

22 June 2026

SUMMARY OF THE FUNDAMENTAL AMENDMENTS MADE TO THE CONSTITUTION OF THE SAOU

This document provides a short summary of certain specific proposed amendments made to the Constitution of the Union. The purpose of these amendments is to update, clarify, and strengthen the provisions that govern the Union's structure, operations, and the rights and responsibilities of its members.

This summary is intended to present certain key changes in a clear and accessible manner, highlighting the sections that have been modified, added, or removed. It serves as a reference for stakeholders to understand the nature and scope of the constitutional revisions.

Prior to amendment	Amendment made
1. Definitions	
2.2 Education Sector Employee 2.2.1 Educators on official post establishments who have been appointed in terms of the Employment of Educators Act, Act 76 of 1998. 2.2.2 Educators appointed by School Governing Bodies (or similar bodies); 2.2.3 Public Service appointees who work in the education sector; 2.2.4 Any other persons who are entitled to register with the South African Council for Educators; and 2.2.5 Any other category of members as determined by the National Congress.	<i>2.2 Education Sector Employee (Members)</i> <i>2.2.1. Educators who have been appointed in terms of the Employment of Educators Act 76 of 1998, as amended.</i> <i>2.2.2. Employees appointed by School Governing Bodies (or similar bodies);</i> <i>2.2.3. Public Service employees who work in the education sector;</i> <i>2.2.4. Any other persons who are entitled to register with the South African Council for Educators;</i> <i>2.2.5. Students studying to become educators;</i> <i>2.2.6. Any other category of members as determined by the National Congress.</i>
	<i>Insertion</i> <i>2.5 Days</i> <i>Days shall mean calendar days.</i>
2.8 Officials Means persons employed as the secretary, assistant secretary or organiser of the Union, or in any other prescribed capacity, whether or not that person is employed in a full-time capacity.	<i>2.9. Officials</i> <i>Means persons employed as the Executive Officer, Deputy Executive Officer, Legal Practitioner, Provincial Secretary, Assistant Provincial Secretary or organiser of the Union, or any other person appointed by the National Standing Committee in any other prescribed capacity, whether or not that person is employed in a full-time capacity.</i>
2.10 Workplace Representatives	<i>2.11. Workplace Representatives</i>

	<i>2.12 Reporting Structure</i> <i>For the avoidance of doubt, the National Congress is the highest controlling body of the Union. The National Executive Council manages the affairs of the Union between meetings of the National Congress and is accountable to the National Congress. The National Standing Committee executes the directives of the National Executive Council and reports to the National Executive Council. At provincial level, the Provincial Executive Council is the highest provincial structure and the Provincial Standing Committee executes the directives of the Provincial Executive Council and reports to it. Union Representatives act within the authority delegated to them by this Constitution and by the relevant national or provincial structure.</i>
2. Membership	
	<i>Shortened to only cover what membership entails.</i> <i>5.1. Any education sector employee in the Republic of South Africa who endorses this Constitution and supports the principles and objectives of the Union may be considered for membership.</i> <i>5.2. Applications for admission or re-admission as member of the Union must be furnished to the Union in a format as approved by the National Executive Council from time to time.</i> <i>5.3. The Union will keep the full membership and personal details of the member subject to the Protection of Personal Information Act 4 of 2013, known as the POPI Act.</i>
	<i>Insertion</i> <i>5.4 In the event of loss of benefits of membership or the termination of membership as set out in paragraph 7 below, a member will have the right to Appeal against the aforementioned conduct, to the National Executive Council of the Union.</i> <i>5.4.1 The Appeal must be made in writing within thirty (30) days of which the member became aware of the loss of benefits or the termination of membership and will be conducted in terms of the rules of natural justice.</i>
3. Discipline	
6.3 Any revision of the Disciplinary Code and Procedures for SAOU Members must be ratified by the National Executive Council.	<i>Removed as there is no need for a disciplinary code to form part of the Constitution of the Union.</i>
4. Termination of membership	
	<i>Shortened to:</i> <i>7.2. Unless the written resignation of a member is</i>

	<i>received by the Executive Officer or the applicable Provincial Secretary prior to 31 December of a given year, the member shall be liable for membership fees for the ensuing three months.</i>
5. Membership Dues	
8. Membership Dues	<i>Reference now made to Membership Fees.</i>
8.3 With regard to any specific month in which a member in the employ of a recognized employer receives no salary such member shall be exempt from the payment of the abovementioned membership dues.	<i>8.3. Members must ensure that their membership fees are paid and up to date. If the membership fees are not up to date, the member will not automatically be entitled to representation nor be entitled to other benefits afforded to members from time to time.</i>
6. National Congress	
9.3.2 Special National Congress 9.3.2 (f) The Agenda of a Special National Congress shall be determined in consultation with the Chief Executive Officer and shall be a closed agenda.	<i>(f) The Agenda of a Special National Congress shall be determined by the Executive Officer and/or the President of the Union in consultation with the National Executive Council and shall be a closed agenda.</i>
7. Composition, vote weights and quorum	
	<i>Insertion of:</i> <i>9.5.1 (d) It is recorded that although a member in good standing may attend the congresses referred to in paragraph 9.5.1.(c) such member shall not have voting rights.</i>
8. Quorum requirements for National Congress and Special National Congress	
9.5.3 Quorum requirements for National Congress and Special National Congress (a) The minimum number of persons present at a National Congress or a Special National Congress shall be 50% + 1 of the total vote weight which has been assigned to the provinces.	<i>9.5.3. Quorum requirements for National Congress and Special National Congress (a) The minimum number of designated representatives present at a National Congress or a Special National Congress shall represent fifty (50) % plus one (1) member of the total voting weight which has been assigned to the provinces.</i>
9.5.3 (d) After 30 minutes the persons present shall be deemed to constitute the requisite quorum and shall vote pro rata in accordance with their vote weights as determined in paragraph 9.5.2, provided that the persons present represent at least 50% of the provinces.	<i>(d) After thirty (30) minutes the representatives present shall be deemed to constitute a quorum and shall vote pro rata in accordance with their voting weights as determined in paragraph 9.5.2 provided at least five (5) provinces are represented.</i>
	<i>Insertion</i> <i>9.5.3.(e) Should a quorum not be present, the sitting must be adjourned and reconvened on a new date.</i>

9. National Executive Council	
10.2.4 Representatives from each Province on the following basis: (a) – (b)	<i>Shortened to be clearer and more concise.</i> <i>10.2.4. Representatives from each Province on the following basis:</i> <i>(a) Two representatives designated by each Province in which the Union has 4 799 or less members;</i> <i>(b) Three representatives designated by each Province in which the Union has 4800 or more members;</i>
	<i>Insertion of ninety days' time frame to ensure clarity.</i> <i>10.4. Vacancies which arise in the National Executive Council shall be filled within ninety (90) days by voting per ballot paper by the members of the Union in the same manner as that in which the council member was originally elected. A member appointed to fill a vacancy shall hold office for the unexpired portion of the term of office of his or her predecessor.</i>
10. All provisions regarding meeting the quorum for meetings	
	<i>We only capture one example, seen that within all of the provisions relating to the quorum the same amendments were made.</i> <i>10.11. Should the persons present not constitute at least the number required in paragraph 10.10., the meeting must be postponed by thirty (30) minutes.</i> <i>(a) After thirty (30) minutes the persons present shall be deemed to constitute the requisite quorum and shall vote pro rata in accordance with their voting weights as determined in paragraph 9.5.2 provided that at least fifty (50) % of the provinces are represented. The minimum number of persons present at National Executive Council shall represent fifty percent (50) % plus one (1) member of the total voting weight which has been assigned to the provinces.</i> <i>(b) At a National Executive Council those present from a Province shall cast the number of votes which has been assigned to the province concerned.</i> <i>(c) Should the persons present not constitute at least the number required, namely the quorum, in paragraph 10.10.(a), the meeting must be postponed by thirty (30) minutes.</i> <i>(d) After thirty (30) minutes the persons present shall be deemed to constitute the quorum and shall vote pro rata in accordance with their voting weights as determined in paragraph 9.5.2 provided at least five (5) provinces are represented.</i> <i>(e) Should a quorum not be present, the sitting must be adjourned and reconvened to a new date.</i>

11. National Executive Council	
10.6.7 By purchase, hire or otherwise, to acquire any moveable or unmoveable property on behalf of the Union, sell, hire out, hypothecate or otherwise to deal with any moveable or immovable property which belongs to the Union;	<i>10.6.7. To acquire, whether by purchase, hire or any other means, any movable or immovable property on behalf of the Union, and to sell, lease, mortgage or otherwise manage or dispose of any movable or immovable property owned by the Union;</i>
12. National Standing Committee	
12.2 The National Standing Committee shall be seized with the practical execution and application of the same capacities of the National Executive Council, and will by	<i>12.2. The National Standing Committee shall have such powers and authority as awarded to it by the National Executive Council, and will report to the National Executive Council.</i>
ratification be answerable to the National Executive Council.	
13. Union Representatives	
22.1 Union Representatives, as described in section 95(5)(k) of the Labour Relations Act 66 of 1995, shall implement and give effect to the decisions of the National Congress, the National Executive Council or the Provincial Executive Council, or Provincial Executive Committee, shall recruit members and advance their interests in general, represent members during dispute resolution where applicable.	<i>22.1 Union Representatives shall act as representatives of the Union at workplace, school, circuit or other approved level. They must implement lawful decisions and directives of the National Congress, the National Executive Council and the Provincial Executive Council, subject to this Constitution. Where there is any inconsistency between directives issued by different structures, the directive of the higher structure in terms of this Constitution shall prevail. Union Representatives shall report to the relevant provincial structure or such other structure as may be determined by the National Executive Council.</i>
14. Removal from office or discharge	
23.1 Office-Bearers 23.1.1 An office-bearer, or Workplace representative, or any person who discharges a function on behalf of the Union but who is not also an employee of the Union, may be removed from his or her office should he or she violate any provision of this Constitution, and should he or she act in a fashion which in the opinion of the Union is detrimental to the interests of the Union. 23.1.2. No office-bearer or Workplace Representative may be removed from his or her office unless he or she has been furnished with the opportunity to make representations to the chairperson of the specific management structure to which he or she normally reports. 23.1.3. An office-bearer or workplace Representative who has made representations to the applicable management structure to which he or she reports: (a) In the case of national office-bearers,	<i>The reference to appeal is removed and replaced with the reference “to make representations” to ensure the Constitution is in line with common labour law practice.</i> <i>23.1. Office-Bearers</i> <i>23.1.1. An office-bearer, or workplace representative, or any person who discharges a function on behalf of the Union, but who is not an employee of the Union, may be removed from his or her office should he or she violate any provision of this Constitution, and should he or she act in a fashion which in the opinion of the Union is detrimental to the interests of the Union.</i> <i>23.1.2. No office-bearer or workplace representative may be removed from his or her office unless he or she has been furnished with the opportunity to make representations to the chairperson of the specific management structure to which he or she normally reports.</i> <i>23.1.3. An office-bearer or workplace representative who has made representations to the applicable management structure to which he or she reports-</i> <i>(a) In the case of national office-bearers, before the National Standing Committee;</i>

before the National Standing Committee; (b) In the case of any other office-bearer, before the Provincial Standing Committee and if the member is dissatisfied with the decision of the relevant body, he or she shall have the right to appeal as follows: (i) In the case of a national office-bearer to the National Executive Council. Notice of appeal shall be furnished in writing to the Chief Executive officer within 14 (fourteen) days after the date on which the decision has been conveyed to the affected person. The decision of the National Executive Council shall be final. (ii) In the case of an office-bearer in a Province or a Workplace Representative, to the President. Notice of appeal shall be furnished in writing to the Chief Executive officer within 14 (fourteen) days after the date on which the decision has been conveyed to the affected person. The decision of the President shall be final	<i>(b) In the case of any other office-bearer before the Provincial Standing Committee;</i> <i>(c) If the member is dissatisfied with the decision of the Chairperson of the relevant body, he or she shall have the right to make further representations as follows:</i> <i>(i) In the case of a national office-bearer to the National Executive Council.</i> <i>(ii) in the case of a provincial office-bearer to the Provincial Standing Committee;</i> <i>the decision of the respective Executive Council as set out in (i) and (ii) above shall be final.</i>
15. Meetings	
24.1. Save where this Constitution regulates otherwise the following arrangements will be applicable to any meeting of the Union or of its members:	<i>24.1. Save where this Constitution regulates otherwise the following arrangements will be applicable to any meeting, of the Union or of its members, compulsory in terms of this constitution:</i>
16. Decisions of the Union and voting by ballot	
25.3.3 Postal ballot of members	<i>This provision has entirely been removed due to postal services no longer being widely utilised or regarded as an effective method for this process.</i>

In conclusion, the amendments outlined in this document represent an important step toward strengthening the governance, transparency, and effectiveness of the Union. The amendments have been made to update key provisions of the Constitution, ensure greater clarity, and avoid ambiguity in the interpretation and application of its clauses. These changes aim to promote fair representation, improve accountability within the Union's structures and processes, and better reflect the current needs of its members. Ultimately, the amended constitution will support the Union's ongoing commitment to protecting the rights, interests, and professional development of educators while ensuring that the organization remains responsive, inclusive, and well-equipped to address future challenges in the education sector.

Yours faithfully
P SAUER
EXECUTIVE OFFICER



SAOU

CONSTITUTION

SUID-AFRIKAANSE ONDERWYSERSUNIE
(TRANSLATED AS SOUTH AFRICAN TEACHERS' UNION)

1. NAME	3
2. DEFINITION OF TERMS	3
3. PRINCIPLES AND OBJECTIVES	5
4. STATUS OF THE UNION.....	6
5. MEMBERSHIP	7
6. DISCIPLINE	7
7. TERMINATION OF MEMBERSHIP	7
8. MEMBERSHIP DUES.....	8
9. NATIONAL CONGRESS	8
10. NATIONAL EXECUTIVE COUNCIL.....	11
11. ELECTION OF OFFICE-BEARERS.....	15
12. NATIONAL STANDING COMMITTEE.....	15
13. NATIONAL FINANCIAL ADVISORY COMMITTEE	16
14. NATIONAL OFFICE-BEARERS	16
15. OFFICIALS AT NATIONAL LEVEL	17
16. PROVINCIAL GOVERNANCE	18
17. CIRCUITS	19
18. PROVINCIAL EXECUTIVE COUNCIL.....	19
19. PROVINCIAL STANDING COMMITTEE	20
20. PROVINCIAL OFFICE-BEARERS : CHAIRPERSON AND DEPUTY CHAIRPERSON	21
21. PROVINCIAL SECRETARY	21
22. UNION REPRESENTATIVES.....	22
23. REMOVAL FROM OFFICE OR DISCHARGE	23
24. MEETINGS.....	24
25. DECISIONS OF THE UNION AND VOTING BY BALLOT	24
26. FINANCE	27
27. REPRESENTATION IN BARGAINING AND STATUTORY COUNCILS.....	28
28. AMENDMENT OF THE CONSTITUTION	28
29. WINDING-UP	28

SUID-AFRIKAANSE ONDERWYSERSUNIE
(TRANSLATED AS THE SOUTH AFRICAN TEACHERS' UNION)
CONSTITUTION

1. NAME

The name of the Union shall be DIE SUID-AFRIKAANSE ONDERWYSERSUNIE (SAOU) (translated as THE SOUTH AFRICAN TEACHERS' UNION)

The Head Office of the Union shall be at:
SAEF Building
278 Serene Street
Garsfontein
PRETORIA

2. DEFINITION OF TERMS

In this document the words referred to below shall have the following meaning:

2.1. Labour Relations Act 66 of 1995

Any term which is used in this Constitution and which is defined in the Labour Relations Act 66 of 1995 as amended, shall bear the same meaning as in the Act.

2.2. Education Sector Employee (Members)

2.2.1. Educators who have been appointed in terms of the Employment of Educators Act 76 of 1998, as amended.

2.2.2. Employees appointed by School Governing Bodies (or similar bodies);

2.2.3. Public Service employees who work in the education sector;

2.2.4. Any other persons who are entitled to register with the South African Council for Educators;

2.2.5. Students studying to become educators;

2.2.6. Any other category of members as determined by the National Congress.

2.3. Province

Means the various provinces in the Republic of South Africa as geographically defined from time to time, and each reference to a province is a reference to the applicable Province.

2.4. Circuit

Provinces are geographically divided into circuits. The number of circuits in a province is determined by the number of members in the province.

2.5. Days

Days shall mean calendar days.

2.6. Time Periods

The calculation of any period referred to in this Constitution includes the first day of the said period and excludes the last day of such period.

2.7. Education Practice

Means professional instruction or education management activities in any education institution.

2.8. Office-Bearers

Means members in good standing duly elected to the positions described in the constitution of the Union who are not officials.

2.9. Officials

Means persons employed as the Executive Officer, Deputy Executive Officer, Legal Practitioner, Provincial Secretary, Assistant Provincial Secretary or organiser of the Union, or any other person appointed by the National Standing Committee (NExCo) in any other prescribed capacity, whether or not that person is employed in a full-time capacity.

2.10. Employees

Means persons appointed as such in terms of the Labour Relations Act 66 of 1995.

2.11. Workplace Representatives

Includes representatives identified the members at the School or the Union.

2.12. Reporting Structure

For the avoidance of doubt, the National Congress is the highest controlling body of the Union. The National Executive Council manages the affairs of the Union between meetings of the National Congress and is accountable to the National Congress. The National Standing Committee executes the directives of the National Executive Council and reports to the National Executive Council. At provincial level, the Provincial Executive Council is the highest provincial structure and the Provincial Standing Committee executes the directives of the Provincial Executive Council and reports to it. Union Representatives act within the authority delegated to them by this Constitution and by the relevant national or provincial structure.

3. PRINCIPLES AND OBJECTIVES

3.1. Principles

The Union endorses the following:

- 3.1.1. The highest levels of professionalism for all members must be ensured;
- 3.1.2. The improvement of all aspects of the working environment in the education sector must be realised;
- 3.1.3. Education is most effective and empowering in the mother tongue of learners;
- 3.1.4. Education of a high quality is the entrenched right of every learner within an education system which is characterised by equality and the absence of racism and unfair discrimination.

3.2. Objectives of the Union

- 3.2.1. The Union endorses the Constitution of the Republic of South Africa and the principles of the Bill of Rights.
- 3.2.2. To establish a politically non-aligned and independent Union which will promote and protect the collective interests of its members.
- 3.2.3. To form alliances and to establish national and international liaison with other roleplayers with similar values, principles and objectives.
- 3.2.4. To regulate relationships between employees and employers and other parties with a vested interest in the education sector.r.
- 3.2.5. To promote the interests of members.
- 3.2.6. To plan, organise and advance the lawful activities of the Union.
- 3.2.7. To affiliate with, and to participate in the activities of any international workers' organisation including but not limited to the International Labour Organisation.
- 3.2.8. To promote, support, or resist any proposed legislative or other measures which affect the interests of members.
- 3.2.9. To use lawful methods to persuade employees in the education sector to become members.
- 3.2.10. To furnish administrative and dispute resolution services, and in it's discretion, any other reasonable support to members in the employment context.
- 3.2.11. To establish and to administer funds to the advantage and protection of the members of the Union.
- 3.2.12. To support and partake in the structures of the Education Labour Relations Council or any similar structure, and to encourage the resolution of disputes

between members and employers or employers' organisations by means of conciliation, mediation or arbitration.

- 3.2.13. To empower educators in the discharge of their professional duties.
- 3.2.14. To advance the cause of mother tongue instruction in single-, dual and parallel-medium schools.
- 3.2.15. To establish a service which will, where reasonably possible promote and protect the interests and rights of the members of the Union, to an extent and in a manner determined by the Union.
- 3.2.16. To discourage any form of unfair discrimination in education which is based on the grounds of race, gender, ethnicity, political and other convictions.
- 3.2.17. .
- 3.2.18. To contribute to the development of progressive education legislation and education policy.
- 3.2.19. To promote a system of effective consultation and advisory structures for negotiation and bargaining mechanisms in the interests of the education sector on the one hand, but on the other specifically in the interest of dealing with the rights and interests of the members of the Union.
- 3.2.20. To promote a registration system for all professional educators and the establishment of a professional code with which all educators are obliged to comply.
- 3.2.21. To promote effective provincial and national education structures.
- 3.2.22. To procure and collate information and distribute relevant information to interested parties. To promote the professional growth of the members of the Union by means of seminars, conferences, congresses and debate.
- 3.2.23. To promote and serve the general welfare and interests of the members of the Union.
- 3.2.24. To establish methods and practical protocols in order to execute any other function which in terms of this Constitution is part of the operational terrain of the Union.

4. STATUS OF THE UNION

The Union is a juristic person with continuous succession and capacity to act in the same way as a natural person who has reached majority and is a voluntary non profit organisation.

5. MEMBERSHIP

- 5.1. Any education sector employee in the Republic of South Africa who endorses this Constitution and supports the principles and objectives of the Union may be considered for membership.
- 5.2. Applications for admission or re-admission as member of the Union must be furnished to the union in a format as approved by the National Executive Council from time to time.
- 5.3. The Union will keep the full membership and personal details of the member subject to the Protection of Personal Information Act, act 4 of 2013, known as the POPI Act.
- 5.4. In the event of loss of benefits of membership or the termination of membership as set out in paragraph 7 below, a member will have the right to Appeal against the aforementioned conduct, to the National Executive Council of the Union.

5.4.1 The Appeal must be made in writing within thirty (30) days of which the member became aware of the loss of benefits or the termination of membership and will be conducted in terms of the rules of natural justice..

5.5.

6. DISCIPLINE

6.1. A member may be suspended or expelled by the National Standing Committee if he or she violates any of the provisions of this Constitution including the principles or objectives of the Union or act in a manner prejudicial to the interests of the Union. 6.2. If it is alleged that a member acts in a manner as contemplated in subsection 6.1, the relevant structure shall institute disciplinary proceedings

6.3. Should a member not be satisfied with the outcome of the disciplinary proceedings he/she shall have the right to appeal against such outcome.

6.4. The Appeal must be made in writing within thirty (30) days of which the member became aware of the outcome and will be conducted in terms of the rules of natural justice..

7. TERMINATION OF MEMBERSHIP

- 7.1. Any member who wishes to resign shall furnish the union with three (3) months' written notice. Such resignation must be furnished to the Executive Officer, the applicable Provincial Secretary.
- 7.2. Unless the written resignation of a member is received by the Executive Officer, the applicable Provincial Secretary prior to 31 December of a given year, the member shall be liable for membership fees for the ensuing three months.

- 7.3. A member whose membership fees are more than three months in arrears shall automatically cease to be a member of the Union. Such person is however liable for the payment of all fees due to the Union as at the date on which he or she ceased to be a member of the Union.

8. MEMBERSHIP FEES

- 8.1. Annual membership fees, as determined by the National Executive Council of the Union will not exceed one (1) % of the first salary notch of a qualified post level one (1) educator and such fees are payable by each member of the Union. The said membership fees shall be paid monthly in advance to the Union.
- 8.2. In addition to membership fees any member shall in the same manner be liable for the payment of such other monies as may be prescribed.
- 8.3. Members must ensure that their membership fees are paid and up to date. If the members' membership fees are not up to date the member will not automatically be entitled to representation nor be entitled to other benefits afforded to members from time to time.

9. NATIONAL CONGRESS

- 9.1. Status of the National Congress:

The National Congress is the highest controlling body of the Union.

- 9.2. Activities of the National Congress:

The activities of the Congress are primarily:

- 9.2.1. the consideration of the reports of the President, the Executive Officer, the Accountable Authority, audited financial statements and other special reports;
- 9.2.2. the formulation of policy;
- 9.2.3. the consideration and acceptance of amendments, and presentation to the Registrar of Trade Unions, of alterations to the constitution of the Union;
- 9.2.4. the discussion of matters as per agenda.
- 9.3. Provisions with regard to the convening of the National Congress and of a Special National Congress
- 9.3.1. **National Congress**
- (a) The National Congress shall be convened on one occasion triennially.
- (b) The National Congress shall be convened during a month as determined by the National Executive Council, and its geographic locality may rotate between the provinces.

- (c) Notice of the convening of the National Congress and the date thereof shall be furnished by the Executive Officer to the Provinces at least sixty (60) days before the Congress is to convene.
- (d) Notices of motion submitted by a Province must be furnished to the Executive Officer, so that same reaches his/her office at least forty-five (45) days prior to the National Congress.
- (e) Copies of the notices of motion and the Agenda for the National Congress shall be distributed to the National Executive Council by the Executive Officer at least fourteen (14) days prior to the National Congress.

9.3.2. Special National Congress

- (a) A Special National Congress shall be convened by the President whenever the National Executive Council requests that he/she do so, or whenever at least three Provinces or fifteen percent (15)% of the members request this in writing.
- (b) A request by the Provinces for a Special National Congress must be despatched to the Executive Officer at the head office of the Union and shall be accompanied by an exposition providing the reasons for such request.
- (c) On receipt of the request the Executive Officer must despatch same to the current President of the Union.
- (d) Should reasons of urgency be advanced in the notice the President of the SAOU may, on seven (7) days' notice, authorise the convening of a Special National Congress and indicate its geographical location.
- (e) The Special National Congress shall take place within fourteen (14) days of notice of the same having been given.
- (f) The Agenda of a Special National Congress shall be determined by the Executive Officer and/or the President of the Union in consultation with the National Executive Council and shall be a closed agenda.
- (g) Delegates to a Special National Congress are appointed in the same manner as for the National Congress and will have the same voting weights as during the preceding National Congress..

9.4. Chairmanship and voting procedure during a National Congress and a Special National Congress

9.4.1. Chairmanship

The President or in his/her absence the Deputy President or in his/her absence the Vice-President or in his/her absence a person appointed by the National

Executive Council must chair the proceedings at a National Congress or a Special National Congress.

9.4.2. Voting

- (a) Voting will take place by show of hands unless the National Congress or the Special National Congress decides otherwise.
- (b) The President of the SAOU or other person chairing the meeting will have a casting vote only on viewpoints or issues not specifically linked to or affecting a person. Should a voting deadlock arise on a matter affecting a person, the matter shall be decided by lot.
- (c) Decisions of the National Congress or the Special National Congress will be taken and the acceptance thereof or not will be determined by means of the vote weights as determined in paragraph 9.5.2 below.

9.5. Composition, vote weights and quorum

9.5.1. Composition

The National Congress and a Special National Congress shall be constituted as follows:

- (a) The members of the National Executive Council;
- (b) All members of the Provincial Executive Councils who are not already members of the National Executive Council.
- (c) Any paid up member of the Union, in good standing, may attend the National Congress or Special National Congress, subject to such directions issued by the National Executive Council.
- (d) It is recorded that although a member in good standing may attend the congresses referred to in paragraph 9.5.1.c. such member shall not have voting rights.

9.5.2. Voting weights

The following prescripts shall apply:

- (a) The voting weight of each Province with a view to participation in the activities of the National Congress, a Special National Congress and the National Executive Council shall be determined annually, and only members in good standing should be entitled to vote.
- (b) The voting weight must be determined before the first meeting of the National Executive Council for the applicable year is held.
- (c) The audited membership in each Province at the end of December of the preceding year must be used as the basis for the determination of the voting weight allocated to each Province.

- (d) The voting weight assigned to a Province is applicable only in the National Congress, a Special National Congress and the National Executive Council.

9.5.3. **Quorum requirements for National Congress and Special National Congress**

- (a) The minimum number of designated representatives present at a National Congress or a Special National Congress shall represent fifty percent (50)% plus one (1) member of the total voting weight which has been assigned to the Provinces.
- (b) At a National Congress and a Special National Congress those present from a Province shall cast the number of votes which has been assigned to the Province concerned.
- (c) Should the representatives present not constitute the *quorum* as set out in paragraph 9.5.3 a., the meeting must be postponed by thirty (30) minutes.
- (d) After thirty (30) minutes the representatives present shall be deemed to constitute a *quorum* and shall vote *prorata* in accordance with their voting weights as determined in paragraph 9.5.2 provided at least five (5) provinces are represented. .
- (e) Should a *quorum* not be present the sitting must be adjourned and reconvened.

10. NATIONAL EXECUTIVE COUNCIL

- 10.1. The management of the affairs of the Union between the National Congress and any Special National Congress shall be vested in a National Executive Council

10.2. Composition of the National Executive Council

The National Executive Council shall comprise of members in good standing, and shall be composed as follows:

10.2.1. The President of the Union;

10.2.2. The Deputy President of the Union;

10.2.3. The Vice-President of the Union;

10.2.4. Representatives from each Province on the following basis:

- (a) Two representatives designated by each Province in which the Union has 4 799 or less members;

- (b) Three representatives designated by each Province in which the Union has 4800 or more members;
- 10.2.5. The Provincial Secretaries as delegates, *ex officio* and without voting rights;
- 10.2.6. The Executive Officer and the Deputy Executive Officer, *ex officio* and without voting rights.
- 10.3. The number of votes allocated to each Province in the National Executive Council is the same as that for the preceeding National Congress or Special National Congress.
- 10.4. Vacancies which arise in the National Executive Council shall be filled within ninety (90) days by voting per ballot paper by the members of the Union in the same manner as that in which the council member was originally elected. A member appointed to fill a vacancy shall hold office for the unexpired portion of the term of office of his or her predecessor.
- 10.5. A member of the National Executive Council shall vacate his or her office in any of the following circumstances:
 - 10.5.1. On resignation from, suspension by or the termination of membership of the Union;
 - 10.5.2. If he/she fails to attend three (3) consecutive meetings of the National Executive Council without advancing acceptable reasons to the President of the Union, the Executive Officer or Chairperson of the National Executive Council;
 - 10.5.3. On resignation as a member of the National Executive Council. Such resignation must be furnished to the President of the SAOU, the Executive Officer of the SAOU or the Chairperson of the National Executive Council in writing;
 - 10.5.4. Should his/her membership dues be more than three (3) months in arrears;
 - 10.5.5. Should he/she be removed by a special vote of the National Executive Council or the relevant Provincial Executive Committee;
 - 10.5.6. should he or she in any manner alter his or her eligibility for election to the position held by him or her in the Province;
 - 10.5.7. should the Provincial Standing Committee decide that the position should not be filled;
 - 10.5.8. should he/she no longer be employed in the education sector;
 - 10.5.9. should he/she commence employment in a different Province..
- 10.6. Notwithstanding the provisions of this Constitution the National Executive Council shall have the capacity:
 - 10.6.1. To recommend the participation of the Union in the establishment of a Bargaining or Statutory Council and, notwithstanding the provisions of the

Constitution of any Negotiation or Statutory Council, to determine the representation of the Union therein;

- 10.6.2. To establish and to approve the offices and positions for office-bearers of the Union;
- 10.6.3. To determine the service establishment of the Union, to appoint or to dismiss employees of the Union including the Executive Officer other than where otherwise determined in this Constitution, to determine their remuneration and to define their duties;
- 10.6.4. From time to time to establish such committees as deemed necessary to investigate and report on any matter which has been referred to them by the National Congress;
- 10.6.5. To consider, decide on, and present to the Registrar of Trade Unions, urgent or necessary amendments to the constitution of the Union, and cause same to be ratified at the first National Congress thereafter;
- 10.6.6. To take legal action on behalf of the Union or to defend any action instituted against the Union;
- 10.6.7. To acquire, whether by purchase, hire or any other means, any movable or immovable property on behalf of the Union, and to sell, lease, mortgage or otherwise manage or dispose of any movable or immovable property owned by the Union;
- 10.6.8. On behalf of or to the benefit of members to take legal action, furnish legal assistance to members regarding matters affecting their service environment and take legal action against individual members;
- 10.6.9. To open and operate banking accounts in the name of the Union;
- 10.6.10. To make and apply directives relating to procedural, administrative and disciplinary issues;
- 10.6.11. To decide on all procedural issues on which this Constitution is silent;
- 10.6.12. To engage in such other lawful acts as in the opinion of the National Executive Council are in the interests of the Union or its members and which are not inconsistent with the objectives set out in this Constitution or with any other matter in respect of which this Constitution makes specific provision;
- 10.6.13. To consider the advice of the National Standing Committee in connection with appeals;
- 10.6.14. To define or designate Provinces, or Provincial borders, different from those described in the definitions clause;
- 10.6.15. To determine procedures and methods of conduct for Provinces when they grow or diminish, over or below the figures recorded in sections 16 and 17.

- 10.7. The National Executive Council is accountable to the National Congress and shall meet at least biannually at a date and time determined by the President.
- 10.8. Special meetings of the National Executive Council shall be convened by the President either when he considers this desirable or on written request signed by at least eight (8) members of the Council, in which case the meeting shall be convened within seven (7) days of receipt by the President of the request.
- 10.9. Members of the National Executive Council must be informed in writing by the Executive Officer at least seven (7) days in advance of the meeting of its time and venue.
- 10.9.1. At the discretion of the President a shorter period of notice, which may not be shorter than twenty four (24) hours, may be given in respect of special meetings.
- 10.9.2. An agenda shall be attached to each notice of meeting. Unless herein otherwise determined, in respect to all matters for determination by the National Executive Council decisions shall be taken by motions which have been properly seconded and on which polling has taken place by show of hands.
- 10.10. The *quorum* for meetings of the National Executive Council will be fifty percent (50)% plus one (1) of the persons entitled to vote at the meeting.
- 10.11. Should the persons present not constitute at least the number required in paragraph 10.10., the meeting must be postponed by thirty (30) minutes.
- (a) After thirty (30) minutes the persons present shall be deemed to constitute the requisite *quorum* and shall vote *pro rata* in accordance with their vote weights as determined in paragraph 9.5.2 provided that at least fifty (50) % of the provinces are represented. The minimum number of persons present at National Executive Council shall represent fifty percent (50)% plus one (1) member of the total voting weight which has been assigned to the Provinces.
- (b) At a National Executive Council those present from a Province shall cast the number of votes which has been assigned to the Province concerned.
- (c) Should the persons present not constitute at least the number required, namely the *quorum*, in paragraph 10.10 a., the meeting must be postponed by thirty (30) minutes.
- (d) After thirty (30) minutes the persons present shall be deemed to constitute the *quorum* and shall vote *pro-rata* in accordance with their voting weights as determined in paragraph 9.5.2 provided at least five (5) provinces are represented.
- (e) Should a *quorum* not be present the sitting must be adjourned and reconvened.

- 10.12. No motion shall be considered unless it has been seconded. Voting shall take place by show of hands, unless otherwise determined by the chairperson, on all matters constituting the subject material of motions, and decisions shall be reached on the basis of the majority of those present.
- 10.13. Voting in the National Executive Council shall take place on the same basis as in paragraph 9.4.2 above.
- 10.14. Should any urgent matter arise between meetings of the National Executive Council which could be answered by a simple “Yes” or “No”, the President may sanction voting by the members of the Council via any electronic means.
- 10.15. The President may at his discretion invite any person to a meeting of the National Executive Council as he/she deems necessary.

11. ELECTION OF OFFICE-BEARERS

- 11.1. The term of office of all decision-making structures, elected office-bearers, union representatives and official representatives shall be three (3) years, commencing on the date on which the election result is declared or on such other date as may be determined in accordance with this Constitution.
- 11.2. In the event of vacancies that may arise, such vacancies shall be filled in a manner determined by the National Executive Council.
- 11.3. Candidates for the positions of office-bearer (President, Deputy President and Vice-President) shall be nominated and seconded by enfranchised delegates to the National Executive Council, provided that the immediate past President shall *ex officio* be a member of the newly constituted National Executive Council, provided further that in the event that he or she is not duly elected as President, Deputy President or Vice-President, his or her membership of the National Executive Council shall be regarded as terminated.
- 11.4. The President, Deputy President and Vice-President shall be elected from different Provinces unless the National Congress otherwise determines.
- 11.5. The nomination and elections of the President, Deputy President and Vice-President shall take place by secret ballot.
- 11.6. At its first ordinary meeting in any given year the National Executive Council shall also ensure the election of the office-bearers of the Union should vacancies arise.

12. NATIONAL STANDING COMMITTEE

- 12.1. The National Standing Committee of the Union shall consist of the following persons:
 - 12.1.1. The President;
 - 12.1.2. The Provincial representatives designated by the nine various Provincial Standing Committees; and

- 12.1.3. The Executive Officer and Deputy Executive Officer *ex officio* and without voting rights.
- 12.2. The National Executive Committee shall have such powers and authority as awarded to it by the the National Executive Council, and will report to the National Executive Council.
- 12.3. The National Standing Committee shall meet at least eight (8) times per year or as determined by the President.
- 12.4. The National Standing Committee shall execute the directives of the National Executive Council.
- 12.5. A *quorum* of the National Executive Committee shall be at least six (6) members, of whom one must be an office-bearer.
- 12.6. The President may at his discretion invite any person to a meeting of the National Standing Committee as he/she deems necessary.

13. NATIONAL FINANCIAL ADVISORY COMMITTEE

- 13.1. The National Standing Committee shall designate two (2) of its members, and shall further consist of two (2) co-opted properly qualified bookkeepers, and the Executive Officer, to comprise it's National Financial Advisory Committee.
- 13.2. The co-opted bookkeepers may be employees of the Union.
- 13.3. The National Financial Advisory Committee shall be seized with oversight of:
 - 13.3.1. The finances of the Union;
 - 13.3.2. The compilation and drafting of the budget of the Union;
 - 13.3.3. Adherence to the budget of the Union ;
 - 13.3.4. The broad corporate governance and management of monies received by the Union;
 - 13.3.5. The application of the Agency Fee monies received;
 - 13.3.6. Any such other financial functions as the National Standing Committee or National Executive Council may direct.
- 13.4. The National Financial Advisory Committee will make recommendations to the National Standing Committee, and will at least meet quarterly and report in writing to the National Standing Committee.

14. NATIONAL OFFICE-BEARERS

- 14.1. All office-bearers shall be members of the Union engaged in education practice.
- 14.2. The duties of the officer-bearers and the Executive Officer shall be as follows:

14.2.1. President

- (a) The President shall preside at all meetings at which he or she is present, enforce compliance with the Constitution of the Union, sign minutes of meetings after they have been approved and in general exercise oversight over the business of the Union and execute such other duties as usage and custom render applicable to the office.
- (b) He or she shall exercise a deliberative vote only with regard to positions and issues. In instances where a voting deadlock is reached and which concern an individual, lots shall be drawn.
- (c) The term of office of the President shall be three (3) years.

14.2.2. Deputy President and Vice-President

- (a) The Deputy President shall exercise the functions and discharge the duties of the President in the latter's absence, and the Vice-President shall substitute for the Deputy President whenever the latter is not available.
- (b) The period of office of the Deputy President and the Vice-President shall be three (3) years.

14.2.3. Acting President

- (a) Whenever the President, the Deputy President and the Vice-President are all unable to perform their duties whether temporarily or permanently, the National Executive Council shall appoint a member of the Union to act as President.
- (b) He or she shall fill the office until the President, Deputy President or Vice-President are able to resume their duties, or, in any instance where the President, the Deputy President and the Vice-President are permanently unable to discharge their duties, until a new President, Deputy President and Vice-President have been elected.
- (c) Those concerned must satisfy the requirements of subsection 14.1.

15. OFFICIALS AT NATIONAL LEVEL

Officials, at National or Provincial level, are persons as identified and described by the definitions of Labour Relations Act 66 of 1995.

15.1. Executive Officer

- 15.1.1. The Executive Officer shall receive requests for meetings of the National Congress and the Executive Council, shall despatch notices of meetings, shall deal with the correspondence of the Union, shall preserve correspondence which has been received as well as answers thereto which have been despatched, shall at each meeting of the national structures table relevant correspondence which has taken place since the previous meeting, shall

attend all meetings of the National Congress and the National Executive Council and shall cause minutes of the proceedings to be kept, shall issue official receipts for all monies received, shall submit reports on the financial position of the Union to the Standing Committee, shall cause the Union to be represented in negotiation and dispute settlement forums, and shall discharge such other duties as enjoined by this Constitution or as directed by the national structures.

- 15.1.2. He or she shall attend all the meetings of the National Executive Council unless excused by the President for acceptable reasons, but shall have no voting right at such meetings. He or she shall exercise oversight over applicable Provincial matters and the Provincial Secretaries.
- 15.1.3. He or she shall exercise control over employees. He or she may designate employees to function as officials as practice may require.
- 15.1.4. In addition to the duties prescribed in paragraph 15.1.1 above, the Executive Officer shall perform the duties enjoined by sections 98, 99 and 100 of the Labour Relations Act 66 of 1995 in connection with the keeping of records and the provision of information to the Registrar, as well as being an official of the Union.

15.2. Deputy Executive Officer

The National Executive Council may appoint a Deputy Executive Officer who shall assist the Executive Officer in the execution of his or her duties. Should the Executive Officer temporarily be unable to perform his or her duties the Deputy Executive Officer shall act as Executive Officer until such time he/she is able to assume his/her duties. The provisions of subsection 15.1 above shall *mutatis mutandis* apply to the Deputy Executive Officer.

15.3. Other Officials

The National Standing Committee may upon the advice of the Executive Officer appoint any other officials as envisaged in section 95(5)(l) of the Labour Relations Act 66 of 1995, in and under any terms they may deem fit.

16. PROVINCIAL GOVERNANCE

- 16.1. To be recognised as a functioning and participating Province within the Union, a Province shall retain five hundred (500) members.
- 16.2. The Union further distinguishes three (3) categories of Provinces namely:
 - 16.2.1. Small provinces having a membership from five hundred (500) up to and including two thousand three hundred and ninety nine (2 399);
 - 16.2.2. Medium Provinces having two thousand four hundred (2 400) up to and including four thousand seven hundred and ninety nine (4 799) members; ;
 - 16.2.3. Large Provinces having more than four thousand eight hundred (4 800) members .

16.3. Provinces will by election appoint office-bearers as set out in paragraph 18.

16.4. Provinces will have officials as set out in paragraph 20 and 21.

17. CIRCUITS

17.1 In Small Provinces, a Circuit shall be established for every five hundred (500) members, the final number of Circuits shall be rounded upward or downward, at the discretion of the Provincial Executive Council, subject to subsection 17.7.

17.2 In Medium Provinces, a Circuit shall be established for every eight hundred (800) members, the final number of Circuits shall be rounded upward or downward, at the discretion of the Provincial Executive Council, subject to subsection 17.7.

17.3 In Large Provinces, a Circuit shall be established for every one thousand one hundred (1100) members, the final number of Circuits shall be rounded upward or downward, at the discretion of the Provincial Executive Council, subject to subsection 17.7.

17.4 Notwithstanding the former, Small Provinces shall be entitled to establish a minimum of three (3) Circuits.

17.5 Notwithstanding anything to the contrary contained in this Constitution, Small Provinces may, subject to the approval of the National Standing Committee, elect to establish only three (3) Circuits.

17.6 Each Circuit is entitled to elect three (3) Circuit Organisers.

17.7 Each Provincial Executive Council shall submit their proposed Circuits at least six (6) months prior to the election of the new Provincial Executive Council to the National Standing Committee for approval, based on the provincial membership as at 31 December of the preceding year.

18. PROVINCIAL EXECUTIVE COUNCIL

18.1. Each Circuit in a Province shall elect three (3) members who shall be known as Circuit Organisers.

18.2. The Circuits are as designated by the Provincial Executive Council.

18.3. In each Province the Provincial Executive Council shall comprise of the sum total of the Circuit Organisers of that Province.

18.4. The Provincial Executive Council shall, by simple majority, elect a Provincial Chairperson and Deputy Chairperson from its ranks.

18.5. The Provincial Chairperson and Deputy Chairperson shall not represent the Circuit from which they have been elected, but shall be replaced by other members from the Circuits from which they have been elected.

18.6. The previous Provincial Executive Council will become *functus officio* and desolve immediately after the election of the new Provincial Executive Council.

18.7. The Competencies of the Provincial Executive Council:

- 18.7.1. The Provincial Executive Council is the highest authority in the Province;
- 18.7.2. To make recommendations to the National Executive Council or National Standing Committee regarding litigation;
- 18.7.3. To receive, consider and ratify any information supplied, or decisions made by the Provincial Standing Committee;
- 18.7.4. To amend or create Circuits;
- 18.7.5. To determine the duties of any Circuit Organizers.

18.8 The term of office of a Provincial Executive Council member may be terminated when he or she has been absent without informing the chairperson after three consecutive Provincial Executive Council meetings.

18.8.1 The Provincial Standing Committee shall meet at least two (2) times per year or as determined by the Provincial Chairperson. A *quorum* shall consist of 50% plus 1 of the members of the Provincial Standing Committee of which one must be an office bearer.

18.8.2 Should the persons present not constitute at least the number required in paragraph 18.9.6., the meeting must be postponed by thirty (30) minutes.

18.8.3 After thirty (30) minutes the persons present shall be deemed to constitute the requisite *quorum* provided that at least fifty (50) % of the members are present.

18.8.4 Should a *quorum* not be present the sitting must be adjourned and reconvened.

19. PROVINCIAL STANDING COMMITTEE

19.1 The Provincial Standing Committee shall comprise of:

- 19.1.1. The Provincial Chairperson; and
- 19.1.2. The Provincial Deputy Chairperson; and
- 19.1.3. One elected person per Circuit; and
- 19.1.4. Any of the co-opted persons referred to in subsections 20.2 and 20.3 at the discretion of the Provincial Chairperson; and
- 19.1.5. The Provincial Secretary *ex officio* and without voting rights.

19.2. Competencies of the Provincial Standing Committee:19.2.1 To deal with differences arising at the Provincial level between members and their employers and to attempt to resolve differences.

19.2.2. To appoint, from time to time, such sub-committees considered to be necessary for the purpose of investigation and report on matters which have been referred to them by the Provincial Standing Committee or the Provincial Executive Council.19.2.3. To exercise financial functions as delegated from time to time by the National Congress.

19.2.4. To perform such other lawful acts as in the opinion of the Provincial Standing Committee are in the interests of the Union or its members, and which are not inconsistent with the objectives set forth in section 3 or with any other matter specifically determined by the Constitution.

19.2.5. The Provincial Standing Committee shall meet at least four (4) times per year or as determined by the Provincial Chairperson.

19.2.6. A *quorum* shall consists of fifty (50) % plus one (1) member of the members of the Provincial Standing Committee of which one must be an office bearer.

19.2.7. Should the persons present not constitute at least the number required in paragraph 18.9.6., the meeting must be postponed by thirty (30) minutes.

19.2.8. After thirty (30) minutes the persons present shall be deemed to constitute the requisite *quorum* provided that at least fifty (50) % plus one (1) member of the members are present.

19.2.9. Should a *quorum* not be present the sitting must be ajourned and reconvened.

20. PROVINCIAL OFFICE-BEARERS : CHAIRPERSON AND DEPUTY CHAIRPERSON

20.1 Through its Provincial Executive Council each Province shall elect a Chairperson and Deputy Chairperson as specified in subsection 18.4 above.

20.2 The Provincial Chairperson shall be entitled to co-opt a maximum of five (5) further persons onto the Provincial Executive Council.

20.3 The purpose of such further co-option shall be to ensure the attainment of balance of representivity in the structure with regard to race, gender, the Post Level of educators, disabled persons and a niche group insofar as the normal election process in the Province may not already have placed such persons and/or group in the Provincial Executive Council.

20.4 The Provincial Chairperson shall be entitled to invite any person to attend meetings or gatherings.

21. PROVINCIAL SECRETARY

21.1 The Union may appoint a Provincial Secretary for each Province. Subject to the necessary adaptation in order to suit the specific Province, the duties of the Provincial Secretary

shall be to manage the affairs of the Union in the province and shall report to the Executive Officer and such persons delegated by him/her.

21.2 The Provincial Secretary will be an official of the Union.

22. UNION REPRESENTATIVES

22.1 Union Representatives shall act as representatives of the Union at workplace, school, circuit or other approved level. They must implement lawful decisions and directives of the National Congress, the National Executive Council and the Provincial Executive Council, subject to this Constitution. Where there is any inconsistency between directives issued by different structures, the directive of the higher structure in terms of this Constitution shall prevail. Union Representatives shall report to the relevant provincial structure or such other structure as may be determined by the National Executive Council.

22.2 In terms of the provisions of section 14(4) of the Labour Relations Act 66 of 1995, the Union Representative shall:

22.2.1. Assist and represent an employee in the workplace at grievance and disciplinary procedures upon request;

22.2.2. Monitor the compliance of the employer with any law, policy or practise which regulates employment terms and conditions of the members;

22.2.3. Report to the employer, the Union, or a responsible authority or agency any alleged violations of a law which regulates employment terms and conditions;

22.2.4. Perform any other duties as directed by the Provincial Executive Council.

22.2.2. 22.3 Nomination and election of Union Representatives

22.2.3. 22.3.1 Union Representatives shall be nominated and elected by members in good standing at the relevant workplace, school, circuit or other constituency determined by the Provincial Executive Council, subject to directives issued by the National Executive Council.

22.2.4. 22.3.2 The Provincial Secretary or a person designated by the Provincial Executive Council must give reasonable notice of the nomination and election process to the affected members.

22.2.5. 22.3.3 If more candidates are nominated than the number of available positions, the election must be conducted by secret ballot or by another fair voting method approved by the National Executive Council.

22.2.6. 22.3.4 The term of office of a Union Representative shall be three (3) years, unless the representative resigns, ceases to be eligible, is removed from office in accordance with this Constitution or a vacancy otherwise arises.

- 22.2.7. 22.3.5 A vacancy must be filled in the same manner as the original election or in another fair manner prescribed by the National Executive Council.

23. REMOVAL FROM OFFICE OR DISCHARGE

23.1. Office-Bearers

- 23.1.1. An office-bearer, or Workplace representative, or any person who discharges a function on behalf of the Union but who is not an employee of the Union, may be removed from his or her office should he or she violate any provision of this Constitution, and should he or she act in a fashion which in the opinion of the Union is detrimental to the interests of the Union.
- 23.1.2. No office-bearer or Workplace Representative may be removed from his or her office unless he or she has been furnished with the opportunity to make representations to the chairperson of the specific management structure to which he or she normally reports.
- 23.1.3. An office-bearer or Workplace Representative who has made representations to the applicable management structure to which he or she reports-
- (a) In the case of national office-bearers, before the National Standing Committee;
 - (b) In the case of any other office-bearer before the Provincial Standing Committee;
 - (c) If the member is dissatisfied with the decision of the Chairperson of relevant body, he or she shall have the right to appeal as follows:
 - (i) In the case of a national office-bearer to the National Executive Council.(ii) in the case of a provincial office-bearer to the Provincial Standing Committee;
 - (iii) the decision of the respective Executive Council as set out in (i) and (ii) above shall be final.

23.2. Employees

- 23.2.1. The Union may appoint employees that are not officials.
- 23.2.2. All employees are entitled to the rights contained in the Labour Relations Act 66 of 1995 and any other generally applicable labour legislation.

23.2.3. An employee may, in writing, from time to time, temporarily or permanently be designated as an official for any purpose the Executive Officer may deem fit.

23.2.4. The Union may designate any employee as an official under terms it may deem fit, and subject to subsection 15.3 of this Constitution.

24. MEETINGS

24.1. Save where this Constitution regulates otherwise the following arrangements will be applicable to any meeting, of the Union or of its members, compulsory in terms of this constitution:

24.1.1. Meetings shall be called and convened by designated officials;

24.1.2. Notice as well as an agenda shall be given in writing or by any prevailing electronic means;

24.1.3. Meetings shall start on the designated time;

24.1.4. If no *quorum* is present the meeting shall stand down for 30 minutes, and reconvene;

24.1.5. Parties present at the re-convening will constitute a *quorum*;

24.1.6. Business will be conducted under the control of a chairperson, elected by agreement, failing which the convening official shall nominate such a person, which may include him or herself;

24.1.7. The given agenda may be supplemented by any other additional item if notice in writing of such an item(s) was given to the convening official at least 24 hours before the meeting;

24.1.8. If the subject matter of a meeting requires a vote, same will be done by a show of hands, counted and correlated by the convening official and any person she or he designates to assist, subject to section 25 of this Constitution.

25. DECISIONS OF THE UNION AND VOTING BY BALLOT

25.1. Union Decisions

Decisions of the Union may be made by show of hands or by ballot.

25.2. By show of hands

In the normal course of events, all decisions of the Union will be made by way of show of hands of the members entitled to vote on such matters. The relevant structure shall be bound to take action according to the decision of a majority of members voting by show of hands unless the constitution of the Union requires a secret ballot.

25.3. **By ballot**

All voting by ballot must be secret and recorded. The ballot must be conducted in terms of a voters' roll of those members who are in good standing in terms of the Unions' Constitution.

25.3.1. In addition to those cases in respect of which the taking of a ballot of members of the whole Union is compulsory in terms of this Constitution, a ballot shall be taken if the National Executive Council so decides, and shall also be taken:

- (a) if demanded in writing by not less than three(3) provinces or fifteen (15)% of the members of the Union; or
- (b) on any proposal to declare or take part in any strike.

25.3.2. Ballots shall be conducted in the following manner:

- (a) Notice of a ballot shall be communicated to each member by the Executive Officer, at least three(3) days before the ballot is to be taken,
- (b) A ballot may be taken without notice at any general meeting on the decision of a majority of the members present should the need arise.
- (c) Two observers shall be appointed by the National Executive Council or the National Congress to supervise any ballot and to ascertain the result thereof.
- (d) Except in the case of electronic voting and voting taken at meetings on the decision of a majority of the members present, voting shall be conducted at the office of the Union or at such other places as may be specified in the notice referred to in paragraph 25.3.2 (a) of this subsection on the date and during the hours specified in the said notice.
- (e) Ballots shall be supplied by the Executive Officer. The issue to be voted upon shall be set forth clearly on the ballots and such ballots shall not contain any information by means of which it will be possible to identify the voter.
- (f) Ballot boxes shall be inspected by the observers and sealed by the Executive Officer in their presence prior to the issuing of ballot papers.
- (g) Only one ballot shall be issued on demand at the place and during the hours fixed for the taking of the ballot to each member who is entitled to vote.
- (h) Each voter shall, in the presence of the observers, be issued with one ballot paper which he or she shall thereupon complete, fold and deposit in a ballot box provided for the purpose.
- (i) Ballots shall not be signed or marked in any way apart from the mark required to be made by a member in recording his or her vote. Papers

bearing any other marks shall be regarded as spoilt and shall not be counted.

- (j) On completion of a ballot or as soon as possible thereafter, the result thereof shall be ascertained by the observers appointed in the presence of the Executive Officer and made known to the National Executive Council.
- (k) Ballots, including spoilt ballots, shall be placed in a container which shall be sealed after they have been counted and retained by the Executive Officer for not less than three(3) years. In the case of an electronic ballot, the result shall be saved on an electronic device and retained by the Executive Officer for not less than three(3) years.

25.3.3. The National Executive Council may decide that an electronic ballot of members shall be taken, in which event the ballot shall be conducted by means which will enable members to electronically cast their votes, in the following manner:

- (a) The Executive Officer shall communicate the instructions prescribed in the electronic communication to each member of the Union. The members will cast their vote according to the instructions prescribed in the electronic communication.
- (b) Two independent observers shall be appointed by the National Executive Council to verify the result of the electronic ballot. The Executive Officer shall immediately in the presence of the two independent observers, inform the National Executive Council of the result of the electronic ballot.
- (c) The same procedure shall *mutatis mutandis* apply to an electronic ballot confined to members of the National Executive Council. Section 95(5)(p) of the Labour Relations Act 66 of 1995.

25.3.4. 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.

25.3.5. In the event that circumstances surrounding a ballot have changed prior to execution having been given to the mandate of the members on the matter, the National Executive Council shall have the discretion to lay before the members a revised ballot for purposes of a fresh mandate better related to the changed circumstances.

25.3.6. The Union shall, before calling a strike, conduct a secret ballot of those of its members in respect of whom it intends to call the strike.

25.4. **Despite any other provision in this Constitution -**

25.4.1. A strike may only be called in terms of this Constitution after a secret ballot has been conducted by the National Standing Committee .

25.4.2. A member shall not be disciplined or have their membership terminated for failure or refusal to participate in a strike if:

- (a) A secret ballot was not held about the strike ; or;
- (b) A secret ballot was held, but a majority of the members who voted did not vote in favour of the strike.

25.5. The documentary or electronic record of a ballot about a strike must be retained for three (3) years from the date of the ballot.

26. FINANCE

26.1. Head Office

26.1.1. The funds of the Union shall be applied to the payment of expenses, to the acquisition of property, towards the attainment of the objectives specified in paragraph 3 and for such other lawful purposes as may be decided upon by the National Congress, the National Executive Council or by members voting by ballot for the attainment of the said objects.

26.1.2. The funds received by the Executive Officer on behalf of the Union shall be deposited to the Unions credit within seven(7) working days of receipt, at a bank decided upon by the National Executive Council.

26.1.3. Payments will be made electronically after authorization by the National Standing Committee, upon advice of the National Financial Advisory Committee.

26.2. General

26.2.1. Statements of income and expenditure reflecting the financial position of the Union shall be furnished at least quarterly by the Executive Officer and submitted to the National Standing Committee. The Executive Officer shall also be responsible for furnishing the National Congress with the Union's latest financial statements.

26.2.2. Accordance with the provisions of section 98(1)(b) of the Labour Relations Act, 1995, the Executive Officer shall prepare a statement of income and expenditure and a balance sheet in respect of each financial year ending on the 28th of February. Such statements and balance sheets shall be audited and dealt with as required by section 98(2) of the Act.

26.2.3. The Union shall maintain proper financial records in order to be able to compile annual financial statements which comply with Generally Accepted Accounting Practice or like standard.

26.2.4. Legal and other professional expenses shall be borne by the Union.

26.2.5. A member who resigns or is expelled from membership shall have no claim on the funds of the Union.

26.2.6. The National Standing Committee shall, subject to confirmation by the National Congress, have the power to invest surplus Union monies in such a manner that the Union stands to benefit from the investments.

26.3. Auditor

A registered accountant and auditor shall be appointed by the Union as its auditor to audit the financial records and to report annually thereon. The appointment or re-appointment of an auditor shall be done annually by the National Executive Council during the meeting at which the annual financial statements are tabled for consideration and approval.

27. REPRESENTATION IN BARGAINING AND STATUTORY COUNCILS

27.1. The National Executive Council can at any time recommend that the Union whether independently or in conjunction with another party or parties shall become a party to a Bargaining or Statutory Council which has been established in terms of the Labour Relations Act 66 of 1995, including participation in any dispute resolution mechanisms introduced by such Council.

27.2. Representatives and their alternates shall be appointed by the National Standing Committee.

27.3. Representatives or their alternates in a Bargaining or Statutory Council can be removed from office by the National Congress or by the National Executive Council, and may resign by furnishing notice of 14 days to the National Executive Council or such notice as may be prescribed in the Constitution of the Council concerned.

27.4. In the case of the resignation, passing or removal of a representative or alternate by National Executive Council or the Provincial Executive Council the vacant position shall be filled by the National Executive Council or the Provincial Executive Council as the case may be.

AMENDMENT OF THE CONSTITUTION

28.1. Any of the provisions of this Constitution may be revoked or amended by resolution of the National Congress of the Union or an addition may be made in any fashion, and it may also be amended by the National Executive Council in urgent cases as set out in paragraph 10.6.5 on the understanding that at least fourteen(14) days' notice of any proposed amendment shall be furnished to the Provinces. Should a Province during that period demand that a ballot of the entire Union should be held about the matter, such a ballot shall be held.

28.2. No amendment or addition shall take effect until it has been certified in terms of section 101(3) of the Labour Relations Act 66 of 1995.

28. WINDING-UP

29.1. The Union shall be wound up if at a ballot conducted in the manner prescribed in the constitution not less than seventy five (75) % of the total number of members of the Union vote in favour of a resolution that the organisation be wound up.

29.2. If a resolution for the winding-up of the Union has been passed or if for any reason the Union is unable to continue to function, the following provisions shall apply:

29.2.1. The last appointed president of the Union, or if he or she is not available, the available members of the last-appointed National Executive Council of the Union, shall forthwith transmit to the Labour Court a statement signed by him/her or them setting forth the resolution adopted or the reasons for the Union's inability to continue to function, as the case may be, and request the Labour Court to grant an order in terms of section 103 of the Labour Relations Act 66 of 1995

29.2.2. The liquidator appointed by the Labour Court shall call upon the last-appointed office-bearers of the Union to deliver to him/her the Union's books of accounts showing the assets and liabilities together with the register of members showing, for the 12 months prior to the date on which the resolution for winding-up was passed or to the date as from which the Union was unable to continue to function, as the case may be, (hereinafter referred to as the date of dissolution), the membership fees paid by each member and his or her address as at the said date

29.2.3. The liquidator shall also call upon the said office-bearers to hand over to him/her all unexpended funds of the Union and to deliver to him/her the Union's assets and the documents necessary to liquidate the assets.

29.2.4. The liquidator shall take the necessary steps to liquidate the debts of the Union from its unexpended funds and any other monies realised from any assets of the Union, and if the said funds and monies 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 though the expenses were the costs of sequestration of an insolvent estate.

29.2.5. After the payment of all debts in accordance with paragraph 26.1.3, the remaining funds, if any, shall be distributed among the remaining members of the Union on the basis of membership fees actually paid during the twelve (12) months prior to the date of dissolution.

29.2.6. After the payment of all the liabilities, any assets that cannot be disposed of in accordance with the provisions of this clause shall be realised by the liquidator and the proceeds paid to the Commission for Conciliation, Mediation and Arbitration in accordance with section 103(5) of the Labour Relations Act 66 of 1995.

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

SIGNED AT _____ ON THIS ____ DAY OF _____ 20__

President:

NAME SIGNATURE

SIGNED AT _____ ON THIS ____ DAY OF _____ 20__

Executive Officer:

NAME

SIGNATURE



SAOU

CONSTITUTION

SUID-AFRIKAANSE ONDERWYSERSUNIE
(TRANSLATED AS SOUTH AFRICAN TEACHERS' UNION)

1. NAME	3
2. DEFINITION OF TERMS	3
3. PRINCIPLES AND OBJECTIVES	4
4. STATUS OF THE UNION.....	6
5. MEMBERSHIP	6
6. DISCIPLINE	7
7. TERMINATION OF MEMBERSHIP	7
8. MEMBERSHIP FEES	7
9. NATIONAL CONGRESS	8
10. NATIONAL EXECUTIVE COUNCIL.....	11
11. ELECTION OF OFFICE-BEARERS.....	14
12. NATIONAL STANDING COMMITTEE.....	15
13. NATIONAL FINANCIAL ADVISORY COMMITTEE	15
14. NATIONAL OFFICE-BEARERS	16
15. OFFICIALS AT NATIONAL LEVEL	17
16. PROVINCIAL GOVERNANCE	18
17. CIRCUITS	18
18. PROVINCIAL EXECUTIVE COUNCIL.....	19
19. PROVINCIAL STANDING COMMITTEE	20
20. PROVINCIAL OFFICE-BEARERS : CHAIRPERSON AND DEPUTY CHAIRPERSON	21
21. PROVINCIAL SECRETARY	21
22. UNION REPRESENTATIVES.....	21
23. REMOVAL FROM OFFICE OR DISCHARGE	22
24. MEETINGS.....	23
25. DECISIONS OF THE UNION AND VOTING BY BALLOT	24
26. FINANCE	26
27. REPRESENTATION IN BARGAINING AND STATUTORY COUNCILS.....	27
28. AMENDMENT OF THE CONSTITUTION	27
29. WINDING-UP	28

SUID-AFRIKAANSE ONDERWYSERSUNIE
(TRANSLATED AS SOUTH AFRICAN TEACHERS' UNION)
CONSTITUTION

1. NAME

The name of the Union shall be SUID-AFRIKAANSE ONDERWYSERSUNIE (SAOU) (translated as SOUTH AFRICAN TEACHERS' UNION)

The Head Office of the Union shall be at:
SAEF Building
278 Serene Street
Garsfontein
PRETORIA

2. DEFINITION OF TERMS

In this document the words referred to below shall have the following meaning:

2.1. Labour Relations Act 66 of 1995

Any term which is used in this Constitution and which is defined in the Labour Relations Act 66 of 1995 as amended, shall bear the same meaning as in the Act.

2.2. Education Sector Employee (Members)

2.2.1. Educators who have been appointed in terms of the Employment of Educators Act 76 of 1998, as amended.

2.2.2. Employees appointed by School Governing Bodies (or similar bodies);

2.2.3. Public Service employees who work in the education sector;

2.2.4. Any other persons who are entitled to register with the South African Council for Educators;

2.2.5. Students studying to become educators;

2.2.6. Any other category of members as determined by the National Congress.

2.3. Province

Means the various provinces in the Republic of South Africa as geographically defined from time to time, and each reference to a province is a reference to the applicable Province.

2.4. Circuit

Provinces are geographically divided into circuits. The number of circuits in a province is determined by the number of members in the province.

2.5. Days

Days shall mean calendar days.

2.6. Time Periods

The calculation of any period referred to in this Constitution includes the first day of the said period and excludes the last day of such period.

2.7. Education Practice

Means professional instruction or education management activities in any education institution.

2.8. Office-Bearers

Means members in good standing duly elected to the positions described in the constitution of the Union who are not officials.

2.9. Officials

Means persons employed as the Executive Officer, Deputy Executive Officer, Legal Practitioner, Provincial Secretary, Assistant Provincial Secretary or organiser of the Union, or any other person appointed by the National Standing Committee in any other prescribed capacity, whether or not that person is employed in a full-time capacity.

2.10. Employees

Means persons appointed as such in terms of the Labour Relations Act 66 of 1995.

2.11. Workplace Representatives

Includes representatives identified by the members at the School or the Union.

2.12. Reporting Structure

For the avoidance of doubt, the National Congress is the highest controlling body of the Union. The National Executive Council manages the affairs of the Union between meetings of the National Congress and is accountable to the National Congress. The National Standing Committee executes the directives of the National Executive Council and reports to the National Executive Council. At provincial level, the Provincial Executive Council is the highest provincial structure and the Provincial Standing Committee executes the directives of the Provincial Executive Council and reports to it. Union Representatives act within the authority delegated to them by this Constitution and by the relevant national or provincial structure.

3. PRINCIPLES AND OBJECTIVES

3.1. Principles endorsed by the Union:

- 3.1.1. The highest levels of professionalism for all members must be ensured;
- 3.1.2. The improvement of all aspects of the working environment in the education sector must be realised;
- 3.1.3. Education is most effective and empowering in the mother tongue of learners;
- 3.1.4. Education of a high quality is the entrenched right of every learner within an education system which is characterised by equality and the absence of racism and unfair discrimination.

3.2. Objectives of the Union

- 3.2.1. The Union endorses the Constitution of the Republic of South Africa and the principles of the Bill of Rights.
- 3.2.2. To establish a politically non-aligned and independent Union which will promote and protect the collective interests of its members.
- 3.2.3. To form alliances and to establish national and international liaison with other roleplayers with similar values, principles and objectives.
- 3.2.4. To regulate relationships between employees and employers and other parties with a vested interest in the education sector.
- 3.2.5. To promote the interests of members.
- 3.2.6. To plan, organise and advance the lawful activities of the Union.
- 3.2.7. To affiliate with, and to participate in the activities of any international workers' organisation including, but not limited, to the International Labour Organisation.
- 3.2.8. To promote, support, or resist any proposed legislative or other measures which affect the interests of members.
- 3.2.9. To use lawful methods to persuade employees in the education sector to become members.
- 3.2.10. To furnish administrative and dispute resolution services, and in its discretion, any other reasonable support to members in the employment context.
- 3.2.11. To establish and to administer funds to the advantage and protection of the members of the Union.
- 3.2.12. To support and partake in the structures of the Education Labour Relations Council or any similar structure, and to encourage the resolution of disputes between members and employers or employers' organisations by means of conciliation, mediation or arbitration.
- 3.2.13. To empower educators in the discharge of their professional duties.

- 3.2.14. To advance the cause of mother tongue instruction in single-, dual and parallel-medium schools.
- 3.2.15. To establish a service which will, where reasonably possible promote and protect the interests and rights of the members of the Union, to an extent and in a manner determined by the Union.
- 3.2.16. To discourage any form of unfair discrimination in education which is based on the grounds of race, gender, ethnicity, political and other convictions.
- 3.2.17. To contribute to the development of progressive education legislation and education policy.
- 3.2.18. To promote a system of effective consultation and advisory structures for negotiation and bargaining mechanisms in the interests of the education sector on the one hand, but on the other specifically in the interest of dealing with the rights and interests of the members of the Union.
- 3.2.19. To promote a registration system for all professional educators and the establishment of a professional code with which all educators are obliged to comply.
- 3.2.20. To promote effective provincial and national education structures.
- 3.2.21. To procure and collate information and distribute relevant information to interested parties. To promote the professional growth of the members of the Union by means of seminars, conferences, congresses and debate.
- 3.2.22. To promote and serve the general welfare and interests of the members of the Union.
- 3.2.23. To establish methods and practical protocols in order to execute any other function which in terms of this Constitution is part of the operational terrain of the Union.

4. STATUS OF THE UNION

The Union is a juristic person with continuous succession and capacity to act in the same way as a natural person who has reached majority and is a voluntary non-profit organisation.

5. MEMBERSHIP

- 5.1. Any education sector employee in the Republic of South Africa who endorses this Constitution and supports the principles and objectives of the Union may be considered for membership.
- 5.2. Applications for admission or re-admission as member of the Union must be furnished to the Union in a format as approved by the National Executive Council from time to time.
- 5.3. The Union will keep the full membership and personal details of the member subject to the Protection of Personal Information Act 4 of 2013, known as the POPI Act.

5.4. In the event of loss of benefits of membership or the termination of membership as set out in paragraph 7 below, a member will have the right to Appeal against the aforementioned conduct, to the National Executive Council of the Union.

5.4.1 The Appeal must be made in writing within thirty (30) days of which the member became aware of the loss of benefits or the termination of membership and will be conducted in terms of the rules of natural justice.

6. DISCIPLINE

6.1. A member may be suspended or expelled by the National Standing Committee if he or she violates any of the provisions of this constitution including the principles or objectives of the Union or act in a manner prejudicial to the interests of the Union.

6.2. If it is alledged that a member acts in a manner as contemplated in subsection 6.1., the relevant structure shall have the right to institute disciplinary proceedings against such member.

6.3. Should a member not be satisfied with the outcome of the disciplinary proceedings he/she shall have the right to appeal against such outcome.

6.4. The Appeal must be made in writing within thirty (30) days of which the member became aware of the outcome and will be conducted in terms of the rules of natural justice.

7. TERMINATION OF MEMBERSHIP

7.1. Any member who wishes to resign shall furnish the Union with three (3) months' written notice. Such resignation must be furnished to the Executive Officer or the applicable Provincial Secretary.

7.2. Unless the written resignation of a member is received by the Executive Officer or the applicable Provincial Secretary prior to 31 December of a given year, the member shall be liable for membership fees for the ensuing three months.

7.3. A member whose membership fees are more than three months in arrears shall automatically cease to be a member of the Union. Such person is however liable for the payment of all fees due to the Union as at the date on which he or she ceased to be a member of the Union.

8. MEMBERSHIP FEES

8.1. Annual membership fees, as determined by the National Executive Council of the Union, will not exceed one (1) % of the first salary notch of a qualified post level one (1) educator and such fees are payable by each member of the Union. The said membership fees shall be paid monthly in advance to the Union.

8.2. In addition to membership fees any member shall in the same manner be liable for the payment of such other monies as may be prescribed.

- 8.3. Members must ensure that their membership fees are paid and up to date. If the membership fees are not up to date, the member will not automatically be entitled to representation nor be entitled to other benefits afforded to members from time to time.

9. NATIONAL CONGRESS

9.1. The National Congress is the highest controlling body of the Union.

9.2. The activities of the Congress are primarily:

- 9.2.1. the consideration of the reports of the President, the Executive Officer, the Accountable Authority, audited financial statements and other special reports;
- 9.2.2. the formulation and implementation of policy;
- 9.2.3. the consideration and acceptance of amendments, and presentation to the Registrar of Trade Unions, of alterations to the constitution of the Union;
- 9.2.4. the discussion of matters as per agenda.

9.3. Provisions with regard to the convening of the National Congress and of a Special National Congress:

9.3.1. National Congress

- (a) The National Congress shall be convened on one occasion triennially.
- (b) The National Congress shall be convened during a month as determined by the National Executive Council, and its geographic locality may rotate between the provinces.
- (c) Notice of the convening of the National Congress and the date thereof shall be furnished by the Executive Officer to the Provinces at least sixty (60) days before the Congress is to convene.
- (d) Notices of motion submitted by a Province must be furnished to the Executive Officer, so that same reaches his/her office at least forty-five (45) days prior to the National Congress.
- (e) Copies of the notices of motion and the Agenda for the National Congress shall be distributed to the National Executive Council by the Executive Officer at least fourteen (14) days prior to the National Congress.

9.3.2. Special National Congress

- (a) A Special National Congress shall be convened by the President whenever the National Executive Council requests that he/she do so, or whenever at least three Provinces or fifteen (15) % of the members request this in writing.

- (b) A request by the Provinces for a Special National Congress must be despatched to the Executive Officer at the head office of the Union and shall be accompanied by an exposition providing the reasons for such request.
- (c) On receipt of the request the Executive Officer must despatch same to the current President of the Union.
- (d) Should reasons of urgency be advanced in the notice the President of the SAOU may, on seven (7) days' notice, authorise the convening of a Special National Congress and indicate its geographical location.
- (e) The Special National Congress shall take place within fourteen (14) days of notice of the same having been given.
- (f) The Agenda of a Special National Congress shall be determined by the Executive Officer and/or the President of the Union in consultation with the National Executive Council and shall be a closed agenda.
- (g) Delegates to a Special National Congress are appointed in the same manner as for the National Congress and will have the same voting weights as during the preceding National Congress.

9.4. Chairmanship and voting procedure during a National Congress and a Special National Congress

9.4.1. Chairmanship

The President or in his/her absence the Deputy President or in his/her absence the Vice-President or in his/her absence a person appointed by the National Executive Council, must chair the proceedings at a National Congress or a Special National Congress.

9.4.2. Voting

- (a) Voting will take place by show of hands, unless the National Congress or the Special National Congress decides otherwise.
- (b) The President of the Union or other person chairing the meeting will have a casting vote only on viewpoints or issues not specifically linked to or affecting a person. Should a voting deadlock arise on a matter affecting a person, the matter shall be decided by lot.
- (c) Decisions of the National Congress or the Special National Congress will be taken and the acceptance thereof or not, will be determined by means of the vote weights as determined in paragraph 9.5.2 below.

9.5. Composition, vote weights and *quorum*

9.5.1. Composition

The National Congress and a Special National Congress shall be constituted as follows:

- (a) The members of the National Executive Council;
- (b) All members of the Provincial Executive Councils who are not already members of the National Executive Council.
- (c) Any paid up member of the Union, in good standing, may attend the National Congress or Special National Congress, subject to such directions issued by the National Executive Council.
- (d) It is recorded that although a member in good standing may attend the congresses referred to in paragraph 9.5.1.(c) such member shall not have voting rights.

9.5.2. Voting weights

The following prescripts shall apply:

- (a) The voting weight of each Province with a view to participation in the activities of the National Congress, a Special National Congress and the National Executive Council shall be determined annually, and only members in good standing should be entitled to vote.
- (b) The voting weight must be determined before the first meeting of the National Executive Council for the applicable year is held.
- (c) The audited membership in each Province at the end of December of the preceding year must be used as the basis for the determination of the voting weight allocated to each Province.
- (d) The voteing weight assigned to a Province is applicable only in the National Congress, a Special National Congress and the National Executive Council.

9.5.3. Quorum requirements for National Congress and Special National Congress

- (a) The minimum number of designated representatives present at a National Congress or a Special National Congress shall represent fifty (50) % plus one (1) member of the total voting weight which has been assigned to the Provinces.
- (b) At a National Congress and a Special National Congress those present from a Province shall cast the number of votes which has been assigned to the Province concerned.
- (c) Should the representatives present not constitute the *quorum* as set out in paragraph 9.5.3 (a), the meeting must be postponed by thirty (30) minutes.
- (d) After thirty (30) minutes the representatives present shall be deemed to constitute a *quorum* and shall vote *pro rata* in accordance with their

voting weights as determined in paragraph 9.5.2 provided at least five (5) provinces are represented.

- (e) Should a *quorum* not be present, the sitting must be ajourned and reconvened on a new date.

10. NATIONAL EXECUTIVE COUNCIL

- 10.1. The management of the affairs of the Union between the National Congress and any Special National Congress shall be vested in a National Executive Council.

10.2. Composition of the National Executive Council

The National Executive Council shall comprise of members in good standing, and shall be composed as follows:

10.2.1. The President of the Union;

10.2.2. The Deputy President of the Union;

10.2.3. The Vice-President of the Union;

10.2.4. Representatives from each Province on the following basis:

- (a) Two representatives designated by each Province in which the Union has 4 799 or less members;
- (b) Three representatives designated by each Province in which the Union has 4800 or more members;

10.2.5. The Provincial Secretaries as delegates, *ex officio* and without voting rights;

10.2.6. The Executive Officer and the Deputy Executive Officer, *ex officio* and without voting rights.

- 10.3. The number of votes allocated to each Province in the National Executive Council is the same as that for the preceeding National Congress or Special National Congress.

- 10.4. Vacancies which arise in the National Executive Council shall be filled within ninety (90) days by voting per ballot paper by the members of the Union in the same manner as that in which the council member was originally elected. A member appointed to fill a vacancy shall hold office for the unexpired portion of the term of office of his or her predecessor.

- 10.5. A member of the National Executive Council shall vacate his or her office in any of the following circumstances:

10.5.1. On resignation from, suspension by or the termination of membership of the Union;

10.5.2. If he/she fails to attend three (3) consecutive meetings of the National Executive Council without advancing acceptable reasons to the President of

- the Union, the Executive Officer or Chairperson of the National Executive Council;
- 10.5.3. On resignation as a member of the National Executive Council. Such resignation must be furnished to the President of the Union, the Executive Officer of the Union or the Chairperson of the National Executive Council in writing;
- 10.5.4. Should his/her membership fees be more than three (3) months in arrears;
- 10.5.5. Should he/she be removed by a special vote of the National Executive Council or the relevant Provincial Standing Committee;
- 10.5.6. Should he or she in any manner alter his or her eligibility for election to the position held by him or her in the Province;
- 10.5.7. Should the Provincial Standing Committee decide that the position should not be filled;
- 10.5.8. Should he/she no longer be employed in the education sector;
- 10.5.9. Should he/she commence employment in a different Province.
- 10.6. Notwithstanding the provisions of this Constitution the National Executive Council shall have the capacity:
- 10.6.1. To recommend the participation of the Union in the establishment of a Bargaining or Statutory Council and, notwithstanding the provisions of the Constitution of any Negotiation or Statutory Council, to determine the representation of the Union therein;
- 10.6.2. To establish and to approve the offices and positions for office-bearers of the Union;
- 10.6.3. To determine the service establishment of the Union, to appoint or to dismiss employees of the Union including the Executive Officer other than where otherwise determined in this Constitution, to determine their remuneration and to define their duties;
- 10.6.4. From time to time to establish such committees as deemed necessary to investigate and report on any matter which has been referred to them by the National Congress;
- 10.6.5. To consider, decide on, and present to the Registrar of Trade Unions, urgent or necessary amendments to the constitution of the Union, and cause same to be ratified at the first National Congress thereafter;
- 10.6.6. To take legal action on behalf of the Union or to defend any action instituted against the Union;
- 10.6.7. To acquire, whether by purchase, hire or any other means, any movable or immovable property on behalf of the Union, and to sell, lease, mortgage or

- otherwise manage or dispose of any movable or immovable property owned by the Union;
- 10.6.8. On behalf of or to the benefit of members to take legal action, furnish legal assistance to members regarding matters affecting their service environment and take legal action against individual members;
- 10.6.9. To open and operate banking accounts in the name of the Union;
- 10.6.10. To make and apply directives relating to procedural, administrative and disciplinary issues;
- 10.6.11. To decide on all procedural issues on which this Constitution is silent;
- 10.6.12. To engage in such other lawful acts as in the opinion of the National Executive Council are in the interests of the Union or its members and which are not inconsistent with the objectives set out in this Constitution or with any other matter in respect of which this Constitution makes specific provision;
- 10.6.13. To consider the advice of the National Standing Committee in connection with appeals;
- 10.6.14. To define or designate Provinces, or Provincial borders, different from those described in the definitions clause;
- 10.6.15. To determine procedures and methods of conduct for Provinces when they grow or diminish, over or below the figures recorded in sections 16 and 17.
- 10.7. The National Executive Council is accountable to the National Congress and shall meet at least biannually at a date and time determined by the President.
- 10.8. Special meetings of the National Executive Council shall be convened by the President either when he considers this desirable or on written request signed by at least eight (8) members of the Council, in which case the meeting shall be convened within seven (7) days of receipt of the request by the President.
- 10.9. Members of the National Executive Council must be informed in writing by the Executive Officer at least seven (7) days in advance of the meeting of its time and venue.
- 10.9.1. At the discretion of the President a shorter period of notice, which may not be shorter than twenty four (24) hours, may be given in respect of special meetings.
- 10.9.2. An agenda shall be attached to each notice of meeting. Unless herein otherwise determined, in respect to all matters for determination by the National Executive Council, decisions shall be taken by motions which have been properly seconded and on which polling has taken place by show of hands.
- 10.10. The *quorum* for meetings of the National Executive Council will be fifty (50) % plus one (1) of the persons entitled to vote at the meeting.

10.11. Should the persons present not constitute at least the number required in paragraph 10.10., the meeting must be postponed by thirty (30) minutes.

- (a) After thirty (30) minutes the persons present shall be deemed to constitute the requisite *quorum* and shall vote *pro rata* in accordance with their voting weights as determined in paragraph 9.5.2 provided that at least fifty (50) % of the provinces are represented. The minimum number of persons present at National Executive Council shall represent fifty percent (50)% plus one (1) member of the total voting weight which has been assigned to the Provinces.
- (b) At a National Executive Council those present from a Province shall cast the number of votes which has been assigned to the Province concerned.
- (c) Should the persons present not constitute at least the number required, namely the *quorum*, in paragraph 10.10.(a), the meeting must be postponed by thirty (30) minutes.
- (d) After thirty (30) minutes the persons present shall be deemed to constitute the *quorum* and shall vote *pro rata* in accordance with their voting weights as determined in paragraph 9.5.2 provided at least five (5) provinces are represented.
- (e) Should a *quorum* not be present, the sitting must be adjourned and reconvened to a new date.

10.12. No motion shall be considered unless it has been seconded. Voting shall take place by show of hands, unless otherwise determined by the chairperson, on all matters constituting the subject material of motions, and decisions shall be reached on the basis of the majority of those present.

10.13. Voting in the National Executive Council shall take place on the same basis as in paragraph 9.4.2 above.

10.14. Should any urgent matter arise between meetings of the National Executive Council which could be answered by a simple “Yes” or “No”, the President may sanction voting by the members of the Council via any electronic means .

10.15. The President may at his discretion invite any person to a meeting of the National Executive Council as he/she deems necessary.

11. ELECTION OF OFFICE-BEARERS

11.1. The term of office of all decision-making structures, elected office-bearers, union representatives and official representatives shall be three (3) years, commencing on the date on which the election result is declared or on such other date as may be determined in accordance with this Constitution.

11.2. In the event of vacancies that may arise, such vacancies shall be filled in a manner determined by the National Executive Council.

- 11.3. Candidates for the positions of office-bearer (President, Deputy President and Vice-President) shall be nominated and seconded by enfranchised delegates to the National Executive Council, provided that the immediate past President shall *ex officio* be a member of the newly constituted National Executive Council, provided further that in the event that he or she is not duly elected as President, Deputy President or Vice-President, his or her membership of the National Executive Council shall be regarded as terminated.
- 11.4. The President, Deputy President and Vice-President shall be elected from different Provinces unless the National Congress otherwise determines.
- 11.5. The nomination and elections of the President, Deputy President and Vice-President shall take place by secret ballot.
- 11.6. At its first ordinary meeting in any given year the National Executive Council shall also ensure the election of the office-bearers of the Union should vacancies arise.

12. NATIONAL STANDING COMMITTEE

- 12.1. The National Standing Committee of the Union shall consist of the following persons:
 - 12.1.1. The President;
 - 12.1.2. The Provincial representatives designated by the nine various Provincial Standing Committees; and
 - 12.1.3. The Executive Officer and Deputy Executive Officer *ex officio* and without voting rights.
- 12.2. The National Standing Committee shall have such powers and authority as awarded to it by the the National Executive Council, and will report to the National Executive Council.
- 12.3. The National Standing Committee shall meet at least eight (8) times per year or as determined by the President.
- 12.4. The National Standing Committee shall execute the directives of the National Executive Council.
- 12.5. A *quorum* of the National Standing Committee shall be at least six (6) members, of whom one must be an office-bearer.
- 12.6. The President may at his discretion invite any person to a meeting of the National Standing Committee as he/she deems necessary.

13. NATIONAL FINANCIAL ADVISORY COMMITTEE

- 13.1. The National Standing Committee shall designate two (2) of its members, and shall further consist of two (2) co-opted properly qualified bookkeepers, and the Executive Officer, to comprise its National Financial Advisory Committee.

- 13.2. The co-opted bookkeepers may be employees of the Union.
- 13.3. The National Financial Advisory Committee shall be seized with oversight of:
 - 13.3.1. The finances of the Union;
 - 13.3.2. The compilation and drafting of the budget of the Union;
 - 13.3.3. Adherence to the budget of the Union ;
 - 13.3.4. The broad corporate governance and management of monies received by the Union;
 - 13.3.5. The application of the Agency Fee monies received;
 - 13.3.6. Any such other financial functions as the National Standing Committee or National Executive Council may direct.
- 13.4. The National Financial Advisory Committee will make recommendations to the National Standing Committee, and will at least meet quarterly and report in writing to the National Executive Council.

14. NATIONAL OFFICE-BEARERS

- 14.1. All office-bearers shall be members of the Union engaged in education practice.
- 14.2. The duties of the officer-bearers and the Executive Officer shall be as follows:
 - 14.2.1. **President**
 - (a) The President shall preside at all meetings at which he or she is present, enforce compliance with the Constitution of the Union, sign minutes of meetings after they have been approved and in general exercise oversight over the business of the Union and execute such other duties as usage and custom render applicable to the office.
 - (b) He or she shall exercise a deliberative vote only with regard to positions and issues. In instances where a voting deadlock is reached and which concern an individual, lots shall be drawn.
 - (c) The term of office of the President shall be three (3) years.
 - 14.2.2. **Deputy President and Vice-President**
 - (a) The Deputy President shall exercise the functions and discharge the duties of the President in the latter's absence, and the Vice-President shall substitute for the Deputy President whenever the latter is not available.
 - (b) The period of office of the Deputy President and the Vice-President shall be three (3) years.
 - 14.2.3. **Acting President**

- (a) Whenever the President, the Deputy President and the Vice-President are all unable to perform their duties whether temporarily or permanently, the National Executive Council shall appoint a member of the Union to act as President.
- (b) He or she shall fill the office until the President, Deputy President or Vice-President are able to resume their duties, or, in any instance where the President, the Deputy President and the Vice-President are permanently unable to discharge their duties, until a new President, Deputy President and Vice-President have been elected.
- (c) Those concerned must satisfy the requirements of subsection 14.1.

15. OFFICIALS AT NATIONAL LEVEL

Officials, at National or Provincial level, are persons as identified and described by the definitions of Labour Relations Act 66 of 1995.

15.1. Executive Officer

- 15.1.1. The Executive Officer shall receive requests for meetings of the National Congress and the National Executive Council, shall despatch notices of meetings, shall deal with the correspondence of the Union, shall preserve correspondence which has been received as well as answers thereto which have been despatched, shall at each meeting of the national structures table relevant correspondence which has taken place since the previous meeting, shall attend all meetings of the National Congress and the National Executive Council and shall cause minutes of the proceedings to be kept, shall issue official receipts for all monies received, shall submit reports on the financial position of the Union to the National Standing Committee, shall cause the Union to be represented in negotiation and dispute settlement forums, and shall discharge such other duties as enjoined by this Constitution or as directed by the national structures.
- 15.1.2. He or she shall attend all the meetings of the National Executive Council unless excused by the President for acceptable reasons, but shall have no voting right at such meetings. He or she shall exercise oversight over applicable Provincial matters and the Provincial Secretaries.
- 15.1.3. He or she shall exercise control over employees. He or she may designate employees to function as officials as practice may require.
- 15.1.4. In addition to the duties prescribed in paragraph 15.1.1 above, the Executive Officer shall perform the duties enjoined by sections 98, 99 and 100 of the Labour Relations Act 66 of 1995 in connection with the keeping of records and the provision of information to the Registrar, as well as being an official of the Union.

15.2. Deputy Executive Officer

The National Executive Council may appoint a Deputy Executive Officer who shall assist the Executive Officer in the execution of his or her duties. Should the Executive Officer

temporarily be unable to perform his or her duties the Deputy Executive Officer shall act as Executive Officer until such time he/she is able to assume his/her duties. The provisions of subsection 15.1 above shall *mutatis mutandis* apply to the Deputy Executive Officer.

15.3. Other Officials

The National Standing Committee may upon the advice of the Executive Officer appoint any other officials as envisaged in section 95(5)(l) of the Labour Relations Act 66 of 1995, in and under any terms they may deem fit.

16. PROVINCIAL GOVERNANCE

16.1. To be recognised as a functioning and participating Province within the Union, a Province shall retain five hundred (500) members.

16.2. The Union further distinguishes three (3) categories of Provinces namely:

16.2.1. Small provinces having a membership from five hundred (500) up to and including two thousand three hundred and ninety-nine (2 399);

16.2.2. Medium provinces having two thousand four hundred (2 400) up to and including four thousand seven hundred and ninety-nine (4799) members; ;

16.2.3. Large provinces having more than four thousand eight hundred (4800) members .

16.3. Provinces will by election appoint office-bearers as set out in paragraph 18.

16.4. Provinces will have officials as set out in paragraph 20 and 21.

17. CIRCUITS

17.1 In Small Provinces, a Circuit shall be established for every five hundred (500) members, the final number of Circuits shall be rounded upward or downward, at the discretion of the Provincial Executive Council, subject to subsection 17.7.

17.2 In Medium Provinces, a Circuit shall be established for every eight hundred (800) members, the final number of Circuits shall be rounded upward or downward, at the discretion of the Provincial Executive Council, subject to subsection 17.7.

17.3 In Large Provinces, a Circuit shall be established for every one thousand one hundred (1100) members, the final number of Circuits shall be rounded upward or downward, at the discretion of the Provincial Executive Council, subject to subsection 17.7.

17.4 Notwithstanding the former, Small Provinces shall be entitled to establish a minimum of three (3) Circuits.

17.5 Notwithstanding anything to the contrary contained in this Constitution, Small Provinces may, subject to the approval of the National Standing Committee, elect to establish only three (3) Circuits.

- 17.6 Each Circuit is entitled to elect three (3) Circuit Organisers.
- 17.7 Each Provincial Executive Council shall submit their proposed Circuits at least six (6) months prior to the election of the new Provincial Executive Council to the National Standing Committee for approval, based on the provincial membership as at 31 December of the preceding year.

18. PROVINCIAL EXECUTIVE COUNCIL

- 18.1. Each Circuit in a Province shall elect three (3) members who shall be known as Circuit Organisers.
- 18.2. The Circuits are as designated by the Provincial Executive Council.
- 18.3. In each Province the Provincial Executive Council shall comprise of the sum total of the Circuit Organisers of that Province.
- 18.4. The Provincial Executive Council shall, by simple majority, elect a Provincial Chairperson and Deputy Chairperson from its ranks.
- 18.5. The Provincial Chairperson and Deputy Chairperson shall not represent the Circuit from which they have been elected, but shall be replaced by other members from the Circuits from which they have been elected.
- 18.6. The previous Provincial Executive Council will become *functus officio* and desolve immediately after the election of the new Provincial Executive Council.
- 18.7. The Competencies of the Provincial Executive Council:
 - 18.7.1. The Provincial Executive Council is the highest authority in the Province;
 - 18.7.2. To make recommendations to the National Executive Council or National Standing Committee regarding litigation;
 - 18.7.3. To receive, consider and ratify any information supplied, or decisions made by the Provincial Standing Committee;
 - 18.7.4. To amend or create Circuits;
 - 18.7.5. To determine the duties of any Circuit Organisers.
- 18.8. The term of office of a Provincial Executive Council member may be terminated when he or she has been absent without informing the chairperson after three consecutive Provincial Executive Council meetings.
 - 18.8.1. The Provincial Standing Committee shall meet at least two (2) times per year or as determined by the Provincial Chairperson. A *qourum* shall consists of fifty (50) % plus one (1) member of the members of the Provincial Standing Committee of which one must be an office bearer.
 - 18.8.2. Should the persons present not constitute at least the number required in paragraph 18.8.1., the meeting must be postponed by thirty (30) minutes.

18.8.3. After thirty (30) minutes the persons present shall be deemed to constitute the requisite *quorum* provided that at least fifty (50) % of the members are present.

18.8.4. Should a *quorum* not be present the sitting must be ajourned and reconvened.

19. PROVINCIAL STANDING COMMITTEE

19.1 The Provincial Standing Committee shall comprise of:

19.1.1. The Provincial Chairperson; and

19.1.2. The Provincial Deputy Chairperson; and

19.1.3. One elected person per Circuit; and

19.1.4. Any of the co-opted persons referred to in subsections 20.2 and 20.3 at the discretion of the Provincial Chairperson; and

19.1.5. The Provincial Secretary *ex officio* and without voting rights.

19.2. Competencies of the Provincial Standing Committee:

19.2.1 To deal with differences arising at the Provincial level between members and their employers and to attempt to resolve differences.

19.2.2. To appoint, from time to time, such sub-committees considered to be necessary for the purpose of investigation and report on matters which have been referred to them by the Provincial Standing Committee or the Provincial Executive Council.

19.2.3. To exercise financial functions as delegated from time to time by the National Congress.

19.2.3 To perform such other lawful acts as in the opinion of the Provincial Standing Committee are in the interests of the Union or its members, and which are not inconsistent with the objectives set forth in section three (3) or with any other matter specifically determined by the Constitution.

19.2.4. The Provincial Standing Committee shall meet at least four (4) times per year or as determined by the Provincial Chairperson.

19.2.5. A *quorum* shall consists of fifty (50) % plus one (1) member of the members of the Provincial Standing Committee of which one must be an office bearer.

19.2.6. Should the persons present not constitute at least the number required in paragraph 19.2.5 ., the meeting must be postponed by thirty (30) minutes.

19.2.7. After thirty (30) minutes the persons present shall be deemed to constitute the requisite *quorum* provided that at least fifty (50) % plus one (1) member of the members are present.

- 19.2.8. Should a *quorum* not be present the sitting must be ajourned and reconvened at a later date.

20. PROVINCIAL OFFICE-BEARERS : CHAIRPERSON AND DEPUTY CHAIRPERSON

- 20.1 Through its Provincial Executive Council each Province shall elect a Chairperson and Deputy Chairperson as specified in subsection 18.4 above.
- 20.2 The Provincial Chairperson shall be entitled to co-opt a maximum of five (5) further persons onto the Provincial Executive Council.
- 20.3 The purpose of such further co-option shall be to ensure the attainment of balance of representivity in the structure with regard to race, gender, the post level of educators, disabled persons and a niche group insofar as the normal election process in the Province may not already have placed such persons and/or group in the Provincial Executive Council.
- 20.4 The Provincial Chairperson shall be entitled to invite any person to attend meetings or gatherings.

21. PROVINCIAL SECRETARY

- 21.1 The Union may appoint a Provincial Secretary for each Province. Subject to the necessary adaptation in order to suit the specific Province, the duties of the Provincial Secretary shall be to manage the affairs of the Union in the province and shall report to the Executive Officer and such persons delegated by him/her.
- 21.2 The Provincial Secretary will be an official of the Union.

22. UNION REPRESENTATIVES

- 22.1 Union Representatives shall act as representatives of the Union at workplace, school, circuit or other approved level. They will implement lawful decisions and directives of the National Congress, the National Executive Council and the Provincial Executive Council, subject to this Constitution. Where there is any inconsistency between directives issued by different structures, the directive of the higher structure in terms of this Constitution shall prevail. Union Representatives shall report to the relevant provincial structure or such other structure as may be determined by the National Executive Council.
- 22.2 In terms of the provisions of section 14(4) of the Labour Relations Act 66 of 1995, the Union Representative shall:
- 22.2.1. Assist and represent an employee in the workplace at grievance and disciplinary procedures upon request;
 - 22.2.2. Monitor the compliance of the employer with any law, policy or practise which regulates employment terms and conditions of the members;
 - 22.2.3. Report to the employer, the Union, or a responsible authority or agency any alleged violations of a law which regulates employment terms and conditions;

22.2.4. Perform any other duties as directed by the Provincial Executive Council.

22.3 Nomination and election of Union Representatives

- 22.3.1 Union Representatives shall be nominated and elected by members in good standing at the relevant workplace, school, circuit or other constituency determined by the Provincial Executive Council, subject to directives issued by the National Executive Council.
- 22.3.2 The Provincial Secretary or a person designated by the Provincial Executive Council must give reasonable notice of the nomination and election process to the affected members.
- 22.3.3 If more candidates are nominated than the number of available positions, the election must be conducted by secret ballot or by another fair voting method approved by the National Executive Council.
- 22.3.4 The term of office of a Union Representative shall be three (3) years, unless the representative resigns, ceases to be eligible, is removed from office in accordance with this Constitution or a vacancy otherwise arises.
- 22.3.5 A vacancy must be filled in the same manner as the original election or in another fair manner prescribed by the National Executive Council.

23. REMOVAL FROM OFFICE OR DISCHARGE

23.1. Office-Bearers

- 23.1.1. An office-bearer, or workplace representative, or any person who discharges a function on behalf of the Union, but who is not an employee of the Union, may be removed from his or her office should he or she violate any provision of this Constitution, and should he or she act in a fashion which in the opinion of the Union is detrimental to the interests of the Union.
- 23.1.2. No office-bearer or workplace representative may be removed from his or her office unless he or she has been furnished with the opportunity to make representations to the chairperson of the specific management structure to which he or she normally reports.
- 23.1.3. An office-bearer or workplace representative who has made representations to the applicable management structure to which he or she reports-
 - (a) In the case of national office-bearers, before the National Standing Committee;
 - (b) In the case of any other office-bearer before the Provincial Standing Committee;
 - (c) If the member is dissatisfied with the decision of the Chairperson of the relevant body, he or she shall have the right to Appeal as follows:
 - (i) In the case of a national office-bearer to the National Executive Council.

(ii) in the case of a provincial office-bearer to the Provincial Standing Committee;

(iii) the decision of the respective Executive Council as set out in (i) and (ii) above shall be final.

23.2. Employees

23.2.1. The Union may appoint employees that are not officials.

23.2.2. All employees are entitled to the rights contained in the Labour Relations Act 66 of 1995 and any other generally applicable labour legislation.

23.2.3. An employee may, in writing, from time to time, temporarily or permanently be designated as an official for any purpose the Executive Officer may deem fit.

23.2.4. The Union may designate any employee as an official under terms it may deem fit, and subject to subsection 15.3 of this Constitution.

24. MEETINGS

24.1. Save where this Constitution regulates otherwise the following arrangements will be applicable to any meeting, of the Union or of its members, compulsory in terms of this constitution:

24.1.1. Meetings shall be called and convened by designated officials;

24.1.2. Notice as well as an agenda shall be given in writing or by any prevailing electronic means;

24.1.3. Meetings shall start on the designated time;

24.1.4. If no *quorum* is present the meeting shall stand down for thirty (30) minutes, and reconvene;

24.1.5. Parties present at the re-convening will constitute a *quorum*;

24.1.6. Business will be conducted under the control of a chairperson, elected by agreement, failing which the convening official shall nominate such a person, which may include him or herself;

24.1.7. The given agenda may be supplemented by any other additional item if notice in writing of such an item(s) was given to the convening official at least 24 hours before the meeting;

24.1.8. If the subject matter of a meeting requires a vote, same will be done by a show of hands, counted and correlated by the convening official and any person she or he designates to assist, subject to section 25 of this Constitution.

25. DECISIONS OF THE UNION AND VOTING BY BALLOT

25.1. Union Decisions

Decisions of the Union may be made by show of hands or by ballot.

25.2. By show of hands

In the normal course of events, all decisions of the Union will be made by way of show of hands of the members entitled to vote on such matters. The relevant structure shall be bound to take action according to the decision of a majority of members voting by show of hands unless the constitution of the Union requires a secret ballot.

25.3. By ballot

All voting by ballot must be secret and recorded. The ballot must be conducted in terms of a voters' roll of those members who are in good standing in terms of the Unions' Constitution.

25.3.1. In addition to those cases in respect of which the taking of a ballot of members of the whole Union is compulsory in terms of this Constitution, a ballot shall be taken if the National Executive Council so decides, and shall also be taken:

- (a) if demanded in writing by not less than three (3) provinces or fifteen (15) % of the members of the Union; or
- (b) on any proposal to declare or take part in any strike.

25.3.2. Ballots shall be conducted in the following manner:

- (a) Notice of a ballot shall be communicated to each member by the Executive Officer, at least three (3) days before the ballot is to be taken.
- (b) A ballot may be taken without notice at any general meeting on the decision of a majority of the members present should the need arise.
- (c) Two observers shall be appointed by the National Executive Council or the National Congress to supervise any ballot and to ascertain the result thereof.
- (d) Except in the case of electronic voting and voting taken at meetings on the decision of a majority of the members present, voting shall be conducted at the office of the Union or at such other places as may be specified in the notice referred to in paragraph 25.3.2 (a) of this subsection on the date and during the hours specified in the said notice.
- (e) Ballots shall be supplied by the Executive Officer. The issue to be voted upon shall be set forth clearly on the ballots and such ballots shall not contain any information by means of which it will be possible to identify the voter.

- (f) Ballot boxes shall be inspected by the observers and sealed by the Executive Officer in their presence prior to the issuing of ballot papers.
 - (g) Only one ballot shall be issued on demand at the place and during the hours fixed for the taking of the ballot to each member who is entitled to vote.
 - (h) Each voter shall, in the presence of the observers, be issued with one ballot paper which he or she shall thereupon complete, fold and deposit in a ballot box provided for the purpose.
 - (i) Ballots shall not be signed or marked in any way apart from the mark required to be made by a member in recording his or her vote. Papers bearing any other marks shall be regarded as spoilt and shall not be counted.
 - (j) On completion of a ballot or as soon as possible thereafter, the result thereof shall be ascertained by the observers appointed in the presence of the Executive Officer and made known to the National Executive Council.
 - (k) Ballots, including spoilt ballots, shall be placed in a container which shall be sealed after they have been counted and retained by the Executive Officer for not less than three (3) years. In the case of an electronic ballot, the result shall be saved on an electronic device and retained by the Executive Officer for not less than three (3) years.
- 25.3.3. The National Executive Council may decide that an electronic ballot of members shall be taken, in which event the ballot shall be conducted by means which will enable members to electronically cast their votes, in the following manner:
- (a) The Executive Officer shall communicate the instructions prescribed in the electronic communication to each member of the Union. The members will cast their vote according to the instructions prescribed in the electronic communication.
 - (b) Two independent observers shall be appointed by the National Executive Council to verify the result of the electronic ballot. The Executive Officer shall immediately in the presence of the two independent observers, inform the National Executive Council of the result of the electronic ballot.
 - (c) The same procedure shall *mutatis mutandis* apply to an electronic ballot confined to members of the National Executive Council.
- 25.3.4. 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.
- 25.3.5. In the event that circumstances surrounding a ballot have changed prior to execution having been given to the mandate of the members on the matter, the National Executive Council shall have the discretion to lay before the

members a revised ballot for purposes of a fresh mandate better related to the changed circumstances.

- 25.3.6. The Union shall, before calling a strike, conduct a secret ballot of those of its members in respect of whom it intends to call the strike.

25.4. Despite any other provision in this Constitution -

- 25.4.1. A strike may only be called in terms of this Constitution after a secret ballot has been conducted by the National Standing Committee.

- 25.4.2. A member shall not be disciplined or have their membership terminated for failure or refusal to participate in a strike if:

- (a) A secret ballot was not held about the strike; or
- (b) A secret ballot was held, but a majority of the members who voted did not vote in favour of the strike.

- 25.5. The documentary or electronic record of a ballot about a strike must be retained for three (3) years from the date of the ballot.

26. FINANCE

26.1. Head Office

- 26.1.1. The funds of the Union shall be applied to the payment of expenses, to the acquisition of property, towards the attainment of the objectives specified in paragraph 3 and for such other lawful purposes as may be decided upon by the National Congress, the National Executive Council or by members voting by ballot for the attainment of the said objects.

- 26.1.2. The funds received by the Executive Officer on behalf of the Union shall be deposited to the Unions credit within seven (7) working days of receipt, at a bank decided upon by the National Executive Council.

- 26.1.3. Payments will be made electronically after authorization by the National Standing Committee, upon advice of the National Financial Advisory Committee.

26.2. General

- 26.2.1. Statements of income and expenditure reflecting the financial position of the Union shall be furnished at least quarterly by the Executive Officer and submitted to the National Standing Committee. The Executive Officer shall also be responsible for furnishing the National Congress with the Union's latest financial statements.

- 26.2.2. In accordance with the provisions of section 98(1)(b) of the Labour Relations Act, 1995, the Executive Officer shall prepare a statement of income and expenditure and a balance sheet in respect of each financial year ending on

the 28th of February. Such statements and balance sheets shall be audited and dealt with as required by section 98(2) of the Act.

26.2.3. The Union shall maintain proper financial records in order to be able to compile annual financial statements which comply with Generally Accepted Accounting Practice or like standard.

26.2.4. Legal and other professional expenses shall be borne by the Union.

26.2.5. A member who resigns or is expelled from membership shall have no claim on the funds of the Union.

26.2.6. The National Standing Committee shall, subject to confirmation by the National Congress, have the power to invest surplus Union monies in such a manner that the Union stands to benefit from the investments.

26.3. Auditor

A registered accountant and auditor shall be appointed by the Union as its auditor to audit the financial records and to report annually thereon. The appointment or re-appointment of an auditor shall be done annually by the National Executive Council during the meeting at which the annual financial statements are tabled for consideration and approval.

27. REPRESENTATION IN BARGAINING AND STATUTORY COUNCILS

27.1. The National Executive Council can at any time recommend that the Union, whether independently or in conjunction with another party or parties, shall become a party to a Bargaining or Statutory Council which has been established in terms of the Labour Relations Act 66 of 1995, including participation in any dispute resolution mechanisms introduced by such Council.

27.2. Representatives and their alternates shall be appointed by the National Standing Committee.

27.3. Representatives or their alternates in a Bargaining or Statutory Council can be removed from office by the National Congress or by the National Executive Council, and may resign by furnishing notice of fourteen (14) days to the National Executive Council or such notice as may be prescribed in the Constitution of the Council concerned.

27.4. In the case of the resignation, passing or removal of a representative or alternate by National Executive Council or the Provincial Executive Council the vacant position shall be filled by the National Executive Council or the Provincial Executive Council as the case may be.

28. AMENDMENT OF THE CONSTITUTION

28.1 Any of the provisions of this Constitution may be revoked or amended by resolution of the National Congress of the Union or an addition may be made in any fashion, and it may also be amended by the National Executive Council in urgent cases as set out in paragraph 10.6.5 on the understanding that at least fourteen (14) days' notice of any

proposed amendment shall be furnished to the Provinces. Should a Province during that period demand that a ballot of the entire Union should be held about the matter, such a ballot shall be held.

- 28.2 No amendment or addition shall take effect until it has been certified in terms of section 101(3) of the Labour Relations Act 66 of 1995.

29. WINDING-UP

- 29.1. The Union shall be wound up if at a ballot conducted in the manner prescribed in the constitution not less than seventy five (75) % of the total number of members of the Union vote in favour of a resolution that the organisation be wound up.
- 29.2. If a resolution for the winding-up of the Union has been passed or if for any reason the Union is unable to continue to function, the following provisions shall apply:
- 29.2.1. The last appointed president of the Union, or if he or she is not available, the available members of the last-appointed National Executive Council of the Union, shall forthwith transmit to the Labour Court a statement signed by him/her or them setting forth the resolution adopted or the reasons for the Union's inability to continue to function, as the case may be, and request the Labour Court to grant an order in terms of section 103 of the Labour Relations Act 66 of 1995
- 29.2.2. The liquidator appointed by the Labour Court shall call upon the last-appointed office-bearers of the Union to deliver to him/her the Union's books of accounts showing the assets and liabilities together with the register of members showing, for the twelve (12) months prior to the date on which the resolution for winding-up was passed or to the date as from which the Union was unable to continue to function, as the case may be, (hereinafter referred to as the date of dissolution), the membership fees paid by each member and his or her address as at the said date.
- 29.2.3. The liquidator shall also call upon the said office-bearers to hand over to him/her all unexpended funds of the Union and to deliver to him/her the Union's assets and the documents necessary to liquidate the assets.
- 29.2.4. The liquidator shall take the necessary steps to liquidate the debts of the Union from its unexpended funds and any other monies realised from any assets of the Union, and if the said funds and monies 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 though the expenses were the costs of sequestration of an insolvent estate.
- 29.2.5. After the payment of all debts in accordance with paragraph 26.1.3, the remaining funds, if any, shall be distributed among the remaining members of the Union on the basis of membership fees actually paid during the twelve (12) months prior to the date of dissolution.

29.2.6. After the payment of all the liabilities, any assets that cannot be disposed of in accordance with the provisions of this clause shall be realised by the liquidator and the proceeds paid to the Commission for Conciliation, Mediation and Arbitration in accordance with section 103(5) of the Labour Relations Act 66 of 1995.

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

SIGNED AT _____ ON THIS ____ DAY OF _____ 20__

President:

NAME

SIGNATURE

SIGNED AT _____ ON THIS ____ DAY OF _____ 20__

Executive Officer:

NAME

SIGNATURE