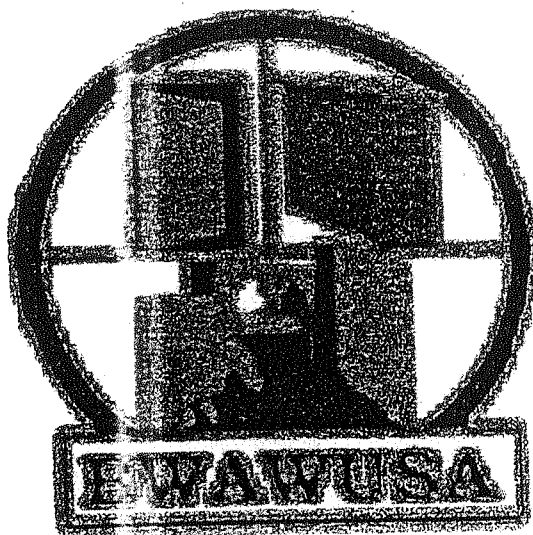


THE CONSTITUTION OF



THE "BUILDING WOOD AND ALLIED WORKERS UNION OF SOUTH AFRICA" (BWAUSA)

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1. NAME

The name of the trade union is BUILDING WOOD AND ALLIED WORKERS UNION OF SOUTH AFRICA (BWAUWSA)

2. DEFINITIONS:

Any expression used in this Constitution and which is defined in the Labour Relations Act, 1995 (Act No: 66 of 1995), shall have the same meaning as in the Act.

- 2.1 Any employee, employed in the Republic of South Africa, may be eligible for membership of the trade union, but not limited to the following sectors: Building Industry, Heavy Clay & Allied Products Industry, Cement Products Industry, Stone Crushing Industry, Cement Manufacturing Industry, Woodworking & Manufacturing Ceramic Industry & Allied Industry, Commercial Distributive Trade, Goods Transportation and Storage Undertaking, Retail, Security Industry, Building Suppliers, Cleaning Industry, Domestic Industry, Construction Industry, Farming & Agriculture, Secondary & Temporary Access or Support Industry, Food, Edible Nuts and Snacks Industry, Catering Trade, Meat Industry, Wine and Spirit Industry, Sugar Manufacturing and Refining Industry, Brewing Industry, Cool drink and Milling Industry.
- 2.2 The definition of Industries listed under sub-clause 2.1, shall include the following meanings:
- 2.2.1 **Building Industry:** Meaning, without in any way limiting the ordinary of the expression, the industry in which employers and employees are associated for the purpose of erecting, completing, renovating, repairing, maintaining or altering building structures which include all work incidental or consequent thereon.
- 2.2.2 **Cement Manufacturing Industry:** Meaning industry in which employers and employees are associated for:
- 2.2.2.1 the manufacturing of cement or plaster; and
- 2.2.2.2 the quarrying, winning or production of any material used in the manufacture of either of the goods referred to above if carried on by employers who are engaged in such manufacture, and includes all operations incidental to or consequent on any of the aforesaid activities, but does not include the activities of employees who are employed in premises which do not form part of or are not adjacent to the premises in which any of the activities referred to are carried on.
- 2.3 **Cement Products Industry:** Meaning the industry in which employers and employees are associated in establishments for the purpose of manufacturing one or more of the following articles:
- Bricks, tiles, roof tiles, blocks, pillars, pots, pipes, pipe fittings, ventilators or any other article of which cement or lime of both form the principal binding material and which are not hardened by means of burning in a kiln or subjected to any heat process except for the purpose of accelerating the hardening of the binding agent, and includes all operations incidental to or consequent on any of the aforesaid activities.
- 2.3.1 **Ceramic Industry:** Meaning the industry in which employers and employees are associated in establishments where employed for:

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- 2.3.1.1 The manufacturing of any or more of the following articles namely: electrical porcelain insulators or fittings, crockery, pottery, ovenware, white or coloured glaze, sanitary ware, laboratory equipment, bathroom fittings or wall tiles, or in hardening of floor tiles (other than quarry tiles) which are in the process of being manufactured and are hardened by burning in a kiln or by any other heat process and which are made from clay or of which clay or other heat resisting or insulating mineral, or a combination of clay and such mineral, are materials that form the principal components; or
- 2.3.1.2 The extraction, mining, winning or preparation of the clay or heat resisting or insulation mineral, or material used in the manufacture of any of the articles referred to in paragraphs above, if carried on by employers who are engaged in such manufacture, and includes all operations incidental to or consequent on any of the aforesaid activities.
- 2.3.2 **Heavy Clay & Allied Products Industry:** Meaning the industry in which employers and employees are associated in establishments where employees are engaged in:
- 2.3.2.1 the manufacturing of any one or more of the following articles (other than ceramics ware) namely: bricks, silica, sand bricks, quarry tiles, roof tiles, slabs, hollow blocks, refractors, acid proof or fire proof earthenware pipe fittings, ventilators insulating products or any other articles which in the process of being manufactured is hardened by burning in a kiln or by anti-heat process and which is made from clay or of which clay any other heat resisting or insulating mineral, are of material or a combination of clay and such mineral, are materials that form the principal components; or
- 2.3.2.2 the extraction, mining, winning or preparation of the clay or heat resisting or insulation mineral, are of material used in the manufacture of any of the articles referred to in paragraphs above, if carried on by employers who are engaged in such manufacture.
- 2.3.3 **Road Making Industry:** Meaning the industry in which employers and employees are associated for the purpose of making roads and streets, or levelling gravel, covering with concrete or asphalt, premises of sites and includes any workshop where tools, vehicles or equipment, used in any or all the above-mentioned activities, are made, repaired, checked or over-hauled and further includes all operation incidental to or consequent on any of the aforesaid activities.
- 2.3.4 **Stone Crushing Industry:** Meaning the industry in which employers and employees are associated for:-
- 2.3.4.1 the crushing of stone; and
- 2.3.4.2 the quarrying or winning of stone for crushing if carried on by employees who are engaged in crushing such stone and includes all operations incidental to or consequent to any of the aforesaid activity.
- 2.3.5 **Woodworking Industry:** Meaning the industry in which employers and employees are associated in factories for the purpose of performing one or more of the following activities:
- 2.3.5.1 The reduction of timber or logs to beams, poles, droppers, planks, barks, mine props, sleepers, wedges or other standard forms by stripping off bark, drying, splitting, cutting up, sawing, planing or conversion of such timber or logs in any other manner and includes the treatment of any of the said articles by heat or chemicals where such treatment is carried on in conjunction with any of the aforesaid activities;

- 2.3.5.2 The manufacturing of wood-wool, boxes, shocks, pack mats, trays, crates or other articles of which wood constitutes the main component and includes all operations incidental to or consequent on any of the aforesaid activities.
- 2.3.6 **Construction Industry:** Meaning the industry in which employers (other than local authorities) and employees are associated for the purpose of work of a civil engineering character and includes such work in connection with one or more of the following activities:
- 2.3.6.1 The construction of aerodrome runways or aprons, aqueducts, bins or bunkers, bridges, cable ducts, caissons, rafters or other structures, canals, cooling water or other towers, dams, docks, harbours, quays or wharves, earthworks, encasements, housings or supports for plants, machinery or equipment, factory or works chimneys, filter beds, land or sea defence works, mine headgear, pipelines, piers, railways, reservoirs, riverworks, roads or streets, sewerage works, sewers, shafts or tunnels, silos, sports fields or grounds, swimming baths, viaducts or water treatment plants;
- 2.3.6.2 Excavation work or the construction of foundations lifts shafts, piling, retaining walls, stairwell, underground parking garages or other underground structures.
- 2.3.7 **Secondary & Temporary Access or Support Industry:** Meaning the industry in which employers and employees are associated for the purpose of:
- 2.3.7.1 Erecting, dismantling, installing, hiring & sales, procuring, designing and manufacturing of scaffolding.
- 2.3.7.2 Rope accessories, framework access, formwork and accessories of whatever safe material is manufactured there from.
- 2.3.8 **Building Suppliers:** Meaning the industry in which employers and employees are associated for the purpose of selling any building materials including household items.
- 2.3.9 **Cleaning Industry:** Meaning the industry in which employers and employees are associated for the purpose of cleaning, clearing on building sites, offices, clearing rubbish & street cleaning excluding municipal work but including window cleaning & walls of offices that includes all work incidental or consequent thereon.
- 2.3.10 **Security Industry:** Meaning the industry in which employers and employees are associated for the purpose of guarding or protecting premises, buildings, structures or any other fixed property, vehicle, vessels or boats or other crafts and employees or other persons including those sleeping on site/premises for the purpose of performing security work.
- 2.3.11 **Domestic Sector:** Meaning the industry in which employers and employees are associated for the purpose of babysitting, cooking, maintaining the yard, home base care givers, cleaning & washing at the residential areas, including sleeping in the premises.
- 2.3.12 **Farming & Agriculture:** Meaning the industry in which employers and employees are engaged in farming activities in connection with agriculture, stock breeding, horticulture, forestry and includes fresh water and sea water so far as farming activities are carried on therein or thereon.

2.3.13 **Food Processing Industry:** Meaning the industry in which food is processed by any means for human/or animal Consumption.

2.3.14 **GOODS TRANSPORTATION AND STORAGE INDUSTRY:** Means the industry in which employers and employees are associated for the purpose of carrying out one or more of the following activities for reward or hire:

- i) The transportation of goods by means of motor transport, including the transportation of soil, gravel, stone, sand, coal or water that is intended for sale, whether or not such transportation is performed for hire or reward, and
- ii) The storage of goods, including receiving, opening unpacking, packing, dispatching and clearing of or accounting for goods, containers or containerized goods, and includes all operations incidental to or consequent on any of the aforesaid activities.

2.3.15 **RETAIL INDUSTRY:** Means the industry in which employers and their employees are associated for the purpose of the redistribution of the manufactured goods through wholesale, supermarkets or otherwise and whereby persons are invited for the purpose of purchasing the goods displayed on the premises, either by retail or wholesale.

2.3.16 **COMMERCIAL DISTRIBUTIVE INDUSTRY:** Means the industry in which employers and employees are associated for the purpose of conducting the business of a shop, and includes all operations incidental there to:

"Shop" means any premises or any part thereof.

- i) To which persons are invited for the purpose of purchasing, either by retail or wholesale, the goods displayed therein or goods of the type displayed therein and
- ii) In which such goods are stored, packed or unpacked, or from which such goods are delivered or dispatched to purchasers
- iii) or from which wholesale or retail orders are executed.

2.3.17 **FOOD, EDIBLE NUTS AND SNAKES INDUSTRY:** Means the industry in which employers and their employees are associated for the purpose of

- a) Manufacturing, packing, concentrating or preserving (By means of any process, excluding freezing) any one or more of the following commodities.
 - i) Glace or crystallized fruit (Other than dried or minced fruit)
 - ii) Chutney, archer, mayonnaise, sandwich spread or table sauce.
 - iii) Gravy powder, soup (including the ready- mixed dry ingredients used in the making of soup), curry powder or spices.
 - iv) Potato powder, cheese powder, pea flour, bean flour, self- raising flour or baking agents.
 - v) Cooked or raw macaroni, vermicelli, spaghetti or noodles;
 - vi) Jelly, custard powder, blancmange, instant puddings, icing sugar, castor sugar or ice cream powder.

- vii) Baking powder, yeast, flavouring essences, coloring matter for food stuffs, extracts or vinegar.
- viii) Ready to serve breakfast foods.

And includes all operations incidental or consequent on any of the aforesaid activities and further includes the manufacture or packing of instant or invalid foods if conducted in the same establishment in which any of the activities referred to in (a) above if such activity is carried on the same premises by an employer in conjunction with some other trade or trades in which his/ her employees on such premises, taken collectively, are mainly engaged.

- (b) Cleaning, peeling, cutting, chopping, blanching, or half-cooking, vegetables, including cooking, half cooking or freezing, and includes all activities incidental thereto or consequent thereon.
- (c) Mixing, roasting, packing, bottling or processing groundnuts or any other, edible nuts in manner for human consumption and includes the manufacturing of
 - i. Nut butters or pastas.
 - ii. Granulated, desiccated, flaked or sliced ground nuts or any other, edible nuts.
 - iii. Any product of which groundnuts or any other edible nuts form the main ingredient

And further more includes all activities incidental thereto or consequent thereon.

- (d) The manufacture, packing, concentrating or preserving (by means of any process, excluding freezing) of potato crisps, cheesetwists, puffed wheat, puffed rice, puffed maize or similar eatables or snacks and includes all activities incidental thereto or consequent thereon.

2.3.18 CATERING INDUSTRY: Means industry in which employers and employees are associated wholly or mainly for the purpose of preparing, serving meals or refreshments (Whether liquid or otherwise) or both such meals and refreshments in or from any establishment or part thereof, whether permanent, temporary, indoors or in the open air, and includes such activities when carried on in or from one or more classed of premises or parts thereof.

- a) Which are used as public restaurants, cafes or tea rooms
- b) Where meals or non- alcoholic drinks are served for consumption on the premises or are provided for consumption away from the premises.
- c) Where aerated or mineral waters are supplied in glasses or in containers for consumption on the premises.
- d) Where the above mentioned activities are carried on in or in connection with any theatre, bioscope, bioscope tearoom or other entertainment or any function.

And further includes the supply of liquor in any such establishment or in or on any such premises in terms of a liquor licence held by such employers under liquor act 1989 and further includes all operations incident to or consequent on any of the aforesaid activities.

2.3.19 MEAT INDUSTRY: Means the industry in which employers and their employees are associated for the purpose of.

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- a) The slaughtering of livestock.
- b) The handling, preparation, preservation, sale or distribution of meat by any person who, in terms of a proclamation published under section 14 of the Marketing Act, 1968 (Act no 59 of 1968) is required to be registered with the meat board, or the business of selling meat, or offering or displaying meat for sale, in any quantity in a shop.
- c) The sale in such a shop, in conjunction with the sale of meat, sausage, polonies, offal, ham, bacon, eggs, butter, poultry or salted, frozen or preserved meat or fish, and
- d) The purchase or sale of livestock & chicken if carried on in conjunction with any one or more of the activities referred to under (b).

And includes all operations incident to or consequent on any of the aforesaid activities, and for the purpose of this paragraph:

"Livestock" means bulls, cows, heifers, oxen, colts, calves, sheep, lambs, goats, pigs, antelopes or any other quadruped intended for human consumption, and includes horses, donkeys, mules, ostriches and poultry and

"Meat" means meat intended for human consumption and includes venison, horse, mule, donkey, rabbit, poultry and ostrichmeat.

- 2.3.20 **BREWING INDUSTRY**: Means, without in any way limiting the ordinary meaning of expressing, the industry in which employers and employees are associated for the purpose of brewing malt liquor in terms of the Liquor Act 1987. And /or the manufacturer of malt in connection with brewing of malt liquor.
- 2.3.21 **WINE AND SPIRIT INDUSTRY**: Means without in any way limiting the ordinary meaning of expression, the industry in which employers and employees are associated for the purpose of the manufacturing, bottling and / or wholesale distribution of wine, other fermented beverages and spirits, as defined in the wine, other fermented beverages and spirits Act, 1957.
- 2.3.22 **COOLDRINK INDUSTRY**: Meaning the industry in which employers and other employees are associated for the manufacturing and bottling of cool drinks.
- 2.3.23 **SUGAR MANUFACTURING AND REFINING INDUSTRY**: Means industry in which employers and employees are associated for the manufacturing of cane and / or refining of sugar, including the transportation of cane and / or sugar, the activities undertaken in laboratories attached to sugar mills, and such other activities are incidental to or consequent on the manufacturing and / or refining of sugar, including the activities of industrial hospitals and dispensaries attached to the mills and other activities incidental or consequent thereon.
- 2.3.24 **MILLING INDUSTRY**: Means the industry in which employers and employees are associated in establishments for the purpose of carrying on any one or more of the following activities.
- i. The grinding, gristing or crushing of cereals
 - ii. The production of any raw cereal products by grinding, gristing or crushing.

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- iv) The production by mixing, preparing or processing of food stuffs for livestock if carried on by employers and employees in any of the above activities.

And includes all operations incidental to or consequent or any of the aforesaid activities.

3. OBJECTS:

The object of the trade union shall be:

- 3.1 to regulate relations between employees and employers, including any employers' organization;
- 3.2 to promote the interest of members
- 3.3 to plan and organize its administration and lawful activities;
- 3.4 to affiliate with and participate in the affairs on any International Labour Organization;
- 3.5 to promote support or oppose any legislative or other measures affecting the interest of members;
- 3.6 to use every legitimate of means to induce employees to become members;
- 3.7 to provide legal assistance to members in connection with their employment;
- 3.8 to establish and administer funds for the benefit of its members and their dependants;
- 3.9 to encourage the settlement of disputes between members and employers or employers' organizations by conciliation, mediation or arbitration;
- 3.10 to do such lawful things as may appear to be in the interest of the trade union and its members and which are not inconsistent with the objects or any matter specifically provided for in this Constitution; and
- 3.11 to borrow, invest, lend, subscribe or donate money for the furtherance of the objects of the trade union.

4. STATUS OF THE TRADE UNION

- 4.1 This trade union shall be a body corporate with perpetual succession of entering into contractual and other relations and of suing and being sued in its own name and shall be an organization not for gain.

5. MEMBERSHIP

- 5.1 Applications for admissions or re-admissions to membership with membership fees shall be lodged in writing with the secretary of the branch or an official at any of the union offices.
- 5.2 The branch executive committee shall consider every application for membership within four weeks of receipt thereof by the branch secretary.
- 5.3 An applicant to whom admission to membership is refused shall be provided with reasons for such refusal and shall be entitled to a refund of the membership fees paid by him/her on application
- 5.4 If admission to membership is refused by the branch executive committee the applicant concerned shall have a right to appeal to the next general meeting of the branch which shall have the power to confirm or reverse the decision of the branch executive committee. Such an appeal shall be in writing and shall be submitted to the branch. The general meeting's decision shall be final.
- 5.5 Every employee who has resigned or been expelled from the trade union may be re-admitted to membership on such conditions as the branch executive committee may determine.

6 DISCIPLINE

Building Wood Allied Workers Union of South Africa (BWAWUSA)

- 6.1 A member may be suspended, fined or expelled as may be determined by the branch executive committee:
- 6.1.1 if he/she fails within twenty-one days of demand, in writing by the branch secretary, to pay membership fees, fines or levies which are more than two months in arrears.
 - 6.1.2 if he/she infringes on the terms of this Constitution or acts in a manner which is detrimental to the interest of the trade union, provided that there shall be a right of appeal against suspension, the imposition of a fine or expulsion to the first ensuing branch general meeting. Notice of any such appeal shall be given to the branch secretary in writing within seven days of the date on which the decision of the branch executive committee was communicated to the person concerned.
- 6.2 No member may be suspended, fined or expelled unless he/she has been afforded the opportunity to state his/her case personally at a meeting of the branch executive committee, of which he/she has received not less than seven days notice in writing from the branch secretary. The matter which the member is charged shall be set out in such notice.
- 6.3 A member who has appeared before the branch executive committee in accordance with sub-clause 6.2 shall, if he/she is dissatisfied with the decision of the branch committee and has lodged an appeal in the manner herein provided, has the right to restate his/her case personally to the branch general meeting which shall consider the matter.
- 6.4 A member shall be entitled to call witnesses in support of his/her case when attending a meeting of the branch Executive committee or a general meeting in terms of sub-clause 6.2 or 6.3, as the case may be.
- 6.5 Any decision taken by the branch executive committee in terms of these clauses shall, when an appeal has been lodged, be subject to ratification or otherwise by a branch general meeting.
- 6.6 There shall be a right of appeal to the executive committee against the decision of a branch general meeting. Notice of such appeal shall be given to the general secretary in writing within seven days of the date on which the decision of the branch general meeting was communicated to the person concerned.
- 6.7 Upon expulsion of a member, all moneys due to the union by such member shall become payable. If payment there is not made within fourteen days, the branch executive may take such steps, as it deems necessary to secure a settlement.
- 6.8 A member shall cease to be entitled to any of the benefits of membership, including the right to vote:-
- 6.8.1 if the members fees or the charges due by him/her to the trade union are more than three months in arrears;
 - 6.8.2 during any period while he/she is under suspension in terms of the Constitution; and
 - 6.8.3 if he/she ceases to be employed in the sector(s) mentioned in clause 2.

7 TERMINATION OF MEMBERSHIP

- 7.1 A member may resign by giving one-month notice in writing to the branch secretary, provided that no resignation shall affect until all moneys due to the trade union by the member concerned have been paid.
- 7.2 A member whose membership is more than three months in arrears shall automatically cease to be a member of the trade union. Such person shall, however, be liable for all moneys due to the trade union as at the date on which he/she ceased to be a member of the trade union.

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8 MEMBERSHIP FEES

- 8.1 A minimum membership fee of R40.00 or 1% whichever is greater but not more than R70.00 of his/her wages/monthly salary as prescribed by the union shall be payable by each member of the trade union. The fee shall be paid monthly in advance to the union office or to such other person as may be authorized by the union head office to receive it.
In addition to the membership fee, a member shall also be liable for the payment in the same manner of such other levies as may be prescribed by the national executive committee.

- 8.3 A member shall be exempt from payment of the aforesaid membership fee in respect of any particular month during which he /she is:-

- 8.4.1 unemployed for sixty or more days; or
8.4.2 unable to work for sixty or more days on account of illness.

9 MEETINGS

9.1 National Congress

- 9.1.1 The supreme governing body of the trade union shall be the national congress, which shall consist of the executive committee and 3(three) delegates, elected by each branch.
- 9.1.2 The national congress shall be convened once every three calendar years. Provided that the executive committee may decide to convene the national congress for a particular year within a six-months period after that year. The general secretary to branches shall communicate notice of its convocation at least two months before it is held.
- 9.1.3 Delegates with voting rights shall be elected by a ballot of the members of each branch. The branch executive committee shall exercise the voting rights as well as the priority in which they shall exercise such rights.
- 9.1.4 The number of votes which branches may exercise at the national congress shall be a function of the number of members in a particular delegation's branch relative to the trade union's total membership records held at the Head Office, to determine the voting strength of each branch. The general secretary shall notify the branches accordingly.
- 9.1.5 Resolutions from branches shall be sent to the general secretary and shall reach his/her office not later than six weeks prior to the national congress. The general secretary shall distribute copies of the resolutions and of the national congress agenda to all branches not less than fourteen days prior to the national congress.
- 9.1.6 The business of the national congress shall primarily be:-
9.1.6.1 the nomination and election by ballot of members of the executive committee;
9.1.6.2 the consideration of reports from the president, general secretary, treasurer and other special reports;
9.1.6.3 the formulation of policy;
9.1.6.4 the discussion of matters as per the agenda and;
9.1.6.5 the consideration of appeals.
- 9.1.7 The president or, in his/her absence, the vice president or, in the latter's absence, a person appointed by the executive committee, shall preside over the proceedings at the national congress. Resolutions of the national congress shall be adopted by majority vote of voting delegates. Voting on a resolution shall be by show of hands unless the national congress decides otherwise. The president or other presiding person shall have a casting vote only.

- 9.1.8 Candidates for the positions of office-bearers, officials and trade union representatives on the executive committee shall be nominated and seconded by delegates with voting rights at the national congress. Should there be only one candidate for a position, that candidate shall be regarded as having duly elected to that position. Should there be two candidates, a ballot of delegates shall be held and the candidate who receives the most votes shall be eliminated from the next ballot.
- 9.1.9 The president shall convene a special national congress whenever the executive committee requests one, or whenever at least a majority of branches or 51% members request so in writing.
- 9.1.10 The requisition by branches for a special national congress shall be sent to the general secretary at Head Office and shall be accompanied by a statement setting out the reasons for such requisition. The general secretary shall convey the request to the president as soon as possible.
- 9.1.11 Should reasons for urgency be given in the notice, the president may authorize the calling of a special national congress at short notice, being not less than seven days. Branches shall be notified by the general secretary of the convocation and agenda of a special national congress as soon as possible and by the best practical means.
- 9.1.12 The quorum at the national congress shall be at least half of the delegates elected to represent the trade union members at the national congress.
- 9.1.13 Council shall be called by the president whenever he/she deems it advisable or upon a requisition signed by not less than 50 % of the members of the council, in which event the meeting shall be called within seven days of receipt of there question by the president
- 9.2 National Executive committee
- 9.2.1 The national executive committee shall ordinarily meet at least once every two months on a date to be fixed by the president. Special meetings of the national executive committee shall be called by the president whenever he/she deems it advisable or upon a requisition signed by not less than 50% of the members of the committee, in which event the meeting shall be called within seven days of receipt of the requisition by the president
- 9.2.2 Members of the executive committee shall be notified in writing of the time and place of the meeting by the general secretary at least five days before the dates of such meetings, provided that shorter notice, being not less than 24 hours, may in the discretion of the president be given in respect of special meetings. To every notice of meeting, an agenda shall be attached. Unless otherwise provided herein all matters for consideration by the executive committee shall be decided on motion duly seconded and voted upon by show of hands
- 9.2.3 The quorum for meetings of the executive committee shall be 50% of members. If within fifteen minutes of the time fixed for any meeting a quorum is not formed, the meeting shall stand adjourned to the same day in the week following (and if that day is a public holiday then to the next succeeding working day) at the same time and place, and at such adjourned meeting the members present shall form a quorum. Written notice of such adjourned meeting shall be given to members who are absent from the first meeting.
- 9.2.4 If between meetings of the executive committee any question arises which is of extreme urgency and can be answered a plain "yes" or "no", the president may authorise a vote of the member of the council to be taken by post.
- 9.2.5 No motion shall be considered unless seconded, all matters forming the subject of motions shall be voted upon by show of hands (unless otherwise provided) and shall be decided by the votes of the majority of those present.

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9.3 BRANCH MEETINGS

- 9.3.1 A general meeting of members of each branch shall ordinarily be held once every two months on a date to be fixed by the chairperson. Special general meetings shall be called whenever desired by a majority of the members of that branch. Such special general meetings shall be held within three days from date of receipt of the requisition by the chairperson.
- 9.3.2 Notice of every general meeting showing the business to be transacted there at shall be given to members in writing by the branch secretary not less than two days before the date of such meeting, provided that shorter notice being not less than twenty four hours may, in discretion of the chairperson, be given in respect of special general meeting.
- 9.3.3 The annual general meeting of each branch shall be held in the month of July in each year or as soon as possible thereafter, but not later than September in each year.
- 9.3.4 If the chairperson so decides all motions at a general meeting shall be reduced to writing and shall be delivered to the presiding officer to be read to the meeting. All matters forming the subject of motions shall unless otherwise provided herein, be voted upon by show of hands and shall unless otherwise provided, be decided by the votes of a majority of those present except in the case of elections when the candidates up to the required number of votes shall be declared elected.
- 9.3.5 No member shall be allowed to speak for longer than three minutes on any matter unless a majority of those present agrees.
- 9.3.6 Each branch executive committee shall ordinarily meet at least once every month on a date to be fixed by the chairperson. Special meetings may be called by the chairperson whenever he/she deems it advisable or upon requisition signed by not less than 50% of members of the committee, in which event the meeting shall be called within fourteen days of receipt of the requisition by the chairperson.
- 9.3.7 Members of the branch executive committee shall be notified in writing of the time and place of meetings of the committee by the branch secretary at least five days before the dates of such meetings, provided that shorter notice being not less than twenty four hours may, in the discretion of the chairperson, be given in respect of special meetings. To every notice of the meeting, an agenda shall be attached. All matters for consideration by the branch executive shall be decided on motion duly seconded and voted upon by show of hands.
- 9.3.8 The quorum for branch management meetings shall be 50% of the members of the branch and for meetings of the branch executive committee 50% members of the committee. If within sixty minutes of the time fixed for any meeting the quorum is not present, the meeting shall stand adjourned to the same day (and if that day is a public holiday then to the next succeeding working day) in the week following at the same time and place, and at such adjourned meeting the members present shall form a quorum. Written notice of adjourned meetings shall be given by the branch secretary to those members who are absent from the first meeting.
- 9.3. At every general meeting the minutes of the last proceeding general meeting shall be read by the branch secretary and signed by the presiding officer after confirmation. The body shall similarly deal with minutes of meetings of the branch executive committee.

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9.3.10 Copies of minutes of branch meetings and of meetings of branch executive committees shall be submitted to the executive committee immediately after confirmation.

9.3.11 An absent member shall not invalidate the proceedings of any meeting by reason of non-receipt of the notice of the meeting.

9.4 MINUTES

9.4.1 The general secretary of the trade union or a person appointed by him/her shall keep minutes of the meetings of the executive committee and of the national congress and the branch secretary or a person appointed by him/her shall keep the minutes of all branches executive meetings and all general meetings of the branch.

10 EXECUTIVE COMMITTEE

10.1 The management of the affairs of the trade union between national congresses shall be vested in the national executive committee consisting of the president, vice-presidents and national treasurer and 2 (two) additional members elected at each branch annual general meeting.

10.2 A ballot of members of the trade union shall fill vacancies occurring on the executive committee. A member appointed to fill a vacancy shall hold office for unexpired portion of the period of the office of his/her predecessor.

10.3 The nomination of membership of the executive committee shall be lodged in writing by branches with the general secretary at least three months prior to the national congress. The General Secretary shall notify the branches in writing of vacancies that occur on the executive committee within two weeks of the date on which the vacancy date. A member elected to fill in a vacancy shall hold office for the unexpired portion of the period of office of his/her predecessor.

10.4 A member of the executive committees shall vacate his/her seat in any one of the following circumstances:

10.4.1 on resigning, suspension or expulsion from membership of the trade union;

10.4.2 on absenting himself/herself, without the permission of the executive committee, from three consecutive meetings of the council;

10.4.3 on resigning as a member of the executive committee by giving one month's written notice to the general secretary;

10.4.4 if his/her subscriptions are more than three months in arrears; or

10.4.5 if he/she ceases to be employed in the sector(s) mentioned in clause 2.

10.5 The executive committee shall, subject to the provisions of this Constitution, have power:-

10.5.1 to recommend the trade union's participation in the establishment of a bargaining or statutory council, to determine the trade unions representation thereon;

10.5.2 to engage and dismiss, except where otherwise provided in this Constitution, any employee of the trade union, including a general secretary, fix their remuneration and to define their duties;

10.5.3 to appoint, from time to time, such committees as it may deem fit for the purpose of investigating and reporting on any matter referred to them by the national congress;

- 10.5.4 to review the decision of branch executive committee or branch general meetings; and to confirm, alter or reverse such decisions;
- 10.5.5 to institute legal proceedings on behalf of or to defend proceedings against the trade union;
- 10.5.6 to acquire, either by purchase, lease or otherwise, any movable or immovable property on behalf of the trade union, and to sell, let, mortgage, or otherwise deal with or dispose of any movable or immovable property belonging to the union, provided that no immovable property shall be acquired or sold, nor shall it be mortgage, let or leased for a period longer than ten years, unless at least three weeks written notice of the intention to do so has been given to each branch of the trade union by the general secretary. During this period any branch general meeting demands that a ballot of the whole trade union be taken on the proposed action; such ballot shall be taken;
- 10.5.7 to institute legal proceedings on behalf of, or to provide legal assistance to, members on matters affecting their employment and to institute legal proceedings against individual members.

11 OFFICES – BEARERS, OFFICIALS AND TRADE UNION REPRESENTATIVES

The duties of the office bearers, officials and trade union representatives shall be:-

11.1 Office Bearers

- 11.1.1 **President:** The president shall preside at all meetings at which he is present, enforce observance of the Constitution of the union, sign minutes of the meetings after confirmation, endorse all accounts for payments after approval by the national executive committee, sign all cheques on the banking account of the union, generally exercise supervision over the affairs of the union and perform such other duties as by usage and custom pertain to the office. He shall not have a deliberate vote, but shall, in the event of an equality of votes, have a casting.
- 11.1.2 **Vice-President:** The vice-president shall exercise the powers and perform the duties of the president in the absence of the latter.
- 11.1.3 **Acting President:** In the event of both the president and the vice-president being unable, either temporarily or permanently, to perform their duties, the executive committee shall appoint a member of the trade union to act as a president, who shall hold office until the president or vice-president is able to resume his/her duties or, in the event of the president or vice-president, being permanently unable to perform their duties, until a new president or vice-president has been elected at the national congress.
- 11.1.4 **Treasurer:** The treasurer shall maintain general supervision over finances of the union and shall insure that the general secretary has complied with the provisions of the constitution and law with regard to such finances. He/she shall present a bi-monthly statement of the income and expenditure to the national executive committee. He/she shall sign all cheques of the banking account of the union.

11.2 Officials

- 11.2.1 **General Secretary:** The general secretary shall receive requisitions for meetings of the national executive committee, issue notices of meetings, conduct all head office correspondence of the union, keep originals of letters received and copies of those despatched, and at each meeting of the national executive committee, lay on the table correspondence which has taken place since the previous meeting, attend all executive committee meetings and record minutes of the proceedings, issue official receipts for all moneys received, submit reports in regard to the financial position of the union by the national executive committee not less than once every three months and perform such other duties as are imposed by the constitution or as the national executive committee may direct. He/she shall attend all meetings of the national executive committee but shall have no voting power at such meetings.

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- 11.2.2 In addition to the duties laid down above, the general secretary shall perform the duties imposed on him by the Labour Relations Act, 1995, or any other similar provisions by any other Act relating to the retention of records and the supply of information. He/she shall also take the necessary steps to ensure the maintenance of the registered members, the keeping of proper books and the preparation of a balance sheet and a statement of income and expenditure and that the submission or making available thereof to the members complied with.
- 11.2.3 The general secretary may resign on giving one-month notice in writing to the executive committee and his/her service may be terminated on a similar period on notice to be given to him by the national executive committee. He/she may be similarly discharged by the national executive committee for serious neglect or misconduct. In the event of the office becoming vacant, the national executive committee shall appoint a new incumbent, until the next congress.
- 11.2.4 The general secretary shall be responsible for the control and supervision of the union staff and may delegate these powers to the branch secretaries in regard to their respective staff.
- 11.2.5 **Assistant Secretary:** The executive committee may appoint an assistant secretary who shall assist the general secretary in the execution of his/her duties. Should the general secretary temporarily be unable to perform his/her duties, the assistant secretary shall act as general secretary until such time he/she is able to assume his/her duties. The provisions of sub-clause 11.2.1 above shall *mutatis mutandis* apply to the assistant secretary.
- 11.2.6 **Organizers:** Organisers shall from time to time be appointed. A sub-committee appointed by the national executive committee shall interview candidates and the final choice shall be submitted to the said committee for its deliberation. Organisers shall operate under the supervision of the General Secretary. They shall be responsible for the organization and growth of the union's membership and all matters incidental thereto in the respective areas. They shall if and when instructed by the National Office attend branch general or executive committee meetings, shop steward meetings, area division conferences and executive committee meetings but shall not have the right to vote.

11.3 Trade Union Representative

- 11.3.1 The trade union representatives shall implement and give effect to decisions of the national congress, executive committee or the branch executive committee recruits members and generally promote their interest, represent members in matters before the Commission and collect membership fees.
- 11.3.2 In terms of section 14(4c) of the Labour Relations Act, 1995, the trade union representative shall, at the request of an employee in the workplace, assist and represent the employee in grievance and disciplinary proceedings.

12 BRANCH OFFICE BEARERS AND OFFICIALS

- 12.1 The management of the affairs of a branch between branch general meetings shall be vested in a branch executive committee consisting of a chairperson, vice-chairperson and two other members of the branch who shall be elected on nomination duly seconded and voted upon by ballot at the annual general meeting of the branch. They shall hold office until the next annual general meeting of the branch, and be eligible for re-election on termination of their period of office. The chairperson of the executive committee shall *ipso facto* be chairperson of the branch.
- 12.2 Vacancies occurring on the branch executive committee shall be filled at the first ensuing branch meeting on nomination duly voted upon by ballot. Where a vacancy occurs subsequent to the date on which the notice of that meeting was issued it shall be filled at the next ensuing general meeting. Nominations for the vacancy shall be submitted in writing to the branch secretary at least fourteen days before the meeting. A member appointed to fill a vacancy shall hold office for the expired portion of the period of office of his/her predecessor.

- 12.3 Nominations for membership of a branch executive committee shall be lodged in writing with the branch secretary at least fourteen days before the date of the annual general meeting of the branch.
- 12.4 A branch executive committee shall, subject to the general direction and control of the branch general meetings and to be provisions of this Constitution, have the power:-
- 12.4.1 to admit or refuse to admit persons to membership of the trade union and to suspend, fine, or expel any member for cause appearing sufficient to a majority of the executive committee;
 - 12.4.2 to deal with disputes between members and their employers and endeavour to settle disputes;
 - 12.4.3 to appoint from time to time, such sub-committees as it deems fit for the purpose of investigating and reporting on matters referred to them by the executive committee;
 - 12.4.4 to open and operate a banking account in the name of the branch;
 - 12.4.5 to do such other lawful things as, in the opinion of the branch executive committee, is in the interest of the trade union or its members and which are not inconsistent with the objects set out in clause 3 or any matter specifically provided for in the Constitution
- 12.15 The executive committee shall have the right to depute one or more of its members to investigate the affairs of any branch at any time and such member or members shall have access to all the records of the branch and have power to take them into custody.
- 12.16 When a member leaves the area of jurisdiction of any branch and continues at his/her trade in the area of another branch, he/she shall be entitled to become a member of the latter branch.
- 12.17 In addition to any duties imposed upon him/her by this Constitution or by the branch executive committee or general meeting, a branch secretary shall *mutatis mutandis* perform the same duties as are imposed upon the general secretary. He/she shall also collect membership fees, fines, levies and bank all money's within four days of receipt. The branch secretary shall attend all branch general meetings but shall have no voting power at executive committee meetings.
- 13 REMOVAL OF OFFICE BEARERS, OFFICIALS AND TRADE UNION REPRESENTATIVES**
- 13.1 An office-bearer, official or trade union representative may be removed from office:
- 13.1.1 if he/she infringes any of the provisions of this Constitution, and
 - 13.1.2 if he/she acts in a manner which is detrimental to the interest of the trade union
- 13.2 No office bearer, official or trade union representative may be removed from office unless he/she has been afforded an opportunity to state his/ her case personally at the branch executive committee in cases where a trade union representative is concerned or personally at a meeting of the executive office-bearer or a branch official executive committees where an executive committee office-bearer is concerned.
- 13.3 An office-bearer, official or trade union representative who has appeared before the applicable body and who is dissatisfied with the decision of the body concerned shall have the right to appeal as follows:
- 13.3.1 In the case of a trade union representative to the branch general meeting, notice of appeal shall be given to the branch secretary in writing, within four days of the date on which the decision of the branch executive was communicated to the person concerned. The branch executive committee may reverse the decision of the branch general meeting and the decision of the branch executive committee shall be final

13.3.2 In the case of an office-bearer or official of a branch executive committee, notice of appeal shall be given the general secretary in writing, within four days of the date on which the decision of the executive committee was communicated to the person concerned. The meeting of the executive committees may reverse the decision of the branch executive committee and the decision of the executive committee shall be final.

13.3.3 In the case of an office-bearer or official of the executive committee, to the national congress of the trade union. The appeal shall be noted in the agenda of the national congress and national congress may reverse the decision of the national executive. The decision of the national congress shall be final.

14. BALLOTS

14.1 In addition to those cases in respect of which the taking of a ballot of members of the whole trade union or a branch is compulsory in terms of this Constitution, a ballot on any question shall be taken if the executive committee decides so, and shall also be taken:-

- 14.1.1 if demanded by a branch;
- 14.1.2 on any proposal to declare or take part in any strike.

14.2 Ballots shall be conducted in the following manner:-

- 14.2.1 Notice of a ballot shall be given to each member of the branch in writing by the branch secretary at least three days before the ballot is to be taken, provided that a ballot may be taken without notice at any general meeting on the decision of a majority of the members present.
- 14.2.2 Each branch executive committee or general meeting to supervise any ballot and to ascertain the result thereof shall appoint two scrutinisers.
- 14.2.3 Except in the case of postal ballot taken at general meetings on the decision of the majority of the members present. Ballots shall be conducted at the various branch offices of the trade union or at such other places as may be specified in the notice referred to in paragraph (a) of this sub-clause on the date and during the hours specified in a said notice.
- 14.2.4 Ballot papers shall be supplied to the branch secretaries by the general secretary. The issue to be voted upon shall be set forth clearly on the ballot papers and such papers shall not contain any information by means of which it will be possible to identify the voter.
- 14.2.5 Ballot boxes shall be inspected by the scrutinisers and sealed by the branch secretary in their presence prior to the issuing of ballot papers.
- 14.2.6 One ballot paper only shall be issued on demand at a place and during the hours fixed for the taking of the ballot to each member of the branch who is entitled to vote.
- 14.2.7 Each voter shall, in the presence of the scrutinisers, be issued with one ballot paper that he/she shall there upon complete, fold and deposit in a ballot box provided for this purpose.
- 14.2.8 Ballot papers shall not be signed or marked in any way apart from the mark required to be made by a member in his/her vote. Papers bearing any other marks shall be regarded as spoilt and shall not be counted.
- 14.2.9 On completion of a ballot or as soon as possible thereafter, the result thereof in respect of each branch shall be ascertained by the scrutinisers appointed for such branch in the presence of the branch secretary and made known to the branch executive committee which shall as soon as

possible advise the executive committee.

- 14.2.10 Ballot papers, including spoilt papers, shall be sealed after they have been counted and retained by branch secretaries for not less than three years.
- 14.3 The executive committee may decide that a postal ballot of members shall be taken, in which event the ballot shall be conducted in the following manner:
- 14.3.1 The general secretary shall send by registered post to each member of the trade union a ballot paper and stamped and addressed envelope marked "Ballot". The ballot paper shall on completion be inserted in the envelope provided for the purpose that shall be sealed and posted so as to reach the general secretary within fourteen days from the date of dispatch from head office to such member. On receipt of such envelopes, the general secretary shall immediately place such envelope in a sealed ballot box.
- 14.3.2 Two scrutinisers shall be appointed by the executive committee to ascertain the result of the ballot. The ballotbox shall be opened and the ballot papers counted by the scrutinisers in the presence of the general secretary, who shall immediately advise the executive committee of the result of the ballot.
- 14.3.3 The same procedure shall *mutatis mutandis* apply to a postal ballot confined to members of the executive committee or any branch or branches of the trade union.
- 14.4 In any ballot conducted in connection with any election, the candidates, up to the required number, receiving the highest number of votes and shall be declared elected.
- 14.5 The national congress, the executive committee or the branch executive committee shall be bound to take action according to the decision of the majority of members voting in a ballot.
- 14.6 The trade union shall, before calling a strike, conduct a ballot of those of its members in respect of whom it intends to call the strike.
- 14.7 Notwithstanding anything to the contrary contained in this Constitution, members of the trade union shall not be disciplined or have their membership terminated for failure or refusal or to participate in a strike if:
- 14.7.1 no ballot was held about the strike or
- 14.7.2 a ballot was held but a majority of the members who voted did not vote in favour of the strike

15. FINANCE

15.1 HEAD OFFICE

- 15.1.1 The funds of the trade union shall be applied to payment of expenses to the acquisition of property, towards the attainment of the objects specified in clause 3 and for such other lawful purposes as may be decided upon by the members of the national congress or the executive committee voting by ballot for the attainment of said objects.
- 15.1.2 The funds received by the general secretary on behalf of the trade union shall be deposited to its credit within four days of receipt, at a bank decided upon by the executive committee.

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- 15.1.2 The funds received by the general secretary on behalf of the trade union shall be deposited to its credit within four days of receipt, at a bank decided upon by the executive committee.

- 15.1.3 Payments shall require the prior approval of the executive committee and shall be made by cheques signed by the president and the general secretary, except when the amount in question is less than R3 000.00 where the payment may be made from petty cash. In the absence of the president or general secretary cheques shall be signed by a member of the executive committee appointed by it for that purpose.

15.2 BRANCHES

- 15.2.1 Branch secretaries shall collect membership fees and levies or such other persons empowered to do so.
- 15.2.2 The branch secretary to the credit of the branch executive committee shall deposit all monies within four days of receipt. All monies collected on behalf of the trade union shall be remitted to the general secretary fortnightly.
- 15.2.3 Remittances to the general secretary shall be accompanied by statements showing the names of members from whom collected, the amount paid in by membership fees are in arrears and amount of such arrears. The statement shall also detail any arrears payments made by members.
- 15.2.4 Branches may apply the funds belonging to them to the payment of expenses and towards the attainment of the objects specified in clause 3 as may be determined by the branch executive committee. Provided that expenditure in excess of R3000.00 shall not be incurred except with the approval of and subject to such conditions as may be determined by the executive committee.
- 15.2.5 If any branch incurs expenditure except as provided for this in constitution, the members present at the meeting at which such expenditure was agreed to shall be jointly and severally liable for refunding the amount in question, provided that no liability shall rest on the members who at the time specifically requested that their protest against the incurring of such be recorded in the minutes of the meeting.
- 15.2.6 If any branch ceases to exist as such, its assets as liabilities shall devolve on the trade union.

15.3 GENERAL

- 15.3.1 Statements of income and expenditure reflecting the financial position of the branch shall be prepared by the branch secretary and submitted to his/her branch executive committee and to the executive committee. Similar statements in respect of trade union funds will be prepared quarterly by the general secretary who will also be responsible for furnishing the national congress with the trade union's latest financial report.
- 15.3.2 In accordance with the provisions of Section 98(1) (b) of the Labour Relations Act, 1995, the general secretary and each branch secretary shall prepare a statement of income and expenditure and balance sheet in respect of each financial year ending on the 28th or 29th of February. Such statements and balance sheets shall be audited and dealt with as required by Section 98(2) of the Act.
- 15.3.3 Legal and other professional expenses shall be borne equally by the trade union and branch concerned.
- 15.3.4 Stationery and printed materials shall be supplied to branches by the executive committee at cost price.
- 15.3.5 The executive committee may at any time, with a view to securing funds, do whatsoever necessary to obtain more funds.
- 15.3.6 A member who resigns or is expelled from membership shall have no claim on the funds of the trade union.
- 15.3.7 The executive committee shall, subject to confirmation by the national congress, have the power to invest surplus trade union monies in such a manner that the trade union stands to benefit from the investments.

16. REPRESENTATION OF BARGAINING AND STATUTORY COUNCILS

- 16.1 The executive committee may at time recommend that the trade union shall become party to a bargaining or statutory
- 16.2 Representatives and their alternates shall be appointed by the executive committee.
- 16.3 Representatives or their alternates on a bargaining or statutory council may be removed by the national congress or branch general meetings, and may resign on giving three months notice to the executive committee or such notice as may be prescribed in the Constitution of the council concerned.
- 16.4 In the event of resignation or death of the representatives or an alternative or his/her removal by the national congress or branch general meeting, the vacancy shall be filled by the executive committee.
- 16.5 Representatives or their alternates shall have full power to enter into agreements on behalf of the trade union; such agreements shall not be subject to ratification by the executive committee or national congress.

17. CHANGING OF CONSTITUTION

- 17.1 Any of the provisions of this Constitution may be repealed, changed or added to in any manner by resolution of the executive council of the trade union, provided that at least 14 days notice of proposed changes shall first have been given to branches, if within that period a branch demands that a ballot shall be taken.
- 17.2 No changes or additions shall have any force or effect until certified in terms of Section 101(3) of the Labour Relations Act, 1995.

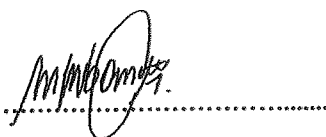
18. WINDING UP

- 18.1 The trade union shall be wound up if, at a ballot conducted in a manner prescribed in the Constitution, not less than three-fourths of the total number of members of the trade union votes in favour of a resolution that the organization winds up.
- 18.2 If a resolution for the winding up of the trade union has been passed or if for any reason the trade union is unable to continue to function the following provisions shall apply;
 - 18.2.1 The last-appointed president of the trade union, or if he/she is not available, the executive committee of the trade union, shall forth with transmit to the Labour Court a statement signed by him / her or them setting forth 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, 1995.
 - 18.2.2 The liquidator appointed by the Labour Court shall call upon the last appointed office-bearers of the trade union to deliver to him/her the trade union's books of account showing assets and liabilities together with a register of members showing, for the twelve months prior to the date on which the resolution for winding up was passed or to date as from which the trade union, as the case may be, (hereinafter referred to as the date of dissolution), the membership fees paid by each member and his/her address as at the said date.
 - 18.2.3 The liquidator shall also call upon the said office-bearers to hand over to him/her all the unexpended funds of the trade union and to deliver to him/her the trade union's assets and documents necessary to liquidate the asset.

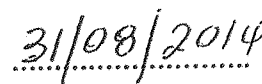
- 18.2.4 The liquidator shall take the necessary steps to liquidate the debts of the trade union from its unexpended funds and any other money realised from any assets of trade union, and if the said funds and moneys are insufficient to pay all creditors after the liquidation fees and the expenses of winding-up have been met, the order which the 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 assets of an insolvent estate.
- 18.2.5 After payment of all debts in accordance with the above, the remaining funds, if any shall be distributed among the remaining members of the trade union on the basis of membership fees actually paid during the 12months prior to the date of dissolution.
- 18.2.6 After the payment of liabilities, any assets that cannot be disposed of in accordance with the provisions of this clause shall be realized by the Liquidator and proceeds paid to the Commission for Conciliation, Mediation and Arbitration (in accordance with section 103(5) of the Labour Relations Act, 1995).
- 18.2.7 The liability of members shall be limited to the amount of membership fees due by them to the trade union interms of this Constitution as the date of dissolution.



PRESIDENT



GENERAL SECRETARY



DATE