



CONSTITUTION OF SAPU

As Amended by the Central Executive Committee of SAPU 2024

Domicilium

Section 1: Domicilium

The domicilium of the Union will be the National Office of the Union as from time to time determined by the Central Executive Committee.

Section 2: Offices

The offices of the Union shall be at such places accessible by all members in the Republic of South Africa as the National Executive Committee may from time to time determine

Contents

Domicilium	2
Section 1: Domicilium.....	2
Section 2: Offices	2
Preamble.....	5
Chapter 1 Definition and Interpretation	6
Section 1: Definition.....	6
Section 2: Interpretation of the Constitution.....	7
Chapter 2 Name/Logo, Scope, Body, Vision & Mission, Aims & Objectives, Core Values.....	8
Section 1: Name and Logo.....	8
Section 2: Scope of the Union.....	8
Section 3: Body Corporate.....	8
Section 4: Vision and Mission	9
Section 5: Aims and Objectives	9
Section 6: Core Values	9
Chapter 3 Membership	10
Section 1: General	10
Section 2; Membership Categories.....	10
Section 3: Termination of Membership.....	10
Section 4: Application for Membership	11
Section 5: Paid-Up Members	11
Section 6: Non Paid-Up Members	11
Section 7; Entrance Fees and Subscriptions	11
Chapter 4 Discipline	13
Section 1: General Provisions	13
Section 2; Discipline of Shop Stewards	13
Section 3; Discipline of Executive Committee Members.....	14
Section 4; Discipline of Office Bearers.....	14
Section 5; Discipline of Members	15
Chapter 5 National Structures of SAPU.....	16
Section 1: National Congress.....	16
Section 2: Central Executive Committee.....	18
Section 3: National Executive Committee.....	20
Chapter 6 Provincial Structures of SAPU.....	22
Section 1: Provincial Congress	22
Section 2: Provincial Executive Committee	23
Section 3: Regional Council Meetings	24
Section 4: Regional Executive Committee	26

Section 5: Shop Steward Committees	27
Chapter 7 Office Bearers, Structures and Duties.....	29
Section 1: General	29
Section 2: Duties	29
Section 3: President and Chairpersons	30
Section 4: Deputy President or Vice Chairpersons	30
Section 5: Treasurer.....	30
Section 6: Finances.....	30
Section 7 :General, Provincial, Regional and Other Secretaries.....	31
Section 8: Chief Operating Officer	31
Section 9: National Departments.....	31
Chapter 8 Forums	33
Section 1: National Women Networking Forum	33
Section 2: Provincial Women Networking Forum.....	33
Section 3: Regional Women Networking Forum.....	33
Chapter 9 Other Matters of Importance	35
Section 1: Representation on Bargaining and Statutory Councils	35
Section 2: Election Process.....	35
Section 3: Technical Clauses	37
Section 4: SAPU and Corporate Governance	37
CODE OF CONDUCT FOR STRUCTURES.....	40
ORGANIZATIONAL STRUCTURE.....	41

Preamble

We, the members of the South African Policing Union (SAPU) recognise the disparities and injustices created by our past;

Honour our members, past and present who have worked tirelessly towards the creation of a safe and better workplace for all workers in our sector;

Believe firmly, that all workers must be treated equally, fairly and with dignity despite their political affiliation and background;

Commit towards working with progressive forces towards the creation of better working conditions for all our workers;

We therefore, through our democratically elected representatives adopt this Constitution as the supreme law of the South African Policing Union (SAPU), so as to

- Mobilise and organise workers;
- Join other progressive forces towards fighting for fairness and equal treatment of workers;
- Fight for better working conditions and remunerations for workers;
- Build a strong and united workers organisation under the South African Policing Union banner

Chapter 1

Definition and Interpretation

Section 1: Definition

For the purpose of this Constitution the following words and expressions have the meanings assigned to them respectively.

- 1.1 **Appeals authority** shall be decided by the NEC on an ad hoc basis.
- 1.2 **National Congress** means the supreme governing body of the South African Policing Union.
- 1.3 **National Office Bearers** means members elected at the National Congress to the positions of President, Deputy President, first and second Vice-Presidents, the General Secretary, Deputy General Secretary and the Treasurer, as well as the Chief Operating Officer as an ex-officio member.
- 1.4 **Provincial Office Bearers** means members elected at the Provincial Congress to the position of Provincial Chairperson, Provincial Deputy Chairperson and Provincial Secretary.
- 1.5 **Central Executive Committee** means the highest governing body of the Union in the absence of the National Congress.
- 1.6 **National Executive Committee** means the governing body of the Union that oversee the implementation of Union Policies as determined by the National Congress and Central Executive Committee.
- 1.7 **Provincial Congress** means the highest governing body of the Union within a particular province.
- 1.8 **Member** means any employee who is employed in any of the environments mentioned in Chapter 2, Section 2.
- 1.9 **Official** means a person in the employment of the Union excluding elected office bearers.
- 1.10 **Shop Steward** means a person who is elected to represent the Union and act on behalf of or assist a member in a place of work.
- 1.11 **The Provincial Executive Committee** means the governing body of the Union within a particular province that co-ordinates and oversees the implementation of the Union policies and activities as determined by the Union.
- 1.12 **Province** means a demarcated region of the Republic of South Africa as determined from time to time by the Central Executive Committee.
- 1.13 **Region** means a group of workplaces within a province as determined from time to time by the National Executive Committee.
- 1.14 **Women Networking Forum** means the platform where women will participate and co-ordinate the activities of the Union to strengthen women leadership role within the Union.
- 1.15 **National Full Time Shop steward** means an elected shop steward who is elected to represent the Union and act on behalf of or assist members on National level as elected by the National Executive Committee.
- 1.16 **Provincial Full Time Shop steward** means an elected shop steward who is elected as a Provincial Office Bearer preferably the Provincial Chairperson to represent the Union and act on behalf of or assist members on Provincial level.
- 1.17 **Regional Full Time Shop steward** means an elected shop steward who is elected by the Provincial Executive Committee.
- 1.18 **National Fincom** means a committee elected from the National Executive Committee by the National Executive Committee to ensure that the financial expenses are in accordance with the National Budgets and policies.
- 1.19 **Provincial Fincom** means a committee elected by the Provincial Executive Committee to ensure the proper management of the financial expenses of the Province.
- 1.20 **Days** mean working days excluding Saturdays, Sundays and public holidays.

- 1.21 **Contracted Official** means a person contracted to SAPU in a legal or other capacity and shall for the purpose of the Grievance/ Disciplinary Procedure and Collective Bargaining be deemed "officials" of the Union. (This does not constitute an employer employee relationship between the contractee and SAPU).
- 1.22 **Ex-Officio member** is a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office. This member may not have the power to vote in the body's decisions.

Section 2: Interpretation of the Constitution

- 2.1 Anyone who applies this Constitution must interpret its clauses so that it
- 2.1.1 Executes the aims and objectives of the Constitution.
 - 2.1.2 It complies with the rules of interpretation.
 - 2.1.3 It is reconcilable with the aims and objectives of the Constitution.
- 2.2 This Constitution shall be made available to members in English for practical and interpretation purposes. In the case of confusion or a dispute which may arise between the English Version of this Constitution and a version in any other language, the interpretation and format of the English version shall be recognised.
- 2.3 All questions regarding the interpretation or drafting of this Constitution shall be resolved by the Central Executive Committee, whose decision shall be final subject to ratification by the National Congress.
- 2.4 The Union shall be known as a Trade Union.

Chapter 2

Name/Logo – Scope – Body – Vision and Mission – Aims & Objectives – Core Values

Section 1: Name and Logo

Name

The name of the organisation shall be the South African Policing Union (hereafter referred to as the Union or SAPU).

Logo



- The logo of the Union shall be the 8 pointed star, with the abbreviation of “SAPU” within the star. The eight points represent tact, perseverance, gallantry, loyalty, dexterity, explicitness, observation and sympathy.
- The logo will comprise of the following colours namely, mustard yellow, royal blue, black and white. Mustard yellow represents love and overcoming challenges, royal blue represents sincerity, and black represents wisdom and white represents perfection.
- The logo will be determined by the National Congress and shall, together with the name of the Union, appear on all official documents of the Union.
- The logo will be a registered trademark of SAPU.

Section 2: Scope of the Union

The union will organize in the following environments:

- 2.1 Department of Police;
- 2.2 Any metropolitan, city or municipal policing agency;
- 2.3 Department of the Civilian Secretariat for Police Service;
- 2.4 Department of Correctional Services;
- 2.5 Border Management Agency;
- 2.6 Road Traffic Management Corporation;
- 2.7 Cross-Border Road Transport Agency;
- 2.8 Private security industry;
- 2.9 Any statutory law enforcement agency not mentioned above.

Section 3: Body Corporate

- 3.1 The Union is a Body Corporate and may summons and be summonsed in its name and may be the owner of assets, movable or immovable, obtained by way of financing or otherwise.
- 3.2 The Union may guarantee and stand surety for any entity excluding any individual person, as determined by the National Executive Committee from time to time.

- 3.3 This trade 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.

Section 4: Vision and Mission

4.1 SAPU VISION

"To be a majority trade union for all workers within the safety and security sector."

4.2 SAPU MISSION

"Through innovation and state-of-the art research & developments, provide a professional quality service to our members at all levels through representation, advice, dispute resolution and collective bargaining within the safety and security sector. We are committed to provide such products and services in collaboration with internal and external stakeholders. We are passionate about social justice in the work place and aim to grow the organization and its reputation for the benefits of all our members".

Section 5: Aims & Objectives

The aims and objectives of the Union are:

- 5.1 To function as a democratic Union for employees in all recognised legal policing law enforcement agencies without limitations to race, creed, religion or gender;
- 5.2 To champion the cause of our members and to represent them in labour disputes, grievances and work towards improving the working conditions of our employees;
- 5.3 To participate towards improvement of working and living conditions of our members;
- 5.4 All activities of the Organisation shall be geared towards improving working and living conditions of our members and other workers in the sector.
- 5.5 To champion all issues, in the shop floor and in society that impact on our members such as crime, housing etc;
- 5.6 To become self-sufficient and financially sound trade Union;
- 5.7 To use the bargaining power of the Union to advance SOLELY the needs and aspirations of its membership;
- 5.8 To establish and administer funds for the benefit of its members and their dependants

Section 6: Core Values

The Core Values of the Union are:

- 6.1 Professionalism
- 6.2 Education
- 6.3 Efficiency
- 6.4 Loyalty
- 6.5 Integrity
- 6.6 Accountability

Chapter 3

Membership

Section 1: General

- 1.1 Membership shall be open to all employees who are employed in any of the environments mentioned in Chapter 2, Section 2.
- 1.2 The number of members of the Union shall be unlimited.

Section 2: Membership Categories

2.1 Members

- 2.1.1 A member as defined in Clause 1.8 of Chapter 1, Section 1 shall be entitled to all privileges and benefits of the membership and has the right to vote.
- 2.1.2 An applicant shall become a member:
 - After approval of his/her membership and;
 - By complying with the provisions of this Constitution.
- 2.1.3 Members whose services have been terminated as a result of a labour dispute or in any circumstances which in the opinion of a Regional Executive Committee or Provincial Executive Committee are unfair, remain members until such time as the Provincial Executive Committee, National Executive Committee or Central Executive Committee have decided that no further steps challenging such dismissal can be pursued.

2.2 Honorary Members

- 2.2.1 Honorary membership may be conferred on any person not otherwise eligible for membership.
- 2.2.2 Honorary members shall not be liable for the payment of dues and shall not be entitled to attend any official meetings of the Union or be a member of any committee except when invited by the Union on grounds of a contribution which will benefit the interests of the Union. They shall also not be entitled to vote at any meeting or to hold any office.
- 2.2.3 Persons eligible to become members and who are not members cannot become honorary members.

Section 3: Termination of Membership

- 3.1 If a member resigns or retires or his/her employment services are terminated; he/she shall forthwith cease to be a member and shall no longer be entitled to the benefits of membership.
- 3.2 Should the membership of the member be suspended or terminated for any reason whatsoever such member shall not be entitled to any benefits of membership for the duration of such suspension or termination, provided that the member shall have the right to appeal against such suspension or termination of membership, to the National Executive Committee. Provided that in the case of the suspension of a member, that member shall have the right to apply in writing to the National Executive Committee to keep the benefits of membership and the decision of the Executive Committee will be final and binding in this regard. Such application should be made in writing within 14 (fourteen) days from the date of suspension.

Section 4: Application for Membership

- 4.1 An employee who wishes to become a member shall apply for membership on the prescribed application form, together with stop order or debit order authorisation for monthly subscriptions which shall be lodged with the General Secretary of the union.
- 4.2 Every application for membership shall be considered by the Regional Executive Committee within 3 (three) weeks of receipt thereof by the Secretary.
- 4.3 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 the membership fee paid by him/her on application.
- 4.4 If admission to membership is refused by the National Executive Committee the applicant concerned shall have a right of appeal to the next Central Executive Committee meeting, which shall have the power to confirm or reverse the decision of the National Executive Committee. Such an appeal shall be in writing and shall be submitted to the General Secretary at least 3 (three) weeks before the general meeting. The Central Executive Committee meeting's decision shall be final.
- 4.5 Every member shall notify the secretary, in writing, of his/her postal address and any change thereof within 14 (fourteen) days/weeks of the date on which the change occurred
- 4.6 An employee who has resigned or been expelled from the trade union may be readmitted to membership on such conditions as the National Executive Committee may determine.

Section 5: Paid-Up Members

- 5.1 When the first payment of the monthly subscription has been deducted from the member's salary and paid over to the Union, or paid otherwise to the Union, such a person would be deemed to be a paid-up member of this Union and afforded all privileges and benefits.

Section 6: Non Paid-Up Members

- 6.1 A person whose subscription fee has not been deducted from his/her salary will be deemed a non paid-up member and shall not be afforded all the privileges and benefits due to a paid-up member, except for the following:
 - 6.1.1 Participation in any benefits from any Group Scheme for paid-up members.
 - 6.1.2 Benefits provided for by an outside contractor to Union members.
 - 6.1.3 Such a member shall not have the right to vote or be counted for a vote to any position of office bearer in the Union.

Section 7: Entrance Fees and Subscriptions

- 7.1 The subscription of membership of the Union shall from time to time be determined by the Central Executive Committee and based upon the broad operational requirements of the Union and will be binding on all members and may be payable in twelve proportional payments (maximum of i.e. R60-00) per month shall be deducted from the employee's salary by means of a stop-order / debit order authorised when applying for membership.
- 7.2 The entrance fee for a member to be eligible for membership shall be a once off payment up to a maximum of i.e. R120.00.
- 7.3 An applicant shall when applying for membership simultaneously give authority to the employer for the deduction of his/her subscription by the employer to the advantage of the Union. The application form shall also contain a debit order / stop order and the latter shall be forwarded to the employer on acceptance as a member.
- 7.4 A member may resign by giving 3 (three) months' notice in writing to the National Executive Committee through office of the General Secretary, provided that no resignation shall take effect until all moneys due to the trade Union by the member concerned have been paid.
- 7.5 A member whose membership fees are more than 3 (three) months in arrears shall automatically cease to be a member of the Trade Union. Such person shall, however, be liable for all moneys due to the Trade Union as at the date on which he/she ceases to be a member of the trade Union.

- 7.6 A member on suspension, pending departmental or disciplinary hearings, and whose remuneration has been suspended is responsible to maintain his/her payment of membership dues to the Union during the period of suspension.
- 7.7 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 Chapter 2 Section 5.8.

Chapter 4

Discipline

Section 1: General Provisions

- 1.1 An office-bearer, official or trade union representative may be removed from office: (a) if he/she infringes any of the provisions of this Constitution; and (b) if he/she acts in a manner which is detrimental to the interest of the trade union.
- 1.2 Any member, shop steward, office bearer or official of the Union may have disciplinary steps taken against them in terms of the Disciplinary Code and Procedure for both Employees and Structures if they act contrary to the code of conduct as determined by the National Executive Committee, Constitution or policies.
- 1.3 Nothing in this clause denies the right of any structure to recall an elected representative for any cause it deems fit after such an elected structure is given an opportunity to state his case. This will happen by a majority decision.
- 1.4 In the case of a Disciplinary Hearing at the national level, National Executive Committee, the Provincial Executive Committee at the provincial level, Regional Executive Committee at regional level and shop steward committee at the institutional level will elect a disciplinary committee that will deal with the matter in terms of this clause.
- 1.5 A Seven (7) days notice must be given to all parties to the disciplinary inquiry stating the time, date and venue of the disciplinary hearing. Such a notice shall also stipulate the nature of the charge. The notice shall be delivered by hand or by registered post to the accused's place of employment.
- 1.6 In cases where the accused fails to turn up for the hearing the Disciplinary Committee must satisfy itself that due notice was given to the accused, after which the committee may proceed to hear the case and to make a ruling, whether the accused is present or not.
- 1.7 The accused shall have the right to appeal the decision of the Disciplinary Committee and such appeals shall be lodged in writing through the office of the President for the appeal authority which will be decided by the National Executive Committee on AD-HOC basis within 14 (fourteen) days of any disciplinary steps being taken.
- 1.8 A member shall be entitled to call witnesses in support of his/her case when attending a meeting of the executive committee or a general meeting in terms of subclause (2) or (3), as the case may be.
- 1.9 The Central Executive Committee may take any such steps as are set out above against any elected National Office Bearer or may after a hearing by the full Central Executive Committee take such disciplinary steps as the Central Executive Committee deems fit including removal or suspension from office or expulsion from the Union. In such event their right of appeal is to the next normal National Congress.
- 1.10 Before any elected Office Bearer who is accused of contravening provisions of this constitution or acted in a manner that is detrimental to the interest of the Union can be removed in terms of clause 1.1 of section 1 from the office, he or she shall be entitled to be heard by the National Executive Committee before such members can be expelled from the organisation or removed from their posts. Unless otherwise the member has been expelled from the organisation such a person shall be entitled to stand for election in the subsequent elections.
- 1.11 All SAPU employees shall be dealt with in terms of the Staff Disciplinary Procedure and Code as adopted by the National Executive Committee.

Section 2: Discipline of Shop Stewards

- 2.1 Where members wish to discipline a Shop Steward in his/her capacity as Shop Steward they shall do so by verbal censure in a general meeting or by evoking the recall procedure in Chapter 7: Section 1 Clause 1.8.

- 2.2 In the event that any member (s) or official (s) are of the view that neither remedy in 2.1 has been or can be effective and that the matter requires the attention of the relevant Disciplinary Committee they may adopt the procedure in Chapter 7: Section 1 Clause 1.8
- 2.3 The relevant Disciplinary Committee may (in addition to the measures in 2.1 and 2.2) suspend a Shop Steward from that office pending a hearing by the relevant Disciplinary Committee.
- 2.4 The Disciplinary Committee established by the Shop Steward Committee shall have the powers as set out in this Chapter 4 or to remove the Shop Steward from that office. If the affected Shop Steward is not satisfied with the decision of the Disciplinary Committee they can appeal the decision to the relevant Shop Steward Committee

Section 3: Discipline of Executive Committee Members

- 3.1 A Regional Executive Committee or Provincial Executive Committee and the National Executive Committee or Central Executive Committee shall have the right to censure its members verbally or in writing in any meeting or suspend such member for the duration of the meeting and to institute a disciplinary hearing. A Disciplinary Committee elected by the relevant structure will conduct such disciplinary hearing.
- 3.2 Such committees may if it considers it necessary suspend such member from further participation in its meetings pending the outcome of such hearing.
- 3.3 The relevant Disciplinary Committee may determine to exercise any of the measures set out in this Chapter 4.
- 3.4 Any person so disciplined by the Disciplinary Committee established by the Regional Executive Committee and Provincial Executive Committee shall have the right to appeal to the National Executive Committee. Any person so disciplined by the Disciplinary Committee established by the National Executive Committee shall have a right to appeal to the Central Executive Committee as the case may be.
- 3.5 In any case referred to the Provincial Disciplinary Committee by the Regional or Provincial Executive Committees, the elected member shall have the right to have its case heard at that disciplinary committee.

Section 4: Discipline of Office Bearers

- 4.1 A Shop Steward Committee may take any of the above steps to discipline any of its office bearers but may in addition suspend any office bearer from office pending the convening of a special Shop Stewards Committee which may remove such office bearer from office by majority vote.
- 4.2 A Regional Executive Committee may take any of the above steps to discipline any of its office bearers but may in addition suspend any office bearer from office pending the convening of a special Shop Stewards Committee which may remove such office bearer from office by majority vote.
- 4.3 A Provincial Executive Committee may take any of the above steps to discipline any of its office bearers but may in addition suspend any office bearer from office pending the convening of a special Provincial Congress which may remove such office bearer from office by majority vote.
- 4.4 In hearing a case a Disciplinary Committee shall hear all witnesses and examine all documentary evidence as necessary to determine the facts in the matter and shall then decide on its finding in the case. It shall inform the accused of its finding and allow further evidence in mitigation before deciding on appropriate disciplinary steps.
- 4.5 Any accused shall have the right to be represented by another member of their choice.
- 4.6 Where more than one accused is charged with a collective offence the individual accused may elect to be heard individually or collectively. In the event of electing to be heard collectively no more than 2 of their number plus a representative shall be entitled to attend the hearing.

Section 5: Discipline of Members

- 5.1 Any member(s), official(s) or structure of the Union being of the view that formal disciplinary steps should be instituted against a member or members may lodge a complaint with the Shop Stewards Committee Office Bearers of the member's Shop Stewards Committee.
- 5.2 The Shop Stewards Committee Office Bearers may take such steps, as they deem necessary in an attempt to resolve any dispute or institute formal disciplinary action by giving notice of a hearing.
- 5.3 They shall consult with the Provincial Office Bearers and if jointly agreed by consensus the Provincial Office Bearer's will convene a meeting to hear the case in the first instance.
- 5.4 Where a Regional Disciplinary Committee hears a matter its powers shall be limited to issuing formal warnings.
- 5.5 The Regional Disciplinary Committee may suspend a member pending a hearing by the Provincial Disciplinary Committee which must be convened within 1 (one) month of such decision having been taken.
- 5.6 A Provincial Disciplinary Committee shall have the power to give a written warning or to suspend the accused (for a period not exceeding 6 (six) months) or to expel such member from the Union.
- 5.7 A member disciplined by a Regional Disciplinary Committee shall have the right to appeal in writing to the Provincial Disciplinary Committee and a member disciplined by the Provincial Disciplinary Committee to the National Disciplinary Committee.
- 5.8 The Provincial Executive Committee of the member concerned shall review any disciplinary or appeal hearing decision and shall confirm or substitute such decision at its next meeting following the exhaustion of any appeal
- 5.9 The Central Executive Committee shall review all disciplinary cases further to the Provincial Executive Committee's review and shall confirm or set aside such Provincial Executive Committee decision.

Chapter 5

National Structures of SAPU

Section 1: National Congress

1.1 COMPOSITION OF NATIONAL CONGRESS

- 1.1.1 A National Congress shall comprise of delegates from the Province elected at a Provincial Congress or at a subsequent meeting convened for that purposes by the Provincial Executive Committee on nominations submitted by the Regional Executive Committee on the basis of 1 (one) representative for every 1000 (thousand) members and 1 (one) representative to every complete 501 (five hundred and one) members per province.
- 1.1.2 The Provincial Executive Committee and the Provincial Chairperson shall make its best endeavour to apply principles of gender equity and fair proportional representation in determining delegates to the National Congress.
- 1.1.3 The National Office Bearers of the Union shall be delegates to Congress.
- 1.1.4 The Provincial Office Bearers shall be delegates to the National Congress (over and above the numbers derived from 1.1.1).
- 1.1.5 The Central Executive Committee may for any Congress determine through an equitable formula the number of additional officials per Province who may attend the Congress, which number shall not exceed 20 % of the total delegates to Congress.

1.2 POWERS AND FUNCTIONS OF THE NATIONAL CONGRESS

- 1.2.1 The National Congress shall be the supreme governing body of the Union and may adopt, amend or reverse any policy adopted, or decision made by any other structure of the Union.
- 1.2.2 The National Congress shall have the powers to adopt or revoke general and specific policies and guidelines to govern the affairs of the Union.
- 1.2.3 All policy decisions of the Congress shall be made by written resolution duly proposed, seconded and voted upon.
- 1.2.4. The amendment of the constitution of the union
- 1.2.5. Election of the National Office Bearers

1.3 MEETINGS OF NATIONAL CONGRESS

- 1.3.1 The National Congress shall take place at least once in 4 (four) years and a special session of the National Congress may be called by a majority decision of the National Executive Committee or written resolution of a majority of Central Executive Committee representatives.
- 1.3.2 The quorum for National Congress shall be 50 % + 1 of the delegates entitled to be present provided at least 50 % + 1 of the provinces are represented.
- 1.3.3 Voting at Congress shall be by Provincial block vote counted by number of delegates present unless 5 out of 9 provinces support a motion that voting is by individual secret ballot.
- 1.3.4 Whether voting is by provincial block vote by show of hand or by individual ballot a decision shall be made on the basis of 50 % + 1.

1.4 NOTICE, AGENDA AND RESOLUTIONS

- 1.4.1 For a normal National Congress to convene, four (4) months written notice shall be given to all Shop Steward Committees and Provinces setting out the framework of the

agenda and areas of concern to the Central Executive Committee and calling for resolutions on any matters which are of concern to workplaces, Regions or Provinces or any proposed Constitutional amendments.

- 1.4.2 A special meeting of the National Congress may be convened on no less than 30 days' notice.
- 1.4.3 Shop Stewards Committees and members shall discuss such proposed agenda and may within 1 (one) month propose additional items or submit written resolutions or Constitutional amendments to their Province for consideration by the Provincial Congress or Provincial Executive Committee as the case may be.
- 1.4.4 The Central Executive Committee may further submit resolutions for debate at the National Congress and shall ensure that any policy resolutions, which it has adopted in the period since the last National Congress, are included for scrutiny, adoption or amendment by National Congress.
- 1.4.5 All resolutions or Constitutional amendments shall be submitted to the National Office of the Union no less than 2 (two) months prior to the convening of the National Congress. The General Secretary's Report and Audited Financial Statements must be circulated to all provinces no less than 6 (six) weeks prior to the Congress.
- 1.4.6 During the period of 6 (six) weeks leading up to the National Congress such resolutions, Constitutional amendments and reports shall be discussed by all Shop Steward Committees and further by the Provincial Executive Committee's or Regional Councils to formulate each Province's and Region's position and approach to the adoption, amendment, or rejection thereof by the National Congress.
- 1.4.7 Late resolutions, in writing, in the National Congress shall only be considered if a resolution allowing this has first been adopted by the Congress in respect of each particular such resolution by two-third majority.
- 1.4.8 The meeting shall be presided over by the President, should the President not be available, he / she shall delegate the powers to chair to any of the available Presidents.
- 1.4.9 The meeting shall be conducted in terms of rules and procedures consistent with acceptable democratic practises, which shall be adopted by the Central Executive Committee.
- 1.4.10 Amendments to the Constitution by the National Congress will be subject to prior submission to the Department of Labour.

1.5 NOMINATION AND ELECTION OF NATIONAL OFFICE BEARERS

- 1.5.1 The Congress shall elect from amongst its members a President and Deputy President, first and second Vice Presidents, General Secretary, Deputy General Secretary and Treasurer who shall all be office bearers, promoting equity and fair representation on the basis of race, gender, age and disability. Existing elected National Office Bearers are also eligible for re-election.
- 1.5.2 The Constitution further prescribes that voting shall be conducted by ballot only. This is to ensure the secrecy of the elections.
- 1.5.3 Where such National Office Bearers are persons who are already office bearers of a Shop Steward Committee or Province they shall vacate such positions, which shall be filled by others, elected by the relevant structure.
- 1.5.4 The Office Bearers elected by the Congress shall also be the Office Bearers of the Central Executive Committee and National Executive Committee.
- 1.5.5 Office Bearers shall perform all of the normal functions associated with such office as set out in Chapter 7.
- 1.5.6 The elections of all the National Office Bearers shall be monitored by an identified independent electoral body.
- 1.5.7 In the event that there is only one nominee for a position, that nominee will be duly elected in terms of Chapter 6: Section 5 – Clause 5.4.7.
- 1.5.8 Only delegates with confirmed credentials will be eligible to vote.

- 1.5.9 Each delegate will have 1 (one) vote per position i.e. President, Deputy President, 1st Vice President, 2nd Vice President, General Secretary, Deputy General Secretary and Treasurer.
- 1.5.10 Time for closure of nominations must be decided upon by the Congress and announced by the chairperson. This is to ensure that ballots are processed on time. Only nominations that are duly seconded will be accepted e.g. one province nominates and another province seconds. Nominee must also accept nomination.
- 1.5.11 In order to ensure transparency in the electoral process, an elected member per nominee must be identified by the respective candidates to monitor the counting and reconciliation of ballot papers.
- 1.5.12 Only results that are signed by the elections officials and monitors are deemed to be constitutional and fair.
- 1.5.13 Finally the election officials will declare whether elections were free and fair and make the announcement on the outcome of the elections.

Section 2: Central Executive Committee

2.1 COMPOSITION OF THE CENTRAL EXECUTIVE COMMITTEE

The Central Executive Committee shall consist of:

- 2.1.1 The National Office Bearers at Congress shall also be the Office Bearers of the Central Executive Committee and National Executive Committee.
- 2.1.2 Office Bearers shall perform all of the normal functions associated with such office and as set out in Chapter 7.
- 2.1.3 All Provincial Office Bearers.
- 2.1.4 1 (one) representative for every 2000 (two thousand) and 1 (one) additional representative for every completed 1001 (one thousand and one) members in such province elected in terms of the principle that the Provincial delegation shall in so far as this is practicable reflect the station, region and gender composition of the province.
- 2.1.5 Any official of the Union shall attend as decided by the National Executive Committee.

2.2 POWERS AND FUNCTIONS OF THE CENTRAL EXECUTIVE COMMITTEE

- 2.2.1 To act as the highest governing body of the Union between National Congress and in terms of policies determined by the National Congress.
- 2.2.2 To make policy where no Congress policy exists and to interpret Congress resolutions.
- 2.2.3 To interpret this Constitution between Congresses and to decide on all matters of procedure on which the Constitution may be silent.
- 2.2.4 To adopt meeting procedures appropriate for different types of meetings within the Union, which are consistent with democratic practises and effective decision making.
- 2.2.5 To decide on demarcations for provinces and regions, provide guidelines and criteria as determined by the Constitution and to make rulings on any organisational matter which will enhance the Union's development.
- 2.2.6 To suspend or to expel any structure of the Union (for a period not exceeding 1 (one) year) in the event of its failure to comply with this Constitution or if in its opinion such structure has or is acting contrary to the interests of the Union.
- 2.2.7 Such suspension or expulsion as referred to in Chapter 5: Section 2 - Clause 2.2.6 shall be subject to an appeal to Congress.
- 2.2.8 In the event of such suspension or expulsion the Central Executive Committee shall take such steps as are necessary to ensure the continuity of services to members and as may be necessary to re-establish such structure.
- 2.2.9 To co-ordinate and supervise the activities of the Union and promote the interest of the Union and its members.

- 2.2.10 To review and recommend any decision or activity of a province or its sub-structures which it considers being in the interest of the Union.
- 2.2.11 To amend, reverse or prohibit any decision or activity of a province or its sub-structures which it considers to be against the interest of the Union or its members or which is not in compliance with adopted policy.
- 2.2.12 To negotiate on, reach agreement, declare disputes and attempt to resolve such disputes with employers or any other bodies and determine rules in terms of which lower structures may do so.
- 2.2.13 To decide on policy and guidelines in respect to the instituting of legal action by the Union and in regard to its delegation of such powers to the National Executive Committee.
- 2.2.14 To appoint a standing disciplinary sub-committee consisting of 4 (four) of its members to hear, determine and implement its findings in terms of the Union's staff disciplinary procedure in matters relating to employees in national office posts and to hear appeals from provincial staff.
- 2.2.15 To ratify or substitute Disciplinary decisions after appeal proceedings have been exhausted.
- 2.2.16 To appoint sub-committees to investigate and report on any matters and to delegate powers of decision making to such sub-committees or the National Executive Committee between Central Executive Committee meetings and subject to ratification by the next Central Executive Committee.
- 2.2.17 To do such other things as in the opinion of the Central Executive Committee is in the interests of the Union and which are not inconsistent with this Constitution, Union policy or any law.
- 2.2.18 To decide on the domicillium of the National Office of SAPU.
- 2.2.19 The Central Executive Committee shall have the power to determine a set of guidelines to ensure that members are represented in constituencies by elected Shop Stewards.
- 2.2.20 The Central Executive Committee shall have the power to determine a Shop Steward constituency based on a defined group of members in a particular work place, section of work place or number of workplaces or for purposes of promoting equity and fair representation on the basis of gender, age, disability and race.
- 2.2.21 The Central Executive Committee shall have the power to define and determine the Shop Steward Committee's Region of jurisdictions in terms of their functions.
- 2.2.22 The Central Executive Committee may, subject to the limitations in 3.1.1 and 3.1.2 amend all clauses or sub clauses by way of a 2/3 majority. Provided that such amendments must be in the interests of the members and provinces.

2.3 MEETINGS OF THE CENTRAL EXECUTIVE COMMITTEE

The Central Executive Committee shall meet at least once every 4 (four) years and always before a National Congress.

2.4 NOTICE, AGENDA & RESOLUTIONS

- 2.4.1 Notice of normal meetings shall be given no less than one month in advance setting out matters to be discussed and calling for notification of any resolutions or further items.
- 2.4.2 Provinces wishing to submit resolutions or requesting additional items shall do so in writing no less than 28 (twenty-eight) days prior to the scheduled date of the meeting. The General Secretary shall circulate the agenda 21 (twenty-one) days prior to the meeting.
- 2.4.3 Special meetings of the Central Executive Committee may be convened by the National Executive Committee on a majority vote or the National Office Bearers by unanimous decision so decided.

- 2.4.4 Special meetings shall be convened as urgently as is necessary but on no less than 14 (fourteen) days' notice. An agenda for such a special meeting shall accompany this notice.
- 2.4.5 The quorum for the Central Executive Committee shall be at least a majority of representatives provided that at least 50 % + 1 of provinces are represented.
- 2.4.6 In the event of no quorum the meeting shall stand adjourned and be reconvened within a period of no more than 7 (seven) days.
- 2.4.7 Voting in the Central Executive Committee shall be by provincial block vote counted by number of representatives present unless 50% + 1 is not secured, provinces vote for individual secret ballot.
- 2.4.8 Where voting is by provincial block vote, by show of hand or by individual ballot, a decision shall be made on the basis of 50 % + 1.

Section 3: National Executive Committee

3.1 COMPOSITION OF THE NATIONAL EXECUTIVE COMMITTEE

The National Executive Committee shall consist of:

- 3.1.1 All Elected National Office Bearers.
- 3.1.2 The Provincial Chairperson, Deputy Chairperson and the Provincial Secretary. The Deputy Provincial Chairperson can act as a Chairperson in the absence of the Provincial Chairperson. In the absence of both the Provincial Chairperson and Deputy Provincial Chairperson the Provincial Executive Committee will appoint someone from amongst themselves to attend the National Executive Committee meeting.

3.2 POWERS AND FUNCTIONS OF THE NATIONAL EXECUTIVE COMMITTEE

- 3.2.1 The National Executive Committee shall have powers to co-ordinate and oversee the implementation of Union policy as determined by the National Congress and the Central Executive Committee.
- 3.2.2 Shall have powers to monitor the implementation and development of Union structures and campaigns and to request compliance where it considers that there is a failure to comply with this Constitution or Union policy.
- 3.2.3 Shall have powers to carry out such powers of the Central Executive Committee as may be delegated by the Central Executive Committee.
- 3.2.4 Shall have powers to make recommendations on policy issues to be decided upon by the Central Executive Committee and initiate policy debate within the Union to prepare for determination of policy by the Central Executive Committee.
- 3.2.5 Shall not have powers to adopt new policies or exercising any of the powers of the Central Executive Committee unless when the interests of the Union will be under threat if no action taken. Such action shall be ratified by the next Central Executive Committee or a special Central Executive Committee.
- 3.2.6 Shall have powers to determine all employment policies in the Union including the establishment or rationalisation of posts and the terms on which Human Resource and FINCOM may manage employment policies. This must be ratified by the Central Executive Committee.
- 3.2.7 Shall have powers to approve all conditions of employment and procedural rules in relation to it's employees. This must be ratified by the Central Executive Committee.
- 3.2.8 Shall have powers to open and operate National Bank Accounts in the name of the Union and to determine what other accounts in provinces and branches may be operated and to close or suspend any such accounts of the Union and to determine the terms under which the FINCOM may exercise delegated powers in this regard.
- 3.2.9 Shall have powers to adopt a consolidated annual budget for the Union based on proposals from National Office and provinces of the Union and determines the allocation of funds to Provinces or other purposes.
- 3.2.10 Shall have powers to acquire by purchase, lease or otherwise or sell, mortgage or lease moveable or immovable property.

- 3.2.11 Shall be responsible for the supervision of all financial administration of the Union.
- 3.2.12 Shall have powers to institute or defend any legal proceedings instituted against the Union which power and function can in general be delegated in writing by the National Executive Committee to the National Office Bearers.
- 3.2.13 Shall have the power to employ subject to Chapter 7: Section 7 – Clause .7.2.
- 3.2.14 Shall have powers to amend, reverse or prohibit any decision or activity of a branch, it's sub-structures or province which it considers to be against the interest of the Union or its members or which is not in compliance with adopted policy.
- 3.2.15 To decide on any matters concerning reservists.
- 3.2.16 To elect National Full Time Shop Stewards and develop a performance enhancement process which will help to monitor and evaluate all Full Time Shop Stewards in the Union.
- 3.2.17 To elect trustees of any trust.

3.3 MEETINGS OF THE NATIONAL EXECUTIVE COMMITTEE

- 3.3.1 The National Executive Committee shall meet at least 3 (three) times a year between meetings of the Central Executive Committee and may be convened at any time should the National Office Bearers so decide.

3.4 NOTICE, AGENDA & RESOLUTIONS

- 3.4.1 Notice of meeting shall be given at least 21 (twenty-one) days in advance unless in the case of a special meeting shorter notice is necessitated. Such lesser notice shall not be less than 24 (twenty-four) hours save in the event of the President convening an emergency meeting in his discretion. Telephone and Video Conferencing shall be viewed as constitutional meetings and must be treated and conducted the same way as the meeting in sitting.
- 3.4.2 A quorum for the meeting shall be 50% +1 of the National Executive Committee members. If there is no quorum such meeting shall stand adjourned and be reconvened by written notice to all members within 21 (twenty-one) days. Such meeting shall be deemed quorate.
- 3.4.3 Where consensus cannot be reached a vote by show of hands supported by a majority of 50 % +1 of those present shall decide the matter, subject to Chapter 7: Section 7 Clause 7.6.

Chapter 6

Provincial Structures of SAPU

Section 1: Provincial Congress

1.1 COMPOSITION OF THE PROVINCIAL CONGRESS

- 1.1.1 Delegates to the Provincial Congress shall consist of Provincial Office Bearers plus 1 (one) representative for every completed 100 (one hundred) members in the province.
- 1.1.2 In determining such representation the Regional Executive Committee shall endeavour to ensure that there is proportional representation of all interest groups, and the gender composition of the Region.
- 1.1.3 Only Shop Stewards shall be delegates to Provincial Congresses.

1.2 POWERS AND FUNCTIONS OF THE PROVINCIAL CONGRESS

- 1.2.1 The Provincial Congress shall be the highest policy making body of the Union within a province and may adopt, amend or reverse any policy adopted, or decision made by any substructure within the province and within its jurisdiction or by the Provincial Executive Committee, subject to any decision or policy of the Central Executive Committee and National Executive Committee.
- 1.2.2 It is the function of the Congress to develop policy and provide mandates for the Province for further debate and adoption as policy of the Union through the National Congress and Central Executive Committee.
- 1.2.3 All policy decisions of Congress shall be made by written resolution duly proposed, seconded and voted upon.
- 1.2.4 The powers of a Provincial Congress to determine policy or to make any decision on any issue shall be subject to ratification, amendment or reversal by the National Congress, Central Executive Committee and National Executive Committee.
- 1.2.5 During elections at the Provincial Congress the "Ten Golden Rules for Fair Elections" must be applied.
- 1.2.6 The elections of all office bearers are determined by Chapter 7;: Section 1 Shop Stewards, officials or people appointed by relevant structures; and have been appointed in terms of the national guidelines approved by the National Executive Committee.
- 1.2.7 If there is only one nominee for a position then he/ she will be duly elected in terms of Chapter 6 Section 5 Clause 5.4.7.
- 1.2.8 The Constitution further prescribes that voting shall be conducted by ballot only. This is to ensure the secrecy of the elections.
- 1.2.9 Only delegates with confirmed credentials are eligible to vote and existing elected Provincial Office Bearers are eligible for re-election.
- 1.2.10 Each delegate will have one vote per position i.e. chairperson and deputy chairperson.
- 1.2.11 Time for closure of nominations must be decided upon by the Congress and announced by the chairperson. This is to ensure that ballots are processed in time.
- 1.2.12 Only nominations that are duly seconded as per national guidelines will be accepted e.g. one Region nominates and another Region seconds. The nominee must also accept nomination.
- 1.2.13 For transparency reasons, 1 (one) elected member per nominee must be identified by the respective candidates to monitor the counting and reconciliation of ballot papers.
- 1.2.14 Only results that are signed by the elections officials and monitors are deemed to be Constitutional and fair.

- 1.2.15 Finally the election officials will declare whether elections were free and fair and make the announcement on the outcome of the elections.

1.3 MEETINGS OF PROVINCIAL CONGRESSES

- 1.3.1 Provincial Congresses shall take place every 4 (four) years before the Central Executive Committee meeting.
- 1.3.2 The quorum for such Congress shall be 50 % +1 of the delegates entitled to be present provided that at least 50% + 1 of the Regions within the province are represented.

1.4 NOTICE, AGENDA & RESOLUTIONS

- 1.4.1 2 (two) months' written notice of a meeting of the Provincial Congress shall be given to all Shop Stewards Committees setting out such items for discussion as the Provincial Executive Committee may consider appropriate and calling for resolutions from Shop Stewards Committees.
- 1.4.2 Shop Steward Committees shall discuss such proposed written resolutions to Congress.
- 1.4.3 All resolutions shall be circulated to all Shop Steward Committees at least 3 (three) weeks prior to the meeting.
- 1.4.4 Late resolutions must be in writing to the Congress and shall only be considered if a resolution allowing for this has first been adopted by the Congress.
- 1.4.5 Where consensus cannot be reached a vote by show of hands supported by a majority of 50 % +1 of those present shall decide the matter.

1.5 NOMINATION & ELECTION OF PROVINCIAL OFFICE BEARERS

- 1.5.1 The Provincial Congress shall elect from amongst its members a Chairperson, Deputy Chairperson and Secretary.
- 1.5.2 Where such Office Bearers are persons who are already office bearers of a Region they shall vacate such positions, which shall be filled by others elected by the relevant structure.
- 1.5.3 The Office Bearers elected by the Provincial Congress shall also be the Office Bearers of the Provincial Executive Committee.
- 1.5.4 Office Bearers shall perform all of the normal functions associated with such office in terms of Chapter 7.

Section 2: Provincial Executive Committee

2.1 COMPOSITION OF THE PROVINCIAL EXECUTIVE COMMITTEE

- 2.1.1 The Provincial Executive Committee shall be composed of the Provincial Office Bearers, and at least 8 (eight) but not more than 16 (sixteen) additional members
- 2.1.2 Representatives to the Provincial Executive Committee shall consist of the Provincial Office Bearers plus the Chairpersons and Deputy Chairpersons from the Regions and additional representatives. Such composition must further be endorsed by the Provincial Congress; they shall make their best endeavours to apply the principle of gender equity and representativity in such representation and Women's Forum.

2.2 POWERS & FUNCTIONS OF THE PROVINCIAL EXECUTIVE COMMITTEE

- 2.2.1 To be responsible for the affairs of the Union in the province and to implement the policies and programmes of the Union within the province subject to any policy or decision of the Central Executive Committee and National Executive Committee.
- 2.2.2 To co-ordinate and supervise the activities of the Regional Council and Shop Steward Committee within the province.
- 2.2.3 To review and recommend any decision or activity of a Region or its sub-structures which it considers to be in the interests of the Union and in compliance with Union policy.

- 2.2.4 To amend, reverse or prohibit any decision or activity of a branch or it's sub-structures which it considers to be against the interest of the Union or it's members or which is not in compliance with adopted policy.
- 2.2.5 To negotiate on, reach agreement, declare disputes and attempt to resolve such disputes on matters within guidelines set out by the Central Executive Committee.
- 2.2.6 To appoint sub-committees to investigate and report on any matters and to delegate powers of decision making to such sub-committees subject to ratification by the full Provincial Executive Committee.
- 2.2.7 To maintain and administer consolidated books and budgets of account for all provincial accounts within the Province.
- 2.2.8 To prepare a budget for approval by the National Executive Committee for the province.
- 2.2.9 To elect delegates from the province to the Central Executive Committee and National Executive Committee.
- 2.2.10 To appoint a standing disciplinary sub-committee in terms of the Unions disciplinary procedure consisting of 5 (five) of its members to hear, determine and implement its findings in such matters.
- 2.2.11 To ratify or substitute any decision of such disciplinary committee after appeal procedures have been exhausted.
- 2.2.12 To do such other things as in the opinion of the Provincial Executive Committee are in the interests of the Union and which are not inconsistent with this Constitution, Union policy or any law.
- 2.2.13 To supervise all financial administration of the Union at provincial level.
- 2.2.14 To elect Provincial and Regional Full Time Shop Stewards.

2.3 MEETINGS OF THE PROVINCIAL EXECUTIVE COMMITTEE

- 2.3.1 The Provincial Executive Committee shall meet at least 3 (three) times a year before the National Executive Committee meeting.

2.4 NOTICE, AGENDA & RESOLUTIONS

- 2.4.1 Provincial Office Bearers shall give 14 (fourteen) days' prior written notice stating the date, time, place and agenda for such meeting, unless in the case of a special meeting shorter notice is necessitated. Such lesser notice shall not be less than 48 (forty-eight) hours. Telephone and Video Conferencing shall be viewed as Constitutional meetings and must be treated and conducted the same way as the meeting in sitting
- 2.4.2 The quorum for such meeting shall be at least 50 % + 1 of the delegates entitled to attend provided that at least 50 % + 1 of the Shop Stewards are represented.
- 2.4.3 In the event that no quorum is present, the Chairperson shall adjourn the meeting to a date, time and place not later than 7 (seven) days. Should again there be no quorum and it is in the interest of the Union that such a meeting materializes, the meeting shall proceed and be viewed as Constitutional and all decisions taken here shall be binding.
- 2.4.4 Meetings shall be conducted in terms of the Union meeting procedure for executive committees.
- 2.4.5 Where consensus cannot be reached on an issue a vote by show of hands supported by a majority of 50 % + 1 of those present shall decide the matter.

Section 3: Regional Council Meetings

3.1 COMPOSITION OF THE REGIONAL COUNCILS

- 3.1.1 A Regional Council shall consist of all Regional Office Bearers, Regional Executive Committee members and chairpersons of the Shop Steward Committees of the Union within the Region.

3.2 POWERS AND FUNCTIONS OF REGIONAL COUNCIL

- 3.2.1 To run the affairs of the Union in their area of jurisdiction.
- 3.2.2 To elect representatives to the Regional Executive Committee as provided for in Chapter 6 Section 4 Clause 4.1.1
- 3.2.3 To obtain mandates from the Shop Stewards Committees in their Regions on any issues or on matters of policy that members wish to be dealt with by the Union. To report back to and obtain mandates from such Shop Stewards Committees on any issue or policy which higher structures may be required to address.
- 3.2.4 To implement agreed policies and campaigns of the Union.
- 3.2.5 To conduct election for Office Bearers of the Region who shall be in office for a period of a 4 (four) year term of office.
- 3.2.6 To make inputs and recommendations on Union policy and Regional mandates in the process of Provincial and National Congresses policy development.
- 3.2.7 To implement campaigns of the Union and duly agreed policies.
- 3.2.8 To perform a general role in the mobilisation and unification of the Union and its membership within the Region.
- 3.2.9 The Regional Council shall have general powers of review over the activities of Shop Stewards Committees within the Region and over the Regional Executive Committee (REC).
- 3.2.10 To remove elected Office Bearers from office in the event that a majority of the Regional Council voting by ballot should so decide. A motion to institute such ballot shall be passed by at least 50 % + 1 of those entitled to vote.
- 3.2.11 Shall be responsible for the co-ordinating of the affairs of the Shop Steward Committees within their Region and shall perform the normal functions associated with such office.

3.3 MEETINGS OF REGIONAL COUNCIL

- 3.3.1 Regional Councils shall meet at least 1 (once) a year before a Provincial Executive Committee meeting.
- 3.3.2 The quorum for such meeting shall consist of 50 % +1 of the members of the Council provided there is a representative from at least 50 % + 1 of the chairpersons of the Shop Steward Committees represented.
- 3.3.3 Where consensus cannot be reached on an issue a vote by show of hands supported by a majority of 50 % +1 of those present shall decide the matter.

3.4 NOTICE, AGENDA & RESOLUTIONS

- 3.4.1 Notice of such meeting shall be given in writing on no less than 21 (twenty-one) days' notice stating the place and time of the meeting.

3.5 NOMINATION & ELECTION OF REGIONAL OFFICE BEARERS

- 3.5.1 The Regional Council shall elect from amongst its members a Chairperson, Deputy Chairperson and a Secretary.
- 3.5.2 Where such Office Bearers are persons who are already office bearers of a station committee they shall vacate such positions, which shall be filled by others elected by the relevant structure.
- 3.5.3 The Office Bearers elected by the Regional Council shall also be the Office Bearers of the Regional Executive Committee.
- 3.5.4 The Chairperson of the Office Bearers shall become a member of the Provincial Executive Committee.
- 3.5.5 Office Bearers shall perform all of the normal functions associated with such office in terms of Chapter 7.

Section 4: Regional Executive Committee

4.1 COMPOSITION OF REGIONAL EXECUTIVE COMMITTEE

- 4.1.1 A Regional Executive Committee shall be composed of the Regional Office Bearers and 7 (seven) additional representatives from the Shop Stewards Committee existing within the Region and 1 (one) Gender representative.
- 4.1.2 Where there is more than 1 (one) representative the Regional Council shall make every endeavour to apply the principle of gender equity and representativity of interest groups.

4.2 POWERS & FUNCTIONS OF REGIONAL EXECUTIVE COMMITTEES

- 4.2.1 To be responsible for the affairs of the Union within the Region and to implement policies and programmes of the Union.
- 4.2.2 To supervise and co-ordinate the activities and meetings of Shop Stewards Committees within the Region
- 4.2.3 To review and confirm, amend or reverse any decisions of the Shop Steward Committees it considers to be against the interests and policies of the Union subject to such structure having the right to appeal to the Provincial Executive Committee on such matter.
- 4.2.4 To make budgetary recommendations to the Province for its approval within the context of the provincial budget.
- 4.2.5 To deal with negotiations and attempt to reach settlement of any disputes only on such issues as it has delegated powers from the Provincial Executive Committee or Central Executive Committee.
- 4.2.6 To refer all such disputes as may require legal proceedings to the Provincial Executive Committee for its decision.
- 4.2.7 To appoint a sub-committee to investigate and report on any matter.
- 4.2.8 To supervise Shop Stewards within the Region and to institute formal disciplinary steps in terms of the Union disciplinary procedure.
- 4.2.9 To do such other things as in its opinion and in the interest of the Union and are not inconsistent with this Constitution and Union policy.

4.3 MEETINGS OF THE REGIONAL EXECUTIVE COMMITTEE

The Regional Executive Committee shall meet at least 4 (four) times in a year.

4.4 NOTICE, AGENDA & RESOLUTIONS

- 4.4.1 Notice of such meeting shall be given in writing on no less than 21 (twenty-one) days' notice stating the date, place and time of the meeting.
- 4.4.2 A quorum for such meeting shall be no less than 50 % +1 of the members of such committee.
- 4.4.3 In the event of there being no quorum, a further meeting must be called by the Chairperson to be convened no later than 7 (seven) days after the first meeting. Should again there be no quorum and it is in the interest of the Union that such a meeting materializes, the meeting shall proceed and be viewed as Constitutional and all decisions taken here shall be binding.
- 4.4.4 All meetings shall be conducted in terms of a meeting procedure adopted by the Central Executive Committee.

Section 5: Shop Steward Committees

5.1 COMPOSITION OF SHOP STEWARD COMMITTEES

- 5.1.1 A Shop Steward Committee shall consist of all the Shop Stewards at a particular workplace and shall elect from amongst themselves, workplace office bearers which will be the Chairperson, Deputy Chairperson and Secretary.

5.2 POWERS AND FUNCTIONS OF SHOP STEWARD COMMITTEES

- 5.2.1 A Shop Steward Committee is responsible for running the affairs of the Union in its area of jurisdiction.
- 5.2.2 Shop Stewards are responsible for representing members generally in negotiation with management provided that they may not enter into any agreement with management unless delegated such power by the National Executive Committee.
- 5.2.3 To promote organisational unity by promoting sound and transparent recruitment procedures and promote discipline and democratic practises in the Union.
- 5.2.4 To investigate and take up members' grievances and to defend members against disciplinary actions.
- 5.2.5 To settle disputes by all legal means necessary including settling matters outside of the formal disciplinary process when management makes that possible.
- 5.2.6 To attend all Shop Steward Committee meetings and Regional Council meetings, of which they are part.
- 5.2.7 To attend such other Union meetings as they are elected to attend in terms of this Constitution or as may be decided by the Union.
- 5.2.8 To educate themselves and members about the Union and the particular skills needed to advance members' interests.
- 5.2.9 To obtain mandates from members on any issues or matters of policy that members wish to be dealt with by the Union. To report back to and obtain mandates from members on any issue or policy which higher structures may be required to address.
- 5.2.10 To implement duly agreed policies and campaigns of the Union.
- 5.2.11 To encourage members to abide by the Union's Constitution and policies and to use democratic means and procedures to obtain such amendment to the Constitution or policies of the Union as they may consider necessary.

5.3 MEETINGS OF SHOP STEWARD COMMITTEES

- 5.3.1 These Committees shall meet as frequently as it is necessary to discharge their responsibilities. When it is not possible to meet regularly, the committee shall meet at least once every month in a formal meeting for which no less than 7 (seven) days' notice has been given.
- 5.3.2 A quorum for such meetings shall be at least 50 % + 1 of the committee. In the event that no quorum is present within 30 (thirty) minutes of the scheduled time of the meeting it shall stand adjourned to a time and place no less than 48 (forty-eight) hours later. Provided reasonable efforts have been made to ensure the attendance of those not present at the original date, time and place, such meeting shall be considered quorate.
- 5.3.3 Committees have the duty to plan and schedule meetings in advance for each calendar year and to inform the Regional Executive Committee and Provincial Office Bearers of such schedule of meetings.
- 5.3.4 Where consensus cannot be reached on any issue a vote by show of hands supported by a majority of 50 % + 1 of those present shall decide the matter.
- 5.3.5 Copies of the minutes of all meetings shall be sent to the Regional Secretary and Provincial Office.

5.4 NOMINATION & ELECTION OF OFFICE-BEARERS AND SHOP STEWARDS

- 5.4.1 The station / unit shall elect from amongst its members a Chairperson, Deputy Chairperson and a Secretary.
- 5.4.2 The Office Bearers elected by the station / unit shall also be the Office Bearers of the Shop Steward Committee.
- 5.4.3 The Chairperson of the Office Bearers shall become a member of the Regional Council.
- 5.4.4 Office Bearers shall perform all of the normal functions associated with such office in terms of Chapter 7.
- 5.4.5 Elections shall be conducted by shop stewards or officials of the Union appointed by the relevant structure as election officers. In making such appointments the relevant structure may take into account nominations by the relevant structure but shall be guided by the principle that election officers be persons who are neutral in respect to the outcome of such election.
- 5.4.6 Members in a constituency must be given at least 7 (seven) days' notice of a meeting to be held to commence the election process. Such notice shall set out the agenda, date, time and place of such a meeting.
- 5.4.7 Members shall then be requested to make nominations. Such nominations shall be made in writing and signed by the proposer and seconder. If there is only one nominee such nominee shall be declared duly elected.
- 5.4.8 Only members who are eligible to vote in terms of the Constitution for a nominee shall vote and each member shall have one vote. Voting shall then be conducted by ballot.
- 5.4.9 The election officer shall be responsible for reporting on the election.

5.5 FULL TIME SHOP STEWARDS

- 5.5.1 The National Executive Committee shall have the power to determine a set of general and specific rules to govern agreements on and the duties of Full Time Shop Stewards and the placement thereof of the Full Time Shop Steward. Executive Committees shall have the power to elect their own Full Time Shop Stewards i.e. the National Executive Committee shall have the power to elect a National Full Time Shop Steward. The Provincial Executive Committee shall have the power to elect the Provincial Full Time Shop Stewards and Regional Executive Committee elect Regional Full Time Shop Stewards. Full Time Shop Stewards are accountable to the structures which they serve, but there should be co-ordination of all their activities from the bottom to the top of the organization.
- 5.5.2 The National Executive Committee shall monitor and evaluate the performance of all Full Time Shop Stewards in the Union and such powers may be delegated to relevant structures on the ground.
- 5.5.3 A Full Time Shop Steward may be demarcated to represent a particular work place, section of a work place or across small work places within a given geographic locality or for purposes of promoting equity and fair representation on the basis of gender, age or disability, or any other ground.
- 5.5.4 Full Time Shop Stewards are part of structures of the Union; therefore, they may be disciplined in terms of Chapter 4, Section 2 Clause 1.2.

Chapter 7

Office Bearers, Structures and Duties

Section 1: General

- 1.1 To be eligible to be an office bearer a member shall be a duly elected shop steward.
- 1.2 Elected office bearers shall have voting rights in the structures of which they are office bearers.
- 1.3 This section shall not be read to imply that additional office bearers be elected other than which are specified for a particular structure.
- 1.4 Gender representativity shall where practicable be applied in the election of office bearers.
- 1.5 These provisions also apply in general terms to office bearers of sub-committees.
- 1.6 Any member in the constituency is eligible for election including a shop steward whose term of office has expired.
- 1.7 The term of office of an office bearer / shop steward shall be for 4 (four) years. Where elected in a by-election the term of office shall be the remainder of the term of the previous shop steward / office bearer.
- 1.8 A shop steward / office bearer may be removed from office through a recall ballot. To effect such ballot, members in a constituency must lodge a petition signed by at least 50 % + 1 of the members in the constituency with the relevant structure, whom the Chairperson of that structure shall forward a copy to the General or Provincial Secretary for administrative purposes.
- 1.9 The General or Provincial Secretary shall ensure that within 14 (fourteen) days of receipt of the petition, an election by ballot is held. The office bearer / shop steward shall be entitled to contest such election if nominated.
- 1.10 An office bearer / shop steward may cease to be an office bearer / shop steward on resignation from employment, transfer or promotion out of the constituency, or if membership should cease for any reason.
- 1.11 An office bearer / shop steward may resign as an office bearer / shop steward on 1 (one) month's written notice to the relevant structure.
- 1.12 An office bearer / shop steward who fail to attend 2 (two) consecutive meetings of an executive committee, Regional Council or subcommittee of any of the structures mentioned above without good reason may be declared by the executive or subcommittee to have ceased to be an office bearer / shop steward. Provided in the case of a subcommittee, it shall inform the relevant Executive Committee of such decision so that a by-election is held.

Section 2: Duties

- 2.1 Office Bearers at each level shall jointly form an Office Bearer's Committee that shall meet as frequently as is necessary.
- 2.2 Such committee shall jointly have responsibility for the overall supervision of the activities of the Union within their Area of jurisdiction in between meetings and ensure implementation of decisions of their respective Executive or Shop Stewards Committee
- 2.3 Be responsible for the proper preparation for meetings of their structures including the agenda therefore.
- 2.4 Notwithstanding the specific responsibilities for particular office bearers noted below the Committee shall have collective responsibility for ensuring that such duties are performed.
- 2.5 In addition to responsibilities as detailed above, the Chairperson or the President may delegate further portfolio / responsibilities amongst themselves in regard to different areas of the Union's activities.

Section 3: President and Chairpersons

- 3.1 The President in the case of National Structures and Chairpersons in the case of Provincial, Regional and Shop Steward Committee structures shall preside at meetings and be responsible for ensuring that the meeting is conducted in terms of the agreed meeting procedure for such structure.
- 3.2 Shall perform such duties as are necessary to attempt to resolve any disputes arising within the Union and to promote and maintain unity within the membership of the Union.
- 3.3 Perform such other duties as by usage and custom pertain to such office.

Section 4: Deputy President or Deputy Chairpersons

- 4.1 Shall assist the President or Chairperson in the performance of their duties in presiding at meetings and more generally as delegated by the President or Chairperson.

Section 5: Treasurer

- 5.1 The Treasurer shall prepare:
 - 1) Financial management report which will be presented to the National Office Bearers' meeting as required
 - 2) Financial management report which will be presented to the National Executive Committee meeting as required
 - 3) The financial statements for auditing purposes
- 5.2 In accordance with the provisions of section 98(1)(b) of the Labour Relations Act 1995, the Treasurer shall ensure that the Head of Finance prepare a statement of income and expenditure and a balance sheet in respect of each financial year ending on the 28 February. Such statements and balance sheets shall be audited and dealt with as required by section 98(2) of the Act.
- 5.3 Shall be responsible for ensuring that the administration of membership records is maintained.
- 5.4 Shall in conjunction with the General Secretary be responsible for ensuring that the financial administration of the union is in compliance with the constitution and administrative policies of the Union.
- 5.5 Shall endorse all accounts for payment and co-sign cheques with other nominated NOB's and perform all other such duties as by usage and custom pertain to such office.

Section 6: Finances

NATIONAL OFFICE

- a) The funds of the South African Policing Union shall be applied to the payment of expenses, to the acquisition of property, towards the attainment of the objects specified in Clause 3 and for such other lawful purposes as may be decided upon by the National Congress or the National Executive Committee or by members voting by ballot for the attainment of the said objects.
- b) The funds received by the General Secretary on behalf of the South African Policing Union shall be deposited to its credit within 3 (three) days of receipt, at a bank decided upon by the National Executive Committee. The signatories to the National Account shall be the President, Treasurer, General Secretary and two other National Office Bearers.
- c) All payments shall be made through electronic transfer except monthly accounts which shall be made by debit order after approval has been obtained from the General Secretary and Treasurer. The General Secretary and Treasurer will approve all payments that are less than R10 000.00 (ten thousand rand). Payments that are above R10 000.00 (ten thousand rand) and less than R20 000.00 (twenty thousand rand) shall only be made after the approval and signed by the Chairperson of National Fincom. All payments above R20 000.00 (twenty thousand rand) will only be made after the approval and signed by the chairperson of the National Executive Committee. In the absence of the Treasurer or General Secretary, cheques shall instead be signed by any of the National Office Bearers
- d) The National Executive Committee shall from time to time direct that monies not required for immediate use be invested with approved financial institutions.

Section 7: General, Provincial, Regional and Other Secretaries

- 7.1 Shall be responsible for the co-ordination, effective administration and management of the Union offices and of the Unions' activities within their area of jurisdiction.
- 7.2 Shall be responsible for the overall co-ordination of all other officials of the Union within their area of jurisdiction.
- 7.3 Only the General Secretary shall enter into agreements on behalf of the Union where the Central Executive Committee or National Executive Committee has empowered him or her through specific delegated authority to enter into such agreements.
- 7.4 Shall ensure that minutes of the Committee, Council or Congress for which they are responsible are taken, keep copies of all such minutes, and ensure their confirmation at each succeeding normal meeting of the Committee.
- 7.5 The General Secretary shall be responsible to sign all written employment and other contracts on behalf of the South African Policing Union.
- 7.6 The General Secretary shall in conjunction with the Treasurer be responsible for ensuring that the financial administration of the union is in compliance with the Constitution and administrative policies of the union.

Section 8: Chief Operating Officer

- 8.1 The Chief Operating Officer shall be considered as an expert within the office of the General Secretary and shall be responsible for ensuring that the business affairs of the Union is in compliance with the Constitution and administrative policies of the Union in terms of his or her job description.
- 8.2 Shall advise the General Secretary on the annual business plans and budgets that support the Union's long term strategy.
- 8.3 Strive consistently to achieve the Union's financial and operating goals and objectives, and ensure that the day-to-day business affairs of the Union are appropriately monitored and managed.
- 8.4 Shall ensure continuous improvement in the quality and value of the products and services provided by the Union and that the Union achieves and maintains a satisfactory competitive position within its industry.
- 8.5 Assist in the formulation and to oversee the implementation of major Union policies; and serves as the main adviser to the General Secretary.
- 8.6 Shall maintain a positive and ethical work climate that is conducive to attracting, retaining and motivating all the Head of Business Units within the Union.
- 8.7 Shall be expected to foster a corporate culture that promotes ethical practices, encourages individual integrity, and fulfils social responsibility objectives and imperatives
- 8.8 The Chief Operating Officer will report directly to the General Secretary and he/she will be employed in terms of an employment contract.
- 8.9 He / she shall resign on 1 (one) calendar month's written notice to the General Secretary.
- 8.10 He / she shall be disciplined in terms of the Disciplinary Code and Procedure Policy for Employees of the Union.

Section 9: National Departments

- 9.1 The Central Executive Committee may establish such departments as are required for the effective running of the Union or dissolve such departments and may appoint officials to head such departments or remove them as head of such departments.
- 9.2 The Central Executive Committee may delegate authority to the National Executive Committee on its powers vested in Chapter 3 Section 7 Clause 7.1 provided that the next Central Executive Committee later ratifies such an appointment in sitting.
- 9.3 All employees of the Union shall be subject to standard conditions of service as determined by the National Executive Committee from time to time. Such standards shall be ratified by the Central Executive Committee before becoming Union standards.

- 9.4 All employees shall be subject to the Constitution and resolutions of the Union and to a Disciplinary Code and Procedure and Grievance Procedures adopted by the National Executive Committee and ratified by the Central Executive Committee.
- 9.5 Disciplinary Committees established in terms of any procedure shall have the power to dismiss officials falling under their jurisdiction and such dismissal shall be with immediate effect pending the outcome of any appeal.
- 9.6 No employee or official of the Union who is invited or serves as ex-officio in National or Regional Congresses, Central Executive Committee, National, Provincial or Regional Executive Committees or Regional Council will have a voting right.

Chapter 8

Forums

Section 1: National Women Networking Forum

- 1.1 A National Women Networking Forum shall consist of 1 (one) representative of each Provincial Women Networking Forum.
- 1.2 The National Office Bearer responsible for Women Networking shall act as the mandating structure for the National Women Networking Forum.
- 1.3 The Forum shall elect from amongst its members a Chairperson, Deputy Chairperson, Secretary and additional members.
- 1.4 The Provinces from which such office bearers are elected shall be entitled to appoint replacement representatives of their province.
- 1.5 Meetings shall take place at least 3 (three) times a year prior to meetings of the National Executive Committee.
- 1.6 The National Women Networking Forum shall perform the following functions:
 - 1.6.1 Co-ordinate and facilitate mainstreaming of women issues in the Union;
 - 1.6.2 advise and negotiate on behalf of women in the Union,
 - 1.6.3 advise on Union policy and programmes,
 - 1.6.4 provide mandates to the National Office Bearer over women issues and
 - 1.6.5 manage and administer the Women's Networking Forum budget and women desk.

Section 2: Provincial Women Networking Forum

- 2.1 A Provincial Women Networking Forum, shall consist of 2 (two) representatives from each Regional Women Networking Forum.
- 2.2 The Provincial Office Bearer responsible for Women Networking shall act as mandating structure for the Provincial Women Networking Forum.
- 2.3 The Committee shall elect from amongst its members a Chairperson, Deputy Chairperson, Secretary and additional members.
- 2.4 The Regions from which such office bearers are elected shall be entitled to appoint replacement representatives of their Region.
- 2.5 Meetings shall take place at least 4 (four) times a year.
- 2.6 The Provincial Women Networking Forum shall perform the following functions:
 - 2.6.1 co-ordinate and facilitate women programmes in the province and Regions
 - 2.6.2 raise issues for negotiations
 - 2.6.3 implement campaigns and training programmes of the Women's Network Forum;
 - 2.6.4 recommend and advise the Women Networking Forum on the budget
 - 2.6.5 provide mandates to Provincial Office Bearer on women networking issues
 - 2.6.6 act as a platform to educate women in the Union around Women Networking issues.

Section 3: Regional Women Networking Forum

- 3.1 To establish a Regional Women Networking Forum, consisting of 1 (one) representative from each workplace within the Region.
- 3.2 The Regional Office Bearer responsible for the Women Networking Forum shall act as a mandating structure for the Regional Women Networking Forums.
- 3.3 The Forum shall elect from amongst its members a Chairperson, Deputy Chairperson, Secretary and additional members.
- 3.4 Meetings shall take place at least 2 (two) times a year.
- 3.5 The Regional Women Networking Forum shall perform the following functions:
 - 3.5.1 Act as a platform for women to discuss and raise women issues.
 - 3.5.2 Recruit and involve more women in Union activities.
 - 3.5.3 Implement campaigns and programmes

- 3.5.4 Represent members over women related grievances
- 3.5.5 Provide mandates to office bearers on women issues.

Chapter 9

Other Matters of Importance

Section 1: Representation on Bargaining and Statutory Councils

- 1.1 The National Executive Committee shall at any time recommend that the Trade Union shall become a party to a bargaining or statutory council established in terms of the Labour Relations Act, 1995.
- 1.2 Representatives and their alternates shall be appointed by the National Executive Committee.
- 1.3 Representatives or their alternates on a bargaining or statutory council may be removed by the National Executive Committee, or may resign on giving 3 (three) months' notice to the National Executive Committee or such notice as may be prescribed in the Constitution of the council concerned.
- 1.4 In the event of the resignation or death of a representative or an alternate or his/her removal by the National Executive Committee, the vacancy shall be filled by the National Executive Committee.
- 1.5 Representatives or their alternates shall enter into agreements on the mandate of the National Office Bearers on behalf of the Trade Union, and such agreements shall be subject to ratification by the National Executive Committee or National Congress.

Section 2: Election Process

Elections

- 2.1 For elections at National Congress an independent accredited body will be appointed to preside over the election process. In terms of National Office Bearers, refer to Chapter 5, Section 1.5.
- 2.2 For elections at Provincial Congresses the National Office Bearers will preside over the election process. In terms of Provincial Office Bearers, refer to Chapter 6, Section 3.5.
- 2.3 For elections at Regional Councils the Provincial Office Bearers will preside over the election process. In terms of Regional Council, refer to Chapter 6, Section 3.5.

Interim Appointments

- 2.4 In the event that a position becomes vacant between elections the following process may be applied:
 - a) National Level
The National Executive Committee will elect a representative in an acting capacity to fill up the vacant position
 - b) Provincial Level
The Provincial Executive Committee will elect a representative in an acting capacity to fill up the vacant position
 - c) Regional Level
The Regional Executive Committee will elect a representative in an acting capacity to fill up the vacant position

Ballots

- 2.5 Taking of a ballot by members of the whole Trade Union or of a Region shall be compulsory if such ballot is taken in the following circumstances;
- (a) Is demanded by a Region;
 - (b) Is to address any proposal to declare or take part in any industrial action e.g. strike.
- 2.6 Ballots shall be conducted in the following manner:
- 2.6.1 Notice of a ballot shall be given to each member of the Region in writing by the Regional Secretary, at least 3 (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.
 - 2.6.2 2 (Two) scrutinisers shall be appointed by each Regional Executive Committee or a general meeting to supervise any ballot and to ascertain the result thereof.
 - 2.6.3 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 at the various Regional offices of the Trade Union or at such other places as may be specified in the notice referred to in paragraph (a) of this sub-clause on the date and during the hours specified in the said notice.
 - 2.6.4 Ballot papers shall be supplied to the Regional Secretaries 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.
 - 2.6.5 Ballot boxes shall be inspected by the scrutinisers and sealed by the Regional Secretary in their presence prior to the issuing of ballot papers.
 - 2.6.6 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.
 - 2.6.7 Each voter shall, in the presence of the scrutinizers, be issued with 1 (one) ballot paper, which he/she shall thereupon complete, fold and deposit in a ballot box provided for the purpose.
 - 2.6.8 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 marks shall be regarded as spoilt and shall not be counted.
 - 2.6.9 On completion of a ballot or as soon as possible thereafter, the result thereof in respect of each branch shall be ascertained by the scrutinisers appointed for such branch in the presence of the Regional Secretary and made known to the Regional Executive Committee which shall as soon as possible advise the Executive Council.
 - 2.6.10 Ballot papers, including spoilt papers, shall be placed in a container which shall be sealed after they have been counted and retained by Regional Secretaries for not less than 3 (three) years.
- 2.7 The Executive Council may decide that a postal ballot of members shall be taken, in which event the ballot shall be conducted in the following manner:
- 2.7.1 The General Secretary shall send by registered post to each member of the Trade Union a ballot paper and a stamped and addressed envelope marked "Ballot". 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 (twenty-one) days from the date of dispatch from national office to such member. On receipt of such envelopes, the General Secretary shall immediately place such envelopes in a sealed ballot box.
 - 2.7.2 2 (Two) scrutinisers shall be appointed by the executive council to ascertain the result of the ballot. The ballot box shall be opened and the ballot papers counted by the scrutinisers in the presence of the General Secretary, who shall immediately advise the executive council of the result of the ballot.
 - 2.7.3 The same procedure shall *mutatis mutandis* apply to a postal ballot confined to members of the executive council or any Region or Regions of the Trade Union.
- 2.8 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.

- 2.9 The National Congress, the executive council or the Regional Executive Committee shall be bound to take action according to the decision of a majority of members voting in a ballot.
- 2.10 The Trade Union shall, before calling a strike, conduct a ballot of those of its members in respect of whom it intends to call the strike.
- 2.11 Notwithstanding anything to the contrary contained in this Constitution, members of the Trade Union shall not be disciplined or have their membership terminated for failure or refusal to participate in a strike if –
 - (a) no ballot was held about the strike; or
 - (b) a ballot was held but a majority of the members who voted did not vote in favour of the strike.

Section 3: Technical Clauses

3.1 AMENDMENT OF THIS CONSTITUTION

- 3.1.1 Only the National Congress shall have the power to delete or amend clauses or sub clauses in such a manner as would infringe on the existence of the National Congress, Central Executive Committee and Provinces including the composition, duties and power of said structures. The National Congress may amend any clauses or sub clauses by way of a 2/3 majority.
- 3.1.2 Only the National Congress may amend Clause 3.1.1 and 3.1.7 as to the manner in which this Constitution may be amended.
- 3.1.3 The Central Executive Committee may, subject to the limitations in 3.1.1 and 3.1.2 amend all clauses or sub clauses by way of a 2/3 majority. Provided that such amendments must be in the interests of the members and provinces.
- 3.1.4 A proposal for any amendment of the Constitution by the National Congress shall be lodged with the national office 2 (two) months prior to any National Congress and shall be circulated to all Provinces no less than 6 (six) weeks prior to such Congress.
- 3.1.5 A proposal for amendment by the Central Executive Committee shall be lodged with the national office 2 (two) months prior to any Central Executive Committee, tabled in the National Executive Committee and circulated to all Shop Steward Committees no less than 6 (six) weeks prior to the Central Executive Committee.
- 3.1.6 The National Congress and Central Executive Committee may adopt, amend or reject any such proposal for amendment in terms of their prescribed basis of decision making.
- 3.1.7 No changes or additions shall have any force or effect until certified in terms of section 101(3) of the LRA, 1995.

3.2 AMALGAMATIONS AND MERGER

- 3.2.1 If the National Congress resolves by a majority that the objectives of the Union will be better achieved by any other Union dissolving itself and transferring its members and assets to the Union then such merger may be affected.
- 3.2.2 Only the National Congress may by majority decision of at least 80% of the representatives, resolve that the objectives of the Union may be better served by dissolution of the Union and the transfer of its members, assets and liabilities to another Union or to a new Union through amalgamation of previously existing Unions. Such new Union shall be the successor in title to the Union.
- 3.2.3 If any Trade Union intends to wind-up its affairs with a view to its members joining, and its unexpended funds and assets being transferred to the Union then notwithstanding anything to the contrary contained in this Constitution, the members of the amalgamating Trade Union, in good standing on the date the agreement to merge is concluded, shall automatically be admitted to full membership.

3.3 DISSOLUTION OF THE UNION

- 3.3.1 The Trade Union shall be wound up if at a ballot conducted in the manner prescribed in the Constitution not less than 80 % of the total number of members of the Trade Union vote in favour of a resolution that the organisation be wound up.
- 3.3.2 If a resolution for the winding-up of the Trade Union has been passed or if for any reason the Trade Union is unable to continue to function the following provisions shall apply:
- 3.3.2.1 The last-appointed President of the Trade Union or if he/she is not available, the available members of the last-appointed executive council of the Trade 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 Trade 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.
- 3.3.2.2
- (i) The liquidator appointed by the Labour Court shall call upon the last-appointed office bearers of the Trade Union to deliver to him/her the Trade Union's books of accounts showing the assets and liabilities together with the register of members showing, for the past 12 (twelve) months prior to the date on which the resolution for winding up was passed or to the date as from which the Trade 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.
 - (ii) The liquidator shall also call upon the said office-bearers to hand over to him/her all unexpended funds of the Trade Union and to deliver to him/her the Trade Union's assets and the documents necessary to liquidate the assets.
- 3.3.2.3 The liquidator shall take the necessary steps to liquidate the debts of the Trade Union from its unexpended funds and any other moneys realised from any assets of the Trade Union, and if the said funds and moneys are insufficient to pay all creditors after the liquidator's fees and the expenses of winding-up have been met, the order in which creditors shall be paid shall be 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 liquidator's fees and the expenses of winding-up shall rank in order as that of an insolvent estate and as through the expenses were the costs of sequestration of an insolvent estate.
- 3.3.2.4 After the payment of all debts in accordance with paragraph (c), the remaining funds, if any, shall be distributed among the remaining members of the Trade Union on the basis of membership fees actually paid during the 12 (twelve) months prior to the date of dissolution.
- 3.3.2.5 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 Commission for Conciliation, Mediation and Arbitration (in accordance with Section 103 (5) of the Labour Relations Act, 1995).
- 3.3.2.6 The liability of members shall for the purpose of this clause be limited to the amount of membership fees due by them to the Trade Union in terms of this Constitution as at the date of dissolution.

3.4 INDEMNIFICATION OF OFFICIALS, OFFICE BEARERS AND COMMITTEE MEMBERS

- 3.4.1 The officials, office bearers and committee members of the Union, provided that they have not acted in a manner which would constitute misconduct, shall be indemnified by the Union against all proceedings, costs and expenses by reason of any omission,

or other act done in the performance of their duties on behalf of the Union and shall not be liable for any liabilities of the Union.

Section 4: SAPU and Corporate Governance

4.1 SAPU shall adhere to the principles of good corporate governance and shall ensure that all its structures, policies, processes, procedures and controls within the Union, at all levels and within the structures of the Union are designed to ensure that the strategic and operational objectives are achieved in the efficiency, effectiveness and economic way. The following are the characteristics which shall be embedded within the business of the Union:

- Discipline = universally accepted behaviour
- Transparency= candid, accurate, timely information
- Independence = conflicts of interests
- Accountability = by law/statute to Union
- Responsibility = to relevant stakeholders
- Fairness = current & future interests of the Union
- Social Responsibility = not discriminatory or exploitive environmentally and personally.

This is to certify that at a Central Executive Committee meeting that was held on 20-21 November 2024 the following decision(s) was/were adopted:

1. To adopt a new Constitution
2. To amend the existing Constitution of the Union

It is further certified that all the provisions of the Constitution relating to the above, have been complied with.



THABO MATSOSE
PRESIDENT



TUMELO MOGODISENG
GENERAL SECRETARY

Amendment Approval Date : **21 JANUARY 2025**

Code of Conduct for SAPU Structures

I, _____ an elected representative of the South African Policing Union (hereafter "the union") in service to all SAPU members, commit myself to the following principles:

1. To always conduct myself in a professional, impartial and accountable manner thus upholding the image of the union.
2. At all times to protect and to serve the interest of the union and all of its members.
3. To act accordingly to the principles as laid out in the Constitution of the union.
4. To always behave and hold myself to the highest standards.
5. To always add value to everything that I do on behalf of the union.
6. To always partake in the activities and campaigns of the union and to establish the union culture between its members.
7. Never to react on vague allegations before clarifying the facts with those concerned.
8. Speak to colleagues and not about them.
9. Commitment to team work and consultation.
10. To commit myself to objectives and goals of the union.
11. To commit myself to the Declaration of the Intent of the union.
12. To perform my duties as an elected representative to the best of my ability, always remaining accountable to the members of the Union.
13. To only be a member of the union and to refrain from having dual membership with any other union.
14. Not to associate with any other union that could create a conflict of interest with the union.
15. Not to impose political convictions on other persons as contained in the Constitution of the union or to advance these opinions, but at all times to act in compliance with the terms of the Constitution of the union.
16. To refrain from standing for positions in political parties or to participate in any political events as it is in contradiction with the mission, vision, aims, objectives and values as set out in the SAPU Constitution.
17. I further understand that my term of office is based on my performance and integrity and never to bring the union into disrepute. I understand that I am not an employee of the union but released from my employer in order to advance the interest of the union.

Signed at _____ on this _____ day of _____ 20_____.

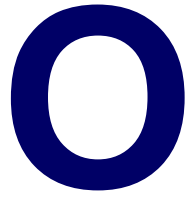
SIGNATURE OF ELECTED REPRESENTATIVE

POSITION

SIGNATURE ON BEHALF OF UNION

WITNESS

Note: To be signed by all elected structures from shopsteward level to President.



ORGANIZATIONAL STRUCTURE

