

MEMORANDUM

To: Members of the Provincial Executive Councils

From: Paul Sauer

Date: 3 June 2026

Subject: Proposed SAOU constitution amendments

The amendment to the SAOU constitution refers.

The NEC considered proposed amendments to the current SAOU constitution favourably for submission to the Congress and such amendments were submitted to the Registrar of Trade Unions for consideration before being formally approved by the Congress.

Feedback from the Registrar was received today by way of the letter attached hereto.

The input is currently being considered and the suggestions received from the Registrar are seen in a positive light. Once the proposals have been thoroughly considered, the necessary amendments will be made and the updated proposed amendments will be shared for consideration and ratification during the Congress.

We trust you find the above in order.

Kind regards



P SAUER
EXECUTIVE OFFICER



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

Postal Address: Private Bag X117, PRETORIA, 0001 • Street Address: Laboria Building 215 Francis Baard Street, PRETORIA. 0002
Tel: (012) 309 4509---Fax: (012) 309 4156

Tel. Direct: (012) 309 4961
Reference: LR2/6/2/531
Enquiries: J Tlou
Email: japhta.tlou@labour.gov.za

The Secretary
Suid-Afrikaanse Onderwysersunie (SAOU)
P O Box 90120
GARSFONTEIN
0042

Email: saou@saou.co.za

Dear Sir/ Madam

LABOUR RELATIONS ACT, 1995: REPLACEMENT OF CONSTITUTION

I refer to your requesting inputs on the proposed amendments to constitution.

The union has submitted the following information:

- Covering letter dated 22 April 2026
- Unsigned whole Constitution
- Constitution dated 27 January 2021 & certificate & resolution signed by the registrar of 5/02/2021
- Summary of specific proposed amendments

The following is brought to your attention:

1. According to Section 95(5) of the LRA a constitution of any trade union or employers organisation must -
95(5)(e) of the Act states that "Provide for appeals against loss of benefits of membership or against termination of membership, prescribe a procedure for those appeals and determine the body to which those appeals may be made". This provision seems to have been omitted in the constitution.
2. It has been established in the unsigned constitution that the union is referring to 2008 and 2016 as commencing term of office for office bearers and holding of National Congress. However, the union is advised not to mention the year as it is not significant for the forthcoming National Congress to be held by the union, because National Congress is held triennially.

LEFAPHA LA BADIRI • LEFAPHA LA MESEBETSI • UMNANGO WEZEMISEBENZI • MUHASHO WA ZWA MISHUMO
• DEPARTEMENT VAN ARBEID • KGORO YA MERERO YA BA-'5FOMI • NDZAWULO YA TA MINTIRHO • LITIKO
LETEMISEBENTI • ISEBE LEZEMISEBENZI • UMNANGO WEZOKUSEBENZI

3. It has been established that there are various clauses in the constitution where National Executive Council and National Executive Committee are mentioned many times, which seems to be interchangeably used in various clauses and sub-clauses like in sub-clauses 9.3.1(b) and 6.1 causing confusion. Therefore, the union is requested to clarify clear vertical lines of authority in terms of chain of commands in the constitution so that are friendly understood by everybody. It should be noted that every structure established should be clear to include its composition, duties, when meetings are held, when term of office expires and the quorum. It is unclear whether the union has National Executive Council as well as National Executive Committee including Provincial Executive Committee and Provincial Executive Council.
4. In sub-clause 6.1 it is indicated that "a member may be suspended or expelled by the National Executive 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". Why specifically the matter mentioned above be referred to National Executive Committee not to the National Executive Council. It appears as if these terminologies of structures are used interchangeably. The union is requested to check whether it is still relevant to use these two structures, considering the long reporting line within the union or confusion created relation to both structures .
5. It has been established that the constitution is very silent in terms of how union representatives are elected at the workplace level. If it's covered in the constitution, please advise us where to find such in the constitution.
6. In sub-clause 22.1, where does the National Executive Committee fit in for the union representatives to implement and give effect to the decisions made by the National Executive Committee, because it does not reflect anywhere in that sub-clause as the higher structure to Provincial Executive Committee and or Provincial Executive Council.
7. It should be clear also in terms of referring disputes from the ground level to the National Office for adjudication including appeals.

Yours faithfully



REGISTRAR OF LABOUR RELATIONS

DATE: 03/06/2026