



#WE TEACH
#WE CARE
#WE PROTECT
#WE DENOUNCE VIOLENCE

THE SOUTH AFRICAN DEMOCRATIC TEACHERS' UNION 2030 VISION



9th NATIONAL CONGRESS THEME:

"Claiming our right to have our human dignity and safety protected and respected in pursuit of a decolonised, quality, public, education."

THE SOUTH AFRICAN DEMOCRATIC TEACHERS' UNION



CONSTITUTION

As Amended in September 2019



BACKGROUND

The South African Democratic Teachers' Union (SADTU) was launched in Johannesburg on 6 October 1990. This was an historic occasion, bringing together a range of racially divided teacher organisations into a unitary structure with a progressive vision. In doing so SADTU challenged the legitimacy of ethnic education departments and made an important contribution to the struggle for non-racialism in South Africa.

The idea to form a national and non-racial teachers' union originated at a conference of teachers in Harare in April 1988. The various organisations present at the Harare Conference - ATASA, UTASA, TASA, NEUSA, DETU, WECTU, EDASA, PTU and the PTL committed themselves to work towards the establishment of one national teachers' organisation in a "unitary, non-racial and democratic South Africa". These "Harare Accord" organisations formed the National Teacher Unity Forum (NTUF) under the convenorship of the Congress of South African Trade Unions (COSATU), and initiated a process of building one organisation out of the many which existed. As the NTUF developed, ECTU, ELPTU and MATU were admitted as affiliates, and the NTS and TTA as observers. The unity process culminated in the establishment of SADTU.

SADTU presently represents more than 250 000 teachers and workers in the education sector, making it the largest teacher organisation in the country. It has become an affiliate of COSATU, the trade union federation in South Africa. The Union also enjoys international affiliation to Education International (EI), the All Africa Teachers' Organisation (AATO) and the Southern Africa Teachers' Organisation (SATO).

The main aim of SADTU is to eradicate all forms of discrimination in education and to strive towards a free and democratic system of education in South Africa. SADTU teachers are strongly committed to overcoming the serious legacies of apartheid education, and view their union as an effective structure through which they can participate in a transformative programme of national reconstruction and development.



SADTU CONSTITUTION

As Amended in September 2019

- Constitution as amended in September 2019 **(Pages 3-60)**
- SADTU Structures as amended **(Pages 62-64)**
- Code of Conduct **(Pages 66-73)**
- Guidelines for the Functioning of Disciplinary Committee **(Pages 75-79)**
- Rules of Procedures for Meetings **(Pages 82-97)**
- SADTU Structures as amended **(Pages 56-58)**
- Code of Conduct – No amendments were made and this is an NEC competency
- Guidelines for the Functioning of Disciplinary Committee – No amendments were made and this is an NEC competency
- Rules of Procedures for Meetings – No amendments were made and this is an NEC competency



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1. PREAMBLE

We, teachers and Education Workers of South Africa, having committed ourselves to the transformation of education and dedicated ourselves to the development of an education system which is fully accessible, equal and qualitative, free of apartheid legacy and which is the just expression of the will of the people, as enshrined in the Constitution of the country, hereby proclaim the need for a single teachers and Education Workers union in our land.

Further, recognizing the deeply embedded class and gender disparities in South African society, SADTU commits itself to eliminating all forms of discrimination based on but not limited to race, physical ability (disability), gender, sex, pregnancy, albinism, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, religion, HIV status, conscience, belief, political opinion, culture, language and birth. To this end, SADTU shall endeavour to inculcate the values of egalitarianism and social justice among its members and the broader society.

2. NAME

There shall be a voluntary association known as the South African Democratic Teachers' Union, abbreviated as SADTU (hereinafter referred to as "the Union"), which shall be constituted as laid down hereafter.

3. HEAD OFFICE

The Head Office of the Union shall be at a place as the National Executive Committee ("NEC") may determine from time to time.

4. LEGAL STATUS

4.1 The Union shall be a body corporate with perpetual succession, capable of entering into contractual



and other relations and of suing and being sued in its own name. It shall hold property apart from its members. The liability of members shall be limited to the amount of their subscriptions outstanding or other monies due to the Union at any time.

4.2 The Union is an association not for gain.

5. AIM

The aim of the Union shall be to unite teachers, Education Workers and educationalists and to work for a non-racial, non-sexist, just and democratic system of education in a free and democratic South Africa. It shall observe and act in accordance with the spirit and principle of democracy in all the Union's activities.

SADTU shall combat all class-based discrimination in Education, and commits to expose, at all times, the class nature of the South African society.

6. OBJECTIVES

The objectives of the Union shall be:

- 6.1 to recruit all teachers, Education Workers and educationalists who support the aims and objectives of the Union;
- 6.2 to seek and to maintain itself as a union to be recognised by the education authorities and to negotiate on behalf of its members, to advance their individual and collective interests by entering into collective bargaining relations with the education authorities for the purposes of negotiating and entering into collective agreements;
- 6.3 to promote and further the interests of its members and to voice collectively their opinions on matters pertaining to education;



- 6.4 to co-operate with or join organisations, both locally and internationally, where it is in the interests of the Union to do so;
- 6.5 To promote and advance the education, cultural and social interests of workers and working-class communities in South Africa, Africa, and the whole world.
- 6.6 to eradicate discrimination based on gender, sexism and the sexual harassment of teachers, Education Workers and learners;
- 6.7 to establish affirmative action programmes for women and to maximise participation of women at all levels of the Union and the education system as a whole;
- 6.8 to eradicate racism and discrimination in employment and education generally;
- 6.9 to encourage the development of the aesthetic aspects of the Learner's life and to help promote his or her educational, spiritual and physical development;
- 6.10 to foster an esprit de corps among teachers and Education Workers and to promote and maintain high standards of ethical conduct, professional integrity and efficiency in the promotion and maintenance of standards of teaching and learning;
- 6.11 to plan educational change and development, and conduct research into educational matters;
- 6.12 to promote or oppose, as the case may be, any laws and administrative procedures that affect the interests of the members in particular and education in general;
- 6.13 to institute legal proceedings on behalf of the Union or its members in pursuance of the objects of the Union and to render, where appropriate,



- legal assistance to members in matters relating to education and employment;
- 6.14 to establish and administer funds for the benefit of members and their dependants;
- 6.15 to purchase, lease, hire or acquire any movable or immovable property which the Union may deem necessary;
- 6.16 to foster an understanding of social, political and economic matters at national and international level; and
- 6.17 to do all such other things as are in the interests of the Union and its members, and which are consistent with the aims and objects of the Union.

7. MEMBERSHIP

Membership of the Union shall be open to any person who is eligible for such membership and who subscribes to its aims and objects.

7.1 Eligibility (Full membership)

All persons practising as teachers or educationalists including those in auxiliary services and Education Workers, in both formal and non-formal institutions of learning are eligible for membership.

7.2 Eligibility (associate membership)

- (a) All persons professionally admitted to the teaching profession but no longer practising as such, all persons who qualified as teachers and are not yet employed as such and student teachers and all Education Workers are eligible for associate membership. Associate members are not entitled to vote or stand for election as Office Bearers, though they may participate in the proceedings of the



- Union and may be admitted as observers to Conferences and Congresses of the Union and may be assigned to perform Union duties.
- (b) The NEC may admit teachers and education workers who have been barred from the profession or who are not able to practice because they have been barred from the profession for ideological reasons that are consistent with the aims and objects of the Union.
 - (c) A member whose contract of employment is as defined in Clause 7.1 in education sector has been terminated but who intends resuming employment as such shall remain a member for a period not exceeding twelve months. Membership shall automatically cease if she or he has not recommenced employment as a teacher or a position in the education sector at the expiry of twelve months.

7.3 Honorary membership

Honorary membership may be bestowed by the National Congress on any person in recognition of a special contribution to the Union or in the field of education generally. At no time shall the number of such honorary life members exceed fifteen living members. Honorary members shall not be required to pay subscriptions and will not be entitled to vote or stand for elections as Office Bearers. The NEC shall compile and co-ordinate the criteria required for a person to be declared an honorary member and provide recommendations to the National Congress as to whether a particular person is fit and proper to be an honorary member of SADTU.



7.4 Application

Application for membership shall be lodged with the Branch Secretary in whose jurisdiction the applicant is employed. The Branch Executive Committee ("BEC") shall have the authority to accept or decline any application in terms of 7.1 above. If admission to membership is refused

the applicant may appeal to the Provincial Executive Committee ("PEC"). The appeal shall be lodged with the Provincial Secretary in writing and at least seven days before the next meeting of the PEC. The applicant shall be entitled to appear personally at the meeting for the purpose of making representations in support of her or his appeal. The PEC may ratify or reverse the decision. A ruling by the PEC is binding unless a further appeal is lodged with the NEC whose decision shall be the final ruling on the matter. An unsuccessful applicant may take a fresh application for membership after twelve months has lapsed from the NEC's decision.

7.5 Subscriptions

7.5.1 A subscription as determined by the National Congress, shall be payable monthly to the General Secretary or such other person as the NEC authorises to receive the subscription and who shall keep record of contributions of each member. The NEC may exempt a member from the payment of subscriptions or may set a lower subscription in respect of:

- (a) a member who is unemployed for thirty days or more; or
- (b) a member who is unable to work for thirty days or more on account of ill health; or



- (c) an associate member; or
- (d) any other reason which the NEC or the relevant union structure may consider appropriate.

7.5.2 *“a monthly subscription of R88.00, eighty-eight rands increased by two rands each year until next congress; is payable by all members, unless he or she has been exempted from payment of subscriptions in terms of clause 7.5.1”*

7.5.3 A member shall cease to be a member in good standing if he or she is more than three months in arrears with the payment of his or her subscriptions, unless he or she has been exempted from the payment of subscriptions in terms of 7.5.1. Members not in good standing may not vote, be elected to office, hold office or be entitled to the benefits of the Union.

7.6 Register

An up-to-date register of membership shall be kept by each Branch Secretary, which shall be audited by the Provincial Secretary at least once per annum and before each Provincial Conference and National Congress.

7.7 Termination of membership

7.7.1 Resignation by member

7.7.1.1 Any member may resign from the Union after giving three month's written notice to her or his Branch Secretary.

7.7.1.2 The member must pay all amounts owing to the union.



7.7.1.3 Members may not be disciplined or have their membership terminated for failure or refusal to participate in a strike if:

7.7.1.3.1 no ballot was held about the strike; or

7.7.1.3.2 a ballot was held, but the majority of the members who voted did not vote in favour of the strike.

7.2.2 Suspension or expulsion of members

7.7.2.1 Should a member, in the opinion of the BEC, conduct herself or himself in a manner which is detrimental to the interests of the Union and its members, her or his membership and benefits arising there from may be suspended, or she or he may be expelled from the Union. Before any such sanctions are invoked the relevant committee shall invoke disciplinary proceedings. If a member act in a manner that is detrimental to the code of conduct, the BEC or PEC shall recommend for a termination of membership to the NEC.

The member may appeal in writing the decision to the next higher structure and relevant committee with jurisdiction. The appeal shall be lodged with the Secretary of the structure in writing within seven days upon receipt of Sanction. A member may further exercise a



final appeal opportunity to the National Appeals Committee which would take recommendation(s) to the NEC whose decision shall be final.

7.7.2.2 A member whose contract of employment has been terminated by her or his employer as a result of a labour dispute, or under circumstances which in the opinion of the relevant union structures renders her or his dismissal unfair, shall remain a member of the Union, and such a member shall be exempted from the payment of subscriptions until she or he is re-employed or until such date as the BEC may determine.

7.7.2.3 Membership shall lapse when subscriptions are six months in arrears.

7.8 Code of Discipline (Annexure A)

All members, including Office Bearers, shall be subject to the SADTU Code of Discipline, which shall be determined by the NEC from time to time, and also to any disciplinary processes or sanctions defined in such Code.

7.8.1 If in the opinion of the NEC, an office bearer who serves on the NEC has behaved in a manner which is detrimental to the interest of the union and its members, it may resolve:

7.8.1.1 to remove him or her from office;
or

7.8.1.2 to impose such penalty as it sees fit.



- 7.8.2 When disciplining an office bearer, the NEC must follow the disciplinary code and procedure.
- 7.8.3 The individual concerned may appeal against such decision (which must remain in force until the appeal is determined).

8. PRINCIPLES OF REPRESENTATION

- 8.1 SADTU shall function according to the conventional principles of democratic centralism that SADTU traditionally adhere to. To secure the unity and cohesion of the organisation, members are obliged to defend the union in carrying out its decisions.
 - 8.1.1 All decisions taken by higher structures are binding on all lower structures and individual members.
 - 8.1.2 Members shall have the right to pursue their views internally in the lead up to conferences or congresses with powers under this constitution to determine or reverse SADTU policies.
- 8.2 The Union shall be governed by both direct and representative forms of democracy. Members of the Union shall participate directly in the affairs of the Union at the level of the Site and the Branch and in the election of those who shall be responsible for governing the Union at regional, provincial and national levels.
- 8.3 Proportional representation shall be a guiding principle in determining the number of elected representatives to the following governance meetings:



8.3.1 National Congress

The National Congress shall consist of the National Office Bearers (“NOB’s”), Provincial Office Bearers (“POB’s”), Regional Chairpersons and Secretaries and one Branch delegate per

350 paid-up members or part thereof in the Branch, provided that each Branch shall be entitled to at least one delegate.

8.3.2 National General Council (“NGC”)

The NGC shall consist of the National Office Bearers (“NOB’s”) Provincial Chairpersons and Secretaries, Regional Chairpersons and one additional Regional delegate per 5 000 paid up members or part thereof, provided that each Region shall be entitled to at least one additional delegate.

8.3.3 Provincial Conference

The Provincial Conference shall consist of Provincial Office Bearers (“POB’s”), Regional Office Bearers (“ROB’s”) and one Branch delegate for every 200 paid-up members or part thereof, provided that each Branch shall be entitled to at least one delegate.

8.3.4 Provincial General Council (“PGC”)

The PGC shall consist of the Provincial Office Bearers (“POB’s”), Regional Chairpersons and Secretaries, Branch Chairpersons and one additional Branch delegate per 500 paid-up members or part thereof, provided that each Branch shall be entitled to at least one additional delegate.



8.3.5 Regional Triennial General Meeting ("RTGM")

The Regional Triennial General Meeting shall consist of the Regional Office Bearers ("ROB"s), Branch Office Bearers ("BOB") and one Branch delegate per 100 paid-up members or part thereof, provided that each Branch shall be entitled to at least one delegate.

8.3.6 Branch Triennial General Meeting ('BTGM')

The Branch Triennial General Meeting shall consist of the Branch Office Bearers ("BOB") and all members in the branch.

8.3.7 Site Biennial General Meeting ('SBGM')

The Site Biennial General Meeting shall consist of all members of the Union at the site and shall be convened every two years by the Site Executive Committee (SEC) and shall elect the Site Steward, Site Secretary and Portfolio Coordinator.

9. SITE STRUCTURES

9.1 Demarcation of Sites

For the purposes of this clause a Site refers to the registered scope of the applicable legislation of the employment of members in any other institution where there are members of the Union

9.2 Site Biennial General Meeting

9.2.1 The Site Biennial General Meeting shall consist of all members of the Union at the site and shall be convened every two years by the Site Executive Committee (SEC) and



shall elect the Site Steward, Site Secretary and Portfolio Coordinator.

- 9.2.2 The term of office for the SEC shall be two years.
- 9.2.3 Fifty percent plus one (50% + 1) of the members in the site shall constitute a quorum. If within an hour of the time fixed for SBGM, the meeting is not quorate, the meeting shall stand adjourned. A written notice shall be given of the date, time and venue of the adjourned meeting. In the adjourned meeting members present shall constitute a quorum. Such a meeting should be called within one month.
- 9.2.4 The duty of the Site Biennial General Meeting shall be to elect the Site Steward, Site Secretary and Portfolio Coordinator.

9.3. Site General Meeting

- 9.3.1. The Site General Meeting shall mandate and recall representatives on the SEC.
- 9.3.2. discuss and implement policy and decisions of the Union; and discuss grievances.

9.4 Functions of the Site Executive Committee

- 9.4.1 to recruit members in the Site;
- 9.4.2 to receive and attend to complaints of members concerning their employment and where necessary to report such complaints to the BEC;
- 9.4.3 to communicate the decisions and policies of the Union to members;
- 9.4.4 to report to the BEC and Branch Site Stewards' Council.



10. BRANCH STRUCTURES

10.1 Branches

The PEC of each Province shall have the power to demarcate the Union into Branches within its jurisdiction, provided that there are at least one hundred (100) paid- up members per Branch. The NEC may confer special recognition, due to circumstances, where the branch has fewer than one hundred(100) paid up members

10.2 Branch Triennial General Meeting ("BTGM")

10.2.1 The BTGM of all members of each Branch shall be held on a date fixed by the Branch Executive Committee at which:

- (a) the Branch Executive Committee, comprising of the Chairperson, Deputy Chairperson, Treasurer, Secretary, Deputy Secretary, and Portfolio Convenors, as determined by the National Congress, shall be elected; the outgoing Branch Executive Committee shall present a detailed report of the Branch activities and audited financial statements for the period under review.

10.2.2 Fifty percent plus one (50% + 1) of the members in the branch shall constitute a quorum. If within an hour of the time fixed for BTGM, the meeting is not quorate, the meeting shall stand adjourned. A written notice shall be given of the date, time and venue of the adjourned meeting. In the adjourned meeting members present shall constitute a quorum. Such a meeting should be called within one month



- 10.2.3 The BTGM shall have such powers and duties as may be assigned to it by National structures and shall ratify, amend or reverse any decision of the Site Steward Council Meeting or a Site Biennial General Meeting of a Site within the Branch.
- 10.2.4 The term of office of the BEC shall be three years.

10.3 Branch Mass Meeting (BMM)

- 10.3.1 Branch Mass Meeting of members in a Branch shall be called once every three months by the Secretary in consultation with the Chairperson, acting on her or his own, or on a decision of the Branch Executive Committee, or on the request of at least five(5) sites.
- 10.3.2 A Branch Mass Meeting may only be called on written notice to members of the date, time, place and business of the meeting at least seven days prior to the date of the meeting, provided that shorter notice may be given at the discretion of the Secretary in consultation with the Chairperson in respect of extraordinary meetings.
- 10.3.3 One third ($\frac{1}{3}$) of members in the branch shall constitute a quorum. If within an hour of the time fixed for a meeting the meeting is not quorate, the meeting shall stand adjourned.
- 10.3.4 If any meeting is not quorate an agreed date, time and place shall be decided and written notice be given of the adjourned meeting, and at such a meeting the members present shall constitute a quorum.



- 10.3.5 A Branch Mass Meeting shall have the power to:
- (a) Mandate and recall from office elected officials of the branch subject to fair processes provided for by the constitution.
 - (b) Ratify, amend or reverse any decisions of the Branch Executive Committee and Site Steward Council.
 - (c) Elect delegates and formulate resolutions for submission to the National Congress, National General Council, Provincial Conference, Provincial General Council and Regional Triennial General Meeting.
 - (d) Discuss and implement policies and decisions of the Union.

10.4 Site Steward Council ("SSC")

- 10.4.1 The SSC shall comprise of the BEC, Site Secretary and one Site Steward per Site.
- 10.4.2 Meetings of the SSC shall take place on dates and at times fixed by the Secretary in consultation with the Chairperson, or insofar as practicable, in conjunction with other members of the BEC. Members of the SSC shall be notified in writing of the date, time, place and business of the meeting. Meetings shall be held at least once every three months.
- 10.4.3 A majority of sites present shall constitute a quorum. If within half an hour of the time fixed for a meeting, the meeting is not quorate, the meeting shall stand adjourned to an agreed date, time and place. A written



notice of the adjourned meeting shall be given to all. At the adjourned meeting, sites present shall constitute a quorum.

10.4.4 The functions and powers of the SSC in a Branch shall include:

- (a) admitting or declining applications for membership and reviewing the state of membership generally;
- (b) disciplining members including the suspension or expulsion of members for conduct detrimental to the interests of the Union and its members;
- (c) ratifying, amending or reversing any decision of the BEC or BGM;
- (d) attending to the grievances of members and disputes that might arise both amongst members and with the educational authorities;
- (e) reporting to members on the policies, decisions and activities of the Union;
- (f) giving effect to the policies and decisions adopted by the Union at regional, provincial and national level;
- (g) ensuring compliance by members with the aims and objects of this Constitution; and
- (h) electing delegates and formulating resolutions for submission to a National Congress, Provincial Conference, Provincial General Council and Regional Triennial General Meeting or Branch General Meeting.
- (i) to adjudicate on the financial statement of the Branch.



10.5 Branch Executive Committee ("BEC")

- 10.5.1 The BEC shall administer the affairs of the Branch and shall meet at least once every month.
- 10.5.2 The BEC shall be responsible for the supervision and coordination of the activities of SEC's in the Branch through the SSC;
- 10.5.3 Meetings of the BEC shall take place on dates and at times fixed by the Secretary in conjunction with the Chairperson. Members of the BEC shall be notified in writing of the date, time, place and business of the meeting.
- 10.5.4 A majority of BEC members shall constitute a quorum. If within half an hour of the time fixed for a meeting, the meeting is not quorate, the meeting shall stand adjourned to an agreed date, time and place. A written notice of the adjourned meeting shall be given to all members of the BEC.

10.6 The duties of the Branch Executive Committee members shall be:

10.6.1 Chairperson

The Chairperson shall preside at all meetings of the Branch at which she or he is present, enforce observance of the Constitution, sign minutes of meetings after confirmation thereof, represent the Branch on the Regional Executive Committee ("REC") and Provincial General Council ("PGC") meetings and perform such other duties imposed by decisions of the Union.



10.6.2 Deputy Chairperson

The Deputy Chairperson shall perform such functions of the Chairperson as the Chairperson may either temporarily or permanently be unable to perform and any other duties imposed by decisions of the Union.

10.6.3 Secretary

The Secretary shall, in consultation with the Chairperson, issue notices convening meetings of the Branch, conduct all Union correspondence, keep originals of letters received and copies of those dispatched and at each meeting of the BEC table the correspondence since the last meeting of the Committee. She or he shall further attend all meetings of the Branch, record the minutes and perform such duties imposed by decisions of the Union. The Secretary shall take the necessary steps to ensure that a register of members is maintained, and in conjunction with the Treasurer she or he shall ensure that a proper set of books of account are kept to be made available for auditing purposes and submit quarterly financial statements to meetings of the BEC and SSC.

10.6.4 Deputy Secretary

The Deputy Secretary shall assist the Secretary in the execution of her or his duties and perform such other duties imposed by decisions of the Union.

10.6.5 Treasurer

The Treasurer shall be in charge of all monies and assets of the Branch, sign all cheques



drawn on behalf of the Branch, cause official receipts for all monies received to be issued and perform such other duties imposed by decisions of the Union. In conjunction with the Secretary she or he shall ensure that a proper set of books of account are kept to be made available for auditing purposes and submit quarterly financial statements to meetings of the BEC and SSC.

10.6.6 Portfolio Convenors

Portfolios shall be determined by the National Congress and the duties of the Convenors shall be determined and be listed by the National Executive Committee (NEC).

10.7 Office Bearers shall vacate their positions during their term of office

If they cease to be members, if they are not in good standing or if they are recalled by a general meeting of members of the Branch. Office Bearers who are full-time employees of the Union shall cease to hold office if they have been dismissed or are removed from office by a general meeting of members of the Branch and their employment with the Union shall be terminated within a period of three months.

11. REGIONAL STRUCTURES

11.1 Demarcation of Regions

Regions may be established in any area demarcated by the PEC, in consultation with the NEC, provided that there shall be not less than two and not more than eight Regions in a Province.



11.2 Regional Triennial General Meeting (“RTGM”)

- 11.2.1 The Regional Triennial General Meeting (“RTGM”) shall consist of the Regional Office Bearers (“ROB’s”), Branch Executive Committees and one Branch delegate per 100 paid-up members or part thereof.
- 11.2.2 The Regional TGM shall have such powers and duties as may be assigned to it by National and Provincial structures and shall include:
- (a) The election of ROB’s, namely the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and Portfolio Convenors as determined by the National Congress.
 - (b) The adoption of a detailed report of the Region’s activities and audited financial statements for the period under review.
 - (c) The ratification, amendment or reversal of any decision of the Regional Executive Committee or a Triennial General Meeting of a Branch within the Region.
- 11.2.3 The Regional Triennial General Meeting (“RTGM”) shall meet at least once every 3 years and shall be convened by the Regional Executive Committee on written notice to all branches.
- 11.2.4 The quorum for this general meeting shall be a majority (50% plus 1) of voting delegates present.



11.3 Regional Executive Committee ("REC")

- 11.3.1 The REC shall consist of the Regional Office Bearers and Chairpersons and Secretaries of Branches.
- 11.3.2 The REC shall meet at least once every three months. Meetings of the REC shall take place on dates and at times fixed by the Secretary in consultation with the Chairperson; or at the request of branches.
- 11.3.3 A majority of Branches present shall constitute a quorum. If within one hour there is no quorum, the meeting stands adjourned to an agreed date, time and place. A written notice of the adjourned meeting shall be given to all members of the REC.
- 11.3.4 The REC shall have the following powers and functions:
- (a) The management of the affairs of the Region.
 - (b) The supervision and co-ordination of Branches in the Region.
 - (c) The implementation of programmes and decisions of the Union in the Region.
 - (d) The submission of reports of all matters raised at its meetings to the Branches in the Region and the Provincial structure.

11.4 Regional Office Bearers

The ROBs shall:

- a. Carry out decisions and instructions of the REC to which it shall be accountable,



- b. Meet bi-monthly and/or when the need arises; and
- c. Ensure that branches are functional

11.5 The duties of the Regional Office Bearers shall be:

11.5.1 Chairperson

The Chairperson shall preside at all meetings of the Region at which she or he is present, enforce observance of the Constitution, sign minutes of meetings after confirmation thereof, represent the Region on the Provincial Executive Committee ("PEC"), Provincial General Council (PGC), National General Council ("NGC") and National Congress (NC) meetings and perform such other duties imposed by decisions of the Union.

11.5.2 Deputy Chairperson

The Deputy Chairperson shall perform such functions of the Chairperson as the Chairperson may either temporarily or permanently be unable to perform and any other duties imposed by decisions of the Union.

11.5.3 Secretary

The Secretary shall, in consultation with the Chairperson, issue notices convening meetings of the Region, conduct all Union correspondence, keep originals of letters received and copies of those dispatched and at each meeting of the REC table the correspondence since the last meeting of the Committee. She or he shall further attend all meetings of the Region, record



the minutes and perform such duties imposed by decisions of the Union. The Secretary shall in conjunction with the Treasurer ensure that a proper set of books of account are kept to be made available for auditing purposes and submit quarterly financial statements to meetings of the REC.

11.5.4 Deputy Secretary

The Deputy Secretary shall assist the Secretary in the execution of her or his duties and perform such other duties imposed by decisions of the Union.

11.5.5 Treasurer

The Treasurer shall be in charge of all monies and assets of the Region, sign all cheques drawn on behalf of the Region, cause official receipts for all monies received to be issued and perform such other duties imposed by decisions of the Union. In conjunction with the Secretary she or he shall ensure that a proper set of books of account are kept to be made available for auditing purposes and submit quarterly financial statements to meetings of the REC.

11.5.6 Portfolio Convenors

Portfolios shall be determined by the National Congress and the duties of the Convenors shall be determined and be listed by the National Executive Committee (NEC).



12. PROVINCIAL STRUCTURES

12.1 Demarcation of Provinces

A Province may be established in any area demarcated by the National Executive Committee (“NEC”).

12.2 Provincial Conference

12.2.1 The Provincial Conference shall consist of Provincial Office Bearers (“POB’s”), Regional Office Bearers (“ROB’s”) and one Branch delegate for every 200 paid-up members or part thereof, provided that each Branch shall be entitled to at least one delegate.

12.2.2 The Provincial Conference shall meet at least once every four years and shall be convened by the Provincial Executive Committee on written notice to all Branches and Regions of the date, time, place and business of the Conference.

12.2.3 The Provincial Conference shall have the powers and duties as may be assigned to it by the National structures and shall include:

- (a) The election of POB’s, namely the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and Portfolio Convenors as determined by the National Congress.
- (b) The supervision and co-ordination of the Branches and Regions in the Province.
- (c) The ratification, amendment or reversal of any decision of the Provincial General Council, Provincial



Executive Committee and Regional
Triennial General Meeting.

- (d) The formulation of policies and programmes of action for the Province.
- (e) The implementation of decisions of the National Congress, National General Council and National Executive Committee of the Union;
- (f) The management of the affairs of the Province between meetings of the Provincial Conference shall be vested in the Provincial General Council and the Provincial Executive Committee.

12.3 Provincial General Council (“PGC”)

- 12.3.1 The PGC shall consist of the Provincial Office Bearers, Regional Chairpersons and Secretaries, Branch Chairpersons and one additional Branch delegate per 500 paid-up members or part thereof, provided that each Branch shall be entitled to at least one additional delegate.
- 12.3.2 The PGC shall meet once during the four year term of office and shall be convened by the PEC
- 12.3.3 The PGC shall ratify decisions of the PEC and adopt policy issues of major importance in between Provincial Conferences.
- 12.3.4 A majority of Branches present shall constitute a quorum. In the event that there is no quorum within one hour of the time fixed for the meeting, the meeting shall stand adjourned to an agreed date, time and place. A written notice of the adjourned meeting shall be given to all Branches.



12.4 Provincial Executive Committee (“PEC”)

- 12.4.1 The PEC shall consist of the Provincial Office Bearers and Chairperson and Secretary of each Region. The majority of PEC members shall constitute a quorum provided that at least 50% of the regions shall be present
- 12.4.2 The PEC shall meet at least once every three months and its functions shall include:
- (a) the management of the Province;
 - (b) the supervision and co-ordination of the Regions and Branches in the Province;
 - (c) the submission of reports on all matters raised at its meetings to the Regions in the Province and the National Executive Committee;
 - (d) the implementation of decisions of the National Congress, National General Council, National Executive Committee, Provincial Conference and Provincial General Council.

12.5 Provincial Working Committee (“PWC”)

- 12.5.1 The Provincial Office Bearers shall be the working committee with specific and limited decision making powers.
- 12.5.2 The PWC shall:
- (a) carry out decisions and instructions of the PEC to which it shall be accountable,
 - (b) meet at least once a month; and
 - (c) ensure that Regions and Branches are functional.



12.6. The duties of the Provincial Office Bearers shall be:

12.6.1 Chairperson

The Chairperson shall preside at all meetings of the Province at which she or he is present, enforce observance of the Constitution, sign minutes of meetings after confirmation thereof, represent the Province on the National Executive Committee ("NEC"), National General Council ("NGC") and National Congress ("NC") meetings and perform such other duties imposed by decisions of the Union.

12.6.2 Deputy Chairperson

The Deputy Chairperson shall perform such functions of the Chairperson as the Chairperson may either temporarily or permanently be unable to perform and any other duties imposed by decisions of the Union.

12.6.3 Secretary

The Secretary shall, in consultation with the Chairperson, issue notices convening meetings of the Province, conduct all Union correspondence, keep originals of letters received and copies of those dispatched, table correspondence at meetings of the PEC. She or he shall further attend all meetings of the Province, record the minutes and perform such duties imposed by decisions of the Union. The Secretary shall in conjunction with the Treasurer ensure that the funds of the Union are administered and managed in accordance with the financial policy and present



financial statements at each ordinary meeting of the PEC.

12.6.4 Deputy Secretary

The Deputy Secretary shall assist the Secretary in the execution of her or his duties and perform such other duties imposed by decisions of the Union.

12.6.5 Treasurer

The Treasurer shall be in charge of all monies and assets of the Province, sign all cheques drawn on behalf of the Province, audit the membership of the Province, supervise the financial affairs of the Province, monitor the financial affairs of the Branches and Regions and perform such other duties imposed by decisions of the Union. In conjunction with the Secretary she or he shall ensure that funds are administered and managed in accordance with the financial policy of the Union and present financial statements at each ordinary meeting of the PEC. The duty to manage and supervise the financial affairs of the Province is a duty of the National Treasurer delegated to the Provincial Treasurer. Such delegation may be removed at any time by the NEC.

12.6.6 Portfolio Convenors

Portfolios shall be determined by the National Congress and the duties of the Convenors shall be determined and be listed by the National Executive Committee (NEC).



13. NATIONAL STRUCTURES

13.1 National Congress

- 13.1.1 The National Congress shall be the supreme governing body of the Union and shall meet at least once every five years.
- 13.1.2 The National Congress shall consist of the National Office Bearers, Provincial Office Bearers, Regional Chairpersons and Secretaries and one Branch delegate per 350 paid-up members or part thereof in the Branch, provided that each Branch shall be entitled to at least one delegate.
- 13.1.3 The National Congress shall be convened by the National Executive Committee on written notice to the Provinces, Regions and Branches of the date, time, place and business of the Congress.
- 13.1.4 A majority of delegates shall constitute a quorum. In the event that there is no quorum within two hours of the time fixed for the congress, the meeting shall stand adjourned to an agreed date, time and place. At such adjourned meeting the delegates present shall constitute a quorum. A written notice of the adjourned congress shall be given to all Provinces, Regions and Branches.
- 13.1.5 The National Congress shall adopt policies by means of resolutions in furtherance of the aims and objects of the Union and will consider and decide upon:
- (a) confirmation of the agenda;
 - (b) credentials of delegates;



- (c) amendments to the constitution, codes of ethics, codes of discipline and standing rules;
- (d) reports from the National General Council, National Executive Committee and National Office Bearers;
- (e) financial reports including the auditors' reports; resolutions;
- (f) election of National Office Bearers;
- (g) establishment of portfolios as formal structures of the Union; and
- (h) any other matter entrusted to it under this Constitution or which is in the interest of the Union.

13.2 National General Council ("NGC")

13.2.1 The National General Council shall consist of the National Office Bearers, Provincial Chairpersons and Secretaries, Regional Chairpersons and one additional Regional delegate per 5 000 paid-up members or part thereof, provided that each Region shall be entitled to at least one additional delegate.

13.2.2 The National General Council shall meet at least once during the five years and its functions shall include:

- (a) the ratification of decisions of the National Executive Committee; and
- (b) the adoption of policy issues of major importance in between National Congresses.

13.2.3 The National General Council shall be convened by the National Executive Committee on written notice to the



Provinces, Regions and Branches of the date, time, place and business of the Council.

- 13.2.4 The majority (50% plus 1) of voting delegates shall constitute a quorum. In the event that there is no quorum within two hours of the time fixed for the council, the meeting shall stand adjourned to an agreed date, time and place. At such adjourned meeting, the delegates present shall constitute a quorum. A written notice of the adjourned Council shall be given to all Provinces, Regions and Branches.

13.3 National Executive Committee (“NEC”)

- 13.3.1 The management of the affairs of the Union shall vest in the NEC.
- 13.3.2 The composition Of the NEC shall be the National Office Bearers and the Chairperson and Secretary of each Province.
- 13.3.3 The NEC shall meet at least once every three months on a date to be fixed by the General Secretary in consultation with the President.

Meetings of the NEC shall be convened on written notice of the date, time, place and business of the meeting. A majority of Provinces present shall constitute a quorum. If within one hour there is no quorum, the meeting stands adjourned to an agreed date, time and place. A written notice of the adjourned meeting shall be given to all Provinces. If at least three Provinces deem it necessary to call an emergency meeting of the NEC, then they have a right to request that such meeting be convened at the earliest possible date.



- 13.3.4 Subject to the provisions of this Constitution, the NEC shall have the power to:
- (a) suspend, discipline and dismiss any employees or member of the Union including the General Secretary and to determine their remuneration and to define their duties;
 - (b) appoint sub-committees for the purpose of investigating, reporting or administering any structure of the union or duty referred or delegated to it by the NEC, and to dissolve such sub-committees
 - (c) determine any matters of procedure relating to the administration of the affairs of any structure placed under administration.
 - (d) review the decisions of the Provincial Conferences, Provincial General Councils, Provincial Executive Committees, Regional Triennial General Meeting, Regional Executive Committees and Branch Meetings and to confirm or reverse such decisions;
 - (e) execute Union policies and programmes as decided by the National
 - (f) institute or defend legal proceedings by or against the Union or individual members in relation to their employment or in furtherance of any of the aims and objects of the Union provided that it is not inconsistent with any matter specifically provided for in this Constitution;



- (g) on request, authorise any Province, Region or Branch so requesting to institute or defend legal proceedings by or on behalf of or against the union or against or individual member in relation to their employment or in furtherance of any of the aims and objects of the union provided that it is not inconsistent with any matter specifically provided for in this Constitution;
- (h) acquire by purchase, lease or otherwise any moveable and immovable property and to hold the same on behalf of the Union and to sell, mortgage or otherwise deal with or dispose of any moveable or immovable assets of the Union provided that no immovable property shall be acquired, sold, mortgaged, let or leased for a period of longer than five years unless four weeks' written notice of intention to do so has been given to each Province, Region and Branch of the Union;
- (i) operate banking accounts on behalf of the Union, to control the funds and finances of the Union and to allocate funds to Provinces, Regions and Branches;
- (j) establish or close down Provinces and to define the areas of jurisdiction of Provinces;
- (k) dissolve or suspend PEC, REC or BEC for action contrary to the terms of this constitution or to the policies or decisions of the National Congress, NGC or NEC;



- (l) to place any PEC, REC, or BEC under administration of which include amongst others, taking over the management or administration or financial affairs of the Province, Region or Branch until such other Committees are elected or purpose for which the structure was placed under administration is completed;
- (m) decide on all matters of procedure on which this Constitution is silent;
- (n) assess and determine the status of Office Bearers and the need for full time officials at all levels of the Union;
- (o) appoint acting Office Bearers should any of the persons not be able to carry out their functions;
- (p) make or repeal the standing rules of the Union provided that it is not inconsistent with this Constitution;
- (q) take such other decisions and actions as may in the opinion of the NEC be in the interest of the Union and which are consistent with the objects and any matter specifically provided for in this Constitution; and
- (r) a majority of Provinces present shall constitute a quorum. In the event that there is no quorum within one hour of the time fixed for the meeting, the meeting shall stand adjourned to an agreed date, time and place. A written notice of the adjourned meeting shall be given to all Provinces.



13.4 National Working Committee ("NWC")

- 1.3.1 The National Office Bearers shall be the working committee of the Union with specific and limited decision making powers.
- 1.3.2 The National Working Committee shall:
- (a) carry out decisions and instructions of the National Congress, NGC and NEC;
 - (b) ensure that Provinces, Regions and Branches are functional; and
 - (c) submit a report to each meeting of the NEC.
 - (d) Shall meet at least once every month
 - (e) The majority of the members present shall form a quorum.

13.5 The duties of the National Office Bearers shall be:

13.5.1 President

The President shall preside at the National Congress, meetings of the NGC and NEC at which she or he is present, enforce observance of the Constitution and policies of the Union, sign minutes of meetings after confirmation thereof, represent the Union, and perform such other duties imposed by decisions of the Union.

13.5.2 Deputy President

The Deputy President shall perform such functions of the President as the President may either temporarily or permanently be unable to perform and any other duties imposed by decisions of the Union.



13.5.3 General Secretary

The General Secretary shall, in consultation with the President, issue notices convening national meetings of the Union, conduct all Union correspondence, keep originals of letters received and copies of letters dispatched and table correspondence at meetings of the NEC. She or he shall further attend all national meetings of the Union, record the minutes, in conjunction with the Treasurer ensure that the funds of the Union are administered and managed in accordance with the financial policy, prepare and circulate the annual report of the activities of the Union which will include the audited financial statements, supervision of persons employed by the Union and perform such duties imposed by decisions of the Union.

13.5.3.1 to submit financial reports to the National Congress;

13.5.3.2 to ensure proper books of accounts are kept and that they are audited annually;

13.5.3.3 to ensure in general that all legal requirements and controls in respect of the financial matters are adhered to.

13.5.4 Deputy General Secretary

The Deputy General Secretary shall assist the General Secretary in the execution of her or his duties and perform such other duties imposed by decisions of the Union.



13.5.5 Treasurer

The Treasurer shall be responsible for the supervision of the financial affairs of the Union and perform such other duties imposed by decisions of the Union. In conjunction with the Secretary she or he shall ensure that funds are administered and managed in accordance with the financial policy of the Union. The duty to manage and supervise the finances of the province may be delegated to the province.

13.5.5 Vice Presidents

The Vice Presidents shall perform such duties as the National Executive Committee or National General Council may impose.

- 13.6. Office Bearers shall vacate their positions during their term of office if they cease to be members or if they are not in good standing. This will apply to all levels and structures of the Union.

14. **BALLOTS**

14.1 **Ballots about a strike**

- 14.1. Despite any other provision in this Constitution-

14.1.1 a strike may only be called in terms of this Constitution after a secret ballot has been conducted of those members in respect of whom the strike is called;

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

14.1.2.1 a secret ballot was not held about the strike;



14.1.2.2 a secret ballot was held, but a majority of the members who voted did not vote in favour of the strike.

14.2 Strike ballot safekeeping

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

14.3 General Ballot Procedure

The following is the ballot procedure:

- 14.3.1 the relevant committee or meeting must appoint at least two scrutineers who may not be members of the Union. The scrutineers must supervise the ballots being counted;
- 14.3.2 each voter shall, in the presence of the scrutineer, be issued with a ballot paper which clearly describes the issue and makes it impossible to identify the voter;
- 14.3.3 the voter shall make her or his mark in secret and shall deposit the ballot paper in a ballot box;
- 14.3.4 the chairperson presiding over the session shall inform the meeting or committee;
- 14.3.5 the body of the Union conducting the ballot must act on the results of the decision of the majority voting in the ballot subject to the provisions of this constitution and the decisions of National Congress or National General Council;
- 14.3.6 the Provincial Secretary must keep branch and regional ballot papers as well as the voters roll and the General Secretary must keep national ballots and the voters roll. These ballot papers must be kept for three years.



15. PROCEDURES FOR ELECTIONS

15.1 Elections Under Normal Elective Requirements and Circumstances Elections of office bearers in all structures of the Union shall be held as follows:

15.1.1 Leadership Requirements

All members of the union in good standing shall have the right to stand for any leadership position within the union provided that they have served the union as a member/leader for the following specified period:

- (a) In terms of the SEC one year
- (b) In terms of the BEC one term in the Site Executive Committee provided a full term of office is served.
- (c) In terms of the ROB one term in the BEC provided a full term of office is served.
- (d) In terms of PWC one term as an ROB provided a full term of office is served.
- (e) In terms of the NWC one term as POB provided a full term of office is served.

15.1.2 Candidate Nomination

15.1.2.1 Opening and Closure of Candidate Nominations

- (a) In accordance with SADTU constitution, the nomination of candidates shall be by the relevant structures (members in the case of site elections) present at the respective election



- (b) Nominations shall be opened on dates and times determined by the relevant structural Executive Committee. The electing structure shall be entitled to close the nominations.
- (c) Only members in good standing may be nominated
- (d) Any member under suspension may not be nominated until the suspension is lifted by the authorized structure of the union

15.1.2.2 Nomination Screening and Validation

- (a) On closure of nominations, the electoral officer will screen all received forms in order to test their validity. A nomination shall be deemed invalid unless-
 - i. the nominee has indicated his/her acceptance of nomination by completing the relevant section of the nomination form; or the nominee has submitted a letter indicating acceptance of nomination.
 - ii. the nomination form has been duly signed by the authorized or designated office bearer in that structure; or duly signed



by a member in the case of a site.

iii. the nomination form has been duly submitted at the place and within the time prescribed.

- (b) A structure cannot nominate or second two different candidates for the same position.
- (c) The Electoral officer upon presentation of the nomination audit report shall proceed to give an opportunity to those validly nominated, who otherwise have reconsidered their nominations to withdraw, and the Conference to open nominations if the 50/50 Gender Policy has not been complied with.

15.1.3 Electoral Officers

Electoral Officers will be the following:

- (a) At site will be member/s of the BEC
- (b) At Branch will be the ROB's
- (c) At Region will be the POB's
- (d) At Province will be NOB's or an independent agency
- (e) At National will be an independent agency



15.1.4 Voting Method

- a) The prescribed method of voting for all office bearers at all structures shall be via a secret ballot paper
- b) The election shall be conducted on the basis of the first-past-the-post system (FPTP) in which, a voter shall be issued with a ballot paper.
- c) In terms of the above methodology, a candidate who receives the highest number of votes shall be declared the winner of the election or elected to that position.
- d) A ballot shall be declared invalid and not included in the determination of the election results if
 - (i) it has the voter identity,
 - (ii) it has more than the required number of marks
 - (iii) or if it has been marked in such a way that it is impossible to determine the voter's preference;
 - (iv) or if the ballot is not the official ballot paper issued by the Electoral Officer.

15.1.5 Voting Procedures

- a) On completion of the nomination process the Electoral Officer shall prepare ballot paper/s. A number of contested positions may appear on one ballot paper. Names on the ballot paper shall be arranged in alphabetical order.



- b) Voting shall be by secret ballot and subject to c) below, conducted simultaneously for all positions.
- c) In the event, where one candidate contests more than one position, different rounds of voting shall be conducted starting with the position appearing first on the constitution.

15.1.5.1 Voting will be conducted according to the following procedures:

- (a) In the Regional Triennial General Meeting (RTGM), Provincial General Council (PGC), Provincial Conference, National General Council (NGC) and National Congress, the voter shall be required to produce his/her Voting Identity Card/ Name Tag to the Electoral Officer. In the Site, Branch and REC members shall use their valid Identity Documents and/or valid temporary ID or valid other acceptable identification documentation for elections.
- (b) His/her name shall be checked against the voter's register and when found; crossed off to ensure that the voter does not vote again;



- (c) Subject to 15.1.3 (c) above, voting for all positions shall be conducted concurrently. This means that, a voter shall be issued with ballot papers for all contested positions;
- (d) If a voter claims that s/he has spoiled his/ her ballot paper prior to it being lodged into the ballot box, the Electoral Officer shall issue him/her with a replacement ballot paper.

15.1.6 Credentials List

- a) To ensure that only the authentic voters participate in the elections, a list of all delegates accredited to vote shall be compiled into a credentials list. The relevant structure's Executive Committee shall be responsible for the compilation of such a list.
- b) The Structural Executive Committee shall hand the credentials list over to the Electoral officer once the Conference or relevant structure has adopted it.

15.1.7 Counting Procedures

15.1.7.1 Reconciliation

- a) Votes shall be counted as soon as voting has been completed.



- b) Once the count has been completed, the Electoral Officer completes the results form, which records the number of spoilt ballots, abstentions and total number of votes cast per candidate.

15.1.7.2 Recounts

- a) The Electoral officer may decide to conduct a recount at any time before the declaration of the result.
- b) The Electoral Officer shall conduct a recount on receiving a written request from an observer before the declaration of the result. Requests for a recount must be supported with reasons.

15.1.7.3 Declaration of the Result

- a) The Electoral Officer shall declare the result to the electing meeting as soon as possible after counting has been completed.

15.1.8 Election Observers

- a) The election meeting shall appoint observers who shall in turn be entitled to witness the voting and the counting process.
- b) All observers however are subject to the authority of the Electoral Officer. During the elections no one, unless authorized by the Electoral Officer,



is allowed to touch ballot papers, or any other election materials. No information that may compromise the secrecy of the ballot may be disclosed.

15.1.9 Electoral Complaints

- a) The approval by the Election Observers of the election process is crucial to its integrity. To this end, approval will not be sought at the tail end but on completion of different phases of the election. Observers shall therefore be encouraged to bring complaints forward as they occur in order that the complaints may be acted upon timeously.
- b) All complaints shall be dealt with by means of consensus. Should this fail however; the aggrieved parties shall be entitled to lodge a formal objection to a higher structure within 30 days as at the date of the election.
- c) Written objections shall be registered with the Electoral Officer as soon as possible, before the final declaration of the results, by a candidate, observer or any ten voters. The grounds for such an application must be clearly explained.
- d) Upon receipt of such an objection, the Electoral Officer shall convene a meeting of the outgoing Office Bearers who are not candidates to the election together with the election observers. The decision of this meeting shall be final subject to approval by the Conference or relevant structure.



- e) During this process of objection and complaint the Ballot Box must be sealed and be kept in the safe place by the Provincial Secretary or relevant Secretary of the Structure.
- f) When the dispute or objection is lodged with the NEC, the NEC shall determine the procedure to be followed in resolving the dispute and may take any action as may in the opinion of the NEC be in the interest of the union pending the finalisation of the dispute.

15.2 Elections under Special Circumstances: Bi – Elections

- 15.2.1 Bi – Elections may be conducted in (NGC, PGC, REC and Branch Mass Meetings) of the Union to elect an office bearer outside the usual term of office where an office bearer:
 - (a) Dies or resigns
 - (b) Is dismissed from the Union
 - (c) Has failed to attend 3 consecutive meetings of the Executive or any other constitutional structure that s\he is obliged to attend without a written apology or valid reason
 - (d) When s\he is no longer an educator in the site, branch, region and province
- 15.2.2 NEC and PEC should be mandated to fill any vacant position in the NWC and PWC.
- 15.2.3 Bi-Elections should be conducted in the following way in the different/relevant structures:
 - i. Site meetings shall conduct bi-elections in the presence of member/s of the BEC



- ii. The Branch Mass Meeting shall conduct bi-elections in the presence of ROB's
- iii. Regional Executive Committee shall conduct bi-elections in the presence of Provincial Office Bearers
- iv. Provincial General Council shall conduct bi-elections in the presence of a National Office Bearer and may be managed by independent electoral officers appointed by the PEC.
- v. The National General Council shall conduct bi-elections and must be managed by independent agency/electoral officers appointed by the NEC.

15.2.4 Procedures for bi-elections:

In all cases where bi-elections shall be conducted the following procedure must apply:

- (a) The Secretary or any person mandated by the Executive at the relevant structure where the position or office exists, shall notify structures in writing of the existence of that position/office being available and reasons that such position/office has become available
- (b) The above official shall issue a notice to all structures for the nomination of candidates and the closing date for receipt of nominations
- (c) The official of the structure higher than the structure where the position/office exists or an independent observer appointed in the case of the Provincial or National structure, shall be responsible to



handle all the nomination forms until the elections have been completed

- (d) Vacancies emanating from such bi-elections to be filled at the same meeting.

16. FINANCES

- 16.1 All subscriptions and levies from members or any other funds payable to the Union shall be remitted to the General Secretary and shall be deposited to its credit within three days of receipt thereof.
- 16.2 One or more bank accounts shall be operated by the Union with such approved financial institution as the National Executive Committee may from time to time decide upon and all such accounts shall be in the name of the, 'South African Democratic Teachers' Union"
- 16.3 The National Executive Committee shall from time to time direct that monies not required for immediate use be invested with approved financial institutions.
- 16.4 The signatories to the National Account shall be the President, Treasurer, General Secretary and two members of the National Executive Committee appointed for that purpose by the National Executive Committee, any three of whom shall jointly sign cheques. The signatories to the other accounts of the Union shall be decided upon by the National Executive Committee who may delegate such power to the Provincial, Regional and Branch Executive committees of the Union. All payments shall be made in accordance with the financial policy which will be adopted by the NEC from time to time in line with the constitution.
- 16.5 In the event of any one or more signatories being unable or more signatories being unable or unwilling to be a signatory to such cheques, the National



- Executive Committee may appoint such other signatories as it deems suitable.
- 16.6 Monthly allocations to Provinces, Regions and Branches shall be made on the account authorisation of three signatories to the National Congress shall determine the proportional basis according to which allocations are to be made. The National Executive Committee shall decide on any appropriate measures to be taken in the event of failure by a Province, Region or Branch to account for funds allocated.
 - 16.7 The Treasurer shall submit to the National Executive Committee at each ordinary meeting a detailed report on financial affairs of the Union.
 - 16.8 The books of the Union shall be audited at least once a year by certified auditors approved by the National Executive Committee.
 - 16.9 The financial year of the Union shall commence on 1 January and end on 31 December of each year.
 - 16.10 All funds of the Union shall be managed according to the financial Policy stipulated in the Finance Manual and determined by the National Executive Committee from time to time.
 - 16.11 True copies of the consolidated audited accounts of the Union together with the auditors' report shall be made available to all members of the Union at all offices of the Union.
 - 16.12 The National Executive Committee may at any time with a view to securing funds for any particular lawful purpose contemplated by the Constitution impose a levy provided that not less than fourteen days notice of the proposed levy has been given to all Provinces, Regions and Branches; provided further that any Provincial Conference may demand that a ballot of members of the Union be taken on the subject. The purpose of the levy shall be clearly set out in the



notice as well as the period of operation of such levy. Such levies may differentiate on the basis of earnings and may be either fixed amounts or a percentage of earnings. Under no circumstances shall the amount of the levy exceed two and a half percent of any member's earnings for any calendar year and shall not apply for more than one year.

- 16.13 No Profits or gains of the Union will be distributed to any person and the funds of the Union shall be utilised solely for the attainment of the objectives for which the Union was established.

17. INDEMNIFICATION OF OFFICIALS, OFFICE BEARERS AND COMMITTEE MEMBERS

The Officials, Office Bearers and Committee members of the Union, provided that they have not acted in a manner which would constitute misconduct, shall be indemnified by the Union against all proceedings, costs and expenses incurred by reason of the performance of their duties on behalf of the Union and their liability shall be limited to the amount of their subscription outstanding or other monies due to the Union at any time.

18. AMALGAMATION

- 18.1 If any association or union with the same or similar scope of this Union intends to dissolve with a view to its members joining and its unexpended funds being transferred to the Union, then notwithstanding anything to the contrary contained in this Constitution, the members of the dissolving association or union shall be automatically admitted to full membership of the Union on the date of dissolution provided that the provisions of this clause shall cease to apply in respect of any member of the dissolving association or union



who within three months of the aforementioned date notifies the Union in writing that she or he does not wish to be a member. This clause in no way restricts a member of the dissolved association or union terminating her or his membership of the Union at any time in terms of clause 7.7 of this Constitution.

- 18.2 The National General Council shall have the power to conclude an agreement to amalgamate with any association or union whose scope of membership is the same or similar to the Union.

19. DISSOLUTION

- 19.1 The Union may be dissolved by resolution of the National Congress in which a majority of at least two-thirds have voted in favour.
- 19.2 In the event of the resolution being adopted as provided by the National Congress or the remaining members of the National Executive Committee shall appoint a liquidator to wind up the affairs of the Union. The liquidator shall not be a member of the Union.
- 19.3 The liquidator shall take the necessary steps to liquidate the debts of The Union from its unexpended funds and any other monies realised from any assets of the Union. The liquidator's fees and expenses shall rank in order of preference as though the expenses were the cost of a sequestration of an insolvent estate.
- 19.4 After payment of all debts the remaining fund, if any, shall be transferred to another non-profit, tax-exempt organisation(s) with objects similar to the Union as the National Congress may decide.
- 19.5 The available members of the Union's last appointed



National Executive Committee shall ensure that the provisions of section 103 of the Labour Relations Act No. 66 of 1995, as amended, are complied with in the winding up of the Union.

20. AMENDMENTS

- 20.1 The Provisions of this Constitution may be repealed, amended or added to or new Provisions inserted by a resolution passed by two-thirds majority at a meeting of the National Congress at which a majority of the representatives are present, provided that notice of the proposed amendment shall have been given to the General Secretary and circulated to all Branch Executive Committees, Regional Executive Committees and Provincial Executive Committees of the Union at least four weeks before the meeting of the National Congress.
- 20.2 No changes or additions shall have any force or effect until certified in terms of section 101 (3) of the Labour Relations Act No. 66 of 1995, as amended

21. INTERPRETATION

- 21.1 Any matter not provided for in this Constitution shall be dealt with by the National Executive Committee and in the event of any doubt or dispute as to the meaning or interpretation of any phrase, clause, term or expression used in this Constitution, the resolution of the National Congress or National General Council, the interpretation thereof shall be made by the National Executive Committee and its decision shall be final.
- 21.2 In the event that there is a conflict between decisions taken by the different representative structures of the Union, decisions of the more representative structures shall take precedence. The order of



precedence nationally, in each Province, Region and in each Branch shall be:

National Congress

National General Council

National Executive Committee

National Working Committee Provincial Conference

Provincial General Council

Provincial Executive Committee

Provincial Working Committee

Regional Triennial General Meeting

Regional Executive Committee

Branch Triennial General Meeting

Branch Mass Meeting

Site Stewards Council

Branch Executive Committee

Site Biennial General Meeting

Site General Meeting

Site Executive Committee

21.3 Unless the context indicates otherwise, the following words and phrases shall mean:

21.3.1 "member" shall mean a fully paid-up member of the Union;

21.3.2 "paid-up member" shall mean a full



- member whose subscriptions and levies are not in arrears;
- 21.3.3 "Site" shall mean any educational institution of learning where members are employed;
- 21.3.4 "Union" means the South African Democratic Teachers' Union;
- 21.3.5 "Office Bearer" means any member elected to office in terms of this Constitution;
- 21.3.6 "Official" means any employee of the Union who is appointed to service, recruit and organise members and to represent the Union in dealings with educational authorities and the community; and
- 21.3.7 masculine gender shall also mean feminine gender and vice versa.

22. REGISTRATION OF SADTU LOGO

The names "SADTU", "THE SOUTH AFRICAN DEMOCRATIC TEACHERS' UNION" and the SADTU LOGO" are the registered trademarks with Companies and Intellectual Property Office (CIPRO), Department of Trade and Industry, and therefore the sole trademarks and intellectual property of SADTU. No person, body, agency or affiliate or other institutions, whether in person or official capacity may have the right to use the said trademarks unless it is registered user in terms of a written agreement of assignment of trademarks between the union and such person, body or institution



SADTU STRUCTURES

As Amended in September 2019



R E G I O N A L	<p>The Regional Triennial General Meeting (RTGM)</p> <ul style="list-style-type: none"> • Shall consist of the Regional Office Bearers ("ROB's"), Branch Executive Committees and one Branch delegate per 100 paid-up members or part thereof, provided that each Branch shall be entitled to at least one delegate. • The Regional TGM shall elect Regional Office Bearers and adopt a detailed report of the regions activities s and audited financial statements for the period under review. 	<p>Regional Executive Committee ("REC")</p> <ul style="list-style-type: none"> • Shall consist of the Regional Office Bearers and Chairpersons and Secretaries of Branches • Shall meet at least once every three months • Shall manage the affairs of the Region, supervise and co-ordinate Branches in the Region, and implement programmes and decisions of the union.
N e w S e c t i o n	<p>Regional Office Bearers</p> <p>The ROB's shall:</p> <ul style="list-style-type: none"> • Carry out decisions and instructions of the REC to which is hall be accountable • Meet bi-monthly and/or when the need arises; and • Ensure that branches are functional 	



NATIONAL	<p>NATIONAL CONGRESS</p> <ul style="list-style-type: none"> Supreme governing body of the Union and shall meet at least once every five years. Consists of National Office Bearers (NOBs), Provincial Office Bearers (POBs), Regional Chairpersons and Secretaries and one Branch delegate per 350 paid-up members or part thereof Shall adopt policies, effect amendments to the Constitution and elect NOBs. 	<p>NATIONAL GENERAL COUNCIL (NGC)</p> <ul style="list-style-type: none"> Consist of the NOBs, Provincial Chairpersons and Secretaries, Regional Chairpersons and one additional Regional delegate per 5 000 paid-up members or part thereof. Shall meet at least once during the five years. Shall ratify decisions of the NEC and adopt policy issues of major importance in between National Congresses. 	<p>NATIONAL EXECUTIVE COMMITTEE (NEC)</p> <ul style="list-style-type: none"> The management of the affairs of the Union shall vest in the NEC. Consist of NOBs and the Chairperson and Secretary of each Province. The NEC shall meet at least once every three months 	<p>NATIONAL WORKING COMMITTEE (NWC)</p> <ul style="list-style-type: none"> The NOBs shall be the working committee of the Union with specific and limited decision making powers. The NWC shall carry out decisions and instructions of the National Congress, NGC and NEC; Shall ensure that Provinces, Regions and Branches are functional and Submit a report to each meeting of the NEC.
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PROVINCIAL	<p>PROVINCIAL CONFERENCE</p> <ul style="list-style-type: none"> Consist of Provincial Office Bearers ("POB's"), Regional Office Bearers ("ROB's") and one Branch delegate for every 200 paid-up members or part thereof, Shall meet at least once every four years Shall elect POB's, formulate of policies and programmes of action for the Province and implement the decisions of the National Congress, NGC and NEC 	<p>Provincial General Council (PGC)</p> <ul style="list-style-type: none"> Consist of the POBs, Regional Chairpersons and Secretaries, Branch Chairpersons and one additional Branch delegate per 500 paid-up members or part thereof, Shall meet once during the four year term of office and shall be convened by the PEC Shall ratify decisions of the PEC and adopt policy issues of major importance in between Provincial Conferences. 	<p>Provincial Executive Committee (PEC)</p> <ul style="list-style-type: none"> The PEC shall consist of the POBs and Chairperson and Secretary of each Region. Shall meet at least once every three months Shall be responsible of the management of the affairs of the Province and Supervision of the Regions and Branches 	<p>Provincial Working Committee (PWC)</p> <ul style="list-style-type: none"> The POBs shall be the working committee with specific and limited decision making powers. Shall carry out decisions and instructions of the PEC. Meet at least once a month; and Ensure that Regions and Branches are functional.
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REGIONAL	<p>The Regional Triennial General Meeting (RTGM)</p> <ul style="list-style-type: none"> shall consist of, the Regional Office Bearers ("ROB's"), Branch Executive Committees and one Branch delegate per 100 paid-up members or part thereof, provided that each Branch shall be entitled to at least one delegate. The Regional TGM shall elect Regional Office Bearers and adopt a detailed report of the regions activities and audited financial statements for the period under review. 	<p>Regional Executive Committee ("REC")</p> <ul style="list-style-type: none"> Shall consist of the Regional Office Bearers and Chairpersons and Secretaries of Branches Shall meet at least once every three months Shall manage the affairs of the Region, supervise and co-ordinate Branches in the Region, and implement programmes and decisions of the union.
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BRANCH	<p>Branch Triennial General Meeting (BTGM)</p> <ul style="list-style-type: none"> The BTGM of all members of each Branch shall be held on a date fixed by the Branch Executive Committee. Shall elect the Branch Office Bearers. Shall receive a detailed report of the Branch activities and audited financial statements for the period under review. 	<p>Site Steward Council (SSC)</p> <ul style="list-style-type: none"> The SSC shall comprise of the BEC and one Site Steward per Site (school). The functions and powers of the SSC shall include: <ul style="list-style-type: none"> giving effect to the policies and decisions adopted by the Union disciplining members including the suspension or expulsion of members for conduct detrimental to the interests of the Union and its members; attending to the grievances and disputes of members ratifying, amending or reversing any decision of the BEC or BGM; 	<p>Branch Executive Committee (BEC)</p> <ul style="list-style-type: none"> Shall consist of Branch Office Bearers Shall administer the affairs of the Branch Shall be responsible for the supervision of the activities of the Sites and branch.
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SITES	<ul style="list-style-type: none"> A site means any institution of learning where members are employed. At every Site where there are members of the Union in employment, meetings of the members shall be convened by the Site Executive Committee (SEC) at least once a month. The Site meeting shall elect the following members of the SEC, Site Steward, Site Secretary and Portfolio Convenor; mandate and recall representatives on a SEC, discuss and implement policy and decision of the Union, and discuss grievances.
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CODE OF CONDUCT

(Pages 59-66)

ANNEXURE A



MEMBERS' AND LEADERS' CODE OF CONDUCT

1. CONTEXT

This Code of Conduct stipulates minimum standards of professional and acceptable conduct for teachers, education workers and educationalists who are members or leaders of the union and is not an exhaustive list of such standards.

All union members and leaders shall submit to the discipline of the union and shall be the custodian of the unions' constitution and all her decisions. All union members and leaders shall perform his or her duties with respect and dignity

2. IN RELATION TO PUPILS:

- 2.1 The member or leader teaches in a manner that respects the dignity and rights of all persons without prejudice as to race, religious beliefs, colour, sex, physical characteristics, age, ancestry or place of origin.
- 2.2 The member or leader is responsible for diagnosing educational needs prescribing and implementing instructional programmes and evaluating progress of pupils.
- 2.3 The member or leader treats pupils with dignity and respect and is considerate of their circumstances.
- 2.4 The member or leader may not divulge information about a pupil received in confidence or in the course of professional duties, except as required by law or where, in the judgement of the teacher, to do so is in the best interest of the pupil.



- 2.5 The member or leader may not take advantage of his/her professional position to profit from the sale of goods or services to or for pupils in the teacher's member
- 2.6 The member or leader may not accept pay for tutoring a pupil in any subjects in which a teacher is responsible for giving classroom instruction to that pupil.
- 2.7 The growth of a friendly relationship between the member or leader and a pupil which is based on mutual respect and recognition of the role that each plays in the learning situation, is desirable.
- 2.8 It is, however, an abuse of this professional relationship for the teacher to:
- 2.8.1 Enter into an improper association with a pupil;
 - 2.8.2 Show undue personal favour or disfavour towards a pupil;
 - 2.8.3 Commit such acts against a child which are illegal; and
 - 2.8.4 Endeavour to exert an undue influence with regard to personal attitudes, opinion and behaviour, which are in no way connected with the work of the school.
- 2.9 The member or leader shall to the best of their abilities work to promote the qualities of initiative, self-reliance and independence in their pupils. In doing so they shall recognise the human right to self-determination and strive to endow pupils with the confidence necessary to become agents of their own learning and discovery.



- 2.10 The member or leader in discharging his/her duties in relation to the pupils, shall be punctual, prompt and prepared, and shall recognise his/her responsibility with regard to the academic and personal development of the pupil.

3. IN RELATION TO SCHOOL AUTHORITIES/ ADMINISTRATION:

- 3.1 The member or leader protests the assignment of duties for which the teacher is not qualified or conditions, which make it difficult to render professional service.
- 3.2 The member or leader fulfils contracted obligations to the employer until released by mutual consent or according to law.
- 3.3 The member or leader provides as much notice as possible of a decision to terminate employment.
- 3.4 The member or leader adheres to agreements negotiated on his/her behalf by the Union.
- 3.5 The member or leader shall act responsibly in the discharge of professional, organisational and administrative duties.

4. IN RELATION TO COLLEAGUES:

- 4.1 The member or leader does not undermine the confidence of other teachers.
- 4.2 The member or leader criticises the professional competence or professional reputation of another teacher only in confidence to proper officials and



after the other teacher has been informed of the criticism.

- 4.3 The member or leader, when making a report on the professional performance of another teacher, does so in good faith and, prior to submitting the report, provides the teacher with a copy of the report.
- 4.4 The member or leader does not take, because of animosity or personal advantages, any steps to secure the dismissal of another teacher.
- 4.5 If a member or leader experiences any concern or dissatisfaction in relation to a colleague's conduct or standard of work, the teacher should discuss the issue informally and in confidence with the colleague concerned. Where the issue is not resolved informally, the member or leader should take no further action without informing the colleague. Should the member or leader have a reason to believe that a colleague is acting in a way which might be harmful to the school or to individual pupils then there is a clear duty to make a report to the head teacher.
- 4.6 The member or leader recognises the duty to protect, where possible through proper channels, administrative policies and practices which the member or teacher cannot in conscience accept.
- 4.7 The member or leader as an administrator provides opportunities for staff members to express their opinions and to initiate and develop democratic processes in the administration of the school.



5. IN RELATION TO THE PROFESSION:

- 5.1 The member or leader acts in a manner, which maintains the honour and dignity of the profession.
- 5.2 The member or leader should not denigrate his/her colleagues in the presence of other parties nor should a member or leader adversely criticise a colleague in the presence of others, save in the context of appropriate procedure.
- 5.3 The member or leader does not engage in activities, which adversely affect the quality of the teacher's professional service.
- 5.4 The member or leader submits to the disputes arising from professional relationships with other teachers, which cannot be resolved by personal discussion.
- 5.5 The member or leader makes representations on behalf of the Union or members thereof only when authorised to do so.
- 5.6 The member or leader accepts that service to the Union is a professional responsibility.

6. IN RELATION TO THE ORGANISATION

- 6.1 Members of a voluntary association must respect the rules of that association, namely the Union.
- 6.2 All members and structures of SADTU must exhaust all internal processes provided by the union and its constitution.
- 6.3 Union structures intending to institute legal action on behalf of members on labour related matters must



follow the provisions of the constitution.

- 6.4 Any member; group of members or structure that chooses not to follow due processes, as provided by the union and its constitution including; taking the union to court, shall be regarded as having terminated their membership of the Union. In the case of a union structure, it be dissolved.

7. DISCIPLINARY PROCEDURES:

- 7.1 That the application of disciplinary procedures shall exclude any intervention by the various education authorities/ departments or courts.
- 7.2 Disciplinary committees shall be operative at the Branch, Provincial and National levels.
- 7.3 Disciplinary committees shall constitute five persons duly nominated at the Branch (BEC's)/Province (PEC's)/ National level (NEC)
- 7.4 Disciplinary Procedures shall be instituted and regulated in terms of the SADTU Constitution and Code of Conduct.
- 7.5 Any offense of a serious nature and not covered by the provisions of the SADTU Constitution and Code of Conduct shall be deemed to be subject to the institution of a disciplinary committee.
- 7.6 Whenever it appears that a member/leader/structure is guilty of:
- 7.6.1 unprofessional or unethical conduct violates provisions of the constitution, policies, decisions and resolutions



- 7.6.2 breaches organizational protocol and or
- 7.6.3 putting the union into disrepute
- 7.7 Any member(s)/leader(s)/structure may request in writing an investigation into any allegation of misconduct
- 7.8 The request for an investigation shall be mailed or delivered to the Branch/Provincial Secretary or the General Secretary in line with the protocol of the Union and shall set out the nature and particulars of the complaint.
- 7.9 Upon receipt of a written request for an investigation of alleged misconduct, the NEC, PEC, or BEC as they may be, may direct that an investigation be conducted by the Disciplinary Committee provided that the member whose conduct is under investigation be informed of these actions.
- 7.10 If the Disciplinary Committee's report indicates that there are sufficient grounds warranting a hearing, the committee shall convene a hearing and, if no prior charge of unprofessional or unethical conduct has been lodged, shall formulate such a charge.
- 7.11 Whenever the Disciplinary Committee has been directed to hold a hearing, its Secretary shall in accordance with the SADTU code of conduct cause to be served on the person whose conduct is the subject of the hearing a notice setting forth the date, place, time and subject matter of such hearing.
- 7.12 In setting the date, time and place of such a hearing, due regard shall be given for the convenience of the Disciplinary Committee and all parties concerned.



- 7.13 The Secretary of the Disciplinary Committee shall cause a record of its proceedings to be taken.
- 7.14 For the purpose of procuring the attendance of any person as a witness before the Disciplinary Committee, the Secretary may cause to be served on any such person a notice requiring him/her to appear before the Committee and produce at that hearing. Such notice shall be served in the same way and shall have the same effect as a notice requiring the attendance of a witness at the hearing.
- 7.15 In the event of a person who is found guilty of misconduct, there shall be a right to appeal from the Branch to the Province and finally to the National
- 7.16 A member may further exercise a final appeal opportunity to the National Appeals Committee which would take recommendation(s) to the NEC whose decision shall be final.



Guidelines for the Functioning of Disciplinary Committees.

(Pages 68-71)

ANNEXURE B



1. GENERAL PROCEDURES

- 1.1 The Union is committed to ensuring that procedural and substantive fairness is observed in the maintenance and exercise of discipline.
- 1.2 Disciplinary action is designed to be corrective and to improve conduct unless where the seriousness of the offence warrants termination of membership.
- 1.3 The disciplinary actions shall be governed by the provisions of the SADTU constitution and its Code of Conduct.
- 1.4 Where necessary, depending on the circumstances of each case, a disciplinary hearing/enquiry may be preceded by an investigation. Should a member / leader fail or refuse to attend a disciplinary hearing/enquiry after due notice of seven days, the enquiry may proceed in his/her absence.
- 1.5 Any member, Site-Steward or Office Bearer of the Union may have disciplinary steps taken against his/her if they act in a manner detrimental to the Union or, in contravention of its policies
- 1.6 Disciplinary hearings/enquiries shall be conducted through the standing Branch Disciplinary Committee (BDC), Provincial Disciplinary Committee (PDC) and National Disciplinary Committee (NDC). Disciplinary Committees consisting of five (5) members shall be appointed by the BEC, PEC, and NEC respectively. Membership of these committees shall be reviewed annually.
- 1.7 Since regions are co-ordinating structures they must not discipline any leader, or member except to report such matters to the PEC through the Provincial Secretary.



- 1.8 Seven (7) days notice stating the time, date and place of any disciplinary hearing/ enquiry shall be delivered by hand or by registered post to the accused's place of employment.
- 1.9 Should an appeal by a member fall outside the prescribed seven (7) days, the member must prepare and submit together with the appeal a condonation application.
- 1.10 Provided that it is satisfied that due notice was given, the committee hearing a case, may proceed to hear the case whether or not the respondent(s) is / are present and to decide on the validity of the charges and of any disciplinary steps necessary.
- 1.11 Any appeal must be lodged in writing with the Secretary functional in the immediate executive committee within seven (7) days of the conclusion of any disciplinary process.
- 1.12 The disciplinary committee shall hear all witnesses and examine all documentary evidence as is necessary to determine the facts in the matter and shall then decide on its findings in the case. It shall inform the accused of its findings and allow further evidence in mitigation and aggravation before deciding on appropriate disciplinary steps.
- 1.13 The disciplinary committee shall report its findings and recommendations to the corresponding executive committee for finalisation.
- 1.14 The respondent shall have the right to be represented by another member or leader of his/her choice.
- 1.15 A member or leader may choose to be represented by a legal person. Where a member or leader makes an application to be represented by a legal person, the



NEC must adjudicate on the matter and advise the member or leader of its decision prior to the hearing process.

- 1.16 Where more than one respondent is charged with a collective offence, the individuals accused may elect to be heard individually or collectively.

2. DISCIPLINING MEMBERS

- 2.1 Where the member(s), leader(s) or structure(s) of the union holds a view that formal disciplinary steps should be instituted against the member(s), leader(s) or structure, he/she/they must lodge a complaint with the corresponding executive structure.
- 2.2 The corresponding executive committee may take such steps as they deem necessary in an attempt to resolve any dispute or institute formal disciplinary action by giving notice of enquiry/hearing.
- 2.3 Where a BDC hears a matter on behalf of the BEC, the BEC's powers shall be limited to issuing formal written warnings.
- 2.4 If it deems necessary, the BEC may refer the matter to the PEC. The BEC may in the meantime suspend a member or leader in question.
- 2.5 A member disciplined by a BEC shall have the right to appeal to the PEC. Whereas a member disciplined by the PEC, shall have the right to appeal to the NEC



3. DISCIPLINING EXECUTIVE COMMITTEE MEMBERS

- 3.1 The BEC, PEC or NEC shall have the right to inform any of its members in writing of charges of misconduct and suspend such member(s) and or leader(s) for the duration of the meeting pending institution of a disciplinary hearing.
- 3.2 Such committee may, if it considers it necessary, may suspend such a member(s) or leader(s) from further participation at its meetings pending the outcome of such hearing.
- 3.3 Any person disciplined shall have the right to appeal to the next immediate Executive Committee, except the REC. (i.e. PEC or NEC). Provided that a member or leader shall be entitled to only one appeal to the next upper structure.
- 3.4 A member may further exercise a final appeal opportunity to the National Appeals Committee which would take recommendation(s) to the NEC whose decision shall be final.

4. DISCIPLINING OFFICE BEARERS

- 4.1 ABEC may take any of the above steps to discipline any of its Office Bearers including suspending them.
- 4.2 The PEC may take any such steps as are set out above against any Provincial Office Bearer from office pending the convening of a special Provincial Conference which may remove such Office Bearer from office by a majority vote.
- 4.3 The NEC may take any such steps as are set out above against any National Office Bearer but may in addition



suspend any Office Bearer from office pending the convening of the National General Council or National Congress whichever comes first.

- 4.4 Where it is proposed that an Office Bearer be removed from office he/she shall be entitled to be heard prior to any vote being taken, once the vote is taken he/she may not stand for election for the vacancy so created. Such a person shall be entitled to stand for election in subsequent elections.



RULES OF PROCEDURE FOR MEETINGS

(Pages 74-88) ANNEXURE C

**Formally adopted by
The National Executive Committee (NEC)
of SADTU on 15 November 1996**



Rules of Procedure for Meetings

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1.0 DECISION MAKING

In a democratic organisation and at a time when it is increasingly becoming necessary to involve most levels of organisational structures in decision making, meetings play an important role. For meetings to succeed in carrying out the business, procedures must be adhered to. Organisational procedures at times vary from organisation to organisation, however the customs and traditions must not be compromised.

2.0 DEFINITION

A meeting can be defined as a gathering / assembly of two or more people to discuss matters of mutual / common interest and taking any necessary decisions relating to these matters.

3.0 LEGALITY OF MEETINGS

Meetings are legal / valid if they are held in accordance with the following:

- 3.1 The laws and statutes of the country.
- 3.2 Common law.
- 3.3 The Constitution of the Organisation.
- 3.4 Custom and tradition (ie. procedures at meetings).
- 3.5 Convened by a person authorised to do so.
- 3.6 If a quorum is present.
- 3.7 If the Chairperson has been properly appointed.

4.0 STRUCTURAL MEETINGS

Types of meetings are always determined by the various structures found in the Constitution. In a well functioning organisation a programme of meetings must be drawn annually i.e. terms of the frequency of various structural meetings allowed by the Constitution.



4.1 The Extraordinary / Special Meeting

This is a meeting convened to discuss and resolve a particular problem (issue). Normally it is important to have a well planned meeting ratifying the decisions of a special meeting.

4.2 Ad Hoc Committee Meetings

An ad hoc committee is appointed to deal with a specific problem that has arisen or to carry out a specific task for the organisation. When it has completed this brief, it will report back to the committee before disbanding. Inasmuch as a formal resolution is necessary for creating such a committee, same is necessary to have it disbanded.

4.3 Office Bearers

The office bearers' brief is to administer in line with the existing policies of the organisation. Normally in administering clear policy shortcomings may emerge which enable the office bearers not to formulate policies but rather to come with policy proposals during the policy making meetings of the organisation. The office bearers meet at regular intervals according to the exigency of matters under their control.



5.0 BASIC PRINCIPLES TO BE ADHERED TO AT A MEETING

- (a) Order: e.g. Only one matter is to be discussed at a time.
- (b) Equality: e.g. All members are equal before the law.
- (c) Justice: e.g. Courtesy to all and partiality to none.
- (d) The principle of non-sexism must be upheld.
- (e) The right of the minority to be heard and the will of the majority to rule.

NB: A meeting is properly constituted if it is conducted according to the constitution of the organisation.

6.0 NOTICE OF MEETINGS, AGENDA AND MINUTES

6.1 The Notice must contain the following:

- 6.1.1 The Secretary, given proper authority to do so, must give notice of a forthcoming meeting to every person entitled to attend.
- 6.1.2 If no period of notice is prescribed in the regulations, then reasonable time must be given regarding the convening of a meeting.
- 6.1.3 The notice gives the venue, time and date of one meeting and these must be as convenient as possible for the greatest number of members.
- 6.1.4 Despite the necessary brevity, the notice must contain adequate information about the meeting to take place.
- 6.1.5 Lack of notice may be excused under certain conditions. all members entitled to attend are present without notice and further agree that the meeting be held.



- 6.1.6 If a meeting is adjourned, such may be held without further notice. It is however preferable to issue a notice for an adjourned meeting. Only business left over from the original meeting may be discussed at the adjourned meeting.

The Notice of Meeting should also contain details pertaining to the following:

- (a) Name of the organisation.
- (b) Address of the organisation.
- (c) The Secretary's telephone number.

6.2 Quorum

The provisions of these rules are subject to the Constitution.

- 6.2.1 At least 50% of accredited representatives must be present before a meeting can begin or for a meeting to continue.
- 6.2.2 If the requirements of the above clause are not met at a time fixed for a meeting to begin or for 30 minutes after the time, the meeting must be adjourned to the same place at the same time on the same day in the following week unless that day is on a public holiday, in which case it must be adjourned to the day after that public holiday. As soon as possible after the adjournment, all representatives must be notified in writing of the adjourned meeting.
- 6.2.3 During the course of proceedings at a meeting, the Chairperson must ensure that the meeting is quorate at all times.



6.3 The Agenda

6.3.1 The Agenda is drawn up in advance of the meeting by the (General Secretary) in consultation with the President/ Chairperson. It must be sent out at the time of the dispatch of the notice or even as part of the same communication.

6.3.2 It is imperative to send out the Agenda with the Notice of:

- The agenda is accompanied by formal proposals.
- An extraordinary general meeting is being called.
- To enhance efficiency in chairing, the Secretary must provide the Chairperson with a special chairpersons agenda with brief notes to remind the chairperson of salient points pertinent to the chairing of the meeting.

NB. If the members have not received copies of the Agenda in advance, it is the task of the President / Chairperson to read out the Agenda before the minutes of the previous meeting are read and confirmed. Nothing on the Agenda, including the order of items, may be altered without the approval of the meeting.

6.4 Minutes

6.4.1 Minutes are the official historical records of a meeting and the legally binding official records of the business transacted and of the decisions taken. After minutes are



confirmed by the meeting it is imperative for the President / Chairperson and the Secretary to have them signed.

6.4.2 Requirements of Minutes

- (a) All resolutions should be quoted verbatim.
- (b) The names of the mover and seconder of all motions are minuted. It is also customary to minute the names of any members who oppose major resolutions so that their opinions are a matter of record. Any member who particularly wishes that his / her name be recorded as one opposing a motion may request that this be done.
- (c) Always record the number of votes for and against a motion as well as any abstentions.
- (d) Minutes are written in the order in which matters were discussed at the meeting.
- (e) It is imperative to circulate minutes of the previous meeting prior to the present meeting. However if no circulation has taken place then reading of same becomes imperative.
- (f) Always ensure that amendments are recorded before confirmation, signing and dating.
- (g) The minutes shall be available to all members but no one else shall claim to see them as a right.



- (h) Record the exact time when the Chairperson closed the meeting.

7.0 MOTIONS, RESOLUTIONS AND AMENDMENTS

7.1 Definitions

- 7.1.1 A 'motion' is a proposal, which is presented to a meeting for discussion and decision. Once the motion is adopted, it is referred to as a 'resolution'.
- 7.1.2 An 'amendment' is a motion requesting alteration to a motion under discussion. An amendment cannot offer an alternative course of action but it is concerned only with omission or addition of certain words, usually to further clarify the original motion.
- 7.1.3 The usual practice is to have a Mover and Seconder.
- 7.1.4 Except for formal motions like acceptance of minutes or reports, motions should be presented unambiguously in writing.
- 7.1.5 A Proposed motion cannot be rescinded at the request of the Mover or Seconder. Withdrawal of a proposed motion requires the consent of the meeting and that can only be done at any stage before voting.
- 7.1.6 If an amendment to a motion is suggested, it may be discussed while the original Motion is held in abeyance pending decision.
- 7.1.7 If the amendment is accepted by the meeting, it is incorporated into the original motion and is known as the 'Substantive Motion'. A substantive motion will then be put to a vote.



- 7.1.8 An addendum adds words at the end of the motion eg. "That SADTU makes representations to the State President regarding gender equity in parliament as well as the provision of child care facilities."
- 7.1.9 A rider is also added at the end of a motion, usually in the form of a suggestion or recommendation eg. 'That SADTU makes representations to the State President regarding gender equity in parliament as well as the provision of child care facilities and further that the SADTU NEC be advised of progress in that regard.'
- 7.1.9.1 A counter-motion is an alternative motion for consideration.
- 7.1.9.2 All motions shall be tabled in writing.
- 7.1.9.3 All motions shall begin with the word 'that'.
- 7.1.9.4 All motions shall be worded in the Positive eg.
- Positive: 'That SADTU shall have no contact with the right wing teacher organisations.'
- Negative: 'That SADTU shall not have contact with the right wing teacher organisations.'



8.0 GENERAL PROCEDURE FOR THE DISCUSSION OF MOTION

- 8.1 The Mover and Secunder shall have the right to begin the discussion on the motion before it is adjudicated upon by the meeting. The Mover and Secunder may each reserve the right to speak.
- 8.2 Speakers supporting or opposing the motion may speak to or against the motion not more than once except with the permission of the meeting.
- 8.3 Any number of relevant questions may be directed to individuals or to the meeting as a whole. Replies to questions shall be brief and to the point.
- 8.4 Notwithstanding the provisions of 8.2 the Mover shall have the right to sum up the discussion after which the motion is put to a vote.
- 8.5 When necessary the Chairperson must restate the motion before it is put to a vote.
- 8.6 No discussion on the subject matter of the motion shall be allowed after it has been voted upon.
- 8.7 Should an amendment, duly moved and seconded to the motion be tabled, at any time during or prior to a discussion on the original motion, such discussion shall be suspended until both the Mover and Secunder have had an opportunity of speaking to the amendment or of reserving their right to do so after which all other members shall have the right of speaking again if they have already done so but once only except with the permission of the meeting.
- 8.8 The Mover of the amendment shall have the right to sum up discussions but shall do so immediately before the Mover of the original motion does so.
- 8.9 Voting upon amendments shall take place in the reverse order in which they are presented.



- 8.10 Voting upon the amendment shall not imply accepting the original motion.
- 8.11 The Chairperson must always allow those who are in favour of motion to vote first, followed by those against. Provision is also made for those who wish to abstain.
- 8.12 Only one motion can be discussed at a time. If a member is against a motion, he must be allowed to speak against the motion or alternatively submit a counter-motion, which can be formally tabled for discussion if the original motion is defeated.

NB: A discussion without a motion is a waste of time and should not be allowed.

- 8.13 A motion is carried in any one of the following ways:
- (a) Unanimously: If every person in the house votes in favour of it.
 - (b) Nem Con (Nemo Contra): If none vote against it but some abstain.
 - (c) By large majority: If only few abstain or vote against it.
 - (d) By majority or by a small majority: If voting is close.

NB: No voting can take place in Management which are not constitutionally recognised.



9.0 METHODS OF VOTING

Various methods of voting can be used eg.

9.1 Voice Vote

Those in favour say 'Aye' or 'Yes' and those opposed say 'Nay' or 'No'. This method of voting is usually used for routine matters like the confirmation of minutes and reports.

9.2 Show of Hands

The Chairperson requests those in favour to raise their right hand and then followed by those against. The votes are counted and the Chairperson declares the vote.

9.3 Secret Ballot

This is a secret and written form of voting usually, used for election of office bearers or for contentious matters

e.g. Expulsion of a member. It is normally a reprisals free method.

NB: In the event there is a tie in voting on a motion the Chairperson shall be requested to exercise a casting vote to have the motion carried. However, if the Chairperson chooses not to use the casting vote, the motion shall be declared defeated.

10.0 RESCISSION

10.1 No resolution which is in conflict with an existing resolution shall be passed unless such existing resolution be first brought under review and rescinded.



- 10.2 A resolution shall not be brought under review unless the permission of those present and voting has been obtained. If such a motion is adopted, the previous resolution is under review.
- 10.3 The General Secretary shall give notice for the review and rescission of a resolution.
- 10.4 There shall be no debate on such a motion to review, save that the Mover giving notice shall have the right to briefly state the reasons therefore.

11.0 POINTS OF ORDER

- 11.1 A member shall call a point of order in any one or more of the following four instances:
 - (a) Incorrect procedure ie. Implying that some member is contravening the rules of congress or meeting.
 - (b) Irrelevancy.
 - (c) Unacceptable language.
 - (d) Transgressing the rules of the organisation.
- 11.2 A point of order shall be called immediately the mistake occurs and shall not be raised on a breach that has taken place sometime before. It shall be addressed to the chair and briefly so.
- 11.3 The Speaker shall resume his/her seat directly after the point of order is raised.
- 11.4 When a point of order is called, no speeches shall be allowed and the Chairperson's ruling shall be final.
- 11.5 The Chairperson's ruling may be challenged by a motion of 'no confidence'.



- 11.6 The Chairperson may allow a point of personal explanation to be raised by the previous speaker if a speaker genuinely misunderstands the previous speaker.

12.0 CHAIRPERSON

12.1 Basic Qualities

- He / She must possess leadership qualities because people at the meeting are likely to look to him / her for guidance, especially when contentious issues are being discussed.
- He / She must have assimilated all documentation for the meeting so that he is able to keep abreast of all discussion. He should be competent to foresee the likely consequences of any proposals being made.
- He / She must be resolute and not be subjected to coercion.
- He / She should possess empathy and tact so that he/she is able to remain quietly in control without alienating any members who might disagree with decisions being taken by the meeting.

12.2 Chairing the Meeting

- 12.2.1 When presiding at a meeting the Chairperson shall be responsible for its conduct, for the proper carrying out of its business and shall ensure order in the meeting.
- 12.2.2 The Chairperson shall apply the standing orders as laid down in the constitution of the organisation and these shall take precedence over any other forms of procedure.



- 12.2.3 The Chairperson must vacate the chair if he wants to propose a motion.
- 12.2.4 The ruling by the chair on any matter of procedure shall be final.
- 12.2.5 Should the meeting lose confidence in the Chairperson, a 'no confidence' motion may be moved.
- 12.2.6 A 'no confidence' motion shall be put to the meeting by an officer or ordinary member other than the Chairperson.
- 12.2.7 A 'no confidence' motion shall be seconded.
- 12.2.8 The Chairperson shall vacate the chair if the resolution is carried by a two-thirds majority of those members present and voting.
- 12.2.9 The resolution of 'no confidence' shall operate only in respect of the item on the agenda under discussion.
- 12.2.10 All remarks shall be addressed to the Chairperson.
- 12.2.11 The Chairperson may at his discretion adjourn a meeting for lunch or other short breaks without a formal resolution.



13.0 GENERAL BEHAVIOUR OF THE MEMBERS

- 13.1 Members of the meeting should conduct themselves in an orderly fashion. They should adhere to the following rules:
- 13.1.1 The Chairperson has the highest authority at meeting and this should always be respected.
 - 13.1.2 Always address the chair when proposing a motion or arguing a point.
 - 13.1.3 Nobody should interrupt any other speaker unless it is on a point of order.
 - 13.1.4 No one should walk between the Chairperson and a speaker.
 - 13.1.5 When two people rise simultaneously to speak, the Chairperson decides who speaks first and the other member should sit down and await his/her turn.
 - 13.1.6 Members should not have private conversations while a person is speaking, as this is disruptive.
 - 13.1.7 Avoid using foul or slang language, as this is disrespectful.
 - 13.1.8 Allow members to have their say even if you do not agree. You will get a chance to explain your views.
 - 13.1.9 Accept the decision of the majority in a gracious and dignified manner.
 - 13.1.10 Conduct yourself in an orderly fashion and try to cooperate and find solutions rather than being disruptive and obstructive.



14.0 CLOSURE

- 14.1 A Closure is a motion moved for the purpose of stopping discussion.
- 14.2 Closure shall not be proposed when someone is actually speaking or until the time limit for debate has expired.
- 14.3 Closure shall be seconded and shall be put to the vote at once without being discussed.
- 14.4. After establishing consensus that the business of the meeting has been transacted, the Chairperson may close the meeting.

