

COSATU

Constitution



PROCESSED

As amended at the 4th National Congress - 1991

PROCESSED

**TRADE UNION
LIBRARY AND
EDUCATION CENTRE**

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PREAMBLE

We the Trade Union representatives here present firmly commit ourselves to a unified democratic South Africa, free of oppression and economic exploitation.

We believe that this could only be achieved under the leadership of a united working class. Our history has taught us that to achieve this goal we will have to carry out the following tasks :

1. Organise the unorganised and build effective trade unions based on the democratic organisation of workers in the factories, mines, shops, farms and other workplaces.
2. Organise national industrial trade unions, financed and controlled by their worker members through democratically committees.
3. Unify these industrial unions into a national worker controlled federation.
4. Combat the divisions amongst the workers of South Africa and unite them into a strong and confident working class.
5. Encourage democratic worker organisation and leadership in all spheres of our society together with other progressive sectors of the community.
6. Reinforce and encourage progressive international worker contact and solidarity so as to assist one another in our struggle.

We call on all those who identify with this commitment to join us and the workers whom we represent, as comrades in the struggle ahead. We call on all trade unions to strive to unite their members in their ranks without discrimination and prejudice, and therefore resolve that this federation shall determinedly seek to further and protect the interests of all workers and that its guiding motto shall be the universal slogan of working class solidarity: **"An injury to one is an injury to all"**

CONGRESS OF SOUTH AFRICAN TRADE UNIONS

CONSTITUTION

1. NAME

The name of the Organisation shall be the CONGRESS OF SOUTH AFRICAN TRADE UNIONS, hereinafter referred to as "THE FEDERATION".

2. HEAD OFFICE

The head office of the Federation shall be situated at an address decided on by the Central Executive Committee.

3. AIMS AND OBJECTS

- 3.1 To secure social and economic justice for all workers.
- 3.2 To strive for the building of a united working class movement regardless of "race", colour, creed or sex.
- 3.3 To encourage all workers to join progressive and democratic trade unions and to develop a spirit of solidarity among all workers.
- 3.4 To understand how the economy of the country affects workers and to formulate clear policies as to how the economy would be restructured in the interests of the working class.
- 3.5 To work for a restructuring of the economy that will allow the creation of wealth to be democratically controlled and its fruits shared amongst the working class.
- 3.6 To strive for just standards of living, social security and fair conditions of work for all.
- 3.7 To help actively in the formation of broadly based industrial unions in all industries where none exist.
- 3.8 To help actively in the merging of unions operating in the same industry into broadly based industrial unions.

- 3.9 To assist affiliates on request, to encourage co-operation amongst affiliates, to co-ordinate joint activities, to act as a forum for achieving common goals and to perform such actions as are necessary to achieve these goals.
- 3.10 To endeavor to resolve disputes between affiliates and within the Federation.
- 3.11 To facilitate and co-ordinate education and training of all workers so as to further the interests of the working class.
- 3.12 To comment on, advance or oppose any law, action or policy of any authority or institution affecting the interests of affiliates in particular, or the working class in general.
- 3.13 To conduct, co-ordinate and publish research into matters affecting workers.
- 3.14 To raise and acquire funds by affiliation fees or by any other legal means to further these Aims and Objects.
- 3.15 To purchase, lease, hire or acquire any movable or immovable property and rights which the Federation may deem necessary.
- 3.16 To undertake the institution or defence of legal proceedings affecting the interests of the Federation or any of its affiliates, by or against any person, body or association.
- 3.17 To do such things as may be in the interests of the Federation and its affiliates and which are not inconsistent with the objects or any matters specifically provided for in this Constitution.

4. DEFINITIONS

- 4.1 Union: "Union" means, without limiting the ordinary meaning thereof, any organisation of workers which:
 - 4.1.1 is involved in achieving the Aims and Objects of the Federation;
 - 4.1.2 has a constitution approved by the general membership; and
 - 4.1.3 is controlled by its members through an elected committee of worker members.
- 4.2 Affiliated union: An "affiliated union" means a union that has been admitted to membership of the Federation in terms of Clause 5 and which is not more than six (6) months in arrears in affiliation fees to the federation or such longer period as

such affiliate justifies to the Central Executive Committee on good cause prior to it being six (6) months in arrears.

- 4.3 Affiliated union in good standing; An "affiliated union in good standing" means an affiliated union which is not more than three (3) months in arrears in affiliation fees to the Federation.
- 4.4 Official: An "official" means an employee of the Federation or any of its affiliated unions employed as a secretary or organiser or in any other prescribed capacity, whether or not such employee is employed in a full-time capacity, provided that and notwithstanding any other clause in this Constitution, the terms and conditions of both elected officials and other staff members shall be determined from time to time by the Executive Committee, provided further that, in the case of elected officials, such conditions shall not breach any provisions of this Constitution.
- 4.5 Office-Bearer: An "office-bearer" means a person, other than an official unless expressly allowed for in this constitution, who holds office in the Federation nationally or regionally as specified in this Constitution.
- 4.6 Member: A "member" means a person, other than an official as defined in 4.4 above, who pays membership dues to an affiliated union and is in good standing as prescribed by that affiliate's constitution.
- 4.7 Delegate: A "delegate" means a person representing an affiliated union on any committee of the Federation. Such delegate shall be a member or an official of the affiliated union represented.

5. MEMBERSHIP

- 5.1 The Federation is open to all unions that subscribe to the Declaration of Principles and conform with the requirements of the Federation subject to the acceptance of their application in terms of this clause.
- 5.2 Affiliated unions shall remain autonomous bodies governed by their own constitution but will abide by the Constitution and policies of the Federation.
- 5.3 Application for membership of the Federation must be made to the Central Executive Committee in writing furnishing:
 - 5.3.1 A copy of the current constitution of the union which shall establish that:
 - 5.3.1.1 The union is controlled by democratically elected worker representatives at all levels;
 - 5.3.1.2 Officials have no voting rights in the union;

5.3.1.3 The union limits its membership to specified industries.

5.3.2 A statement of membership.

5.3.3. A copy of its latest audited financial statements.

The Central Executive Committee may request further information in connection with the above or any additional information as may be required. The Central Executive Committee shall have full and discretionary powers to admit or refuse to admit any application for membership subject to 5.4 below.

5.4 Any union whose application for membership of the Federation is rejected by the Central Executive Committee shall, notwithstanding this decision, have the right to appeal to the next National Congress meeting and such National Congress meeting shall confirm or reverse the decision of the Central Executive Committee.

5.5 In the event that the Central Executive Committee has satisfied itself that an application for membership complies with the entrance requirements and has resolved to admit the applicant, it shall direct the applicant to take up its membership of the Federation by integrating its membership into the recognised affiliate in the industrial sector/s in which the applicant operates.

6. NATIONAL CONGRESS

6.1 The control of the Federation shall be vested in the following bodies in order of supremacy:

- 6.1.1 National Congress;
- 6.1.2 Central Executive Committee;
- 6.1.3 Executive Committee.

6.2 The National Congress (hereinafter referred to as the "NC") shall adopt general and specific policy measures by means of resolutions in furtherance of the Aims and Objects the Federation and will consider and/or decide on the following:

- 6.2.1 the confirmation of the agenda;
- 6.2.2 the credentials of delegates;
- 6.2.3 amendments to the Federation's Constitution;
- 6.2.4 reports from the Central Executive Committee;
- 6.2.5 reports of the office bearers of the Federation;
- 6.2.6 a financial report and the approval of the auditor's reports and the Federation's financial statements;
- 6.2.7 resolutions;
- 6.2.8 the nomination and election of the Federation's office bearers;
- 6.2.9 any such matter that may be deemed to be in the interest of the Federation.

6.3 Composition

- 6.3.1 The NC shall be composed of the Federation's President, First Vice-President, Second Vice-President, Treasurer, General Secretary, Assistant General Secretary and delegates from affiliated unions as specified in 6.3.2 below. Only delegates nominated in terms of 6.3.2 below shall have voting rights.
- 6.3.2 Each affiliated union in good standing shall be entitled to one (1) delegate for each completed seven hundred and fifty (750) members or part thereof, provided that all delegates from an affiliated union shall consist of a majority of members of such affiliated unions in good standing.
- 6.3.3 Each affiliated Union shall inform the General Secretary of the Federation of the number and names of their delegates and alternates to the NC at least one (1) month before an ordinary meeting and one (1) week before a special meeting.
- 6.3.4 The NC shall be entitled to request reasonable proof of the membership on which affiliated unions have decided their delegation.

6.4 Election and Removal of Office Bearers

- 6.4.1 Elections to the position of President, First Vice-President, Second Vice-President and Treasurer shall be made on nomination duly seconded at the NC, provided that no official of the Federation or its affiliates shall be eligible for the position of President, First Vice-President, Second Vice-President, or Treasurer. For the purpose of this clause an "official", shall be deemed to include a full-time office bearer of any of the affiliated unions.
- 6.4.2 Voting for the President, First Vice-President, Second Vice-President and Treasurer shall be by ballot, except that if no more than the required number of nominations are received, the candidates so nominated shall be declared duly elected without a ballot being taken.
- 6.4.3 The President, First Vice-President, Second Vice-President, Treasurer, General Secretary and Assistant General Secretary of the Federation shall hold office for a period of three (3) years and thereafter until the next election of a President, First Vice-President, Second Vice-President, Treasurer, General Secretary and Assistant General Secretary.
- 6.4.4 The President, First Vice-President, Second Vice-President and Treasurer of the NC shall also be the President, First Vice-President, Second Vice-President and Treasurer of the Central Executive Committee.
- 6.4.5 The President, First Vice-President, Second Vice-President and Treasurer shall vacate their seats during their term of office if they cease to be members of an

affiliated union, or if a special NC so decides by resolution, or if a two thirds (2/3) majority of CEC so decides by resolution.

Vacancies occurring in the position of President, First Vice-President, Second Vice-President or Treasurer shall be filled by the Central Executive Committee on nomination duly seconded.

- 6.4.6 The General Secretary and Assistant General Secretary shall be elected at the NC on nomination duly seconded and voted on by ballot. Should only one nomination be received that candidate shall be declared duly elected without a ballot taken. The General Secretary's and Assistant General Secretary's remuneration and conditions of employment shall be determined by the CEC.

6.5 Meetings

- 6.5.1 The NC shall ordinarily meet at least once every three (3) years on a date to be fixed by the Central Executive Committee. A special meeting of the NC shall be called by the President upon resolution of the Central Executive Committee or upon a written requisition of not less than one third (1/3) of the affiliated unions in good standing. In the event of the President failing to call such special meeting, the Executive Committee shall be empowered to nominate the convenor of the meeting.

- 6.5.2 Three (3) months written notice of National Congress meetings shall be given to each affiliated union provided that in the case of special or urgent meetings shorter notice, but not less than fourteen (14) days, as may be decided by the President, shall be given.

- 6.5.3 To every notice of meeting an agenda shall be attached.

- 6.5.4 The quorum for meetings of the NC shall be at least two thirds (2/3) of the affiliated unions in good standing provided that:

6.5.4.1 each such affiliated union is represented by at least one third (1/3) of its delegates.

6.5.4.2 each such delegation shall consist of a majority of members of the affiliated union.

6.5.4.3 all such delegates shall be those provided to the General Secretary in terms of Clause 6.3.3.

- 6.5.5 If within three (3) hours of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to such time and place as the President may decide, provided that the meeting must be called within one (1) month. At such adjourned meeting the members present shall form a quorum. Written notice of such adjourned meeting shall be given to all affiliated unions.

6.6 Resolutions

- 6.6.1 Resolutions to be moved at a NC shall be submitted in writing and delivered to the General Secretary for circulation to affiliated unions not less than thirty (30) days before the NC is held, provided that the NC shall have the right to consider special resolutions.
- 6.6.2 Unless otherwise provided herein, every matter for consideration by the NC shall be on motion duly seconded, and shall be decided by the majority of members present.

7. CENTRAL EXECUTIVE COMMITTEE

7.1 Powers and Duties

The Management of the affairs of the Federation shall be vested in the Central Executive Committee between meetings of the NC. The Central Executive Committee shall have all such powers and duties which customarily are vested in such an executive body and shall include the following powers and duties:

- 7.1.1 To give broad direction concerning organisational, political, educational and policy issues within the Federation.
- 7.1.2 To admit or refuse to admit applications for membership to the Federation, provided an applicant may appeal to the NC in the event of its application being refused.
- 7.1.3 To set up sub-committees and to determine their nature, membership and scope.
- 7.1.4 To establish and fund projects and activities in accordance with the Aims and Objects of the Federation as set out in Section 3 above.
- 7.1.5 To carry out discipline in terms of 18.2 below.
- 7.1.6 To endeavour to settle disputes between affiliates and within the Federation.
- 7.1.7 To create any employment positions within the Federation and to ratify the conditions of employment which apply to such positions and which have been determined by the Executive Committee.

- 7.1.8 To appoint an Education Secretary who shall be responsible, in conjunction with the General Secretary, for the educational and policy development work of the Federation.
- 7.1.9 To appoint an Organising Secretary who shall be responsible, in conjunction with the General Secretary, for the campaign work of the Federation, the development of regions, and the strengthening of affiliates.
- 7.1.10 To appoint an Administrative Secretary who shall be responsible, in conjunction with the General Secretary, for co-ordinating the work of the various departments and ensuring the efficient day-to-day running of the Federation.
- 7.1.11 To approve the annual audited financial statement and balance sheet of the Federation and to approve the Federation's budget and to submit these documents to the NC.
- 7.1.12 To determine budgetary guidelines.
- 7.1.13 To establish or dissolve Regions of the Federation and to demarcate the jurisdiction of such Regions and to further delegate such powers to the Regional Congress and Regional Executive Committee as are not dealt with in 9.2 and 10.2 below.
- 7.1.14 To fill vacancies occurring in the position of President, First Vice-President, Second Vice-President, Treasurer, General Secretary and Assistant General Secretary.
- 7.1.15 To appoint the auditors of the Federation.
- 7.1.16 To adopt, and if subsequently necessary, to amend, a leadership code of conduct, which code shall form an annexure to this Constitution.
- 7.1.17 To generally give effect to the Aims and Objects of the Federation and to assume such powers as are necessitated by this.

7.2 Composition

The Central Executive Committee shall be composed of the following persons:

- 7.2.1 Two (2) representatives from each affiliated union with a membership of less than twenty thousand (20 000), at least one (1) of whom must be a member of such affiliated union, and four (4) representatives from each affiliated union with a membership greater than twenty thousand

(20 000), at least two (2) of whom must be members of such affiliated union. *

7.2.2 The chairperson of each Region of the Federation who shall have full speaking rights but no voting rights.

7.2.3 The President, First Vice-President, Second Vice-President, Treasurer, General Secretary and Assistant General Secretary of the NC shall also be the President, First Vice-President, Second Vice-President, Treasurer, General Secretary and Assistant General Secretary of the Central Executive Committee, except that they shall have no voting rights.

7.3 Officials

7.3.1 The Central Executive Committee shall have the right to suspend or dismiss the General Secretary and any other official of the Federation should that official, in the opinion of the Central Executive Committee, have committed misconduct, neglected his/her duty or acted in a manner detrimental to the interest of the Federation or in conflict with this Constitution, any decision of the NC or the Central Executive Committee, or for any other reason which the Central Executive Committee deems sufficient for termination of service, provided that such official shall have the right to appeal to the next NC against such suspension or dismissal.

7.3.2 The General Secretary and any other official shall have the right to resign on giving three (3) months notice to the Central Executive Committee and shall be entitled to receive (3) months notice should the Central Executive Committee decide to terminate his/her services for reasons other than those warranting instant dismissal.

7.3.3 The Central Executive Committee may appoint a General Secretary only in an acting capacity, subject to election of a new incumbent by the NC.

7.3.4 The Education Secretary, the Organising Secretary and the Administrative Secretary shall be appointed at the first meeting of the Central Executive Committee after an NC, and they shall hold office for a period of three (3) years.

7.3.5 Officials of the Federation attending meetings of the Federation shall have full speaking rights but no voting rights.

7.4 Powers and Duties of Office Bearers and Officials

7.4.1 **President** - the powers and duties of the President shall be:
To preside over all meetings of the NC and Central Executive Committee at which he/she is present and to conduct such meetings in accordance with this Constitution; to sign the official minutes of all meetings of the NC, Central

Executive Committee and Executive Committee; and, generally to exercise, in conjunction with the other Office Bearers of the Federation, supervision of the affairs of the Federation between meetings of the NC and Central Executive Committee.

7.4.2 **First and Second Vice-Presidents** - the First Vice-President shall exercise the powers and carry out the duties of the President in the absence of the latter and the Second Vice-President shall exercise such powers in the absence of both the President and the First Vice-President.

7.4.3 **Acting President** - in the event of the President and both Vice-Presidents being unable temporarily to perform their duties, the Central Executive Committee shall appoint a member of the Central Executive Committee to act as President, who shall hold office until the President or a Vice-President is able to resume his/her duties, or in the event of the President and both Vice-Presidents being permanently unable to perform their duties, until a new President or Vice-President has been elected in accordance with the provisions of Clause 6.4 of this Constitution.

7.4.4 **General Secretary** - the General Secretary shall be responsible for:

7.4.4.1 the keeping of such books and accounts of the Federation as may be required by the Central Executive Committee.

7.4.4.2 the collection of affiliation fees and the proper banking of all monies received in the name of the Federation.

7.4.4.3 the preparation and circulation to all affiliated unions and Regional Secretaries of the Federation detailed monthly financial statements of the Federation's accounts.

7.4.4.4 the conducting of the correspondence of the Federation and shall table such correspondence at the ensuing Executive Committee meetings.

7.4.4.5 the sending out of notices and minutes of all NCs, meetings of the Central Executive Committee, Executive Committee and such other committees and sub-committees as may from time to time be appointed.

7.4.4.6 the preparation and circulation of an Annual Report of the activities of the Federation which shall include statements of income and expenditure and the balance sheet certified by the Federation's auditors, together with the auditor's report to the Central Executive Committee.

7.4.4.7 the general organising and co-ordinating work of the Federation.

7.4.4.8 the general office work and other administration of the affairs and activities of the Federation.

7.4.4.9 the supervision of the officials, including the Regional Secretaries and other persons employed by the Federation; and

7.4.4.10 the General Secretary shall undertake such other duties as may become necessary from time to time or as may be decided by the NC and/or the Central Executive Committee and/or the Executive Committee.

7.4.5 **Treasurer** - the National Treasurer shall be responsible for:

7.4.5.1 The supervision of the financial affairs of the Federation.

7.4.5.2 Such other duties as are reasonably required of the Treasurer from time to time by the NC and/or the Central Executive Committee.

7.5 Meetings

7.5.1 The Central Executive Committee shall meet at least three (3) times a year on dates fixed by the General Secretary in consultation with the Executive Committee. The General Secretary shall, in consultation with the Executive Committee, draw up an agenda for such meetings and shall notify all affiliated unions of such meetings not less than twenty one (21) days prior to the date on which any such meeting is to be held, provided that no meeting of the Central Executive Committee shall be invalidated only by the non-receipt of such notice and agenda by any member of the Central Executive Committee.

A quorum at meetings of the Central Executive Committee shall be representation by at least half (1/2) of the affiliated unions in good standing, provided that at least half (1/2) of the delegates shall be members of affiliated unions.

In the event of a meeting of the Central Executive Committee not being quorate two (2) hours after the time for its commencement, the meeting shall stand adjourned and may be reconvened not earlier than fourteen (14) days thereafter and not later than twenty one (21) days thereafter. At such adjourned meeting the delegates present shall constitute a quorum.

7.5.2 Within the first two meetings of the calendar year the annual report and audited financial statements shall be placed on the agenda for consideration and approval.

7.5.3 Special Meetings of the Central Executive Committee shall be held at the request of the Executive Committee, or on a requisition by not less than thirty percent (30%) of the affiliated unions. Not less than seven (7) days notice of such Special Meeting shall be given to affiliated unions. At such meetings only those issues which occasioned the necessity for such Special Meeting shall be discussed.

7.5.4 All questions shall be decided on motion duly seconded by a two-thirds (2/3) majority of votes by show of hands unless such meeting decides on a ballot. In the event of there being less than a two-thirds majority vote the motion shall lapse.

7.5.5 In the event of the Central Executive Committee being prevented from meeting by any circumstances beyond its control, any resolution signed by not less than two-thirds (2/3) of the affiliated unions shall be of full force and effect and shall be as binding as if such resolution was adopted at a meeting of the Central Executive Committee.

8. **EXECUTIVE COMMITTEE**

8.1 Composition

The Executive Committee shall consist of the President, First Vice-President, Second Vice-President, Treasurer, General Secretary, Assistant General Secretary and two delegates from each affiliated union in good standing which is represented on the Central Executive Committee, provided that at least one (1) of the two (2) delegates is a member of such affiliate.

8.1.1 The additional members of the executive committee shall be appointed as soon as practicable after the National Congress and shall hold office for a period of three (3) years provided they may be recalled from office and substituted at any time by the union appointing them. Such union shall also fill any vacancies occurring through 8.1.2 below.

8.1.2 Any such additional members shall vacate their seats during their terms of office on the Executive Committee;

8.1.2.1 in the event of them no longer being a member of the CEC.

8.1.2.2 in the event of them being absent for three (3) meetings without an apology acceptable to the Executive Committee.

8.1.2.3 If removed by a two thirds (2/3) majority resolution of the Central Executive Committee.

8.2 Powers

The Executive Committee shall not have the power to make or amend any policy decision of the Federation. It shall:

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- 8.2.1 consider a report from the secretariat on the activities of each department and all regions, and give direction where necessary;
 - 8.2.2 consider invitations received and correspondence;
 - 8.2.3 approve, reject or amend all recommendations from sub-committees of the Federation;
 - 8.2.4 refer all decisions having major policy implications to the Central Executive Committee;
 - 8.2.5 open and operate a banking account in the name of the Federation into which all monies raised in the name of the Federation shall be placed, and to administer such funds;
 - 8.2.6 acquire, either by purchase, lease or otherwise, any movable or immovable property on behalf of the Federation and to sell, let, mortgage, or otherwise deal with or dispose of any movable or immovable property belonging to the Federation;
 - 8.2.7 afford legal or other assistance to affiliated unions in terms of the Aims and Objects of the Federation;
 - 8.2.8 institute and/or defend legal proceedings in the name of the Federation, appoint attorneys to act on behalf of the Federation and appoint any person to sign any document in connection therewith on behalf of the Federation.
 - 8.2.9 prepare agendas as required elsewhere in this Constitution;
 - 8.2.10 assist the General Secretary in the exercising of his/her duties.
 - 8.2.11 deal with such other matters as are specifically delegated to it by the Central Executive Committee, provided that no decision is inconsistent with decisions taken by the NC, Central Executive Committee or the provisions of this Constitution and all such decisions are subject to confirmation by the Central Executive Committee.
- 8.3 Meetings
- 8.3.1 The Executive Committee shall meet at least once between meetings of the Central Executive Committee. Meetings shall be convened by the General Secretary in consultation with President.
 - 8.3.2 The General Secretary shall give at least two (2) weeks notice of an Executive Committee meeting save in the case of special urgent meetings when not less than three (3) days notice shall be given. To every notice of meeting an agenda shall
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be attached. The minutes of all Executive Committee meetings shall be circulated to affiliated unions.

- 8.3.3 A quorum for an Executive Committee meeting shall be not less than fifteen (15) members.

9. **ESTABLISHMENT OF REGIONS OF THE FEDERATION**

- 9.1 The Central Executive Committee may establish and demarcate a Region of the Federation in an area where two (2) or more affiliates have established significant organisation.

9.2 **Regional Congresses**

9.2.1 **Composition**

Each affiliate which has a branch or branches within the area of jurisdiction of the RC shall be entitled to five (5) representatives for the first one thousand (1000) members or part thereof and thereafter one (1) additional representative for every two hundred and fifty members.

9.2.2 **Powers and Duties**

A Regional Congress shall have such powers and duties as may be assigned to it by the Central Executive Committee and shall include the following powers and duties:

- 9.2.2.1 To implement and give effect to decisions of the NC and Central Executive Committee and Executive Committee.
- 9.2.2.2 To examine regional problems and to co-ordinate activities and campaigns to overcome such problems.
- 9.2.2.3 To carry out the Aims and Objects of the Federation with regard to the organisation of workers in the Region.
- 9.2.2.4 To facilitate and encourage co-operation between affiliated unions in the Region.
- 9.2.2.5 To consider reports of the activities of affiliated unions in the Region.
- 9.2.2.6 To elect a Regional Chairperson and Vice-Chairperson and Treasurer from among its members.

9.2.2.7 To elect a Regional Secretary subject to the powers of the Executive*Committee to determine the conditions of employment in terms of Clause 8.2.11 above, and subject to the powers of the Central Executive Committee to ratify these terms and conditions in terms of 7.1.7 above.

9.2.2.8 To liaise with the Central Executive Committee on the employment of full-time or part-time officials, subject to the powers of the Executive Committee to determine the terms of employment of such officials, and subject to the powers of the Central Executive Committee to ratify these terms and conditions in terms of 7.1.7 above.

Notwithstanding anything to the contrary herein, the Regional Congress shall be a subordinate body to the Central Executive Committee and its decisions may be confirmed, amended or reversed by the Central Executive Committee, which shall also have the right to limit any one or more of the aforementioned powers and duties of the Regional Congress by resolution.

9.2.3 Office Bearers

9.2.3.1 The election, removal from office and powers and duties of the office bearers of the Regional Congress shall mutatis mutandis be the same as those of the office bearers of the NC and they shall liaise with their respective national counterparts and keep them informed generally about the affairs of the Regional Congress.

9.2.3.2 The Treasurer shall present a financial statement to each ordinary meeting of the Regional Congress and shall generally exercise supervision over the financial affairs of the Regional Congress and together with the Regional Secretary shall present the annual budget of the Regional Congress.

9.2.4 Meetings

9.2.4.1 Generally the Regional Congress shall meet at least once every four (4) months and may be convened by the Regional Executive Committee whenever necessary on thirty (30) days written notice to all the affiliates in the region. Special Regional Congresses may be called on fourteen (14) days notice to such affiliates. Such notice shall state the agenda for the meeting, as well as its venue, date and time.

9.2.4.2 The quorum for meetings of a Regional Congress shall be at least two thirds (2/3) of the affiliated unions in good standing in the region provided that:

- (i) each such affiliated union is represented by at least one third (1/3) of its delegates.

- (ii) each such delegation shall consist of a majority of members of affiliated trade unions.

10. **REGIONAL EXECUTIVE COMMITTEE**

The management of the affairs of the Region between Regional Congress meetings shall be vested in the Regional Executive Committee.

10.1 Composition

The Regional Executive Committee shall be composed of:

- 10.1.1 Two (2) delegates from each affiliated union in the Region with a membership of less than eight thousand (8 000), provided that only one (1) such representative shall be an official of such affiliated union, and four (4) delegates from each affiliated union in the Region with a membership greater than eight thousand (8 000), provided that only two (2) such representatives shall be officials of such affiliated union.

- 10.1.2 The office bearers of the Regional Congress who shall be the office bearers of the Regional Executive Committee.

10.2 Powers and Duties

The powers and duties of the Regional Executive Committee shall be:

- 10.2.1 To regularly submit written reports on all issues raised at the Regional Executive Committee meetings to the Branch Executive Committees of affiliated unions in the Region.
- 10.2.2 To consider any matter submitted by an affiliated union.
- 10.2.3 To manage the affairs of the Regional Congress between meetings of the Regional Congress.
- 10.2.4 To approve monthly financial statements.
- 10.2.5 To endeavor to settle dispute between affiliates in the Region.
- 10.2.6 To open and operate a banking account in the name of the Region of the Federation into which all monies received by it shall be deposited.
- 10.2.7 To carry out all resolutions, instructions and/or requests of the Regional Congress and/or NC, provided that in the event of a conflict between any resolution, instruction and/or request to the Regional Congress and the Central

Executive Committee, the Regional Executive Committee shall be bound by the decision of the Central Executive Committee subject to the confirmation of the NC.

10.3 Meetings of the Regional Executive Committee

- 10.3.1 The last Regional Executive Committee (hereinafter referred to as the "REC") meeting in each calendar year shall set dates for the normal meetings of the Regional Executive Committee for the following year which shall be monthly meetings.
- 10.3.2 Such dates may be changed only in an REC meeting on good cause, provided that this may be waived with prior consent of the majority of the affiliates.
- 10.3.3 Notice of normal meeting together with agendas, minutes of the previous meetings and other relevant documentation shall be circulated by the regional secretary to all members of the REC at least ten (10) days before the meeting is due to take place.
- 10.3.4 The regional secretary shall give all members at least fourteen (14) days notice of any change of date of a normal REC meeting and shall likewise give forty-eight (48) hours notice of any special urgent meeting of the REC together with a written agenda specifying the issues requiring such meeting, provided such period of notice and/or written agenda may be waived with the prior consent of the majority of affiliates.
- 10.3.5 Only such business as occasioned by the calling of a special urgent meeting of the REC shall be discussed at such meeting.
- 10.3.6 No decision of a Special REC shall be valid if it detrimentally affects any delegate of the REC who did not receive notification of such meeting.
- 10.3.7 The REC shall be quorate when at least one delegate of each of two-thirds of the affiliates entitled to representation are present and provided there shall be a majority of members of affiliates in the meetings. If there is no quorum present within sixty (60) minutes of the time of the meeting, the meeting shall stand adjourned for seven (7) days.

11. **STANDING ORDERS AND RULES OF PROCEDURE AT FEDERATION MEETINGS**

- 11.1 The Chair shall be taken by the President, or in his/her absence by the First Vice-President, or in their absence, the Second Vice-President, or in their absence as the quorate meeting may decide.

- 11.2 Business shall be proceeded with in accordance with the agenda unless otherwise decided by the meeting.
- 11.3 No questions other than those appearing on the agenda, shall be debated, provided that the meeting may by resolution agree to discuss a matter not included on the agenda.
- 11.4 Except as otherwise provided all questions shall be decided on motion duly seconded by a majority of votes by show of hands unless such meeting decides on a ballot. In the event of an equality of votes by show of hands unless such meeting decides on a ballot. In the event of an equality of votes the motion shall lapse.
- 11.5 No motion that has been debated and determined shall be reconsidered, debated, altered, added to, varied or rescinded at that meeting.
- 11.6 A ruling given by the Chairperson shall be final, provided that it shall be in order to move and second a motion to over-rule or rescind a ruling from the Chairperson, and a majority of members present shall be sufficient to carry such motion, provided that there shall be no discussion on any such motion to over-rule or rescind the Chairperson's ruling at any meeting other than a statement by the mover of the motion and a reply by the Chairperson limited to five (5) minutes in each case.
- 11.7 The mover of a motion shall have the right to speak for ten (10) minutes, provided that any delegates other than the mover may propose an extension of time of not longer than five (5) minutes.
- 11.8 The mover of a motion shall have the right to reply to debate, provided such reply shall not be longer than five (5) minutes.
- 11.9 All other speakers, except with the permission of the meeting, shall not speak longer than five (5) minutes.
- 11.10 No subject shall be debated for longer than one and one half (1 1/2) hours, provided that any delegate shall have the right to propose an extension of time, and such motion if seconded shall be put without debate and shall not have effect unless carried out by a two thirds (2/3) majority.
- 11.11 Any delegate who refuses to obey the Chairperson's ruling, except in the case of Section 11.6 above, or who is deemed guilty of misconduct shall, upon a vote being taken to that effect, withdraw from the meeting, and the meeting shall have the right to suspend any such member for such period as it may think fit.

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- 11.12 At all meetings at which more than fifty (50) delegates are present, votes shall be counted by scrutineers who shall be appointed by the meeting and who shall record the vote and report to the Chairperson.

12. **FINANCES**

The funds of the Federation shall be made up of all monies received by means of affiliation fees, levies, donations, functions, and in any other manner within the framework of this Constitution.

Funds received by the General Secretary on behalf of the Federation shall be deposited to its credit within three (3) days of receipt. Such funds may be used for the payment of expenditure relating to the attainment of the Objects specified in Section 3, the acquisition of property and for such other purpose as may be decided upon by the NC or the Central Executive Committee.

- 12.1 Affiliated unions shall pay an affiliation fee to the Federation. The amount of such fee shall be determined by the Central Executive Committee, subject to directives of the National Congress.
- 12.2 Affiliation fees payable in terms of 12.1 above shall be payable in respect of each month on or before the fifteenth (15th) day of the following month.
- 12.3 Funds contributed by affiliates of the Federation for any specific purpose shall not be used for any other purpose save with the written consent of such affiliates.
- 12.4 The Federation's financial year shall be from the 1st January to the 31st December.
- 12.5 A Finance Committee (Fincom), composed of the National Treasurer and one delegate from each affiliate, shall meet monthly. Delegates from the affiliates shall be resident within one hundred (100) kilometres of the Federation's head office. The National Treasurer shall act as chairperson of Fincom. Fincom shall report directly to the Executive Committee and shall be responsible for:
- 12.5.1 assisting the National Treasurer;
 - 12.5.2 preparing financial reports for the Executive Committee;
 - 12.5.3 recommending amendments or additions to financial policy;
 - 12.5.4 monitoring the Federation's accounts and querying unusual expenditure;
 - 12.5.5 making recommendations regarding financial requests from affiliates;

12.5.6 proposing ways of making the Federation financially self-sufficient;

12.5.7 preparatory work regarding the Federation's budget.

12.6 All income and expenditure shall be reported to each meeting of the Executive Committee. Such reports shall include a clear statement of any unbudgeted expenditure.

12.7 Exco shall have responsibility for ratification of all expenditure by the Federation, provided that expenditure on immovable property and vehicles shall be subject to the approval of the CEC.

12.8 There shall be five (5) signatories to the National Banking Account who shall be appointed by the Central Executive Committee, provided that there shall always be three (3) signatories to all cheques issued.

12.9 An affiliated union that disaffiliates or is expelled from membership of the Federation shall have no claim on the funds or assets of the Federation.

12.10 Regional Finance

12.10.1 All regional income and expenditure shall be reported to each meeting of the Regional Executive Committee, for ratification. Such reports shall include a clear statement of any unbudgeted expenditure.

12.10.2 Cheques of the region shall be signed by the Regional Secretary, and two of the following: Treasurer, Chairperson or Vice-chairperson.

12.11 General Provisions

12.11.1 No account shall be opened by any bank in the name of "Congress of South African Trade Unions", "COSATU" or any other similar name without the explicit written authority of a resolution of the Executive Committee on an official Federation letterhead, and subsequent verbal confirmation by either the National Treasurer or General Secretary. Such written authority shall be signed by at least three of the following: the President, First Vice-President, National Treasurer, General Secretary or Assistant General Secretary.

12.11.2 No profits or gains will be distributed to any person and the funds of the Federation shall be utilised solely for investment or the achievement of the aims and objects of the Federation.

13. **SHOP STEWARD COUNCILS**

- 13.1 The Federation shall strive to encourage affiliated unions to set up local offices of their unions in blocks so as to facilitate closer liaison between affiliated unions.
- 13.2 The Region shall use its best endeavors to establish a local Shop Stewards Council which shall consist of all Shop Stewards or committee members in that locality.

14. **STATUS OF THE FEDERATION**

The Federation shall be a corporate body having perpetual succession and legal existence independent of its affiliated unions, no affiliated union having any right to any of its assets, and it shall be entitled to sue and be sued in its own name.

15. **INDEMNIFICATION OF OFFICIALS, OFFICE BEARERS AND COMMITTEE MEMBERS**

The officials, office bearers and committee members of the Federation, provided that they have not acted in a manner which would constitute misconduct, shall be indemnified by the Federation against all proceedings, costs and expenses incurred by reason of any omission, negligence or other act done in performance of their duties on behalf of the Federation or its affiliated unions and they shall not be personally liable for any of the liabilities of the Federation or any of its affiliated unions.

16. **DISSOLUTION**

- 16.1 The Federation may be dissolved by resolution of the NC carried by not less than a three quarters (3/4) majority of a quorate NC meeting.
- 16.2 In the event of a resolution being adopted as provided in sub-section 16.1 hereof, the NC shall appoint a liquidator to wind up the affairs of the Federation.
- 16.3 The liquidator shall take the necessary steps to liquidate the debts of the Federation from its unexpended funds and any other monies realized from any assets of the Federation. The liquidator's fees and expenses shall rank in order of preference as though he/she were a trustee of an insolvent estate and as though the expenses were the costs of sequestration of an insolvent estate.
- 16.4 After payment of all debts the remaining assets, if any, shall be given or transferred to another non-profit, tax-exempt organisation/s with objects similar

to those of the Federation. Priority shall be given to affiliated unions which were in good standing as at the date of dissolution, with each affiliated union receiving a share in proportion to the subscriptions actually paid by it in respect of the twelve (12) months immediately preceding the said date.

17. **AMENDMENTS TO CONSTITUTION**

The provisions of the Constitution may be repealed, amended or added to or new provisions inserted by a resolution passed by a two thirds (2/3) majority at a quorate meeting of the NC, provided that notice of the proposed amendment shall have been sent to the General Secretary and circulated finally on the agenda for such meeting to all affiliates and to the members of the NC.

18. **RESIGNATION AND DISCIPLINE**

18.1 An affiliate may resign from the Federation by giving three (3) months written notice and shall present its reasons for resigning to the Central Executive Committee which may at its discretion waive the notice period.

18.2 An affiliate may be suspended or expelled by the NC or Central Executive Committee for:

18.2.1 acting against the interest of the Federation;

18.2.2 failing to attend more than two (2) consecutive meetings of the Central Executive Committee without an apology acceptable to the Central Executive Committee;

18.2.3 failing to pay its affiliation fees.

No such suspension or expulsion shall have effect unless the Central Executive Committee has notified the affiliate in writing of the reasons for such suspension or expulsion and granted the affiliate permission to present its case to the Central Executive Committee.

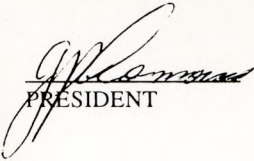
18.3 Appeals against suspension or expulsion by the Central Executive Committee may be made to the NC and the decision of the NC shall be final and binding. Notice of intention to appeal should be lodged with the General Secretary within thirty (30) days of notification of the decision having been taken by the Central Executive Committee.

18.4 Affiliates who resign or are expelled shall have no claim on the assets of the Federation. The Central Executive Committee shall be empowered to recover all monies owing to the Federation.

19. **INTERPRETATION**

Whenever any doubt arises as to the interpretation of any of the provisions of the Constitution, the NC shall make a ruling on the matter and such ruling (by majority vote) shall be the only final interpretation of this Constitution, provided that the Central Executive Committee shall be empowered to make an interim ruling on interpretation prior to the NC's final decision.

Dated at JOHANNESBURG on this the 19th day of FEBRUARY 1992


PRESIDENT


GENERAL SECRETARY

NATIONAL

National Congress

- Highest controlling body of the federation
- Meets once every three years
- Adopts general and specific policy
- Elects national office bearers
- Each affiliate has one delegate per 750 members - workers must be in the majority of the delegation
- No official from the federation and its affiliates are eligible for the position of President, First and Second Vice-President and Treasurer

Central Executive Committee

- Highest organ of the federation between National Congresses
- Meets three times per annum
- Four representatives from each affiliated union
- Chairperson and Secretary from the Region and National Office Bearers have speaking rights, but no voting rights

Executive Committee

- Manages affairs of the federation
- Two delegates from each affiliates of which at least one must be a worker, plus the National Office Bearers
- Meets at least four times per annum

REGIONAL

Regional Congress

- Carries out decisions of the National Congress and the CEC
- Each affiliate sends one representative for every 250 members
- Elects Regional Office Bearers
- Decides Regional policy
- Subordinate body to the CEC - decisions of the Regional Congress may be confirmed, amended or reversed by the CEC

Regional Executive Committee

- Administers the Region between meetings of the Regional Congress
- Two delegates from each affiliate with under 8000 members and four delegates from unions with more than 8000 members

LOCALS

Locals

- The locals are the backbone of COSATU. They bring together all shop stewards of affiliates in a particular town or locality
- Elect local office bearers - all of whom are workers
- Meet weekly/fortnightly
- Discuss and decide on local issues
- Implement decisions and campaigns of the federation



COSATU Structures