structures of the Organization in compliance or furtherance of the object of this Constitution or Organization policy directives.

**9.6 Frequency of meetings of the LOB's, LEC and Local General Meetings**

- 9.6.1 The LOB shall meet at least once every month
- 9.6.2 The LEC shall meet at least once every two months.
- 9.6.3 The Local General Meeting shall take place at least once every three months.

**9.7 Quorum**

- 9.7.1 For purposes of determining a quorum, there must be at least 50% (fifty percent) +1 of the Local office bearers and members of the LEC present and or the majority of the workplace/branches in the local.

9.7.2 In the event of being no quorum within 30 (thirty) minutes of the scheduled time of such a meeting, the meeting must stand adjourned. The Chairperson must officially open the meeting, and after consultation with the Local office bearers present, shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days.

9.7.3 Notwithstanding the provisions of rule 9.7.1 above and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as members present will constitute a quorum.

## **9.8 Vacation of Office**

9.8.1 A member of any elected body of the union shall vacate office if:

9.8.2 Such member's estate is sequestrated.

9.8.3 Such member is absent from consecutive ordinary meetings of the body in question without leave or permission.

9.8.4 Such member ceases to be a member of the Organization.

9.8.5 Such member is convicted of a criminal offence involving dishonesty.

9.8.6 Such a member is certified as having illness that affects the soundness of his mental state.

9.8.7 Such a member has been found guilty of disgraceful conduct



by the regulatory body, which may damage the image of the Organization/profession.

9.8.8 Such a member has been found guilty of a serious criminal offence may damage the image of the Organization/profession.

## **9.9 Local General Meetings**

### **9.9.1 Composition**

9.9.1.1 All members of the Organization and shop stewards in the local are required to attend these general meetings.

### **9.9.2 Powers and Functions of LGM**

9.9.2.1 The Local General Meeting shall discuss and implement policy and decisions of the Organization.

9.9.2.2 The meeting shall also discuss all issues affecting the local (s) including mandating representatives on the shop steward committees.

### **9.9.2.3 Electing of Local Office Bearers**

### **9.9.3 Frequency of meetings**

9.9.3.1 The meetings of the structure shall take place at least once every three months.

9.9.3.2 The LOB shall be responsible for convening local meetings. The Secretary shall circulate a notice of the meeting to members not later than fourteen days before the scheduled date of the meeting.

#### **9.9.4 Quorum**

9.9.4.1 The quorum for the local general meeting shall at least be one third of the total paid up members of the local present including the majority of duly elected members of the shop stewards committee.

9.9.4.2 In the event of being no quorum within 1(one) hour of the scheduled time of such a meeting, the meeting must stand adjourned. The Chairperson must formally open the meeting and after consultation with the shop stewards committee present, shall inform members of the date, time and venue of such adjourned meeting, which the date shall not be later than 14 calendar days;

9.9.4.3 Notwithstanding the provisions of rule 9.9.4.1 above and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as members present will constitute a quorum.

### **10. PART C: REGIONAL LEVEL**

#### **10.1 Demarcation of Regions**

10.1.1 The PEC shall demarcate the regions.

#### **10.2 Regional Office Bearers (ROB)**

### **10.2.1 Composition**

The ROB shall consists of Chairperson; Deputy Chairperson; Treasurer and Secretary and Deputy Secretaries who shall be elected to serve a four year term in office, provided they each serve not more than two terms.

### **10.2.2 Powers and Functions**

10.2.2.1 The Regional Office Bearers shall be responsible for managing the affairs (work) of the region, including but not limited to:

- a) Convening ROB, REC , Regional Shop Stewards Council (RSSC) meetings ,and Regional General Meetings(RGM) ;
- b) Coordinate and implement the decisions and programmes of the REC, RSSC and the organization;
- c) Attend all RSSC, REC and ROB's meetings in fulfillment of their constitutional obligations;
- d) Undertake any such work or assignment that may be necessary to promote and advance the interests of members and the union, and
- e) Assist and oversee local shop stewards committees in caring out their obligations.

### **10.2.3 Frequency of Meetings**

10.2.3.1 The ROB's to meet at least a month prior to meetings of the REC structures.

**10.2.4. Quorum**

10.2.4.1 A majority of the ROB's shall constitute a quorum. If after one hour of the scheduled time of the meeting there is no quorum, the meeting shall stand adjourned to an agreed date, time and venue.

**10.3 The Regional Executive Committee (REC)**

10.3.1 The REC shall be responsible for the overall management and coordination of the affairs of the Region.

**10.3.1.1 Composition**

10.3.1.2 The REC shall comprise the ROB's Chairpersons, and Secretaries from locals, and chairpersons of professionals/interest groups

**10.3.2 Powers and functions**

The REC shall have the powers to manage and oversee the affairs of the Region, which *inter alia*, shall include but not limited to the following:

10.3.2.1 To develop and implement organizing and recruitment programmes;

10.3.2.2 To promote the interests of the Region;

10.3.2.3 To compile a budget and activities for the region;

10.3.2.4 To account for all finances allocated to the

Region for purposes of executing organizational work;

- 10.3.2.5 To oversee the performance of local within its jurisdiction including doing all other things that advances the interests of the organization and are consistent with the organization's constitution.

### **10.3.3 Chairperson**

- 10.3.3.1 The Chairperson shall preside over meetings of the RSSC, ROBs, REC and RGM at which she or he is present, enforce observance of the Constitution, sign minutes of all meetings after confirmation thereof, represent the Region on the PEC and Provincial Congresses and perform such other duties as may be obligatory in terms of the decisions of the Organization.

### **10.3.4 Deputy Chairperson**

- 10.3.4.1 The Deputy Chairperson shall perform those functions which the Chairperson would have ordinarily executed but is unable to do so either temporarily or permanently including performing any other such duties imposed by decisions of the Organization.

### **10.3.5 Treasurer**

10.3.5.1 The Treasurer shall be responsible for all monies allocated to the region and perform such other duties imposed by decisions of the Organization.

### **10.3.6 Secretary**

10.3.6.1 The Secretary shall, in consultation with the Chairperson, issue notices convening meetings of the REC, RSSC, conduct all Organization's correspondences, keep originals and copies of all communication received and copies of dispatched, respectively.

10.3.6.2 She or he shall record the minutes and perform such duties imposed by the decision of the organization.

10.3.6.3 He or She shall further attend all meetings of the provincial structure.

10.3.6.4 The Secretary shall take all necessary steps to ensure that a register of members is maintained.

10.3.6.5 The Secretary shall circulate notices of the meeting and the agenda thereof to all members of the R.E.C 30 (thirty) days prior to the normal sitting and 7 (seven) days prior the sitting of a special meeting.

### **10.3.7 Deputy Secretary**

10.3.7.1 The Deputy Secretary shall perform those functions which the Secretary would have ordinarily executed but is

unable to do so either temporarily or permanently including performing any other such duties imposed by decisions of the Organization.

**10.3.8 Frequency of Meetings**

10.3.8.1 The REC meetings shall take place at least four times a year.

**10.3.9 Quorum**

10.3.9.1 For purposes of determining a quorum, there must be at least 50% (fifty percent) + 1 of the Regional office bearers and members of the REC present and the majority of the locals in the Region.

10.3.9.2 In the event of being no quorum within 1 (one) hour of the scheduled time of such a meeting, the meeting must stand adjourned. The chairperson must officially open the meeting, and after consultation with the Regional office bearers present shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days.

10.3.9.3 Notwithstanding the provisions of clause 10.3.9.1 above and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as members present will constitute a quorum.

**10.4 Regional Shop stewards Council (RSSC)**

### **10.4.1 Composition**

10.4.1.1 All shop stewards within the jurisdiction of the region.

### **10.4.2 Powers and Functions**

10.4.2.1 The RSSC shall receive and evaluate complaints and reports from various workplaces and to resolve them.

10.4.2.2 To discuss and advice on matters affecting the functioning of the region;

10.4.2.3 To elect or recall members of ROB and REC as well as supervising their work;

10.4.2.4 To give mandate to delegates and/or representatives representing the Region/Organization in the higher structures of the organization, Federation or institutions;

10.4.2.5 To ensure RSSC participation in COSATU meetings and activities;

10.4.2.6 Discuss and implement policies and decisions of the organization;

### **10.4.3 Frequency of Meetings**

10.4.3.1 The RSSC meetings shall take place at least twice a year.



#### **10.4.4 Quorum**

10.4.4.1 For purposes of determining a quorum, there must be at least 50% (fifty percent) of all shop stewards in the region present and the majority of the local in the region.

10.4.4.2 In the event of being no quorum within 1 (one) hour of the scheduled time of such a meeting, the meeting must stand adjourned. The Chairperson must officially open the meeting, and after consultation with the Regional Office Bearers present shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days.

10.4.4.3 Notwithstanding the provisions of clause 9.4.4.1 above and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as members present will constitute a quorum.

### **PART D: PROVINCIAL LEVEL**

#### **11. PROVINCE**

##### **11.1 Demarcation of Provinces**

11.1.1 The NEC may demarcate Provincial offices and structures in anyone of the official Provinces provided the union has two or more regions established in accordance with this constitution.

##### **11.2 Provincial Office Bearers**

The Provincial Office Bearers shall comprise the Chairperson, Deputy Chairperson, appointed Secretary and Treasurer.

**11.2.1 Powers and Functions**

**11.2.1.1 The Chairperson**

11.2.1.1.1 The Chairperson shall preside at all meetings of the Province at which she or he is present, enforce observance of the Constitution, sign minutes of meetings after confirmation thereof, represent the Province, NEC and in other structures on which s/he is elected to serve including performing such other duties imposed by decisions of the Organization.

**11.2.1.2 Deputy Chairperson**

11.2.1.2.1 The Deputy Chairperson shall perform such functions of the Chairperson as the Chairperson may either temporarily or permanently be unable to perform and any other duties imposed by decisions of the Organization.

**11.2.1.3 Treasurer**

11.2.1.3.1 The Treasurer shall be in charge of all monies and assets of the Province, sign all cheques drawn on behalf of the Province, audit membership of the Province, oversee the financial affairs of

the Province, monitor the Locals and regions financial affairs and perform all other functions that may be imposed on her by the Constitutional obligations of her/his office. In conjunction with the Provincial Secretary, she or he shall ensure that a proper set of books of account are kept and are made available for auditing purpose. The Provincial treasurer is also expected to submit quarterly financial statements to Meetings of the PEC.

**11.2.1.4 Secretary**

10.2.1.4.1 The Secretary shall, in consultation with the Chairperson, issue notices convening meetings of the Province, conduct all Organization correspondences, keep originals of letters received and copies of those dispatched and table such correspondence to the PEC as received since the last meeting.

11.2.1.4.2 He or she shall further attend all meetings of the PEC, Provincial Office Bearers and the Provincial Congresses, record the minutes and perform such duties as imposed by decisions of the Organization. The

Secretary shall in conjunction with the Treasurer ensure that proper set of books of account are kept and are submitted to auditors and that financial statements are presented before meetings of the PEC.

11.2.1.4.3 The Secretary shall also present the State of The Province Report to the Provincial Congress on behalf of the Provincial Executive Committee.

#### **11.2.1.5 Frequency of Meetings**

11.2.1.5.1 The Provincial Office Bearers shall meet at least once a month and as frequently as the demands of the organization dictate and the quorum shall be determined by the majority of the Office Bearers being present.

### **11.3 Provincial Executive Committee (PEC)**

The PEC shall be an executive authority in the Province responsible for its overall administration.

#### **11.3.1 Composition**

11.3.1.1 The PEC shall comprise the Provincial Office Bearers, Chairpersons and Secretaries of each region and two learners (Chair & Secretary) from Provincial Learner Movement.

## **11.3.2 Powers and Functions**

- 11.3.2.1 To co-ordinate and supervise the activities of the Locals and regions in the Province;
- 11.3.2.2 To review any decision or activity of a workplace, region or substructures which it considers not advancing the interests of the organization or inappropriate, in the circumstances;
- 11.3.2.3 To be responsible for management and co-ordination of the affairs of the organization and to implement policies and programmes of the union in the Province;
- 11.3.2.4 To institute legal proceedings in consultation with the National Office, where necessary, in advance and in defence of the interests of the organization.
- 11.3.2.5 To open, operate and close bank accounts in the name of the organization in the Province as approved by the National Office;
- 11.3.2.6 Consider and approve monthly financial statements and budgets; and
- 11.3.2.7 To do such other things as in the opinion of the PEC are in the interests of the organization and are consistent with the aims and objectives of the organization.

### **11.3.3 Frequency of Meetings**

11.3.3.1 The PEC shall meet at least three (3) times a year on a date to be fixed by the POBs.

11.3.3.2 The Provincial Secretary shall circulate the notice of the meeting together with the details about the business to all PEC members at least 30 (thirty) days prior the meeting.

### **11.3.4 Quorum**

11.3.4.1 For purposes of determining a quorum, there must be at least 51% (fifty one percent) of the POB's and members of the PEC present or the majority of the Regions in the Province.

11.3.4.2 In the event of being no quorum within 1 (one) hour of the scheduled time of such a meeting, the meeting must stand adjourned. The chairperson must officially open the meeting, and after consultation with the Local office bearers present shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days.

11.3.4.3 Notwithstanding the provisions of rule 10.3.4.1 above and regardless of the number of members present, the

adjourned meeting may duly proceed on the scheduled time as members present will constitute a quorum.

## **11.4 Provincial Congress**

### **11.4.1 Composition**

The Provincial Congress shall comprise of:

11.4.1.1 POBs, ROBs and one delegate for every 200 paid up members or part thereof subject to each Local being represented by at least one delegate and 1 (one) student representing each region.

11.4.1.2 Regions shall coordinate the election of delegates in their respective Locals and forward a list of elected delegates to the Provincial Secretary at least 30 days before the Provincial Congress.

### **11.4.2 Powers and functions**

11.4.2.1 The Provincial Congress shall be the highest policy making body of the organization in the Province and may adopt, amend or reverse any decision made by any Local within its jurisdiction or by the PEC.

11.4.2.2 The Provincial Congress has the powers and duties as may be assigned to it by the higher structures and shall include:

11.4.2.3 Election of POBs and to consider any resolution pertaining to the removal or

reinstatement of the Provincial Office Bearers.

- 11.4.2.4 Implementation of decisions by National Congress and NEC.
- 11.4.2.5 Supervision and co-ordination of the Locals and Regions in the Province.
- 11.4.2.6 Ratification, amendment or reversal of any decision of the Provincial Executive Committee.
- 11.4.2.7 Receive and consider reports on the work and activities the Provincial structures
- 11.4.2.8 Develop policy and provide mandates from the province for further debates and adoption as policy through the NEC and or National Congress.

### **11.4.3 Frequency of meetings**

- 11.4.3.1 The Provincial Congress shall meet once every 4 (four) years on the date and venue decided by the PEC.
- 11.4.3.2 The Provincial Secretary shall circulate the notice of the provincial congress at least three months in advance setting out the agenda of the congress and request for any resolutions or further items.
- 11.4.3.3 Regions submitting resolutions or additional items shall do so at least 2 (two) months prior the congress whilst the Provincial Secretary must circulate



same to all Regions at least 30 (thirty) days prior the congress.

11.4.3.4 Special Provincial Congress may be called if 2/3 of the PEC members vote for it or when 50% of paid up members in the Province requisition such a meeting in writing. The notice to convene a special meeting shall be no less than fourteen days.

11.4.3.5 Special meetings shall only deal with the business for which they are called

#### **11.4.4. Quorum**

11.4.4.1 The quorum shall be constituted by the majority of delegates, regions and POBs present.

11.4.4.2 In the event of being no quorum within 1(hour) hour of the scheduled time of such a meeting, the meeting must stand adjourned. The Chairperson must officially open the meeting, and after consultation with the POBs present shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days.

11.4.4.3 Notwithstanding the provisions of clause 10.4.4.1 above and regardless of the number of members present, the adjourned meeting may duly proceed on the scheduled time as

members present will constitute a quorum.

## **PART E: NATIONAL LEVEL**

### **12. NATIONAL**

This is the coordinating centre of the organization activities, policy formulation and decision making.

#### **12.1 The National Office Bearers (NOBs)**

The National Office Bearers shall consist of the President, 2 (two) Deputy Presidents, Treasurer, General Secretary and 2 (two) Deputy General Secretaries

#### **12.1.1 The powers and functions**

##### **12.1.1.1 President**

12.1.1.1.2 The President shall preside at the National Congress and NEC meetings, at which she or he is present, enforce observance of the Constitution and policies of the Organization, sign minutes of meetings after confirmation thereof, represent the Organization, at national and international levels and perform such other duties imposed by decisions of the Organization.

##### **12.1.1.2 Deputy Presidents**

12.1.1.2.1 There shall be a first and second Deputy Presidents.

12.1.1.2.2 The Deputy Presidents shall perform such functions of the President in the

event that the President is either temporarily or permanently be unable to perform them and any other duties imposed by decisions of the organization.

**12.1.1.3 Treasurer**

12.1.1.3.1 The Treasurer shall be responsible for the supervision of the financial affairs of the Organization and perform such other duties imposed by decisions of the Organization. In conjunction with the Secretary she or he shall ensure that funds are administered and managed in accordance with the financial policy of the Organization.

**12.1.1.4 General Secretary**

12.1.1.4.1 The General Secretary shall, in consultation with the President, issue notices convening national meetings of the Organization, conduct all Organization correspondence, keep originals of letters received and copies of letters dispatched and table correspondence at meetings of the NEC;

12.1.1.4.2 She or he shall further attend all national meetings of the Organization, record the minutes, in conjunction with the Treasurer to ensure that proper books of accounts are kept and audited annually and are administered in

accordance with the organization's financial policy;

12.1.1.4.3 Prepare and circulate the annual report of the activities of the Organization which will include the audited financial statements, supervision of persons employed by the Organization and perform such other duties as may be imposed by the decisions of the Organization;

12.1.1.4.4 Attend to general legal requirements of registration and management of the organization; and.

12.1.1.4.5 Perform such other duties as are imposed by the National Congress, the CEC, the NEC and the Constitution. Subject to organization policy on employment and on recommendation from relevant committees hires or discharges employees.

12.1.1.4.6 The General Secretary may delegate any of her or his duties to any staff member competent to undertake such duties.

#### **12.1.1.5 Deputy General Secretaries**

12.1.1.5.1 The Deputy General Secretaries shall assist the General Secretary in the execution of her or his duties and perform such other duties imposed by decisions of the Organization or delegated to them by the General Secretary.

#### **12.1.2 Frequency of Meetings**

12.1.2.1 The National Office Bearers shall meet at least four times a year and as frequently as the demands of the organization dictate and the quorum shall be determined by the majority of the Office Bearers being present.

## **12.2 National Executive Committee ("NEC")**

The management of the affairs of the Organization shall vest in the NEC.

### **12.2.1 Composition**

12.2.1.1 The NEC shall consist of the NOBs, Provincial Chairpersons, Deputy Provincial Chairpersons, Provincial Secretaries and 2 (two) student representatives from National Learner Movement.

### **12.2.2 Powers and functions**

12.2.2.1 Subject to the provisions of this Constitution, the NEC shall have the power to:

- a) Exercise executive authority on all administrative functions including financial matters subject to the directives of the NEC and National Congress (NC).
- b) Appoint sub-committees for the purpose of investigating, reporting or administering any

matter or function referred or delegated to it by the CEC or NC, consider and decide on the outcomes thereof and to dissolve such sub-committees;

- c) Review the decisions of the Provincial Congresses and PECs;
- d) Control and administer national scholarships and bursaries;
- e) Publish and support the publications or journals approved by the organization;
- f) Do any such functions as are imposed by the National Congress, the CEC, and the Constitution; and
- g) Develop guidelines for the creation and approval of regions, local/branches.

### **12.2.3 Frequency of meetings**

12.2.3.1 The NEC shall meet three times a year.

12.2.3.2 The General Secretary shall circulate the notice of the meeting together with the details about the business of the meeting to all NEC members at least a week prior the meeting.

### **12.2.4 Quorum**

12.2.4.1 A majority of NEC delegates and provinces present shall constitute a quorum.

12.2.4.2 If within 1(one) hour of the scheduled time of the meeting there is no quorum, The President must officially open the meeting, and after consultation with the NOBs present shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days.

12.2.4.3 A written notice of the adjourned meeting shall be given to all Provinces.

### **12.3 Central Executive Committee (CEC)**

The CEC has the general powers as the highest decision making and policy formulation body between the national congresses.

#### **12.3.1 Composition**

12.3.1.1 The CEC shall comprise the NEC,POB'S Regional Chairpersons and Secretaries , one representative of Student Movement from each province and two representatives from the Student National Body.

#### **12.3.2 Powers and Functions**

12.3.2.1 Subject to the resolutions or decisions of the National Congress, the CEC shall, among others:

- (a) Make policy on issues where the National Congress has not pronounced;
- (b) To ratify decisions referred to it by the NEC;
- (c) Discuss and adopt policy issues of major significant in between National Congresses;
- (d) Provide rulings on interpretation of policies;
- (e) Suspend any structure of the

organization in the event of its failure to comply with this Constitution or if in its opinion the structure is acting contrary to the interests of the organization.

- (f) Decide on mergers with other organizations.

### **12.3.3 Frequency of Meetings**

- 12.3.3.1 The CEC shall meet once in every two years.
- 12.3.3.2 The General Secretary shall circulate notices of the CEC meetings to Provinces at least two months in advance of the meeting setting out the agenda of the meeting and request for any resolutions or further items;
- 12.3.3.3 Provinces submitting resolutions or additional items shall do so at least thirty days prior the meeting whilst the General Secretary must circulate same to all other Provinces at least seven days prior the meeting;
- 12.3.3.4 Special meetings of the CEC may be called if the CEC by majority vote so decides or on a requisition stating the issues requiring such meeting signed by a majority of CEC representatives. The notice to convene a special meeting shall be no less than seven days; and
- 12.3.3.5 Special CEC meetings shall only deal with the business for which they are called.

### **12.3.4 Quorum**



- 12.3.4.1 The quorum of the CEC shall be at least a majority of representatives provided that at least 2/3 of provinces are represented; and
- 12.3.4.2 If within 1(one) hour of the scheduled time of the meeting there is no quorum, The President must officially open the meeting, and after consultation with the NOBs present shall announce the date, time and venue of the adjourned meeting, which date shall not be later than 14 calendar days.

## **12.4 National Congress (NC)**

The National Congress shall be the supreme governing and policy formulation body of the Organization.

### **12.4.1 Composition**

- 12.4.1.1 The National Congress shall consist of the National Office Bearers, NEC members, POBs, PEC members, Provincial delegates granted on a pro-rata basis and two Learner Movement representatives from each Province and four from the National Student Movement.
- 12.4.1.2 Representatives of associated national and provincial societies and special interest groups shall be entitled to attend the Congress and have full speaking rights and to participate in the deliberations but will have no voting rights. The NEC shall decide on the number of

representatives from each of the special interest groups.

**12.4.2 Powers and functions**

12.4.2.1 The National Congress shall have powers to amend and adopt policies and the constitution;

12.4.2.2 Receive, consider and resolve on the issues arising from an address and reports from the President, Secretariat and National Treasurer;

12.4.2.3 Consider, and approve report auditors and financial statements;

12.4.2.4 Elect National Office Bearers and to consider any resolution pertaining to the removal or reinstatement of the National Office Bearers.

12.4.2.5 Consider appeals that are appropriately referred to the National Congress.

12.4.2.6 The National Congress shall adopt policies by means of resolutions.

12.4.2.7 Review, amend or substitute any decision by the CEC and NEC.

**12.4.3 Frequency of meetings**

12.4.3.1 The NC shall meet once every four years.

12.4.3.2 The General Secretary, on behalf of the NEC, shall serve Provinces with four months written notice convening the National Congress. The notice shall contain the date, time, place and business of the Congress as directed by the NEC.

- 12.4.3.2 Provinces submitting resolutions or additional items shall do so at least three months prior the meeting whilst the General Secretary shall circulate same at least 2 (two) months prior the meeting.
- 12.4.3.3 Special National Congress may be called if 2/3 of the NEC members vote for it or when the majority of Provincial Executive Committees requisition for such a meeting. The notice to convene a special congress shall be no less than 30 (thirty) days.
- 12.4.3.4 Special congresses shall only deal with the business for which they are called.

**12.4.4 Quorum**

- 12.4.4.1 A majority of delegates and Provinces required to attend the Special Congress shall constitute a quorum. In the event there being no quorum within 1 (one) hours of the scheduled time for the congress, the meeting shall stand adjourned to an agreed date, time and venue.
- 12.4.4.2 At such adjourned meeting the delegates present shall constitute a quorum. A written notice of the adjourned congress shall be given to all Provinces.

**CHAPTER IV: FINANCIAL ADMINISTRATION**

**13. Finance**

**13.1 Funds and Assets**

- 13.1.1 The funds of the organization shall be generated by means of subscriptions, levies, donations, interest or any other legitimate source. All funds payable to the

Organization must be remitted to the General Secretary and shall be deposited to its bank account within three days of receipt thereof.

13.1.2 All assets of the organization shall be recorded on the organizational national asset register and remain in the custody of the organization under the control of the General Secretary.

13.1.3 The financial shall run from 1 January to 31 December each year.

### **13.2 National Finances**

13.2.1 The NEC shall open and operate all national banking accounts in the name of the Organization.

13.2.2 The N E C shall from time to time direct that monies not required for immediate use be invested with approved financial institutions.

### **13.3 Head Office Account**

13.3.1 There shall be a separate Head Office operating account. Head Office like all other cost centres shall be responsible for preparing its budget based on the projected consolidated expenditure for all the departments and its activities.

13.3.2 Head Office shall receive a monthly allocation as per the approved national budget by the NEC.

### **13.4 National Finance Committee (FINCOM)**

The National Finance Committee shall be responsible for overseeing the overall management of the organization's financial affairs and to report thereon to NEC as the NEC may so determine.

**13.4.1           Composition**

13.4.1.1       FINCOM shall comprise the National Treasurer, General Secretary, Provincial treasures and head of finance

**13.4.2           Powers and Functions**

13.4.2.1       FINCOM shall perform all Powers and functions as delegated to it by the NEC including making recommendations on Financial Policy and management matters to be decided by the NEC and to initiate and stimulate policy debate within the organization in preparation for policy decision;

13.4.2.2       FINCOM shall have powers to suspend or close any account of the organization and to take into its possession and investigate all books of account, and to take whatever action necessary to protect and secure the financial interests of the organization;

13.4.2.3       To receive, analyze, review and resolve on the consolidated Provincial and National finances report by the National Treasurer;

13.4.2.4       Monitor the organization’s overall budgets, Income and Expenditure and prepare financial reports to the NEC.

13.4.2.5       Assist with long term Financial Planning and developing ways to make the organization self sufficient.

**13.4.3           Frequency of meetings**

13.4.3.1       FINCOM shall meet at least three times a year before the NECs.

**13.4.4           Quorum**

13.4.4.1       The quorum shall be at least a majority of representatives

provided that at least 2/3 of provinces are represented.

- 13.4.4.2 In the event of being no quorum, the meeting shall stand adjourned and be reconvened in the next fourteen days.

### **13.5 Provincial Finances**

- 13.5.1 Provinces shall operate a Provincial operating account in the name of the organization.
- 13.5.2 Provinces shall be responsible for putting together a proposed budget for Provincial operational costs, and consolidation of activities at a National level for presentation at the NEC.
- 13.5.3 Provinces are entitled to receive monthly allocations from Head Office upon accounting on an impressed accounting system basis.
- 13.5.4 The National Office Bearers may withhold any allocation to a Province that failed to account within twenty one days after the end of the month on which the allocation was given or when the Province fails to ensure that organization subscriptions are received by Head Office.
- 13.5.5 Provinces are responsible for the proper keeping of their financial books and accounting to head office.
- 13.5.6 The Treasurer must present an income and expenditure reconciliation accounts for the Province to the PEC for ratification.

### **13.6 Regional Finances**

- 13.6.1 The provincial treasurer shall submit to the Provincial Executive Committee at each ordinary meeting a detailed report on all monies allocated to the region.
- 13.6.2 The regional treasurer must submit income and expenditure to the region.

## **CHAPTER VI**

### **14. GENDER COMMITTEES**

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## **14.1 Composition**

14.1.1 Gender Committees shall be established at all levels.

14.1.2 Gender Committees shall remain subcommittees of their respective Executive Committees.

## **14.2 Powers and functions**

14.2.1 Gender structures shall ensure that:

- a) It raises gender awareness amongst women and men.
- b) All organization activities and programmes are gender sensitive and bias.
- c) The organization takes up gender related issues as part of its broader working class struggle.
- d) All constitutional structures of the organization are composed by, at least, fifty percent women representation.
- e) Attend to any matter referred to them by their respective Executive structure whilst retaining powers to address any matter of gender discrimination or of failure of the structure to execute organization policy.

## **14.3 Local Gender Committee**

14.3.1 A Local Gender Committee shall consist of the office bearers and six additional members elected directly from the Local Structures.

14.3.2 The Committee shall meet once every three months

## **13.4 Regional Gender Committee**

14.4.1 A Regional Gender Committee shall consist of the Chairperson and Secretary of each Local Gender Committee.

14.4.2 The above representatives shall, among themselves, elect the Office Bearers.

14.4.3 The Committee shall meet once every three months.

#### **14.5 Provincial Gender Committee**

14.5.1 A Provincial Gender Committee shall consist of the Office Bearers and Chairperson and Secretary of each Regional Gender Committee.

14.5.2 The above representatives shall, among themselves, elect the Office Bearers.

14.5.3 The Committee shall meet once every three months

#### **14.6 National Gender Committee**

14.6.1 The National Gender Committee shall consist of three representatives from each Province and National Gender Coordinator, who shall be a full time organization official

14.6.2 The Committee shall elect Office Bearers among the members of the Committee.

14.6.3 The National Gender Committee shall meet twice a year whilst the Office Bearers may meet more frequently.

14.6.4 The National Gender Committee has an overall responsibility for monitoring the functioning of all gender structures, gender sensitivity of union/organization programmes and evaluation of all organization interventions against the organization's gender policy.

#### **14.7 General**

14.7.1 All Gender Committees are required to produce plans and programmes to address gender issues as per their functions above.

14.7.2 All Gender Committees must, at least, have 50/50% women/men representation.

14.7.3 Gender Committees must report to their respective Executive Committees and National Gender Committee must report to the NEC.

### **15 INDEMNIFICATION OF OFFICIALS, OFFICE BEARERS AND COMMITTEE**



## **MEMBERS**

15.1 The Officials, Office Bearers and Committee members of the Organization, provided that they have not acted in a manner which would constitute misconduct, shall be indemnified by the Organization against all proceedings, costs and expenses incurred by reason of the performance of their duties on behalf of the Organization and their liability shall be limited to the amount of their subscription outstanding or other monies due to the Organization at any time. The NEC shall adopt a policy setting out the parameters of organization liability to members.

## **16. AMALGAMATION**

16.1 If any association or trade organization with the same or similar scope as the organization intends to dissolve in order for its members to join the organization and its unexpended funds being transferred to the organization, then notwithstanding anything to the contrary contained in this Constitution, the members of the dissolving association or organization shall be automatically admitted to full membership of the organization on the date of dissolution.

16.2 Any member of the dissolving association may, within three months of the aforementioned date notify the Organization in writing that she or he does not wish to be a member.

16.2.1 The NEC shall have the power to conclude an agreement to amalgamate with any association or organization whose scope of membership is the same or similar to the organization.

## **17. DISSOLUTION**

- 17.1. The Organization may be dissolved by resolution of the National Congress in which a majority of at least seventy five percent has voted in favour.
- 17.2 In the event of the resolution being adopted as provided by the National Congress or the remaining members of the NEC shall appoint a liquidator to wind up the affairs of the trade organization. The liquidator shall not be a member of the organization.
- 17.3 The liquidator shall take all necessary steps to liquidate the debts of the organization from its unexpended funds and any other monies realized from any assets of the organization.
- 17.4 After payment of all debts the remaining fund, if any, shall be transferred to another non-profit, tax exempt organizations with objects similar to the organization as the National Congress may decide and;
- 17.5 The remaining members of the NEC shall take all the necessary steps to ensure compliance with the law.

## **18. AMENDMENTS TO THE CONSTITUTION**

- 18.1 The Constitution may be amended by a two thirds majority at the National Congress.
- 18.2 All resolutions on Constitutional amendments must comply with the guidelines and procedure provided for in this Constitution.
- 18.3 Only the National Congress shall have powers to amend the rules in this Constitution in the manner that may result in the material change of the provisions in the Constitution.

18.4 The NEC may make amendments in the event of a gap in policy or if such amendment does not result in the material change of any of rules provided for in the constitution.

## **19. INTERPRETATION**

19.1 Any matter not provided for in this Constitution shall be dealt with by the NEC and in the event of any doubt or dispute as to the meaning or interpretation of any phrase, rule, term or expression used in this Constitution, the resolution of the National Congress, the interpretation thereof shall be made by the NEC and its decision shall be final.

19.2 In the event that there is a conflict between decisions taken by the different representative structures of the Organization, decisions of the more representative structures shall take precedence.

## **20. PROCEDURE MANUALS**

The following Manuals annexed herewith are part of the Constitution:

- 1. DENOSA Learner Movement**
- 2. Procedure Manual for Electing Union Leadership**
- 3. Procedure Manual for Meetings**
- 4. Manual for Management of Discipline**

**SIGNED AT PRETORIA ON 25 APRIL 2010**



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**E.P. MAFALO  
PRESIDENT**



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**T.T. GWAGWA  
GENERAL SECRETARY**