

**CONSTITUTION OF THE NATION UNION OF
FURNITURE**

PREAMBLE
WHEREAS THE UNION BELIEVES

That the establishment of an anti-racist / non-racial, non-exploitative and democratic society depends on the unity of the working class directed at the eradication of oppression, exploitation and discrimination as well as the promotion, development and maintenance of an authentic working class leadership.

In workers uniting and developing themselves so that they control their own destiny and take their historic role as the vanguard at the struggle for liberation.

1. **NAME**

The name of the Trade Union is **National Union of Furniture and Allied Workers of South Africa.**

2. **DEFINITIONS**

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

Words importing the masculine gender shall include the feminine gender and vice versa.

3. **OBJECTS**

The objects of the Trade Union shall be –

- a) To regulate relations between employees and employers, including any employers organisations;
- b) To promote the interest of members;
- c) To plan and organize its administration and lawful activities;
- d) To affiliate with and participate in the affairs of any national or international workers organization or international labour organizations;
- e) To promote, support or oppose any proposed legislative or other measures affecting the interest of members;
- f) To use every legitimate means to induce employees to become members;
- g) To provide legal assistance to members in connection with employment;
- h) To establish and administer funds for the benefits of its members and their dependants;
- i) To encourage the settlement of disputes between members and employers or employers organizations by conciliation, mediation or arbitration;
- j) To do such lawful things as may appear in the interest of the trade union and its members and which are not inconsistent with the objects of any matter specifically provided for in this constitution, and to provide contractual employment as may deem fit for the benefit of the organization and its members;
- k) To borrow, invest, lend, subscribe or donate money for the furtherance of the objects of the trade union.

4. **STATUS OF THE TRADE UNION**

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

5. **MEMBERSHIP**

- a) Any employee in the Republic of South Africa shall be eligible for membership of the trade union in each of the following sectors. (refer annexure A page 28)
- b) Every application for admission or re-admission for membership of the trade union shall be made on appropriate form and shall be lodged with the Administrator of the branch concerned.
- c) Every application for membership shall be considered by the branch executive committee within three (3) weeks of receipt thereof by the branch administrator.

- d) An application to whom admission to membership is refused shall be provided with reasons for such refusal and shall be entitled to a refund of the entrance fee paid by the member on application.
- e) If admission to membership is refused by the branch executive committee, the applicant concerned shall have a right to appeal to the Union Representative Council, who shall have a right to appeal to the Union Representative Council, who shall attend to the appeal in terms of the appeal procedure provided for under discipline.
- f) Every member shall notify the branch administrator in writing of his postal address and any other change thereof within seven (7) days of the date on which the change occurred.
- g) An employee who has resigned or been expelled from the trade union may be re-admitted to membership on such conditions as the branch executive committee may determine.

6. **DISCIPLINE**

A member may be suspended, fined or expelled as may be determined by the branch executive committee:

- a) If a member within 30 days of demand, in writing by the branch administrator fails to pay membership fees, fine or levies which are more than three (3) months in arrears;
- b) If a member infringes any of the terms of this constitution or acts in a manner which is detrimental to the interest of the trade union;
- c) No member may be suspended, fined or expelled unless the member has been afforded an opportunity to state his/her case personally at a meeting of the branch executive committee, of which the member has received not less than seven (7) days notice in writing from the branch administrator; and the matter with which the member is charged, shall be set out in such notice;
- d) A member who has appeared before the branch executive committee in accordance with sub-clause (6c), shall, if he/she is dissatisfied with the decision of the branch committee and has lodged an appeal in the manner herein provided, have the right to restate his/her case personally to the regional executive council, who shall consider the matter.
- e) A member shall be entitled to call witnesses in support of his/her case when attending a meeting of the branch executive committee or regional executive council in terms of sub-clause (6c & d) as the case may be.

7. **TERMINATION OF MEMBERSHIP**

- a) A member may resign by giving thirty (30) days notice in writing to the branch administrator: Provided that no resignation shall take effect until all monies due to the trade union by the member concerned have been paid.
- b) A member whose membership fees are more than thirteen (13) weeks in arrears shall automatically cease to be a member of the trade union. Such person shall, however,

be liable for all monies due to the trade union as at the date on which he/she ceases to be a member of the trade union.

8. **MEMBERSHIP FEES/SUBSCRIPTIONS/FINES**

(1) **MEMBERSHIP FEES**

- a) An entrance fee shall be determined by the National Executive Council from time to time, and shall be payable irrespective of remuneration of the applicant.
- b) Notwithstanding the provision of paragraph (a) of this sub-clause, an amount not exceeding ten (10) rand may be imposed by the branch executive committee on any application for membership.
- c) An ex-member shall not be re-admitted to membership of the trade union unless and until that member has paid all monies due by him to the trade union in respect of his former membership.

(2) **SUBSCRIPTIONS**

- a) A weekly subscription of four rand (R4-00) per week, not exceeding four percent (4%) of a member's remuneration shall be determined and reviewed annually by the National Executive Council; such subscriptions shall be for the purpose of addressing the administration cost of the trade union.
- b) The deductions of subscriptions shall be determined as per the Labour Relations Act (Chapter 3, section 13 of LRA 1995) from members' weekly remuneration, and subject to any Bargaining Council/Statutory Council Agreement of which the union is a party to.
- c) A member who in any week has worked less than sixteen (16) hours, shall be exempted from paying subscriptions in respect of that week.
- d) Legal proceedings in the name of the union may be instituted by the branch executive committee against any member for the recovery of fines and or subscriptions and or levies if such monies are more than thirteen (13) weeks in arrears. In addition the branch executive committee may, after due enquiry in terms of this constitution, suspend or expel such member from membership of the trade union.
- e) In addition to the subscription mentioned in this clause a member shall also be liable for the payment of such other fees payable in terms of the rules governing any fund established in terms of clause 3 h (Refer objects)

(3) **FINES**

- a) Wherever, in this constitution provision is made for the imposition of a fine on a member, such fine shall not exceed four percent (4%) of a member's weekly remuneration.

9. **MEETINGS**

9.1 **NATIONAL EXECUTIVE COUNCIL**

- a) The national executive council shall comprise of four (4) delegates per region consisting of a chairman, vice chairman, trustee and secretary.
- b) The national executive council shall be convened once every calendar year, provided that the regional executive council may decide to call up additional meetings as it deems necessary.
Notice of such additional meetings shall be sent to the National Co-Ordinator who shall notify the regions two months before such meetings are held.
- c) Copies of such resolutions and the agenda for national meeting shall be sent to all regions by the national co-ordinator not less than fourteen (14) days or such shorter notice as deemed necessary, but not less than twenty four (24) hours prior to the national executive council.
- d) The business of the national executive council shall primarily be:
 - (i) The consideration of reports from the previous meeting by the president, national co-ordinator, Regional secretaries, trustees and other reports.
 - (ii) The Formulation of Policy
 - (iii) The discussion of matters as per agenda
 - (iv) The consideration of appeals
 - (v) Adoption of consolidated financial statements
 - (vi) Amendments to the constitution
- e) The National Co-Ordinating Office:
 - (i) The national co-ordinating office of the union shall be situated at an address fixed by the national executive council from time to time, provided such address shall be in the Republic of South Africa.
 - (ii) The office of the national president and national co-ordinator shall be determined by the national executive council for a twelve (12) month period on a rotation basis between the three (3) major regions, Kwa Zulu Natal, Gauteng and the Cape Province, and the registrar shall be informed thereof.
 - (iii) In addition to the duties laid down in this constitution the national co-ordinator shall perform the duties imposed on him/her by sections 98/99 and 100 of the Labour Relations Act 1995, relating to the keeping of records and furnishing of information to the registrar.
 - (iv) The national co-ordinating office shall be responsible for the consolidation of each regions audited financial statements, and be responsible for the submission of these audited financial statements to the registrar.
 - (v) The national co-ordinating office shall be responsible for recording and maintenance of the proceedings of the National Executive Council.
- f) The National President:

- (i) The president shall preside at all meetings of the executive council at which he is present, enforce observance of the constitution, sign minutes of meetings after confirmation and generally supervise the affairs of the Union and perform such other duties as by usage and custom and by this Constitution appertain to the office.
- (ii) The vice-president shall exercise the powers and perform the duties of the president in the absence of the latter.
- (iii) The president, vice-president and trustee shall hold office for one (1) year.
- (iv) Vacancies occurring on the national executive council shall be filled by members of the regional executive council in the area concerned, and if a vacancy occurs in the office of the president, vice-president and trustee, it shall be filled by members of the national executive council electing a replacement to serve for the remainder of the term.
- (v) Trustees shall exercise supervision over the financial affairs of the union and shall be in term of office as mentioned in (e-iii) above.

9.2 REGIONAL EXECUTIVE COMMITTEE

- a) The regional executive council shall comprise of a maximum two (2) delegates per branch executive committee, + an administrator, who shall report on all matters of the branch concerned.
- b) The regional executive council may at its discretion reasonably reduce or increase the number of delegates dependant on the circumstances prevailing at any given period.
- c) The regional executive council shall meet quarterly or as frequently as it may deem it necessary.
- d) The regional secretary shall give three (3) weeks written notice to each delegate provided that in case of special or urgent meetings shorter notice being not less than twenty four (24) hours may be given by the regional secretary.
- e) To every notice of meetings, an agenda shall be attached save and except in the case of special meetings or urgent meetings when any matter connected with incidental to or touching on the subject which led or gave rise to the calling of such special or urgent meetings may be discussed, debated or voted on.
- f) Unless otherwise provided herein, every matter for consideration by the regional executive council shall be on motion duly seconded, and shall be decided by two thirds (2/3) majority votes of members present, who shall vote by show of hands.
- g) The quorum of meetings of the regional executive council shall not be less than fifty plus one percent (50+1%) of members of the council. If within thirty (30) minutes of the time fixed for any meeting, a quorum is not present, the meeting shall stand adjourned for a period of seven (7) days at such time and place as the secretary may decide. At such adjourned meetings the members present shall form a quorum. Written notice of such adjourned meetings shall be given to members who were absent.

- h) The delegates of the regional executive council shall elect among themselves a chairman, vice-chairman and trustee, that will hold office for five (5) years, and thereafter until the next election.
- i) If only one nomination is received for any office, the candidate so nominated shall be declared elected. The chairman, vice-chairman, trustee, and remaining members of the regional executive council shall be eligible for re-election upon the termination of their period of office.
- j) Vacancies occurring on the regional executive council shall be filled by the members of the branch executive committee in the area concerned electing a replacement that will serve for the remaining term period.
- k) A member appointed to fill the vacancy shall hold office for the unexpired portion of the period of office of his predecessor. A vacancy in the office of chairman, vice-chairman and trustee shall be filled by the manner set out in sub clause (h) above.
- l) No paid official of the union shall be eligible to be chairman, vice-chairman or trustee of the regional executive council.
- m) A member of the regional executive council shall vacate his seat, including appointments, in any one of the following circumstances:
 - i) If he/she is suspended from membership
 - ii) If he/she is expelled from membership
 - iii) If he/she is absent without permission from the regional executive council for three (3) consecutive meetings of the council.
 - iv) If he/she resigns as a member of the regional executive council by giving four (4) weeks written notice to the regional secretary, or ceases to be a member of the union.
 - v) If he/she is not in good standing.
 - vi) If he/she is no longer employed in the area of the branch which originally elected him.
 - vii) If he/she ceases to be employed in the industries specified in annexure A of this constitution.
- n) The regional executive council shall subject to the provisions of this Constitution, have, in addition to other functions laid down, the power:
 - i) To engage and dismiss except where otherwise provided in this constitution any employees of the union including the administrators and the regional secretary and fix their remuneration and define their duties.
 - ii) To appoint, from time to time, such committees to investigate and report on any matter deemed necessary.
 - iii) To review decisions of branch executive committees or branch executive general meetings and to confirm, alter, or reverse such decisions.

- iv) To institute or defend in the name of the union, legal proceedings by or against the union and its official in their official capacity.
- v) To acquire, sell, dispose of, transfer or in any manner alienate any of the assets whether moveable or immovable of the union. To let any property belonging to the union on such terms as it may deem fit, to mortgage, bond, pledge in any manner whatsoever to hypothecate any of the assets belonging to the union, provided that immovable property shall not be mortgaged, let or leased for a period longer than five (5) years unless at least two (2) weeks written notice to the regional executive councils intention to do so has been given to every branch of the union. If two or more branches request that a ballot of all the members be held to decide the issue, the regional executive council shall within thirty (30) days comply with such request.
- vi) To open and operate banking accounts in the name of the union.
- vii) To establish or close down branches in any area, and to define the are of jurisdiction of branches.
- viii) To suspend any branch executive committee for conduct contrary to or in conflict with this constitution or for failure to comply with the instructions issued by the regional executive council and to take over management and the affairs of the branch until another branch committee is appointed.
- ix) To make and enforce bye-laws not inconsistent with this constitution, the Labour Relations Act, 1995 or any other law.
- x) To do all such things as in the opinion of the regional executive council are in the interest of conducive to the interest of the union.
- xi) To decide upon by vote of members voting by post or any matter arising between meetings on which in the opinion of the chairman an immediate decision is required.
- xii) Should a situation arise which by a two thirds (2/3) majority decision of the regional executive council, constitutes an emergency and requires the use of the unions monies, the regional executive council may utilize the monies to meet such emergency, provided that such emergency pertains to *bona fide* union affairs.
- xiii) The branch executive committee, chairman, vice-chairman, trustee and administrator would constitute the regional executive council in accordance with the regional structures.

9.3 BRANCH EXECUTIVE COMMITTEE

- a) i) A general meeting of members of each branch shall ordinarily be held at least once every six (6) months, on a date to be fixed by the chairman. Special general meetings shall be called whenever desired by a majority of members of the branch executive committee or upon a requisition signed by

- not less than thirty percent (30%) of members of the branch in good standing.
- ii) Such special meetings shall be held within fourteen (14) days of the receipt of the requisition by the chairman.
 - iii) Notice of every general meeting showing the business to be transacted thereat shall be given to members in writing not less than three (3) days before the dates of such meetings, provided that in the case of special meetings such shorter notice being not less than twenty four (24) hours as may be decided by the chairman may be given.
- b) The branch executive committee shall determine the amount branch members be fined for non-attendance at branch general meetings provided however:
- i) That the amount of such fine shall have received the sanction of a branch general meeting.
 - ii) That if within seven (7) days of the member's absence from any meetings the member gives an acceptable explanation for his absence in writing to the branch executive committee, then no fine shall be imposed.
- c) The annual general meeting of each branch shall be held in the month of January in each year or as soon as possible thereafter, but not later than the month of April of that year, provided a suitable venue is found in the same period.
- d) If the chairman so decides, all motions at a general meeting shall be reduced to writing and shall be delivered to the presiding officer to be read to the meeting. No motion shall be considered unless seconded. All matters forming the subject of motions shall, unless otherwise provided herein, be voted upon by show of hands and shall unless otherwise provided be decided by vote of majority of those present except in case of elections when the required number of candidates receiving the highest number of votes shall be elected.
- e) No member shall be allowed to speak for more than ten (10) minutes on any matter unless a majority of those present agrees to an extension of time.
- f) Each branch executive committee shall ordinarily meet at least once every month on a date to be fixed by the chairman. Special meetings of a branch executive committee shall be called by the chairman whenever he deems it advisable or upon a requisition signed by not less than five (5) members of the committee in which event the meeting shall be convened within fourteen (14) days of receipt of the requisition by the chairman.
- g) The branch administrator shall give at least three (3) days notice in writing of the time and place of meetings of the committee to members of the committee. Shorter notice being not less than twenty-

four hours may in the discretion of the chairman, be given in respect of special meetings. An agenda shall be attached to every notice of meetings save and except in case of special meetings or urgent meetings when any matter connected with, incidental to or touching on the subject which led or gave rise to the calling of such special or urgent meeting may be discussed, debated or voted on. All matters for consideration by a branch executive committee, shall be decided on a motion duly seconded and voted upon by a show of hands.

- h) The quorum for branch general meetings shall be twenty-five percent (25%) of the members of the branch, and for the meetings of the branch executive committee fifty percent (50%) of its members. If within thirty (30) minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to such time and place as the chairman may decide and that such adjourned meeting the members present shall form a quorum. Written notice of adjourned meetings shall be given to those members who were absent from the first meeting.
- i) At every general meeting the minutes of the last preceding general meeting shall be read by the branch administrator and signed by the presiding officer after confirmation. Minutes of meetings of a branch executive committee shall be similarly dealt with by that body.
- j) Copies of minutes of branch general meetings and of meetings of branch executive committees shall be sent to the regional secretary immediately after confirmation.
- k) The non-receipt by any member of the notice of a meeting shall not invalidate the proceedings of any meeting.

9.4 TRADE UNION REPRESENTATIVE COUNCIL

- a) In any workplace in which at least ten (10) members of the union are employed, those members shall elect among themselves:-
 - (i) If there are ten (10) members of the union employed in the workplace two (2) union representatives.
 - (ii) if there are more than ten (10) members of the union employed in the workplace, two (2) union representatives.
 - (iii) If there are more than fifty (50) members of the union employed in the workplace two (2) union representatives for the first fifty (50) members plus one (1) union representative for every additional fifty (50) members up to a maximum of seven (7) union representatives.
 - (iv) If there are more than three hundred (300) members of the union employed in a workplace, seven (7) union representatives for the first three hundred (300) members plus one (1) additional union representative for every one hundred (100) additional members up to a maximum of ten (10) union representatives.

- (v) If there are more than six hundred (600) members of the union employed in the workplace, ten (10) union representatives for the first six hundred (600) members, plus one additional union representative for every two hundred (200) additional members up to a maximum of twelve (12) union representatives.
 - (vi) If there are more than a thousand (1000) union members employed at a workplace twelve union representatives for the first one thousand (1000) members, plus one additional union representative for every five hundred (500) additional members up to a maximum of twenty (20) union representatives.
 - (vii) In the event that where a workplace has more than one (1) union representative such union representative shall elect among themselves a chairman and a vice-chairman, such elections shall be conducted by show of hands.
- b) The chairman/vice-chairman of the union representative council, shall perform such duties and functions as prescribed hereunder:
- (i) In order to ascertain the good standing of every member at his workplace, such union representative chairman, vice-chairman shall at least once every three (3) months request every member to produce his membership card.
 - (ii) If a person who is not a member of the union commences employment where a union representative chairman, and/or vice-chairman is employed, the union representative as the case may be shall immediately report this fact to the branch administrator.
 - (iii) The union representative and or chairman/vice-chairman shall collect subscriptions, fines, levies or any other payments due to the union from members if he/she is so instructed by the administrator arising from a decision of the branch executive committee.
 - (iv) The union representative shall record all monies collected by him in a prescribed form and remit to the organisers, trustee or any person authorized by the union to receive such payment every week. The person receiving such monies from the union representative, shall issue an official receipt to the union representative.
 - (v) In the event of a member being in arrears for thirteen (13) weeks with subscriptions, fines or other levies and payment due to the union in terms of this constitution, and such member on demand by the union representative chairman/vice-chairman refuses or neglects to reduce the amount owing, then the union representative chairman/vice-chairman shall call a meeting of the union representative council in order to recommend to the branch executive committee that steps be taken against such member for the

- recovery thereof or for the granting of an extension of time or for disciplinary against such member.
- (vi) The administrator shall immediately be informed of the union representative's decision.
 - (vii) The union representative chairman/vice-chairman shall immediately report the death of a member to the branch administrator.
 - (viii) In the event of any dispute arising in a workplace, negotiations for a settlement of such dispute with the employer shall be conducted by the union representative council together with the administrator or organiser. In the event of the negotiations failing, if undertaken by the union representative or organiser, he/she shall immediately summon the regional secretary.
 - (ix) The union representative or administrator or organiser shall not negotiate with or interview any employer alone in regard to any dispute which may arise.
 - (x) Every union representative may be paid a honorarium as determined by the branch executive committee from time to time.
- c)
- (i) Election of the union representative shall be by members of a workplace voting by ballot and or show of hands and a majority vote shall prevail.
 - (ii) Every union representative shall hold office for five (5) years from the date of being elected and shall be eligible for re-election at the expiration of his term.
 - (iii) A union representative shall be removed from his office for serious misconduct and for any sufficient reason recognised by law, members may elect another union representative in terms of the constitution.
 - (iv) The branch executive committee shall after consultation with the union representative Committee remove a union representative from his office for the reasons provided in this constitution and any other offences which in the discretion of the branch executive committee is detrimental to the well being of the union.
 - (v) In the event of a union representative relinquishing his position for any cause whatsoever, then a member shall be elected by ballot and or show of hands on a majority to fill such position and he/she shall hold office for the unexpired portion of his predecessors period of office.
 - (vi) Such election and nominations shall take place at a meeting of members employed in that workplace concerned for the purpose of electing a union representative.
 - (vii) Any union representative who is absent for two (2) consecutive meetings without valid reasons shall be called upon by the branch executive committee to vacate his office and such fact shall be reported to the union representative council and the general meeting.

(viii) The provision of clause (vii) of this constitution shall apply similarly to members of the union representative council.

10. **ESTABLISH AND CONTROL OF BRANCHES**

- a) A branch of the union may be established in any area where there are not less than one hundred (100) members of the union.
- b) Application for establishment of a branch shall be in writing to the regional executive council by not less than seventy (70) members in the area concerned, in the event where smaller membership occur, they may apply to the regional executive.
- c) The regional executive council may, in its discretion authorise the establishment of a branch and define its area of jurisdiction.
- d) If the regional executive council approves of the establishment of a branch the regional secretary shall notify the members from whom the application have been received.
- e) The regional executive council shall arrange to attend the inaugural meeting of the branch, and at this meeting a branch chairman, vice-chairman, trustee and at least six (6) other members shall be elected by the majority of members present. If the nominations called for at such meeting do not exceed the appointments to be made, in each instance the members so nominated shall be declared elected and shall hold office until the annual meeting of the branch.
- f) When a member leaves the area in which his branch is situated and continues his employment in the area of another branch, he shall be entitled to become a member of that branch.

11. **OFFICE BEARERS, OFFICIALS AND TRADE UNION REPRESENTATIVES**

The duties of the office bearers shall be:-

- a) President: The president shall preside at all meetings of the national executive Council at which he is present; enforce observance of the constitution of the union; sign minutes of meetings after confirmation and generally supervise the affairs of the union and perform such other duties as by usage and custom and by this constitution appertain to the office. He shall have a casting vote only.
- b) Vice: The vice-president shall exercise the powers and perform the duties of the president in the absence of the latter.
- c) Regional Secretary:
 - (i) Shall keep proper books of accounts in such form as shall be prescribed by the regional executive council, issue

- notices of meetings, conduct all correspondence of the union, keep originals of letters received and copies of those despatched and at each meeting of the regional executive council, lay on the table correspondence which has taken place since the previous meetings; record minutes of the proceedings.
- (ii) Issue official receipts of all monies received, submit reports in regards to the financial position of the union to the regional executive council not less than once every twelve (12) months present the balance sheet and statement of income and expenditure as regional executive council may direct.
 - (iii) The regional secretary may resign on giving one month notice in writing to the regional executive council and his/her services may be terminated on a similar period of notice being given to him/her by the council. The contract of service of the regional secretary shall be in writing.
- d) Organiser: The regional executive council may appoint an organizer/s. The main duties of the organizers will be to enrol members, to investigate complaints from members regarding their employment as such. To represent the trade union and its members at the commission, to collect membership fees, and to perform such duties as the regional council may direct. The provisions of clause (c-iii) above shall also apply to organizers.
- e) Branch Administrators:
- a) Branch administrator shall be appointed by the regional executive council and a contract of his service shall be in writing.
 - b) Branch administrator shall perform such duties as imposed by this constitution, and his functions shall be:
 - (i) Branch administrator shall keep proper books of accounts.
 - (ii) Branch administrator shall receive requisitions for meetings.
 - (iii) Branch administrators shall issue notices for meetings and conduct all correspondence.
 - (iv) Branch administrator shall keep all original letters and receive copies of those dispatched.
 - (v) Branch administrator shall table all correspondence at the branch executive meeting which has taken place since the previous meeting.
 - (vi) Branch administrators shall attend all meetings and record minutes of such meetings.
 - (vii) Branch administrators shall maintain a register of all members with the relevant general information.
 - (viii) Branch administrators shall keep or maintain a record of all subscriptions levies, fines and membership fees received.

- (ix) Branch administrators shall bank all monies received within three (3) days of receipt thereof.
- (x) Branch administrators shall report on the financial position of the branch at the branch executive committee meetings or general meetings.
- (xi) Branch administrators shall attend all general meetings and branch executive committee meetings, but shall have no voting power.
- (xii) Branch administrators shall maintain a petty cash register.
- (xiii) Branch administrator shall send monthly reports, minutes of meetings and all other related information to the regional secretary, who will report to the regional executive council.

12.ELECTION AND REMOVAL OF OFFICE BEARERS, OFFICIALS AND TRADE UNION REPRESENTATIVES

- a) The management of the affairs of a branch between branch general meetings shall be vested in a branch executive committee consisting of a chairman, vice-chairman, trustee and not less than eight (8) members of a branch, who shall be elected at the branch annual meeting on nominations duly seconded and voted upon by ballot or by show of hands. They shall hold office for a period of five (5) years and be eligible for re-election on termination of their period of office.
- b) In the event where a vacancy occurs on the branch executive committee, the executive committee shall have power to co-opt at its discretion persons from the union representative council to fill those vacancies for the remainder of the term of office.
- c) The office bearers and officials of the trade union, provided that they have observed the provisions of this constitution and have not acted in a manner which would constitute misconduct, shall be indemnified by the trade union against all proceedings, cost and expenses incurred by reason of an omission, negligence or other act done in performance of their duties on behalf of the trade union or its members and they shall not be personally liable for any of the liabilities of the trade union or any of its members.
- d) An office bearer, official or trade union representative may be removed from office (in addition to provisions stipulated in clause 15).
 - i) If he/she infringes any of the provisions of this constitution; and
 - ii) If he/she acts in a manner which is detrimental to the interest of the trade union.
- e) No office bearers, officials or trade union representative may be removed from office unless he/she has been afforded an opportunity to state his/her case personally at the branch executive committee. In cases where a trade union representative is concerned, or personally at a meeting of the regional executive council. In the case where a branch executive office-bearer or a branch official is concerned and a

meeting consisting of branch executive committees where an executive council office-bearer is concerned.

- f) An office bearer, official or trade union representative who has appeared before applicable body and who is dissatisfied with the decision of the body concerned shall have the right to appeal as follows:
 - i) In the case of a trade union representative, to the trade union representative council, notice of appeal shall be given to the branch administrator in writing within fourteen days (14) of the date on which the decision of the branch executive committee was communicated to the person concerned. The trade union representative council may refer their recommendations to the regional executive council, who may reverse the decision of the branch executive committee and their decision shall be final.
 - ii) In the case of an office bearer or official of a branch to a meeting of the National Executive Council notice of appeal shall be given to the National Co-Ordinator in writing within 14 (fourteen) days of the date on which the decision of the Regional Executive Council was communicated to the person concerned.

The National Executive Council in accordance with all aspects of the law shall advise the Regional Executive Council on the corrective decision in terms of compliance with the law which shall be final.
 - iii) In the case of an office bearer or official of the Executive Council to an independent Committee of the Union nominated to apply the criteria of fairness in terms of the law the appeal shall be investigated and the resultant decision shall be final.

13.BALLOTS

- a) In addition to those cases in respect of which the taking of a ballot of members of the whole union or a branch is compulsory in terms of this constitution, a ballot on any question shall be taken if the regional executive council so decides and on any proposal to declare or take part in a strike.
- b) Ballots shall be conducted in the following manner:
 - i) Notice of a ballot shall be given to each member of the branch in writing by the branch administrator at least three (3) days before the ballot is to be taken: Provided that a ballot may be taken without any general meeting on the decision of a majority of the members present.
 - ii) Two scrutineers shall be appointed by each branch executive committee or general meeting to supervise any ballot and to ascertain the result thereof.
 - iii) Except in the case of postal ballots, ballots shall be conducted at the various branch offices of the union or at such other places as may be specified in the notice referred to in paragraph (i) of this sub-clause on the date and during the hours specified in the said notice.
 - iv) Ballot papers shall be supplied to branch administrators by the regional secretary. The issue to be voted upon shall be set forth clearly on the ballot papers and such papers shall not contain any information by means of which it will be possible to identify the voter.

- v) One ballot paper only, shall be issued on demand at the place and during the hours fixed for the talking of the ballot to each member of the branch who is entitled to vote.
 - vi) Each voter, shall in the presence of the scrutineers, be issued with one paper which he shall there-upon complete, fold and deposit in a container provided for the purpose.
 - vii) Ballot papers shall not be signed or marked in any way apart from the mark required to be made by a member in recording his vote. Papers bearing any other marks shall be regarded as spoilt and shall not be counted.
 - viii) On completion of a ballot or as soon as possible thereafter the results thereof in respect of each branch, shall be ascertained by the scrutineers appointed for such branch in the presence of the branch administrator and made known to the branch executive committee which shall immediately advise the regional executive council.
 - ix) Ballot boxes shall be inspected by the scrutineers and sealed by the branch administrator in their presence prior to the issue of ballot papers.
 - x) Ballot papers, including spoilt papers shall be placed in a sealed box again after they have been counted and shall be retained by branch administrators for not less than three (3) years.
- c) The executive council may decide that a postal ballot of members be taken in which event, the ballot shall be conducted in the following manner:
- i) The national co-ordinator shall send by registered post to each member of the Union a ballot paper, a stamp and addressed envelope marked “ballot”. The ballot paper shall on completion, be inserted in the envelope provided for the purpose and posted so as to reach the national co-ordinator within ten (10) days from the date of despatch from head office to such a member. On receipt of such envelopes, the national co-ordinator shall immediately place them in a sealed ballot box.
 - ii) Two scrutineers shall be appointed by the branch executive committee to ascertain the results or the ballot. The ballot box shall be opened and the ballot papers counted by the scrutineers in the presence of the national co-ordinator who shall immediately advise the executive council of the result of the ballot.
 - iii) The provisions of paragraph (v) and sub-clause (iii) shall *mutatis mutandis* apply in the case of postal ballot.
 - iv) The same procedure shall *mutatis mutandis* apply to a postal ballot confined to members of the national executive council or any branch or region.
- d) In any ballot conducted in connection with any election of candidates up to the required number, receiving the highest number of votes shall be declared elected.
- e) The trade union shall before calling a strike conduct a ballot of those of its members in respect of whom it intends to call the strike.
- f) Notwithstanding anything to the contrary contained in this constitution, members of the trade union shall not be disciplined or have their membership terminated for failure or refusal to participate in a strike if:
- i) No ballot was held about the strike; or

- ii) A ballot was held but a majority of the members who voted, did not vote in favour of the strike.

14. FINANCE

- a) The funds of the union shall be applied to the payment of expenses, to the acquisition of property, towards the attainment of the objects specified in clause 3(k) and for such other lawful purposes as may be decided upon by the Regional executive or branch executive committee for the attainment of the said object.
- b) The regional executive or the branch executive committee shall have the power to invest surplus trade union monies in such a manner that the trade union stands to benefit from the investment.
- c) The funds received by the regional executive council on behalf of the trade union, shall be deposited to its credit within three (3) days of receipt at a bank decided upon by the regional executive council.
- d) Payments made shall require the approval of the regional executive. All payments save and except payments of less than fifty rand (R50) which may be paid out of the petty cash, shall be made by cheque, payable to order and signed in the manner decided by the branch executive council.
- e) Funds required for petty cash account which shall be kept in such form as the regional executive council may from time to time determine, shall be provided by the drawing of a cheque signed in the manner provided for in (d) above.
- f) Every member of the branch executive committee shall be paid an amount as determined by the regional executive council for attending branch executive committee meetings. In addition to the aforesaid amount a member of the branch executive committee shall also be entitled to a reasonable amount as compensation for travelling expenses as well as the actual amount lost in wages when attending a branch executive committee meeting.
- g) The regional executive council may because of the financial state of the union recommend that all branch executive committee appointments be honorary.
- h) A member and or paid official appointed to transact union business which necessitates hotel accommodation shall be paid a daily allowance to be decided by the regional executive council from time to time, plus any travelling expenses and the member shall also be paid for actual working time lost on the basis of the actual wages involved.
- i) Each branch shall month by month and not later than the tenth (10th) day of each month, forward to the regional office the total monies collected by the branch during the preceding month.

- j) Should a branch cease to exist for any reason, its assets and liabilities shall devolve on the regional office. Members of such branches shall have no claim on any of the funds of the union nor shall they have any claim on the union whatsoever.
- k) In accordance with the Labour Relations Act 1995, statement of the income and expenditure and balance sheet, shall be prepared annually by the auditors appointed and submitted to the next ensuing general meeting, branch executive committee and national executive council.
- l) A consolidated statement of income and expenditure and balance sheet of all the branches and regions shall be prepared annually.
- m) The financial year end of the trade union shall be on the 31st of December of each year.
- n) A member who resigns or is expelled from membership shall have no claim on the funds of the trade union.

15. REPRESENTATION ON BARGAINING AND STATUTORY COUNCILS

- a) The Regional Executive Council may at anytime recommend that the Trade Union shall become a party to a Bargaining or Statutory Council established in terms of the Labour Relations Act, 1995.
- b) The Regional Executive Council shall request the Branch Executive Committee to submit nominations of persons for election as representatives and alternates.
- c) No person shall be nominated as a representative unless he/she is:
 - i) In good standing
 - ii) He/she is an official or office bearer of the Union.
- d) Representatives or their alternates shall have full power to enter into agreements on behalf of the Trade Union, as such Agreement shall not be subjected to ratification, unless the representatives decides otherwise.

16. CHANGING OF CONSTITUTION/AMENDMENTS

- a) Any of the provisions of this Constitution may be repealed, changed or added to in any manner b resolution of the Executive Council of the Trade Union: Provided that at least 14 days' notice of any proposed change(s) shall first have been given to branches. If within that period a branch demands that a ballot of the whole trade union be taken on the matter, such a ballot shall be taken.
- b) No changes or additions shall have any force or effect until certified in terms of section 101(3) of the Labour Relations Act, 1995.

17.SCOPE

The scope of the trade union shall include and cover the following regions of the Republic of South Africa, including the former TBVC states:

Eastern Cape
Western Cape
Northern Province
Northern Cape
Free State
Gauteng
Kwa Zulu Natal
Mpumalanga
North West Province

18.WINDING UP

- a) The trade union shall be wound up if at a ballot conducted in the manner prescribed in the constitution not less than three-fourths of the total number of members of the trade union vote in favour of a resolution that the organization be wound up.
- b) If a resolution for the winding up of the trade union has been passed or if for any reason the trade union is unable to continue to function the following provisions shall apply:
 - i) The last appointed president of the trade union, or if he/she is not available, the available members of the last appointed executive council of the trade union, shall forthwith transmit to the labour court a statement signed by him/her or them setting forth the resolution, adopted or the reasons for the trade union's inability to continue function, as the case may be, and request the labour court to grant an order in terms of section 103 of the Labour Relations Act, 1995.
 - ii) The liquidator appointed shall call upon the last appointed:
Office bearers of the trade union to deliver to him/her, the trade union's books of accounts showing the assets and liabilities together with the register of members showing, for the twelve (12) month period to the date on which the resolution for winding up was passed or to the date as from which the trade union was unable to continue to function, as may be, (hereinafter referred to as the date of dissolution), the membership paid by each member and his/her address as at the said date.
 - iii) The liquidator shall also call upon the said office bearers to hand over to him/her all unexpected funds of the trade union and to deliver to him/her the trade union's assets and the documents necessary to liquidate the assets.
 - iv) The liquidator shall take the necessary steps to liquidate the debts of the trade union from its unexpended funds and any other monies realised from any assets of the trade union, and if the said funds and monies are insufficient to pay all creditors after the liquidators fees and the expense of winding up have been met the order in which creditors shall be paid, shall be the same as that prescribed in any law for the time being in force relating to the distribution of the assets of an insolvent estate, and the liquidators fees and the expenses of

winding up shall rank in order as that of an insolvent estate and as though the expenses were the cost of sequestration of an insolvent estate.

- v) After payment of all debts in accordance with paragraph (iv), the remaining funds, if any, shall be distributed among the remaining members of the trade union on the basis of membership fees actually paid during the twelve (12) months prior to the date of dissolution.
- vi) The liability of members shall for the purpose of this clause be limited to the amount of membership fees due by them to the trade union in terms of this constitution as at the date of dissolution.

ANNEXURE A

FURNITURE INDUSTRY

“Furniture Industry” or “Industry” means- without in any way limiting the ordinary meaning of the expression – the manufacture either in whole or part of all types of furniture irrespective of the materials used, and shall include, *inter alia*, the following operations:

Repairing, upholstery, re-upholstery, staining, spraying or polishing and/or re-polishing, making of loose covers and/or cushions and/or curtains and/or making and/or repairing of box springs mattresses and/or frames for upholstering, wood machining, veneering, wood turning, carving in connection with the manufacture and/or repair of furniture, polishing and/or repolishing in tea rooms, office, church, school, bar or Theatre furniture, and cabinets for musical instruments and radio of wireless cabinets and shall include the manufacture or process in the manufacture of bedding, the definition and interpretation of which shall include all manner or types of mattresses, spring mattresses, overlays, pillows, bolsters and cushions, and includes the activities carried on in any premises where wood machining, wood turning and/or carving in further, the repairing, re-upholstery or re-polishing of furniture in or in connection with the establishments in which the production of furniture or any operation associated with the final preparation of any article of furniture for sale, either in whole or in part is carried on, and the veneering of laminated blockboard or plywood doors used for furniture, and all parts of materials used in the construction of furniture, inclusive of the manufacture of articles made principally of wicker, grass and/or cane, and the manufacture of metal furniture including the manufacture of metal bedsteads including the furniture retail sector and allied industries, and the design or assembly and/or manufacture of curtains, pelmets, blinds, bedspreads, quilted bedspreads, night frills and scatter cushions.

ANNEXURE B

APPEAL PROCEDURE

- a)
 - (i) Any member who by reason of expulsion, refusal of membership and/or honorary membership or re-admission, or suspension and/or loss of benefits of membership who wish to appeal against the loss of membership, suspension and/or termination of membership shall apply in writing within seven (7) days to the union representative council for recommendation on such decision.
 - (ii) The union representative council after having received such a appeal, shall set a date within fourteen (14) days of such appeal to consider and refer their decision to the branch executive committee.
 - (iii) The branch executive shall consider the decision of the union representative council in order to ascertain that compliance with the constitution and the Labour Relations Act 66 of 1995 has been adhered to.
 - (iv) All decisions reached by the branch executive committee to terminate, expel, suspend or refuse membership shall be referred to the regional executive council, who shall satisfy itself that all provisions of the constitution and the national policy and the relevant law has been adhered to.
 - (v) Upon expulsion of a member, all monies due to the trade union by such member shall become payable. If payment thereof is not made within fourteen (14) days the branch executive committee may take such steps as it deems necessary to secure a settlement.
 - (vi) If such a member is not satisfied with the decision of the branch executive committee, the matter shall be referred to the regional executive council, who shall consider the recommendations of the union representative council, the branch executive committee's decision and all relevant compliance with the LRA and the union's constitution, who will then grant a ruling that shall be final and binding on all parties concerned.

- b) A member shall cease to be entitled to any of the benefits of membership, including the right to vote:
 - (i) If the membership fees or other charges due by him/her to the trade union are more than three (3) months in arrear;
 - (ii) during any period while he/she is under suspension in terms of this constitution; and
 - (iii) if he/she ceases to be employed in the sector/s mentioned in Annexure A of this constitution.

- c) Legal proceedings in the name of the union may be instituted by the branch executive committee against any member for the recovery of fines and/or subscriptions and/or levies if such monies are more than thirteen (13) weeks in arrears. In addition the executive committee may, after due enquiry in terms of this constitution, suspend or expel such member from membership of the union.

STANDING ORDERS AT BRANCH GENERAL MEETINGS

- a) Proceed with the business on the agenda.

- b) Each member who desires to speak shall stand and address the chair.
- c) No speaker shall be allowed to speak more than twice (2) on any motion or amendment no longer than ten (10) minutes at any one time unless allowed by the meeting. The mover of a motion shall be entitled to reply.
- d) All questions shall be decided by a majority vote, except as otherwise provided in this constitution. The chairman shall be entitled to a deliberative vote only and in case of a tie, the motion lapses.
- e) No member shall leave the meeting without the consent of the chairman.
- f) All questions on procedure not provided for in the constitution shall be determined by the branch committee.

NATIONAL
EXECUTIVE COUNCIL
 NATIONAL CO-ORDINATING OFFICE
 NATIONAL CO-ORDINATOR
 FOUR (4) DELEGATES PER REGION

REGIONAL
EXECUTIVE COUNCIL
 REGIONAL OFFICE
 REGIONAL SECRETARY
 TWO (2) DELEGATES FROM BRANCH
 AND BRANCH ADMINISTRATOR

BRANCH
EXECUTIVE COUNCIL
 LOCAL BRANCH OFFICE
 BRANCH ADMINISTRATOR
 BRANCH EXECUTIVE COMMITTEE
 CHAIRMAN, VICE-CHAIRMAN, TRUSTEE
 -EIGHT (8) EXECUTIVE MEMBERS, ELECTED
 AT THE BRANCH GENERAL MEETING

UNION
REPRESENTATIVE COUNCIL
 SHOP-STEWARD COUNCIL
 REPRESENTATION OF MEMBERS ON FACTORY FLOOR
 ELECTED BY UNION MEMBERS ON FACTORY FLOOR
 ATTEND SHOP-STEWARDS TRAINING SEMINARS