



## NATIONAL UNION OF METALWORKERS OF SOUTH AFRICA

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28 May 2014

The Registrar of Labour Relations  
Latoria Building  
Francis Baard Street  
Pretoria

Dear Sirs

### **LABOUR RELATIONS ACT, 1995 AMENDMENT TO CONSTITUTION**

We enclose herewith our constitution as amended by our National Congress in 2012 and by our Special National Congress in 2013.

The deleted text is in square brackets and bold print, the insertions are underlined.

For ease of reference amendments have been made to the following sections: Chapter 4, (1)(e)(vii); Chapter 5, (2)(b)(ii) and to (2)(d)(iii) & (iv); Chapter 6, (1)(c)(ii) and (4)(a); Chapter 10, (h to m).

The other amendments are all in the scope of the union in Annexure B.

There is also consequent new numbering throughout the document.

Should you require any further information please contact Ms Craven on (011) 689 1710 or on her direct line (011) 689 1745. She can also be contacted at the email address above.

Yours faithfully,

  
Karl Cloete  
Deputy General Secretary - NUMSA



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22 May 2014

### RESOLUTION AND CERTIFICATE


This is to certify that at a National Congress held from 4 – 8 June 2012 and at a Special National Congress held from 17 – 20 December 2013 it was resolved to amend the Constitution.

The amendments are submitted as underlined in the Constitution attached.

It is further certified that all of the provisions of the Constitution relating to the adoption of the amendments have been complied with.

**Signed and Dated at Johannesburg on this the 22 day of May 2014.**

President:

  
\_\_\_\_\_ Andrew Chirwa

General Secretary:

  
\_\_\_\_\_ Irvin Jim

# CONSTITUTION

of the National Union of Metalworkers of South Africa  
(NUMSA)



As amended at National Congress of NUMSA in 2012 and at its Special National Congress in December  
2013

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## PREAMBLE

We, the members of the National Union of Metalworkers of South Africa, firmly commit ourselves to a united South Africa, free of oppression and economic exploitation.

We believe that this can only be achieved under the leadership of an organised and united working class. Our experience has taught us that to achieve this goal we must:

- (a) fight and oppose discrimination in all its forms within the Union, the factories and in society;
- (b) strive for maximum unity amongst organised metalworkers and organise every unorganised metalworker into our national industrial Union;
- (c) ensure that all levels of our Union are democratically structured and controlled by the worker members themselves through elected worker committees;
- (d) encourage democratic worker leadership and organisation in our factories and in all spheres of society;
- (e) reinforce and encourage progressive international worker-to-worker contact so as to strengthen the worldwide society of metalworkers.

We call on all metalworkers that identify with these principles and aims to join us and the metalworkers we represent, as comrades in the struggle ahead. We call on all metalworkers to set aside any prejudices they may have and strive for unity under the guiding slogan of the international working class:

*"From each according to their ability; to each according to their needs".*

# CHAPTER 1

## 1. CHARACTER OF THE UNION

(1) **NAME**

The name of the Union is the NATIONAL UNION OF METALWORKERS OF SOUTH AFRICA (NUMSA).

(2) **SCOPE**

The scope of the Union is the metal industry. See Annexure "B" for details. The Central Committee may amend the scope from time to time.

(3) **LEGAL STATUS**

The Union shall be a corporate body having perpetual succession<sup>1</sup> and is an association not for gain.

(4) **LOCATION OF HEAD OFFICE**

The head office of the Union is in Johannesburg. The Central Committee may change the location of the head office.

(5) **AIMS AND OBJECTS**

The aims and objects of the Union shall be:

(a) **Worker rights**

- (i) to promote the interests of members in relation to employers;
- (ii) to improve the wages and working conditions of all workers in the metal and related industries;
- (iii) to strike without fear of dismissal, to picket and to participate in secondary strikes and protest action, to promote or defend the socio-economic interests of workers<sup>2</sup>;
- (iv) to fight against arbitrary and unfair dismissal of workers;
- (v) to resist retrenchment and fight for full employment;
- (vi) to fight for adequate social security from the state and from employers;
- (vii) to enter into collective bargaining forums for the purpose of negotiating and entering into collective agreements with employers and associations of employers.

(b) **Democracy**

- (i) to support the spirit and principle of democracy in all the Union's activities;
- (ii) to build a strong and democratic organisation of workers at the workplace;
- (iii) to build strong and active shop steward structures to ensure democratic worker control;
- (iv) to achieve full and effective participation by workers in all decision-making affecting them in the workplace;
- (v) to end all forms of discrimination in employment;

(c) **Solidarity**

- (i) to unite all workers in the metal and related industries within one Union;
- (ii) to encourage in workers a spirit of trade Union unity;
- (iii) to create one federation of trade Unions to represent all workers in South Africa;
- (iv) to join forces with any other trade Union or labour organisation to further the interests of workers and to finance such action;
- (v) to build solidarity between workers and Unions in different countries;

(d) **Human Resource Development**

To fight for proper and accessible training to develop the skills and abilities of all workers.

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<sup>1</sup> This means that the Union is a structure, which continues to exist despite the changes of membership. Members may come and go but the Union remains constant. The law gives the Union legal personality and calls it a juristic person. This allows the Union as a structure, rather than the individual members, to become involved in legal transactions.

<sup>2</sup> For further details see Chapter 4 of the Labour Relations Act, No. 66 of 1995.



- (e) **Safe Working Conditions**  
To struggle for safe and healthy working conditions.
- (f) **Financial Control**
  - (i) to raise funds in any lawful way which the Central Committee agrees to;
  - (ii) to establish and administer funds for the benefit of members and their dependants;
  - (iii) to buy, take on lease, hire, or otherwise acquire or to sell, pledge or mortgage any movable or immovable property<sup>4</sup>.
- (g) **Legal assistance**
  - (i) to provide legal assistance to members in matters relating to their employment and to institute legal proceedings on behalf of the Union to defend or further the provisions of this constitution where the Union deems this to be appropriate;
  - (ii) to promote or oppose as the case may be, any laws or administrative measures that affect the interests of our members in particular and workers in general;
  - (iii) to do any other lawful thing which may further the interests of our members, the Union and workers.

(6) **ORGANISATIONAL STRUCTURES**

The Union consists of the following structures:

- (a) **Local Level**
  - (i) Shop stewards are elected by workers in a workplace.
  - (ii) Shop Steward Committees consists of all the shop stewards in that workplace.
  - (iii) Local Shop Stewards Council consists of all elected shop stewards in a defined Local<sup>5</sup>.
  - (iv) Local general meetings are attended by all members in a Local.
- (b) **Regional Level**
  - (i) A Regional Congress consists of regional office bearers plus one delegate per hundred members in a Local.
  - (ii) A Regional Executive Committee consists of the office bearers of the Regional Congress<sup>6</sup>, the members of the Regional Finance Committee and four local office bearers from each Local Shop Stewards Council.
- (c) **National Level**
  - (i) A National Congress consists of National Office Bearers<sup>6</sup> and one shop steward for every 300 members in a Local. The Central Committee shall decide which staff shall attend subject to Clause 6(c)(iv)<sup>7</sup> of the constitution.
    - (ii) A Central Committee consists of National Office Bearers, the Regional Chairperson, Deputy Regional Chairperson, Treasurer, and Regional Secretary from each region of the Union plus an additional regional official elected at each region's Regional Congress. Any Regional delegate may be replaced by any member of the REC.
  - (iii) A National Executive Committee consists of the National Office Bearers, members of the National Finance Committee and the Regional Chairperson, Treasurer and Regional Secretary from each region of the Union.

<sup>4</sup> Moveable property refers to things, which have a money value and are capable of being moved. Examples of moveable property are furniture, cars, clothes etc. In contrast, immoveable property refers to things which have a money value but which are incapable of being moved for example land and building on land.

<sup>5</sup> A "local" means a geographic area within a region. The Central Committee determines the boundaries of each local.

<sup>6</sup> The Regional Office-bearers are: Regional Chairperson, Regional Vice-Chairperson, Regional Treasurer and Regional Secretary.

<sup>6</sup> The National Office Bearers are the President, First Vice-President, Second Vice President, National Treasurer, General Secretary and Deputy General Secretary.

<sup>7</sup> Clause 6(c)(iv) - the General Secretary, Regional Secretaries, Deputy General Secretary and staff who attend the National Congress shall have right to speak but not vote.

## CHAPTER 2

### 2. MEMBERSHIP

(1) **RIGHTS AND OBLIGATIONS OF MEMBERS**

- (a) Member's rights are as set out in the provisions of this constitution, and as determined by any lawful organ of the Union from time to time.
- (b) Every member must observe the provisions of the constitution, and the lawful decisions of any body of the Union, and must not act in a way, which is detrimental or prejudicial to the interests of the Union or its members.
- (c) Every member must inform the Local Secretary of changes to their residential, postal or work address within 14 days of such change. The member will still be bound by previous obligations of this constitution or any resolutions if that member fails to inform the Local Secretary of the change of address.

(2) **DIFFERENT CATEGORIES OF MEMBERSHIP**

All workers who are or were working in the metal and related industries are eligible for membership of the Union subject to the discretion of the relevant Shop Stewards Council. There are three kinds of membership: Active, Associate and Continuation. These kinds of membership are described on the next page.

	ACTIVE MEMBER	ASSOCIATE MEMBER	CONTINUATION MEMBER
(a) Definition	This membership is available for workers currently employed in the metal or related industry	This membership is available to workers with two years or more active membership and: * are no longer employed in the metal and related industries * are not in arrears with their subscriptions	This membership is available to workers with two years or more active or associate membership who have retired due to: * age or * illness
(b) Application procedure	The worker applies to the Local Secretary having jurisdiction <sup>8</sup>  A Local Office Bearer may accept or refuse the application, for any valid reason.	The worker must apply in writing within 30 days of leaving the industry to the Regional Executive Committee having jurisdiction.  The REC must consider the application at its first meeting following the receipt of application.	The worker must apply in writing to the National Finance Committee.  The NFC must consider the application at its first meeting following receipt of application.

(c) Appeal procedure	If the application is refused the worker can appeal in writing within 30 days to the Local Shop Stewards Council whose decision is final  The worker can state his/her case personally and call witnesses in support of the appeal.	If the application is refused the worker can appeal in writing to the National Executive Committee whose decision is final.  The worker can state his/her case personally and call witnesses	If the application is refused the worker can appeal in writing to the National Executive Committee whose decision is final.  The worker can state his/her case personally and call witnesses
(d) Subscription obligations	The member pays not more than 1% of their weekly or monthly wage.	The member does not have to pay subs.  The member should continue to contribute to the benefit fund as they were contributing when they were active members.	This member does not have to pay subs.  The NEC decides what, if any contributions this member should make to any of the benefit funds.
(e) Voting rights	This member has full voting rights	Not entitled to vote	Not entitled to vote

	ACTIVE MEMBER	ASSOCIATE MEMBER	CONTINUATION MEMBER
(f) Termination	By resignation, unemployment for whatever reason, expulsion and by becoming an employer (See clause 2(3) for details)	Same as active member, and associate membership comes to an end on re-employment in the metal or related industry.  The worker becomes an active member once again.	On resignation, expulsion or death of the member.

<sup>8</sup> Jurisdiction in this context means the power and scope of that power of a particular branch of the Union such as a local to make decisions concerning membership in that local.

**(3) THE CONSEQUENCES OF TERMINATION OF MEMBERSHIP**

**(a) By resignation**

- (i) A member may resign by giving four weeks' notice in writing to the Local Secretary. The member must pay all money owing to the Union before it will accept the resignation.
- (ii) After a member has resigned that member may not participate in the Union's affairs. Nor may the member receive any benefits or funds provided by the Union. Subscriptions or moneys paid by the member are not refundable.

**(b) By unemployment in the industry**

- (i) A member automatically loses membership 13 weeks after becoming unemployed in the industry unless:
  - 1. that member is eligible for Associate or Continuation membership;
  - 2. that member has been granted exemption from payment of subscriptions in terms of Clause 3(4);
  - 3. that member is re-employed in the metal and related industries within 13 weeks and resumes the payment of subscriptions as prescribed by this constitution;
  - 4. the Union is in the process of disputing the dismissal of the member in which case the worker remains a member until the Union has completed the dispute proceedings; or
  - 5. that member's employer who has refused or delayed compliance with a valid stop-order authorising the deduction of Union subscriptions pays the Union the full amount.

**(c) By expulsion**

- (i) A member may be expelled in terms of Clause 2(4)<sup>9</sup> of this constitution.
- (ii) After a Union has expelled a member, that member may not participate in the Union's affairs. Nor may the member receive any benefits or funds provided by the Union. Subscriptions or moneys paid by the member are not refundable.

**(d) By becoming an employer**

A member who becomes an employer, immediately loses membership and benefits provided by the Union.

**(4) DISCIPLINE OF MEMBERS**

**(a) Disciplinary procedure and penalties**

- (i) A committee having jurisdiction may suspend, fine or expel a member who:
  - 1. fails to comply with any of the terms of this constitution;
  - 2. fails to comply with any lawful decision of any organ of the Union; or
  - 3. acts in a manner which in the opinion of the committee having jurisdiction is detrimental or prejudicial to the interests of the Union or its members.
- (ii) No member of the Union may be disciplined or have their membership terminated for failure or refusal to participate in a strike if:
  - 1. no ballot was held about the strike;
  - 2. a ballot was held, but a majority of the members who voted did not vote in favour of the strike<sup>10</sup>.
- (iii) The Shop Steward's Committee or Local Shop Stewards Council having jurisdiction shall give a member at least two weeks' written notice of the time and place of the disciplinary hearing. The notice must contain details of the substance of the charges against the member.
- (iv) The committee or council must send the Regional Secretary concerned proof of delivery of the written notice.
- (v) The member should be present at the hearing, to make representations and to call witnesses.
- (vi) Once the committee or council is satisfied that the person charged has received the prescribed

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<sup>9</sup> Chapter 8 discusses Union discipline and related procedures.

<sup>10</sup> See section 95(5)(q) of the LRA '95.

notice the disciplinary hearing may proceed, even though the person charged may be absent. If the committee or council is satisfied with the proof presented in relation to the charge they may:

1. impose a fine:
    - a. to be decided by the relevant structure;
    - b. may suspend a person from membership until such fine is paid. The Union has the right to recover this money by way of civil proceedings.
  2. suspend for a definite period from the Union;
  3. expel the member from the Union.
- (vii) While a member is suspended, that member is no longer entitled to:
1. the benefits of membership; and
  2. vote in meetings.
- (viii) When a member is expelled all money that member owes the Union becomes due and payable immediately.

(b) **Appeal procedure**

- (i) A member can appeal to the Regional Executive Committee. The appeal must be lodged in writing within 14 days of notification of the decision which the member is appealing against.
- (ii) At any appeal a member should state his or her case personally and call witnesses.
- (iii) The Regional Executive Committee has the power to confirm, vary or reverse the decision of the council or committee. The decision of the Regional Executive Committee is final.

## CHAPTER 3

### 3. SUBSCRIPTIONS

- (1) **AMOUNT**  
Active members shall pay weekly or monthly subscriptions. This amount shall not be more than 1% of the member's weekly or monthly remuneration.
- (2) **COLLECTION OF SUBSCRIPTIONS**  
Members must sign a stop-order form to pay their subscriptions unless the NEC allows for cash collection.
- (3) **CHANGES TO THE AMOUNT**
  - (a) The Central Committee shall give at least 14 days' written notice to the Regional Executive Committees of any proposed change in subscriptions.
  - (b) Within 14 days of receiving this notice, the REC must refer it to the Regional Congress for their consideration.
  - (c) If within 30 days of receiving this notice, more than half the number of Regional Congresses require a ballot of members on this proposal, then a ballot must be held.
- (4) **EXEMPTIONS FROM SUBSCRIPTIONS**
  - (a) A member who pays subscriptions monthly shall, on application and with the approval of the Regional Executive Committee concerned, be exempt from payment during any month that member is:
    - (i) unemployed for 14 days or more;
    - (ii) sick and unable to work for 14 days or more; or
    - (iii) incapable for any reason which may be approved by the Regional Executive Committee.
  - (b) A member who pays subscriptions weekly shall, on application and with the approval of the Regional Executive Committee concerned, be exempt from payment for any week during which that member works less than two days.
  - (c) With the approval of the Regional Executive Committee concerned, a member may be exempted from payment of subscriptions if that member's employer refuses to deduct subscriptions from his/her wages. In this event the member shall not be entitled to any social benefits provided by the Union.
- (5) **FAILURE TO PAY SUBSCRIPTIONS**  
Any member who fails to pay subscriptions for more than 13 weeks and who has not been granted exemption from such payment, shall not be:
  - (a) entitled to any benefits provided by the Union; and
  - (b) in good standing with the Union.
- (6) **LEVIES, FINES AND BENEFIT FUND CONTRIBUTIONS**  
In addition to subscriptions, all members shall also be liable to pay:
  - (a) contributions towards any benefit fund established by the Union;
  - (b) any fines and levies imposed by the Union in terms of this constitution.

## CHAPTER 4

### 4. LOCAL STRUCTURE

#### (1) SHOP STEWARDS AT WORKPLACE LEVEL

##### (a) Purpose

Union members in a workplace can elect shop stewards to represent them on a Shop Steward Committee.

##### (b) Election procedure

- (i) The Regional Executive Committee consults with Union members at the workplace to determine the number and distribution of shop stewards.
- (ii) A notice of election of shop stewards shall be given to all members eligible to participate in the election. This notice must be given three days before the election. An election cannot be invalidated only because a member has not received this notice.
- (iii) All nominations shall be duly proposed and seconded by such members. Voting shall be by a show of hands, except when more than 10% of members in good standing<sup>11</sup> request a ballot.
- (iv) Duly elected shop stewards in any workplace must form a Shop Stewards Committee.

##### (c) Period of office

- (i) Shop stewards shall hold office for four years, subject to any decision of the National Congress to extend this period of office.
- (ii) Elections shall be held as soon as possible after the expiry of the term of office of the shop stewards.
- (iii) The Local Secretary is responsible for calling the election if there is a delay.

##### (d) Powers and duties

- (i) The Shop Stewards Committee will manage the affairs of the Union inside their workplace.
- (ii) The Shop Stewards Committee shall have the following powers and duties, which are subject to the review of the Regional Congress and the Local Shop Stewards Council:
  1. to negotiate agreements with employers about working conditions mandated to do so by members in the workplace. Such agreements may only be concluded and signed after approval by:
    - a. members concerned; and
    - b. the Regional Secretary;
  2. to maintain order and harmony amongst the members in their workplace;
  3. to recruit members;
  4. to settle disputes in their workplace;
  5. to report regularly to their Local Shop Stewards Council on any dispute or any grievances of members;
  6. to discuss decisions and policies of the Union to members in their workplace;
  7. to take up all legitimate complaints of members;
  8. to call Factory General Meetings at least once per month.

##### (e) Meetings

- (i) The Shop Stewards Committee shall meet as regularly as possible and at least once a month. Any committee that has not met once in three months shall be deemed to be non-existent unless the Local Shop Stewards Council decides that there were extraordinary reasons for not meeting.
- (ii) Notice of all Shop Steward Committee meetings shall be given to all shop stewards at least one hour before a Shop Steward Committee meeting. No Shop Steward Committee meeting shall be invalidated only because a shop steward did not receive notice of the meeting.
- (iii) The Shop Steward Committee shall, elect from its members a Chairperson, Vice-Chairperson

<sup>11</sup> Members in good standing have paid their Union subscriptions up to date.

and Secretary who shall hold office for four years. They are eligible for re-election after those four years.

- (iv) The Chairperson shall chair all meetings of the Shop Stewards Committee, unless unavailable, then the Vice-Chairperson must chair.
- (v) The quorum<sup>12</sup> at meetings of shop stewards shall be one third of the total number of shop stewards in the workplace.
- (vi) All issues at shop steward meetings shall be decided by a majority vote of members present raising their hands, unless the meeting decides to hold a ballot.
- (vii) Minutes of Shop Steward Committee meetings [shall] must be [made available] sent to the Local Secretary on a monthly basis.

(f) **Termination of office**

- (i) Shop stewards must leave their position in any one or more of the following circumstances:
  1. if they do not attend three meetings in a row of the Shop Steward Committee without sending a reasonable written excuse;
  2. if they are no longer in good standing with the Union;
  3. if they are no longer employed in the workplace where they were elected;
  4. if they resign by giving a month's written notice to the Local Secretary;
  5. if they are suspended or expelled from membership of the Union;
  6. if they are unable to perform their duties as set out in this constitution; or
  7. if the Local Shop Stewards Council receives a petition calling for the removal of the shop steward from office. This petition must be signed by not less than 30% of the paid up members employed in the workplace or section of the workplace that the shop steward represents, as the case may be. Any such petition should furnish reasons as to why the shop steward must be removed.
- 8. An investigation must precede the removal and must be conducted by Local Office Bearers.

(g) **By-Elections**

- (i) Within 30 days of a vacancy arising on any Shop Stewards Committee a by-election must be held. A shop steward elected in a by-election shall hold office for the remainder of the previous shop steward's term of office.
- (ii) A shop steward shall not be eligible for re-election in the by-election if they:
  1. are no longer employed at that workplace;
  2. have not attended three meetings in a row of the Shop Steward Committee without sending a reasonable written excuse;
  3. have resigned;
  4. have been suspended;
  5. have received a petition to resign signed by more than 30% of the members they represent as contained in Clause 4(f)7.; or
  6. have been expelled.
- (iii) Any shop steward who has vacated their position by virtue of Clause 4(1)(f)(i)2, 3 and 4 shall be eligible for re-election in a by-election if, at the time nominations for the by-election closes, they:
  1. are re-employed in the establishment in which they were elected;
  2. are in good standing; or
  3. have withdrawn their resignation.

(2) **SHOP STEWARDS AT LOCAL LEVEL**

(a) **Local Shop Stewards Council**

(i) **Purpose**

The Local Shop Stewards Council promotes the interests of the Union and members within the jurisdiction of the Local Shop Stewards Council.

(ii) **Composition**

Local Shop Steward Councils shall be composed of all the shop stewards from every Shop Steward Committee within the jurisdiction of such Local Shop Steward Council.

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<sup>12</sup> A quorum is the least number of members necessary at a meeting before the decision that meeting takes are valid.



- (iii) **Election of office bearers**  
The Local Shop Steward Council shall elect from amongst its members Local Office Bearers. These shall be a Chairperson, Deputy Chairperson, Secretary and Deputy Secretary. These four shall be the Local's representatives at the Regional Executive Committee.
- (iv) **Duties of Local Chairperson and Deputy Chairperson**  
The duties of the Local Chairperson and the Deputy Chairperson are as per the duties of the President and Vice-Presidents as per Chapter 7 (1)(a)(iv).
- (v) **Powers and duties of Local Secretary**  
The Local Secretary shall have the following powers and duties:
1. receipt of applications for membership, resignations and changes of addresses directed to the Local Shop Steward Council.
  2. ensure proper administration and coordination of the union in a defined locality.
  3. provide full reports to each Local Shop Steward Council and Local General Meeting on the activities of the Local.
  4. deal with all Local correspondence and send reports to the Regional Executive Committee as required by Chapter 4(2)(a)(v)(5).
  5. receive minutes from Shopsteward Committees in the Local's jurisdiction.
  6. keep a register of all Numsa-organised companies in a Local.
  7. perform such other duties as required by this constitution, the Local Shopsteward Council, Regional Executive Committee, the National Executive Committee and the Central Committee.
- (iv) **Period of office**
1. The office bearers shall hold office for at least four years and until the next election.
  2. The next election shall be held as soon as possible after the expiry of their term of office.
  3. If the Local Shop Steward Council does not call the election, the Regional Executive Committee shall call the election within six months.
  4. The Local Office Bearers and Secretary shall be eligible for re-election on the expiry of their terms of office.
- (v) **Powers and duties**  
Local Shop Steward Councils shall have the following powers and duties within their areas of jurisdiction:
1. to deal with disputes between members and employers;
  2. to review and co-ordinate Local Shop Steward Committee activities;
  3. to review decisions of the Shop Stewards Committees and to confirm, alter or reverse such decisions;
  4. to provide assistance to members in relation to:
    - a. their employment; and
    - b. the objectives and policies of the Union.If the assistance requires expenditure by the Union the Regional Executive Committee must first approve the expense.
  5. to submit regular reports to the Regional Executive Committee on all activities of the Local Shop Steward Council and the Shop Steward Committees falling within its area of jurisdiction;
  6. to elect delegates to the Regional Congress once every four years in accordance with the provisions of Clause 5(2)(b).
  7. implement policies and decisions taken by the Regional and National structures of the union and federation.
- (vi) **Meetings**  
The Local Shop Stewards Council shall meet regularly, but at least once every month. The chairperson shall preside over the Local Shopstewards Council. If the chairperson is unavailable, then the vice-chairperson or a person elected by a simple majority vote in the Local Shop Steward Council shall preside over the meeting.

(b) **Local General Meetings**

(i) **Purpose**

Shop stewards shall report on the Union's activities to members attending the Local general meetings.

(ii) **Meetings**

The Local Office Bearers shall convene Local General Meetings of all members employed in each Local, at least once every three months.

(iii) **Composition**

All members are entitled to attend. The quorum for such meetings shall be 30% of the members employed in that Local.

(iv) **Powers and duties**

1. Shop stewards are bound by each decision supported by a majority vote of a Local General Meeting unless that decision:

- a. is over-ruled by the Central Committee, a Regional Congress or a Regional Executive Committee; or
- b. conflicts with a decision of the Central Committee or National Congress.

## CHAPTER 5

### 5. REGIONAL STRUCTURE

(1) **GENERAL**

The Central Committee shall determine the number and boundaries of regions.

(2) **REGIONAL CONGRESS**

(a) **Purpose**

- (i) The Regional Congress shall control the affairs of the Union in a region, subject to the general control and direction of the:
1. Central Committee; and
  2. National Congress.

(b) **Delegates**

- (i) Local Shop Stewards Councils shall elect their delegates to the Regional Congress from amongst their members. There shall be one delegate for every one hundred members employed within the jurisdiction of each Local.
- (ii) Regional Office Bearers duly elected in terms of Chapter 5 (2)(d) shall by virtue of their positions be delegates to their respective Regional Congress.

(c) **Powers and Duties**

The following are the powers and duties of Regional Congress:

- (i) all the powers of the Regional Executive Committee;
- (ii) to decide on all matters affecting the region subject to the direction of:
  1. the National Congress; and
  2. the Central Committee;
- (iii) to establish Local Shop Stewards Councils and define their areas of jurisdiction;
- (iv) to review decisions and activities:
  1. of Local Shop Stewards Councils;
  2. of Regional Executive Committees; and
  3. to confirm, alter or reverse such decisions;
- (v) to consider reports:
  1. from the Central Committee;
  2. from the National Executive Committee; and
  3. to ensure the implementation of decisions and resolutions of those bodies;
- (vi) to elect Regional Representatives to the Central Committee
- (vii) to suspend a Regional Executive Committee for neglect of duty and conduct contrary to or in conflict with:
  1. the constitution;
  2. decisions of the National Congress;
  3. decisions of the Central Committee; or
  4. decisions of Regional Congress;
- (viii) to do any other things which promote the interests of the Union and agree with:
  1. the objects and policies of the Union; and
  2. this constitution;
- (ix) to elect a new Regional Executive Committee.

(d) **Elections of Regional Office Bearers and Regional Secretary**

- (i) The Regional Congress shall elect from amongst its members:
1. a Chairperson;
  2. Vice-Chairperson; and
  3. Regional Treasurer.
- (ii) Among its members and staff the Regional Congress shall also elect a Regional Secretary who shall be a full-time employee of the Union.
- (iii) [These members,] The persons set out in (i) above, together with the Regional Secretary, shall serve as office bearers of the region.

- (iv) Elections for the Office Bearers set out in (iii) above shall be ballot.
- ~~(iv)~~(v) If an election for these positions is not held, the Central Committee shall call an election within six months of the end of the term of office of the Regional Congress.

(3) **REGIONAL EXECUTIVE COMMITTEE**

- (a) **Purpose**  
The Regional Executive Committee shall administer the affairs of the Union.
- (b) **Composition**  
A Regional Executive Committee shall consist of:
  - (i) the office-bearers of the Regional Congress;
  - (ii) four local office bearers from each Local Shop Steward Council in the region; and
  - (iii) the members of the Regional Finance Committee.
- (c) **Period of office**  
A Regional Executive Committee shall hold office for four years and its members shall be eligible for re-election.
- (d) **Meetings**  
Regional Executive Committees shall meet at least once every two months.
- (e) **Powers and Duties**  
A Regional Executive Committee shall have the following powers and duties:
  - (i) to employ persons in the region subject to the approval of the Central Committee;
  - (ii) to appoint sub-committees to investigate and report on any matter referred to it;
  - (iii) review decisions and activities of Local Shop Steward Councils and to confirm, alter or reverse such decisions;
  - (iv) deal with disputes referred from Local Shop Steward Councils between members and their employers and attempt to settle such disputes by conciliatory methods possible;
  - (v) suspend any shop steward or Shop Steward Committee on sufficient cause shown and take over the management of their affairs until another shop steward or committee is elected;
  - (vi) where it deems it appropriate:
    - 1. to institute or defend legal proceedings by or against the Union; and
    - 2. to institute or defend legal proceedings on behalf of individual members or against individual members.
  - (vii) to do all lawful things which in the opinion of the Regional Executive Committee promote the interests of the Union and its members and agree with:
    - 1. the objects of the Union;
    - 2. this constitution;
    - 3. the policies of the National Congress; and
    - 4. the policies of the Central Committee;
  - (viii) submit copies of the minutes of their meetings to the General Secretary.
  - (ix) in the event that the position of a Regional Office Bearer or Regional Secretary becomes vacant, to elect a person to act in that position until the following Regional Congress. The Regional Executive Committee should endeavour to fill the position within three months of it becoming vacant.

(4) **REGIONAL FINANCE COMMITTEE**

- (a) A Regional Congress shall elect from their number three members, who reside in their respective regions and who shall form the Region's Finance Committee, together with the Regional Treasurer.
- (b) The Regional Finance Committee shall have the following powers and duties:
  - (i) to scrutinise the region's financial records and report to the Regional Executive Committee;
  - (ii) to meet not less than once a month with the Regional Office Bearers to approve the payment of regional accounts against budgets approved by the Central Committee;
  - (iii) to scrutinise monthly financial statements which have been prepared by the Regional Secretary, and then send these accounts to the Regional Executive Committee;
  - (iv) generally exercise supervision over the financial affairs of the region and perform such other duties as by usage and custom pertain to the office.

- (v) the RFC must scrutinise finance and approve signatories of cheques which will be the RS, Treasurer and one RFC member.

## CHAPTER 6

### 6. NATIONAL STRUCTURE

(1) **NATIONAL CONGRESS**

(a) **Purpose**

The National Congress is the supreme governing body of the Union.

(b) **Convening the National Congress**

- (i) The Central Committee shall convene the National Congress at least once every four years at a place of their choice.
- (ii) The Central Committee shall give at least six months' written notice of the date and venue of the Congress to every Regional Executive Committee of the Union.
- (iii) The Central Committee may convene a Special National Congress if and when it is considered necessary.
- (iv) The Central Committee shall give one month's written notice to every Regional Executive Committee.
- (v) The President shall preside at the National Congress. If the President is unavailable, then the First or Second Vice-President, or if the First or Second Vice-President is unavailable the National Treasurer, or if the National Treasurer is unavailable, a person appointed by the Central Committee shall preside at any National Congress.

(c) **Delegates and attendance**

- (i) For a National Congress, each Local may elect one shop steward per 300 members, as a delegate for their region at the Congress.
- (ii) The Regional Chairperson, Vice-Chairperson and Treasurer shall be delegates to the National Congress.
- [(ii)] (iii) The accreditation of delegates will be determined by a Credentials Committee appointed by the Central Committee.
- [(iii)] (iv) Only delegates accredited by the Credentials Committee shall be entitled to vote at a National Congress.
- [(iv)] (v) The general secretary, deputy general secretary and regional secretaries shall attend the National Congress. The Central Committee shall decide which other staff shall attend the National Congress. They shall have the right to speak but not to vote.

(d) **Powers and duties**

The powers and duties of the National Congress shall be:

- (i) to make policy for the Union;
- (ii) to decide on resolutions submitted to the Congress by the regions and the Central Committee;
- (iii) to consider and decide on reports presented to the Congress;
- (iv) to review and decide on the financial position and progress of the Union;
- (v) to nominate and elect:
  - 1. the President;
  - 2. the First Vice-President;
  - 3. the Second Vice-President;
  - 4. the National Treasurer;
  - 5. the General Secretary of the Union; and
  - 6. the Deputy General Secretary;
- (vi) to amend the constitution; and
- (vii) to deal with any other matter which merits the attention of the Congress.

(e) **Minutes**

The minutes of every National Congress must be sent to each region within three months of the last day of the Congress.

(2) **CENTRAL COMMITTEE**

(a) **Purpose**

- (i) The Central Committee is responsible for the management of the Union.
- (ii) The Central Committee shall manage the affairs of the Union according to:
  - 1. this constitution; and
  - 2. the rules and policies of the Union agreed to at National Congress.

(b) **Composition**

- (i) The Central Committee shall consist of:
  - 1. the National Office Bearers<sup>13</sup>; and
  - 2. the Regional Chairperson, Deputy Regional Chairperson, Treasurer, and Regional Secretary from each region of the Union plus an additional regional worker delegate elected at each region's Regional Congress. Any Regional delegate may be replaced by any member of the REC.

(c) **Period of Office**

- (i) Representatives shall serve for a four-year period and thereafter until the next election.
- (ii) They shall be eligible for re-election.

(d) **Powers and duties**

The Central Committee shall, subject to the provisions of this constitution and in addition to any other functions prescribed here, have the power to:

- (i) appoint sub-committees to investigate and report on matters referred to it by the National Congress;
- (ii) review decisions of the Regional Congress and to confirm, amend or reverse such decisions;
- (iii) establish or close down regions and to define their areas of jurisdiction;
- (iv) take over the management of the affairs of any region where a Regional Executive Committee has been suspended until such time as another Regional Committee has been constitutionally elected;
- (v) employ and dismiss any employee of the Union;
- (vi) determine the remuneration and terms and conditions of employment of every employee of the Union;
- (vii) approve and/or amend a disciplinary code and procedure for all employees of the Union;
- (viii) where it deems appropriate:
  - 1. institute or defend legal proceedings by or against the Union;
  - 2. institute or defend legal proceedings on behalf of individual members or against individual members;
- (ix) open and operate banking accounts in the name of the Union;
- (x) acquire by purchase, lease or otherwise any movable property on behalf of the Union;
- (xi) sell, lease, mortgage, donate or otherwise dispose of any movable or immovable property belonging to the Union;
- (xii) bind the Union by suretyship only insofar as it is necessary to enable staff of the Union to purchase motor vehicles for the proper performance of their duties;
- (xiii) approve or reject the annual audited accounts and balance sheet of the Union;
- (xiv) amend the annexures to this constitution;
- (xv) delegate any of its duties or powers to the National Executive Committee; and
- (xvi) do all lawful things which in the opinion of the Central Committee promote the interests of the Union and agree with the objects and policies of the Union and this constitution.
- (xvii) in the event that the position of a National Office Bearer becomes vacant, to elect a person to act in that position, until the following National Congress. The Central Committee should endeavour to fill the vacant position within three months of it becoming vacant.

(e) **Meetings**

- (i) The President shall preside over the Central Committee. If the President is unavailable, then the First or Second Vice-President, or if the First or Second Vice-President is unavailable, a

<sup>13</sup> The National Office Bearers are the President, First Vice-President, Second Vice-President, National Treasurer, General Secretary and Deputy General Secretary.

person elected by a simple majority vote from the remaining ranks of the Central Committee shall preside over the Central Committee.

(ii) The Central Committee shall meet at least once every six months.

(3) **NATIONAL EXECUTIVE COMMITTEE**

(a) **Purpose**

The National Executive Committee will manage the affairs of the Union between meetings of the Central Committee<sup>14</sup>.

(b) **Composition**

The NEC consists of the:

- (i) National Office Bearers<sup>15</sup>;
- (ii) the Chairpersons and Treasurers of each Regional Executive Committee;
- (iii) the National Finance Committee; and
- (iv) Regional Secretary from each region of the union.

(c) **Powers and duties**

The National Executive Committee shall have the following powers and duties:

- (i) execute all decisions of the Central Committee and National Congress;
- (ii) co-ordinate all plans, campaigns and projects approved by the Central Committee;
- (iii) receive regular financial statements from the National Finance Committee;
- (iv) consider budgets and the payment of accounts as reported by the National Finance Committee;
- (v) suspend any office bearer or official of the Union for sufficient cause until the matter is decided at the next meeting of the Central Committee;
- (vi) to generally represent the Union and ensure the sound management thereof between meetings of the Central Committee subject to the provisions of this constitution and the objects and policies of the Union;
- (vii) to issue press statements in the name of the Union; and
- (viii) to do all lawful things which promote the interests of the Union and which agree with:
  - 1. the objects and policies of the Union; and
  - 2. this constitution.

(d) **Meetings**

The National Executive Committee shall meet at least once every three months.

(4) **NATIONAL FINANCE COMMITTEE**

(a) The Central Committee shall elect from among their number ~~three~~ five members ~~all~~ three of whom must reside or work within a 60km radius of the Head Office. The other two members shall reside outside of the 60km radius. No region shall have more than 1 NFC member. These ~~three~~ five members, together with the National Treasurer, shall constitute the Union's National Finance Committee. The National Treasurer shall chair all meetings of the National Finance Committee.

(b) **The National Finance Committee shall have the powers to:**

- (i) supervise the financial affairs of the Union;
- (ii) ensure that the provisions of the constitution are observed;
- (iii) assist the General Secretary to keep proper books of accounts for the Union;
- (iv) scrutinise budgets and monthly financial statements prepared by the General Secretary before these statements are submitted to the Central Committee and/or National Executive Committee for approval;
- (v) scrutinise all the Union's financial records and report all problems and irregularities to the National Executive Committee or Central Committee;
- (vi) meet with the National Office Bearers not less than once a month to approve the payment of accounts (and benefits) provided such expenditure is within budgets approved by the Central

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<sup>14</sup> The Central Committee meets at least once every six months; whilst the NEC meets at least once every three months.

<sup>15</sup> The National Office Bearers are the President, two Vice-Presidents, the National Treasurer, General Secretary and Deputy General Secretary.



- (vii) Committee or NEC; and perform such other duties as by usage and custom pertain to the office.

## CHAPTER 7

### 7. REGIONAL AND NATIONAL OFFICE BEARERS AND ELECTED OFFICIALS

#### (1) REGIONAL OFFICE BEARERS AND ELECTED OFFICIALS

##### (a) Regional Office Bearers

- (i) The Regional Office Bearers of the Union shall be:
  - 1. the Regional Chairperson;
  - 2. the Regional Vice-Chairperson;
  - 3. the Regional Treasurer, who shall be a member of the Regional Finance Committee; and
  - 4. the Regional Secretary.
- (ii) The Regional Congress shall elect from amongst themselves a Chairperson, Vice-Chairperson, Treasurer and three (3) members of the Regional Finance Committee who shall hold office for four years.
- (iii) The Regional Chairperson, Vice-Chairperson and Treasurer shall be eligible for re-election.
- (iv) The duties of the President and Vice-Presidents as prescribed in this constitution shall apply on a regional basis to the duties of the Regional Chairperson and Vice-Chairperson and will also apply on a local basis to the duties of the Local Chairperson and Vice-Chairperson.
- (v) The Regional Treasurer shall have the same powers and duties as the Regional Finance Committee.
- (vi) The powers and duties of the RFC are as per Clause 5(4)(b)(i) to (v).

##### (b) Regional Elected officials

- (i) The Regional Elected official of the Union shall be the Regional Secretary.
- (ii) Each Regional Congress shall elect a Regional Secretary for each region who shall be a full-time official and employee of the Union and whose term of office shall be four years.
- (iii) The duties of Regional Secretaries shall be:
  - 1. to ensure the proper administration and co-ordination of the Union's activities in defined regions;
  - 2. to provide full reports to each Regional Congress and Regional Executive Committee meeting, on regional activities;
  - 3. to deal with all regional correspondence;
  - 4. to prepare monthly statements of income and expenditure and to submit copies thereof to the General Secretary;
  - 5. to collect subscriptions, fines and levies and issue receipts for monies received other than by stop-order;
  - 6. to bank all monies within seven days of receipt and to ensure transfer of monies to the head office of the Union in accordance with the decision of the Central Committee;
  - 7. to be a co-signatory to the regional bank account of the Union;
  - 8. to issue notices of regional meetings, attend such meetings and take minutes;
  - 9. to send minutes to the General Secretary;
  - 10. promptly and accurately process applications for membership of the Union;
  - 11. keep a register of members; and
  - 12. to perform such other duties as required by this constitution, the Central Committee or National Executive Committee.
- (iv) A Regional Secretary may resign after giving one month's written notice to the Regional Executive Committee having jurisdiction.

#### (2) NATIONAL OFFICE BEARERS AND ELECTED OFFICIALS

##### (a) National Office Bearers

The National Office Bearers are:

- (i) the President;
- (ii) two Vice-Presidents;
- (iii) the National Treasurer, who shall be a member of the National Finance Committee; and
- (iv) the General Secretary and the Deputy General Secretary.

(b) **National elected officials**

The national elected officials are:

- (i) the General Secretary; and
- (ii) the Deputy General Secretary.

(c) **Election and term of office**

(i) Union members are eligible for election as National Office Bearers if they are:

1. in good standing; and
2. accredited delegates to a National Congress.

(ii) Members at the National Congress shall nominate and duly second persons appropriate for the position of President, Vice-Presidents, National Treasurer, General Secretary and Deputy General Secretary.

(iii) National Congress shall then elect by ballot members for these positions.

(iv) The President, Vice-Presidents, National Treasurer, General Secretary and Deputy General Secretary shall:

1. hold office until the next ordinary congress; and
2. be eligible for re-election upon the expiry of their terms of office.

(d) **Powers and duties**

The powers and duties of the office bearers and officials shall be as follows:

(i) The President:

1. preside at Congresses and all meetings of the Central Committee and National Executive Committee. The President shall have a deliberative vote only<sup>16</sup>;
2. sign minutes of meetings;
3. supervise the affairs of the Union and work of the General Secretary;
4. be a co-signatory to the national banking accounts of the Union;
5. attend and report to National Congresses;
6. perform any other duties which arise from usage or custom or the provisions of this constitution with regard to the position of the President.

(ii) The Vice-Presidents shall:

1. assist the President; and
2. exercise the powers, functions and duties of the President in his/her absence.

(iii) The National Treasurer shall have the same powers and functions as the National Finance Committee.

(iv) The General Secretary shall:

1. be a full-time official and employee of the Union;
2. be responsible for the proper administration of the Union and for the general co-ordination of its activities;
3. supervise the work of the Regional Secretaries and other officials of the Union;
4. attend and report fully to each National Congress and meetings of the National Executive Committee and Central Committee on all aspects of the Union's activity;
5. be responsible for the minutes of the National Congress, National Executive Committee and Central Committee;
6. submit the minutes of all National Executive Committee meetings and monthly financial statements to all NEC members;
7. deal with all the correspondence of the head office of the Union;
8. ensure that proper books of account are kept and that such books are audited annually;
9. be a co-signatory to the national banking accounts of the Union;
10. issue official receipts for all monies received and to bank such monies within seven

<sup>16</sup> The President will vote if there is a deadlock in the voting results.

days of receipt;

11. visit regions for reasons determined by the Central Committee;
12. ensure that a register of members is maintained;
13. ensure that disciplinary action is taken against employees of the Union in accordance with the Union's Disciplinary Code and Procedure; and
14. perform other duties required by this constitution or the National Congress, Central Committee or National Executive Committee.

(v) The Deputy General Secretary shall:

1. be accountable to the National Executive Committee and shall:
2. assist the General Secretary in the performance of his/her duties; and
3. perform the functions of the General Secretary as he/she may be temporarily or permanently unable to perform.



## CHAPTER 8

### 8. REMOVAL OF SHOP STEWARDS AND OFFICE BEARERS FROM OFFICE

#### (1) REMOVAL OF MEMBERS WHO HOLD OFFICE

Any shop steward, or any member holding any position in the Union, shall no longer hold that position if:

- (a) they are no longer employed in the workplace which elected them;
- (b) they are no longer employed in the industry;
- (c) they fail to attend three consecutive meetings of the council and/or committee which elected that person without sending a written reason;
- (d) fail to be in good standing with the Union;
- (e) they resign;
- (f) the Union suspends or expels them;
- (g) they are unable to perform their duties.

#### (2) DISCIPLINE

##### (a) Shop stewards

- (i) A shop steward who fails to comply with the terms of this constitution, or who acts in a manner which is detrimental to the interests of the Union and its members, or who has allegedly committed misconduct, may be disciplined by the Regional Executive Committee.
- (ii) The REC is required to follow the disciplinary procedure set out in sub-clause (d) below.

##### (b) Regional Office Bearers

- (i) Where a Regional Office Bearer fails to comply with any of the terms of this constitution, or who acts in such a manner that is detrimental to the interests of the union and its members, or who has allegedly committed misconduct may be disciplined by the Regional Executive Committee.
- (ii) The REC is required to follow the disciplinary procedure set out in sub-clause (d) below.

##### (c) National Office Bearers

- (i) Where a National Office Bearer fails to comply with any of the terms of this constitution or acts in such a manner that is detrimental to the interests of the union and its members, or who has allegedly committed misconduct, may be disciplined by the National Executive Committee.
- (ii) The NEC is required to follow the disciplinary procedure set out in sub-clause (d) below.

##### (d) Disciplinary procedure for National and Regional Office Bearers

- (i) The REC or the NEC as the case may be, shall advise the person concerned in writing giving not less than seven days' notice of the charges against him/her and the date, time and place of his/her hearing. This notice may be sent by registered post to the last known address of the person charged or delivered by hand.
- (ii) At the hearing of the charges the person concerned shall have the opportunity to state his/her case personally and to call witnesses in support of his/her case.
- (iii) In each case the person concerned must receive written notice of the decision and be advised in this notice that he/she has a right of appeal which he/she must take up within seven days.
- (iv) If the REC or the NEC as the case may be is satisfied that:
  - 1. the person charged has although absent received the notice; or
  - 2. the person charged is present;the REC or the NEC may proceed to hear and determine the charge.
- (v) If, in its opinion, the charge has been satisfactorily proven it may:
  - 1. remove the shop steward or office bearer (as the case may be) from office in the Union;
  - 2. expel the shop steward or office bearer from the union;
  - 3. suspend him/her for a definite period from membership of the Union;
  - 4. impose a fine and may suspend a person from membership until such fine is paid;
  - 5. impose any other such a penalty, not listed above as it deems fit.
- (vi) If the person concerned is charged with any misconduct related to sexual harassment, the REC

or NEC shall ensure that the charges are determined by a panel of its members, at least fifty percent of whom must be of the same gender as the complainant.

(e) **Removal by ballot**

(i) Besides any other provision in this constitution for the removal of office bearers and elected officials, such persons may be removed from office in the following way:

1. in the event that 30% of members in good standing, in the constituency in which the affected person was elected or appointed, vote in favour of removal of the office bearer concerned, such results will trigger an investigation in to the allegations leading to such balloting. Such results shall be handed to the relevant constitutional structure to conduct the investigation.
2. that Executive Committee must arrange for a ballot of all the members in good standing in such constituency to determine the matter.

(ii) For the purpose of this clause, the constituency shall be as follows:

1. for Local Office Bearers or elected officials, the members in good standing within the defined area of the Local;
2. for Regional Office Bearers or elected officials, the members in good standing within the geographical area of the region;
3. for National Office Bearers or elected officials, a National Congress.

(f) **Vacancies arising from removal**

(i) Vacancies in any position shall be filled in the manner prescribed for that position.

(ii) A member elected to fill a vacant position shall hold office for the unexpired period of the term of office of that member's predecessor.

(3) **APPEAL PROCEDURE**

(a) Shop stewards may appeal against the decision of the REC to the NEC in accordance with the procedure set out in subclause (d) below.

(b) Regional Office Bearers may appeal against the decision of the REC to the NEC in accordance with the procedure set out below.

(c) National Office Bearers may appeal the decision of the NEC to the Central Committee in accordance with the provisions set out below.

(d) Any office bearer, shop steward or elected official appealing in terms of this Chapter, shall lodge their appeal in writing with the General Secretary of the union within seven days of receiving the notice of the decision. The person appealing may personally state their case at the appeal and may call witnesses in support of their case.

(e) The organ of the Union hearing the appeal has the power to confirm, vary or reverse the decision of the REC or NEC as the case may be, and this is the final decision of the Union.

(f) Any shop steward or office bearer who is suspended from duty, shall not have the right to any of the benefits of membership including the right to vote, unless specifically provided for by the body of the union suspending that person. An elected official will cease to act for the Union during their suspension, unless the body suspending them, decides to the contrary.

## CHAPTER 9

### 9. MEETINGS, PROCEDURES AND STANDING ORDERS

(1) MEETINGS

The following procedures must apply when convening meetings and congresses:

	HOW OFTEN?	WHEN AND WHERE?	SPECIAL MEETINGS
(a) National Congress	At least once every four years.	The Central Committee decides on a date and venue by way of a simple majority.	The Central Committee may convene a Special National Congress.
(b) Central Committee	At least once every six months	The National Office Bearers decide on a date and venue.  If they cannot decide on the venue, then the meeting will meet in the city where head office is located.	The National Office Bearers may convene a special meeting of the Central Committee. The President may convene a special meeting upon receipt of a written request by a majority of the accredited members of the Central Committee.
(c) National Executive Committee	At least once every two months	The National Office Bearers decide on a date and venue.	The President or a majority of the members of the NEC in a written request may call a special meeting of the NEC.

	HOW OFTEN?	WHEN AND WHERE?	SPECIAL MEETINGS
(d) Regional Congress	At least once every three months	The Regional Office Bearers decide on a date and venue.	Special meetings may be convened by a request of the majority of Locals within the region.
(e) Regional Executive Committee	At least once every two months	The Regional Office Bearers decide on a date and venue.	The Regional Chairperson may convene special meetings of the Regional Executive Committee.
(f) Local shop steward council	At least once a month	The local office bearers decide on a date and venue.	The local chairperson may convene special meetings of the LS5C.

(2) NOTICE OF MEETINGS

	WHO SENDS THE NOTICE AND WHAT SHOULD IT CONTAIN?	WHO RECEIVES THE NOTICE?	HOW LONG IS THE NOTICE PERIOD?	GENERAL?
(a) National Congress	The General Secretary  The agenda and all documents must be sent to delegates to reach them at least two months before the Congress.	Each region	At least six months	Regions wishing to submit resolutions must send these to the General Secretary at least three months before Congress.



	WHO SENDS THE NOTICE AND WHAT SHOULD IT CONTAIN?	WHO RECEIVES THE NOTICE?	HOW LONG IS THE NOTICE PERIOD?	GENERAL?
(b) <b>Central Committee</b>	The General Secretary. The notice includes the agenda and the date, time and venue of the meeting.	Each Central Committee member	At least one month	Notice of special meetings may not be less than 48 hours notice. Verbal notice may be given directly to Central Committee members: i) in an emergency and ii) at the discretion of the President.
(c) <b>National Executive Committee</b>	The General Secretary The notice includes the agenda, date, time and venue of the meeting.	Each NEC member	At least seven days	Verbal notice may be given directly to NEC members: (i) in an emergency and (ii) at the discretion of the President
(d) <b>Regional Congress</b>	The Regional Secretary The notice includes the agenda, date, time and venue of the meeting.	Each Local within a region	At least two weeks	Notice of Special Regional Congresses may be shorter than two weeks but not less than three days.

	WHO SENDS THE NOTICE AND WHAT SHOULD IT CONTAIN?	WHO RECEIVES THE NOTICE?	HOW LONG IS THE NOTICE PERIOD?	GENERAL?
(e) <b>Regional Executive Committee</b>	The Regional Secretary  The notice includes the agenda, date, time and venue of the meeting.	Each REC member	At least seven days	Verbal notice may be given directly to REC members: (i) in an emergency and (ii) at the discretion of the Regional Chairperson
(f) <b>Local shop steward council (LSSC)</b>	The local coordinator	Each shop steward committee	At least ten days	Verbal notice may be given directly to LSSC members: (i) in an emergency and (ii) at the discretion of the local chairperson

If a representative, official or office bearer does not receive a notice as described above, the proceedings of the relevant meeting are still valid.

(3) QUORUM

	MINIMUM NUMBERS PRESENT FOR VALIDITY OF MEETING	WHEN THERE IS NO QUORUM	NOTICE PERIOD OF ADJOURNED MEETING
(a) National Congress	Two thirds (2/3) of accredited delegates, provided that at least 2/3 of the regions are represented.	If after three hours there is no quorum, the meeting must be adjourned and re-convened within eight weeks.  The delegates present at the adjourned meeting shall constitute a quorum.	Four weeks
(b) Central Committee	Two thirds of members, and at least 2/3 of the regions entitled to attend.	If after one hour there is no quorum, the meeting must be adjourned and re-convened within four weeks.  The delegates present at the adjourned meeting shall constitute a quorum.	Two weeks written notice.

	MINIMUM NUMBERS PRESENT FOR VALIDITY OF MEETING	WHEN THERE IS NO QUORUM	NOTICE PERIOD OF ADJOURNED MEETING
(c) National Executive Committee	Two thirds of the members.	If after one hour of the time of the meeting a quorum is not present, the meeting will be adjourned and reconvened within 14 days.  The members at the adjourned meeting shall constitute a quorum.	Five days written notice.
(d) Regional Congresses	Simple majority of delegates entitled to attend.	If after two hours of the time of the meeting there is no quorum, the meeting must be adjourned and re-convened within one month.  The delegates present at the adjourned meeting shall constitute a quorum.	At least two weeks.

	MINIMUM NUMBERS PRESENT FOR VALIDITY OF MEETING	WHEN THERE IS NO QUORUM	NOTICE PERIOD OF ADJOURNED MEETING
(e) Regional Executive Committee	Two thirds of the members.  If after one hour of the time of the meeting a quorum is not present, the meeting will be adjourned.	If after one hour of the time of the meeting a quorum is not present, the meeting will be adjourned.  The members at the adjourned meeting shall constitute a quorum.	Five days written notice.

**(4) STANDING ORDERS FOR MEETINGS**

**(a) Chair**

The following rules of procedure shall apply at Union meetings:

- (i) the most senior office bearer present shall preside. If there is no office bearer present, the meeting shall elect a Chair on the basis of a simple majority;
- (ii) the Chairperson shall determine whether there is a sufficient quorum;
- (iii) only the issues on the agenda may be debated, unless the majority at the meeting agree to debate other urgent matters;
- (iv) each member who wants to speak must address the chair. A member who proposes a motion can speak for up to ten minutes and can reply to any debate for up to five minutes;
- (v) no persons may speak or participate in a meeting without the permission of the Chairperson.

**(b) Decision-making procedure**

- (i) All matters for decisions must be proposed and seconded. The members at the meeting shall make decisions by a show of hands or by ballot if the meeting so agrees or if so prescribed by this constitution.
- (ii) A mover<sup>17</sup> and seconder may not withdraw a motion which has been debated unless the meeting so decides.

<sup>17</sup> A mover is a member who proposes a motion.

- (iii) When an equal number of members support and oppose a motion, the motion cannot succeed.
- (iv) A decision made at a meeting may not be re-opened at the same meeting unless 2/3 of the members present agree.
- (v) A motion may not be proposed and seconded, at any regional or national congress, by delegates from the same local or region as the case may be.

(c) **Minutes**

At every meeting the presiding officer, once confirmed by those present, signs the minutes of the previous meeting. These must be kept safely in a book or file. A register of all resolutions taken must also be kept.

(d) **Procedures not provided for**

Unless this constitution provides otherwise, the majority of members present at a meeting shall decide on the conduct of meetings and rules of procedure that are not contained in this chapter.

(e) **Power to vote**

A paid official or other employee of the Union shall not be entitled to vote on any matter except where that official or employee has been appointed or elected to represent the Union on any Board, Council, Committee or federation of trade unions internally and externally.

## CHAPTER 10

### 10. BALLOTS

(1) **GENERAL**

A ballot must be taken:

- (a) when it is compulsory in terms of this constitution;
- (b) if demanded by the National Congress, Central Committee, Regional Congress, Local Shop Stewards Council or Factory General Meeting.

(2) **BALLOT PROCEDURE**

The following is the ballot procedure:

- (a) the relevant committee / meeting appoints at least two scrutineers who:
  - (i) may be members of the Union, office bearers of Cosatu or employees of Numsa; and who
  - (ii) supervise the ballots being counted;
- (b) each voter shall, in the presence of a scrutineer, be issued with a ballot paper which:
  - (i) clearly describes the issue; and
  - (ii) makes it impossible to identify the voter;
- (c) the voter makes his/her mark in secret and deposits the ballot paper in a ballot box;
- (d) on completion of the ballot or as soon as possible thereafter, the scrutineer counts the votes. If there is an election the candidates can watch the counting of the votes. The candidate receiving the highest number of votes shall be declared elected;
- (e) the scrutineer informs the Chairperson of the results;
- (f) the Chairperson informs the meeting or committee;
- (g) 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:
  - (i) the provisions of this constitution;
  - (ii) the decisions of the National Congress and the Central Committee;
- (h) Any ballot for an elected position at National or Regional level shall be conducted by an independent electoral body appointed by either of the Regional Executive Committee at regional level or the Central Committee at national level and such shall act as the scrutineer.
- (i) The candidates in any such election may attend and witness the counting of the votes.
- (j) A person appointed by the independent electoral body shall announce the total number of possible votes and the number of votes cast. He/she shall then announce the number of votes cast for each candidate and the number of spoiled ballot papers.
- (k) He/she shall then announce the name of the winning candidate and declare him/her duly elected.
- (l) Sub-sections (b) and (c) shall also apply to an election.
- (m) The Regional Secretary must keep Local and Regional ballot papers and the General Secretary must keep national ballots. These ballot papers must be kept for three years.

## CHAPTER 11

### 11. FINANCE

(1) **GENERAL USE OF UNION FUNDS**

Union funds may only be used for the following expenses:

- (a) the administration of Union affairs;
- (b) the acquisition of property;
- (c) the implementation of Union policies;
- (d) any other lawful purpose agreed to by the Central Committee, NEC or the National Congress.

(2) **NATIONAL BANK ACCOUNT**

- (a) All monies payable to the Union including subscriptions, levies, fines and any other payments must be paid to the:
  - (iii) General Secretary; or
  - (iv) any other person authorised by the Central Committee.
- (b) The General Secretary or other authorised person must deposit all payments within seven days of receipt into an account in the name of the Union at a bank decided on by the Central Committee.
- (c) The bank account shall be called "National Union of Metalworkers of South Africa: National Account".

(3) **BUDGET ALLOCATIONS TO HEAD OFFICE AND THE REGIONS**

- (a) The Central Committee shall, from time to time, determine by majority vote the size of budget allocations for the head office account and each regional account.
- (b) These allocations shall provide for all expenses which include petty cash expenses. The National Executive Committee must authorise petty cash cheques drawn for:
  - (i) more than R100,00 for head office or a regional office expenses;
  - (ii) for more than R50,00 by a regional office for expenses by a Local office.
- (c) The REC approves the regional financial statements and sends these statements as well as vouchers, cheques, deposit slips and bank statements to head office. The General Secretary then prepares the transfer of money required to finance the region. The signatories to the National Account shall authorise such transfer.
- (d) Monthly allocations to head office and the regions shall be transferred on authorisation of two signatories to the head office and regional accounts respectively.

(4) **REGIONAL FINANCE: AUTHORISATION AND SIGNATORIES**

- (a) The Central Committee decides on the allocation of funds to the region. The Central Committee sends the money to the Regional Secretary who must deposit the money within seven days of receiving it. The Regional Executive Committee chooses the bank for the region.
- (b) The Regional Executive Committee must approve payments the regional office wants to make.
- (c) All cheques drawn on the Regional Executive Committee account must be signed by any two of the authorised signatories. If any signatory is unable or unwilling to sign cheques, the Regional Executive Committee may appoint another suitable signatory provided that all cheques of the region are signed by two persons who shall be either:
  - (i) the Regional Secretary; or
  - (ii) members of the Regional Finance Committee one of whom must reside or work within a 60km radius of the Regional Office and the Treasurer.

(5) **NATIONAL FINANCE: AUTHORISATION AND SIGNATORIES**

- (a) All cheques drawn on the National Account must be signed by any two of the authorised signatories. If a signatory is unable or unwilling to sign cheques, the National Executive Committee may appoint another suitable signatory who shall be either:
  - (i) the General Secretary; or
  - (ii) members of the National Finance Committee.
- (b) All payments made by the head office of the Union shall require the approval of the National Executive Committee.

(6) **ANNUAL AUDIT**

- (a) The financial year end of the Union is 31 December.
- (b) All accounts of the Union must be audited annually by a person registered as an accountant and auditor under Section 23 of the Public Accountants and Auditors Act, No. 51 of 1951. This person must be appointed by the Central Committee.
- (c) True copies of the consolidated audited account of the Union and the auditor's report shall be made available for scrutiny by members of the Union at all offices of the Union.
- (d) The Central Committee must confirm the:
  - (i) consolidated audited financial statement;
  - (ii) balance sheet; and
  - (iii) auditor's report.
- (e) The consolidated audited financial statement, balance sheet and auditor's report must be presented to each:
  - (i) Regional Executive Committee;
  - (ii) Regional Congress;
  - (iii) Local Shop Stewards Council; and
  - (iv) Local general meeting.
- (f) The auditor's report shall state whether the auditor:
  - (i) has examined the books of account and records of the Union;
  - (ii) is satisfied with the existence of the securities;
  - (iii) is satisfied that the Union has kept proper books of account;
  - (iv) has obtained all the information and explanations required;
  - (v) is satisfied that the statement of income and expenditure and the balance sheet show a true and correct reflection of the Union's financial affairs;
  - (vi) is satisfied that the financial provisions of the constitution have been complied with.

(7) **IMPOSITION OF LEVY**

- (a) The Central Committee may at any time impose a levy to raise funds for Union activities.

(8) **INDEMNIFICATION FOR UNAUTHORISED EXPENDITURE**

- (a) If any members at a meeting of a council, committee or congress incur expenses which have not been authorised, then those members will be held jointly and severally liable for refunding the money to the Union<sup>18</sup>.
- (b) Any member who protested against the expenditure and recorded their protest in the minutes of that meeting will not be liable for refunding the money.

(9) **MEMBERS' CLAIMS ON UNION FUNDS**

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

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<sup>18</sup> "Jointly and severally liable" means that all the members of a group or individual members in that group may be liable for refunding money, which has not been authorised.

## CHAPTER 12

### 12. INDEMNIFICATION

The Office Bearers, members of all committees provided for in this constitution, elected officials and other officials of the Union:

- (1) will be indemnified by the Union for all for proceedings, costs and expenses incurred for any act or omission performed in accordance with the provisions of the constitution, provided they have acted:
  - (a) in good faith; and
  - (b) within the provisions of the constitution;
- (2) will be held personally liable for expenditure incurred on behalf of the Union if they have incurred such liability not provided for in this constitution or contrary to any lawful resolution taken by the Union.

## CHAPTER 13

### 13. REPRESENTATION ON COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION, STATUTORY COUNCILS AND BARGAINING COUNCILS

#### (1) PROCEDURE

- (a) If a Regional Executive Committee resolves that the Union shall become a party to a Statutory Council or Bargaining Council (all hereinafter referred to as "council") in the area of such region and, the Central Committee approves of such course of action, the election of persons to represent the Union on such council shall take place by ballot of the members of the Regional Committee concerned.
- (b) If the Central Committee resolves that the Union shall become a party to a council in the area of jurisdiction of more than one region, the election of persons to represent the Union on such council shall take place by ballot of the members of the Central Committee.
- (c) Nominations of persons for election as representatives and alternates to such councils shall be lodged appropriately with:
  - (i) the Regional Secretary at the meeting of the Regional Executive Committee; or
  - (ii) with the General Secretary at the meeting of the Central Committee.
- (d) A ballot shall be taken as soon as possible after receipt of the Central Committee's approval.

#### (2) RESIGNATION AND VACANCIES

- (a) Any representative of the Union on any council shall vacate from office:
  - (i) by resigning by giving written notice to the General Secretary or Regional Secretary; or
  - (ii) if a majority resolution to this effect is passed by the Regional Executive Committee or the Central Committee as the case may be.
- (b) Vacancies for any representative to a council shall be filled by election and by ballot of the Regional Executive Committee or the Central Committee as the case may be.



- (3) **COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION (CCMA)**
- (a) The Central Committee or Regional Executive Committee may at any time decide that the Union shall apply to the Commission for Conciliation, Mediation and Arbitration (CCMA) in terms of the Labour Relations Act, 1995, to deal with any dispute in which the region or the Union may be involved.
  - (b) Should the Central Committee or Regional Executive Committee so decide, they shall make the necessary application and appoint a person to represent the Union at the Commission for Conciliation, Mediation and Arbitration (CCMA).
  - (c) Representatives on Bargaining Councils shall have full power to enter into agreements on behalf of the Union after approval by a meeting or meetings of affected members and the Central Committee.

## CHAPTER 14

### 14. AMENDMENTS TO THE CONSTITUTION

- (1) Provisions in the constitution may be amended, added or repealed at National Congress if:
  - (a) General Secretaries have received at least 90 days' written notice of the proposed amendments; and
  - (b) at least 2/3 of members at National Congress agree.

## CHAPTER 15

### 15. AMALGAMATION AND MERGER

If a National Congress resolves that the aims and objects of this constitution will be better achieved by amalgamating or merging with another trade union or trade unions, such amalgamation or merger should happen, provided that:

- (1) two thirds of National Congress vote in favour;
- (2) the terms and conditions are negotiated with the other party / parties;
- (3) the majority of the Central Committee agree with these terms; and
- (4) members of a general meeting called for this purpose ratify the Central Committee's decision.

## CHAPTER 16

### 16. DISSOLUTION

- (1) If for any reason the Union is unable to continue functioning, the Union may be dissolved provided that more than 60% of the members in good standing approve by way of a ballot at National Congress.
- (2) If a resolution for the dissolution of the Union has been passed, the following shall apply:
  - (a) The Union will approach the Labour Court to appoint a suitable person as liquidator, on appropriate conditions in terms of section 103(1) of the Labour Relations Act.
  - (b) The same National Congress that has resolved to dissolve the Union will choose one of the following options to guide the liquidator on how to dispose of any assets remaining once all liabilities have been discharged:
    - (i) transfer all or part of the assets or money to another trade union;
    - (ii) keep the money in trust until another trade union within the area and scope of NUMSA and open to all workers within that area and scope is established;
    - (iii) transfer the money or assets to any insurance, provident or benefit fund established in the interest of NUMSA members; or
    - (iv) distribute the money or assets among members in good standing in proportion to their number of years of membership.
  - (c) If these assets cannot be disposed of in this way, the liquidator must realise those assets and pay the proceeds to the Commission for its own use in terms of section 103(5) of the Labour Relations Act.

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## CHAPTER 17

### 17. INTERPRETATION OF THE CONSTITUTION AND PROCEDURES NOT PROVIDED FOR

- (1) The Central Committee shall:
  - (a) determine a question of procedure if not provided for in this constitution;
  - (b) interpret this constitution should a query arise.
- (2) Sidebar notes, footnotes and headings are for explanatory and referencing purposes only and do not form part of this constitution.

DATED AT JOHANNESBURG ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010.

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President

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General Secretary

## ANNEXURE A

### DEFINITIONS

Any reference to the male gender shall include the female and vice-versa. Words importing the singular include the plural and vice-versa.

"**Elected Official**" means an employee elected to the position of General Secretary or Deputy General Secretary or Regional Secretary.

"**LRA**" means the LABOUR RELATIONS ACT, No. 66 of 1995 as amended.

"**Local**" shall mean a geographic area, within a Region, the boundaries of which shall be determined by the Central Committee from time to time.

"**National Office Bearer**" means either the President or First Vice-President or Second Vice-President or National Treasurer or General Secretary or Deputy General Secretary.

"**Other official**" means an employee of the Union appointed to the position of official.

"**Plastics**" means any one of the group of materials which consists of or contains as an essential ingredient an organic substance of a large molecular mass and which, while solid in the finished state, at some stage in its manufacture has been or can be forced, i.e. cast, calendered, extruded or moulded into various shapes, by flow, usually through the application, singly or together, of heat and pressure.

"**Precious metals**" means the precious metals gold, silver, platinum and/or palladium, and/or any alloy containing the said precious metals or any of these in such proportion with any other metals as to be the greater part in value of such alloy.

"**Region**" shall mean a geographical area, the boundaries of which shall be determined by the Central Committee from time to time.

"**Regional Office Bearer**" means the Regional Chairperson or Vice-Chairperson or Regional Treasurer or Regional Secretary.

"**Shop steward**" means a trade union representative who has been elected by paid up members in accordance with this constitution and who follows the rules, policies and procedures of the union in terms of section 14 of the Labour Relations Act 66 of 1995 as amended.

"**the industry**" means the industry as described in the scope of the Union.

"**Year**" shall mean a calendar year.

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## ANNEXURE B

### SCOPE OF THE UNION

The Union shall be open to all workers employed in any of the following industries.

1. "Iron, Steel, Engineering and Metallurgical Industries" or "Industries" which means (subject to the provisions of any Demarcation Determinations made in terms of the Labour Relations Act, 1995) the Industries concerned with the production of iron and/or alloys and/or the processing and/or recovery and/or refining of metals and/or alloys from dross and/or scrap and/or residues and/ or the manufacture of jewellery and/or the refining of petrol, wholesale, transportation and distribution of petrochemicals including all work involved with pipelines; the maintenance, fabrication, erection or assembly, construction alteration, replacement or repair of any machine, vehicle (other than a motor vehicle) or article consisting mainly of metal or parts or components thereof and structural metal work, including steel reinforcement work, the manufacture of metal goods principally from such iron and/or steel and/or other metals and/or alloys and/or the finishing of metal goods; the building and/or alteration and/or repair of boats and/or ships, including the scraping, chipping and/or scaling and/or painting of the hulls of boats and/or ships and general woodwork undertaken in connection with ship repairs, and includes the Electrical Engineering Industry, Lift and Escalator Industry and Plastics Industry.
2. "Electrical Engineering Industry" which means:
  - (1) the manufacture and/or assembly from component parts of electrical equipment namely, generators, motors, converters, switch and control gear (including relays, contactors, electrical instruments and equipment associated therewith), electrical lighting, heating, cooking, refrigeration and cooling equipment, transformers, radio or electronic equipment and other equipment utilising the principles used in the operation of radio and electronic equipment, incandescent lamps and electric cables and domestic electrical appliances, and includes the manufacture of component parts of the aforementioned equipment;
  - (2) the installation, maintenance, and repair of the equipment referred to in paragraph 2.1 above.
3. "Electrical Contracting Industry" which means the design, preparation (other than manufacture for sale) and erection of electrical installations forming an integral and permanent portion of buildings and the repair and/or maintenance of such installations, including any cable jointing and electrical wiring associated therewith;
4. "Lift and Escalator Industry" which means the manufacture and/or assembly and/or installation and/or repair of electrical lifts and escalators;
5. "Locksmithing Trade" which means the trade in which employers and employees are associated for the opening and closing of locks for others by means other than with keys normally used, the repair, replacement, re-building or adjustment of locks and their mechanical parts, the manufacture by non-repetitive methods, of parts designed for use in locks and the cutting of keys, but excluding the manufacture of locks and keys;
6. "Plastics Industry" which means the manufacture of articles or parts of articles wholly or mainly from plastics, but does not include the manufacture of the following articles made from plastic sheeting material, viz:

Wearing apparel, bags and handbags, boots, shoes, overshoes, upholstery coverings and plastic Venetian blinds;
7. "Automobile Manufacturing Industry" which means the industry in which employers and employees are associated for the assembly of motor vehicles from new components on an assembly line and includes the manufacture or fabrication or assembly of any motor vehicle parts or components or combinations thereof when carried on by such employers, whether performed on an assembly line or elsewhere and of operations incidental thereto or consequent thereon and including the manufacturing of car seats and covers, irrespective of the premises where the work is performed.
8. "Motor Industry" which means without in any way limiting the ordinary meaning of the expression and subject to the provisions of any demarcation determination made in terms of the Labour Relations Act, 1995, includes:
  - (1) assembling, erecting, testing, remanufacturing, repairing, adjusting, overhauling, wiring, upholstering, including

- the manufacturing of vehicle seats and covers for any vehicle in this industry, spraying, painting and/or reconditioning carried on in connection with:
- (a) chassis and/or bodies of motor vehicles;
  - (b) internal combustion engines and transmission components of motor vehicles;
  - (c) the electrical equipment connected with motor vehicles, including radios;
- (2) automotive engineering;
  - (3) repairing, vulcanising and/or re-treading tyres;
  - (4) repairing, servicing and/or reconditioning batteries for motor vehicles;
  - (5) the business of parking and/or storing motor vehicles;
  - (6) the business conducted by filling and/or service stations;
  - (7) the business carried on mainly or exclusively for the sale of motor vehicles or motor vehicles parts and/or spares and/or accessories (whether new or used) pertaining thereto, whether or not such sale is conducted from premises which are attached to a part of an establishment wherein is conducted the assembly of or repairs to motor vehicles;
  - (8) the production, sale and fitment of glass components and including windscreen and window productions and fitment centres
- [(8)] (9) kiosks linked to and or attached to, garages and forecourts along with ancillary businesses such as, but not limited to, shops, wash bays and restaurants irrespective of whether they are owned by the franchisee and/or any third party;
- (10) car valet and wash bay establishments which are not attached to a garage and which are not covered in (9) above.
- [(9)] (11) the business of motor graveyards;
- [(10)] (12) the business of manufacturing establishments wherein are fabricated motor vehicle parts and/or spares and/or accessories and/or components thereof;
- [(11)] (13) vehicle body building;
- [(12)] (14) the sale of tractors, agricultural and irrigation equipment (not connected with the manufacture thereof in the Republic of South Africa, but excluding the Magisterial District of Kimberley), in respect of the sale of:
- [(13)] (15) agricultural and irrigation equipment; and
- [(14)] (16) tractors, except when undertaken by establishments substantially engaged in the sale and/or repair of other motor vehicles.
- [(15)] (17) for the purposes of this definition:
- (a) "automotive engineering" means the reconditioning of internal combustion engines or parts thereof for use in motor vehicles in establishments mainly or exclusively so engaged, whether such establishment is engaged in the dismantling and repair of motor vehicles or not; and
  - (b) "motor vehicle" means any wheeled conveyance propelled by mechanical power (other than steam) or electrically and designed for haulage and/or for the transportation of persons and/or goods and/or loads and includes trailers and caravans but does not include any equipment designed to run on fixed tracks, trailers designed to transport loads of 27 273 kg or over, or aircraft; and
  - (c) "vehicle body building" means any or all of the following activities carried on in a vehicle body building establishment, but does not include vehicle body building done by assembly establishments incidental to the assembly of motor vehicles:
    - (i) the construction, repair or renovation of cabs and/or bodies and/or any superstructure for any type of vehicle;
    - (ii) the manufacture or repair of component parts for cabs and/or bodies and/or any superstructure and the assembling, adjusting and installation of parts in cabs, bodies or on the superstructure of vehicles;
    - (iii) fixing cabs and/or bodies and/or any superstructure to the chassis of any type of vehicle;
    - (iv) coating and/or decorating cabs and/or bodies and/or any superstructure with any preservative or decorative substance;
    - (v) equipping, furnishing and finishing off the interior of cabs and/or bodies and/or superstructure;
    - (vi) building of trailers, but not including the manufacture of wheels or axles therefor;
    - (vii) all operations incidental to or consequent upon the activities referred to in paragraphs (14)(a)(i) to (14)(a)(vi) inclusive.
- [(16)] (18) For the purposes of this definition, "vehicle" does not include an aircraft and "Motor Industry" as defined above does not include the following:
- (a) The manufacture of motor vehicle parts and/or accessories and/or spares and/or components in

establishments laid out for and normally producing metal and/or plastic goods of a different character on a substantial scale, or the sale of motor spare parts and accessories by assembly establishments from such establishments;

- (b) the assembling, erecting, testing, repairing, adjusting, overhauling, wiring, spraying, painting and/or reconditioning of agricultural tractors, except where carried on in establishments rendering similar service in respect of motor cars, motor lorries or motor trucks;
- (c) the manufacturing and/or maintenance and/or repair of:
  - (i) civil and mechanical engineering equipment, and/or parts thereof, whether or not mounted on wheels;
  - (ii) agricultural equipment or parts thereof;  
or
  - (iii) equipment designed for use in factories and/or workshops: Provided that for the purposes of 15(c)(i), (15)(c)(ii), (15)(c)(iii), "equipment" shall not be taken to mean motor cars, motor lorries and/or motor trucks;
  - (iv) motor vehicle or other vehicle bodies and/or parts or components thereof made of steel plate of 3,175mm thickness or thicker when carried on in establishments laid out for and normally engaged in the manufacture and/or maintenance and/or repair of civil and/or mechanical engineering equipment on a substantial scale;
- (d) assembly establishments, i.e. establishments wherein motor vehicles are assembled from new components on an assembly line and includes the manufacture and/or fabricating of any motor vehicle parts or includes the manufacture and/or fabricating of any motor vehicle parts or components when carried on in such establishments, but shall not include vehicle body building, except in so far as it is carried on incidental to the assembly of motor vehicles, other than caravans and trailers.

[17] 9 "Tyre and Rubber Manufacturing Industry" which means the industry in which employers and employees are associated for the purpose of carrying out any one or more of the following activities:

- (1) the manufacture and/or reclaiming of rubber;
- (2) the manufacture of any article consisting wholly or mainly of rubber, rubber solution, tyres, tubes, belting whether conveyor or power transmission, hosepipe, camelback or other re-treading materials, battery cases, flaps airbags, abrasion and corrosion-resistant liners for pumps and the like, dock fenders, flexible mountings for engines or machinery, and includes all operations incidental to or consequent on any of the aforesaid activities but does not include the manufacture of footwear and the components of footwear when manufactured in an establishment producing footwear.

[18.] 10 "Battery manufacturing industry", which means the industry in which employers and employees are associated for the manufacture of dry cell and lead acid batteries.

[19] 11. Scrap metal users, recycling businesses, Steel Merchants and wholesale retail and steel products.

[20]. 12 [Base and precious metal smelters] The smelting of both base and precious metals and any/or all related industries including but not limited to mining or any other extractive processes. The mining of coal and any other minerals and all related activities.

13 "Transport" which means drivers and support employees including mechanical support of any type of vehicle and includes but is not limited to: passenger transport services, including, road, rail, river and sea; freight or goods transport and storage, including by road, rail, air, river, sea or pipelines; motor-ferry drivers and support employees; maritime transport including, stevedoring and cargo handling, shipping, repairs to maritime equipment; clearing and forwarding, seafaring and berthing, ship supplies and chandelling services, civil aviation which includes, passenger, cargo and technical services in both domestic and foreign airlines; operations at airports including but not limited to baggage and cargo handlers in aviation and ports; transport infrastructure services, which includes, tollgates and road management and operations, car parking and the operation of transport terminals; travel agencies and transport rental services including motor vehicles;

14 "Cleaning" which means any employee involved in any cleaning activity in any premises or workplace organised by NUMSA whether directly employed or employed by a third party.

15 " Security" which means any employee involved in any security activity in any premises or workplace organised by NUMSA whether directly employed or employed by a third party.

**16 "Building and Construction" which means:**

- (1) any employee who is involved in the preparation of land for the building of, alteration or renovation and a structure itself, the services in such a structure and the production of raw or manufactured materials required for such a structure and including pre-fabrication and includes but is not limited to:
- (a) demolition and excavation; bricklaying, masonry, plastering, facing and ceilings; installation of all electrical, plumbing, tiling, carpentry and flooring; work required for the finishing of any structure; erection of and protection of roofing of any type; any manufactured articles which are purchased from a manufacturer as such for any structure; any metalwork, components and /or erection of same; any other related and/or allied activities

**17 "Industrial Chemicals" which means**

- (1) Base Chemicals which means any employee involved in the manufacture and distribution of organic and inorganic chemicals such as cyclic intermediates and crude, dyes, organic pigments, master batches, non-cyclic organic chemicals, solvents, polyhydric alcohols, rubber processing chemicals, synthetic and natural tanning materials, gum and wood chemicals, esters of inorganic pigments, urea and fatty and other acids, alkalies, inorganic pigments, hydrogen peroxide, carbon bisulphide, phosphorous, magnesium carbonate, bromine, iodine, sodium nitrate, potassium nitrate, dry ice (solid carbon dioxide), chemical materials for atomic fission and fusion and the products of these processes; industrial gas in compressed, liquefied and solid form, cholralkali products, associated products and derivatives such as calcium hypochlorite and ferric chloride; organic anhydrides such as phthalic and maleic anhydride; plasticers, ion exchange resins; activated carbon; mining chemicals such as froth flotation reagents, metal chemical such as platinum group salts and cobalt salts; the manufacture of chemicals for use in fire extinguishers; industrial alcohol, rectified and absolute alcohol, cane oils, methylated spirits, benzene, ether and ammonia; furfural, furfuryl alcohol, diacetyl, and all activities incidental to these activities synthetic resins, polymel emulsions, polyvinyl alcohol, cellulose ester plastic materials and non-vulcanizable elastomers (excluding those in the form of moulding and extrusion compound) and vulcanizable elastomers, solid and liquid resins excluding sheets, rods, tubes, gradulars and powders and also excluding the manufacture and distribution of fertilisers and man-made fibres.
- (2) Fertilizers which means any employee employed in the supply, manufacture, formulation and distribution of – fertiliser and related products, including straight, mixed, compound and complex nitrogenous, phosphatic and potassic fertilisers, urea, organic fertiliser, and agricultural lime, and the operation of sulphuric, phosphoric and nitric acid plants in conjunction fertiliser plants; or other raw materials and chemical compounds primarily used in agriculture as listed in group n3512 of the International Standard Industrial Classification of all Economic Activities (ISIC) and in Group3342 and of the Standard Industrial Classification of the Chemical Industry; as classified at the date of the application hereof and all operations incidental to these activities, but excludes the activities for which the Bargaining Council for the Grain Co-operative Industry is registered.
- (3) Glass which means any employee employed in the manufacture, smelting, decoration, distribution, conversion and storage processes of glass products in the following areas; packaging and containerware; blown glass, whether mechanically or manually performed and the bending of glass; building glass for building, architectural, toughening and silvering use and including application thereof; automotive glass for original equipment and replacement including application; fibreglass, mineral wools, slagwool and rockwool; insulator glass and fibreglass and continuous filament products; glass tableware; glass for pharmaceutical purposes; cutting and colouring activities; covering,, including any articles consisting wholly or mainly of glass; safety glass and laminated glass; talc, kaolin, bentonite and limestone; and includes all operations incidental to these activities; the extraction, processing and distribution of industrial minerals and other non-metallic mineral products that are specifically employed in the manufacture of glass and/or glass products, or are by-products of the extraction and processing of silicate, glass, sand or any other non-metallic mineral product primarily for use in the manufacture of glass, and all operations incidental to these activities.



- (4) Explosives which means the employees of any commercial enterprise whose primary activities are governed by the explosives Act 1956 and includes the manufacture and marketing of explosives and explosives accessories and all operations incidental to these activities.
- (5) Speciality Chemicals which means any employee employed in the manufacture sale and/or distribution of diversified speciality chemicals for predominantly industrial use; including but not limited to furniture, metal and other polishes; waxes and dressings; disinfectants, insecticides, fungicides, herbicides and pesticides for industrial/agricultural use; dry and wet cell batteries; sterilants and deodorisers, electric cable insulating compounds and material; wetting agents, emulsifiers and penetrants; adhesives, glues, coatings, sealants, bonding agents and mastic compounds, sizes and cements, except dental, from vegetable, animal or purchased synthetic materials; non-decorative, anti-corrosive, wear-resistant surface coatings and tiles metallurgical powders; additives for plastics; candles; food additives fine chemicals and enzymes; bluing, bleaching and laundry soaps; boiler and heat insulating products; metal oil and water treating compounds; laboratory chemicals and prepared photochemical materials and sensitised film paper and cloth; dubbing; and trading in commodity chemicals, and all operations incidental to these activities.
- (6) Surface Coatings which means any employee employed in the preparation, manufacture, bottling wrapping, packing or sale of paints, distemper, lacquers, varnishes, enamels, finishes, powder coatings, fillers, putties thinners, synthetic resins, writing inks, printing inks, printing rollers and printing industry sundries; and the delivery distribution of the said products to a depot of the manufacturers, or to the premises of a wholesaler, retailer or user, whether or not such delivery is by the employer who prepared, manufactured, bottled, wrapped, packed or sold such products; and all operations incidental to and in support of these activities.
- (7) Petroleum which means any employee employed in the acquisition, importation, manufacture, supply, distribution, storage or blending of any finished or partly finished petroleum product; the acquisition, importation, storage or use of any feedstock; all operations concerned with the exploration for and testing of natural gas deposits; oil well and gas well operations and the drilling, and completing of equipping of such wells; the storage and marketing of a petroleum product, including liquid petroleum gas to resellers, agents, distributors and end users; and all operations incidental to and in support of these activities.
- (8) Pharmaceuticals which means any employee employed in the manufacture, fabrication, processing and distribution of drugs, medicines and health-monitoring preparations, including biological products, such as bacterial and iur vaccines, serums and plasmas; medicinal chemicals and botanical products, such as antibiotics, quinine, strychnine, sulphur drugs, opium and derivatives, adrenal, caffeine and codeine derivatives, vitamins, diagnostics and pharmaceutical preparations for human or veterinary use; and antiseptics for medical use, and all operations incidental and in support of these activities.
- 18 "Renewable Energy" which means any employee employed in the manufacture, transportation, wholesale and retail, erection and maintenance of solar and other renewable energy sources including but not limited to solar water heaters and panels and illumination devices, wind turbines and hydro-electric schemes and any other forms of renewable energy.
- 19 "Mining" which means any employee whether employed directly by a mine or by a third party and who is involved in the extractive processes of any metal, mineral or coal and any other product in any extractive process and includes, but is not limited to, all employees employed to support such mining and includes drivers of distribution vehicles.
- 20 "IT Industry" which means any employee who is an IT Manager, and/or a hardware and software support engineer, and/or a software developer, and/or a business analyst, and/or a systems analyst and architect.
- 21 "Health Services" which means any employee engaged in the provision of health services including counselling and emergency services in any premises or workplace organised by NUMSA whether directly employed or employed by a third party.
- 22 The industries defined above shall hereinafter be referred to as ["THE METAL AND RELATED INDUSTRIES".] The scope of the union.

## CERTIFICATE OF REGISTRATION OF A TRADE UNION

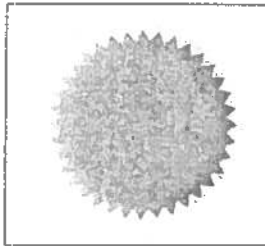
This is to certify that

*National Union of Metalworkers of South Africa (NUMSA)*

Name of trade union

has in terms of section 96(7)(a) of the Labour Relations Act, 1995, been  
registered as a trade union with effect from

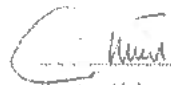
23 November 1998



Reference number: LR2/6/291

Official seal of Registrar

Date 23 November 1998

  
Registrar of Labour Relations