



Constitution of the Federation of Unions of South Africa

As Amended by the 5th National Congress in November of 2011

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1) NAME

- 1.1 This Federation shall be known as the Federation of Unions of South Africa as well as by the acronym, FEDUSA.
- 1.2 The Head Office of the Federation shall be at such a place as may be determined by the National Executive Committee from time to time.

2) DEFINITIONS

- 2.1 Any expression used in this Constitution shall have the same meaning as the definition in the Labour Relations Act of 1995 as amended.
- 2.2 "Affiliate" shall mean any trade union or staff association or any other grouping of trade unions or staff associations in good standing, promoting the interests of employees and affiliated to the Federation.
- 2.3 Such an Affiliate should at least conform to the Federation's requirements of not being party politically aligned and not having a racially exclusive constitution.
- 2.4 Any reference in this Constitution referring to the male gender shall include the female gender and vice versa.
- 2.5 "NEC" shall mean the National Executive Committee.
- 2.6 "ManCom" shall mean Management Committee.
- 2.7 "FinCom" shall mean Financial Committee.
- 2.8 "PEC" shall mean Provincial Executive Committee.
- 2.9 "TEC" shall mean Training & Education Committee.
- 2.10 "EF" shall mean Equity Forum.
- 2.11 "MCC" shall mean Media & Communication Committee.
- 2.12 "PSC" shall mean Public Sector Committee.
- 2.13 "Monthly Affiliation Fee" shall mean a payment by an Affiliate to the Federation on a monthly basis, no later than the 7th day of the following month, based on the Affiliates previous membership totals.

- 2.14 "Annual Affiliation Fee" shall mean payments to the Federation of an annual administration fee.

3) MISSION

- 3.1 The mission of the Federation shall be to:

- 3.1.1 Act and campaign in unison and to promote and protect the common interests and rights of Affiliates in general;
- 3.1.2 Represent and promote the interests of Affiliates at international, national, provincial and other levels;
- 3.1.3 Assist in furthering the objectives of Affiliates at international, national, provincial and other levels;
- 3.1.4 Maintain its political independence at all times;
- 3.1.5 Raise, maintain and administer a common fund or funds for the sound administration and execution of the mission of the Federation; and
- 3.1.6 Promote a democratic labour environment and society, free from any unfair discrimination against gender, religion, race, culture or political beliefs or any other form of unfair discrimination against any individual or group of people.

4) MEMBERSHIP

- 4.1 Any potential Affiliate endorsing the mission of the Federation shall be eligible for membership.
- 4.2 Applications shall be considered by the National Executive Committee (NEC) of the Federation and its decision shall be final.
- 4.3 Membership may be terminated by:
 - 4.3.1 Affiliates by giving three (3) months notice in writing to the National Executive Committee;
 - 4.3.2 The National Executive Committee by giving three (3) months written notice to any Affiliate that is not operating in the interest of the Federation; and

- 4.3.3 The National Executive Committee by giving less than three (3) months notice, if it decides that circumstances warrant such shorter period of notice.
- 4.4 Failing to pay dues timeously shall lead to suspension after three (3) months and termination after six (6) months. Where an Affiliate cannot pay the affiliation fees by the due date, the General Secretary, Chief Executive Officer, or General Manager of the union or association should submit a written exemption report to the Financial Committee for approval. The "monthly affiliation fee" shall be reconciled annually in December to coincide with the audited membership totals provided to the Department of Labour.
- 4.5 Affiliates suspended in terms of section 4.4 can appeal to the National Executive Committee within one (1) month for re-instatement. Re-instatement shall only take place once all outstanding dues are paid in full. The decision of the National Executive Committee shall be final and binding.
- 4.6 Affiliates suspended in terms of section 4.3.3 can appeal to the National Executive Committee within one (1) calendar month. The decision of the National Executive Committee shall be final and binding.

5) AFFILIATION FEES

- 5.1 Affiliation fees shall include monthly affiliation fees as prescribed in terms of section 5.2 of this Constitution and annual fees shall be payable annually in advance.
- 5.2 The amount payable in terms of monthly and annual affiliation fees shall be determined from time to time as agreed to by the National Executive Committee.
- 5.3 Unpaid fees shall under all circumstances remain a claim by the Federation against an Affiliate and may only be nullified by the National Executive Committee.

6) NATIONAL CONGRESS

- 6.1 The supreme control of the Federation shall be vested in the National Congress and it may confirm, reverse or ratify any decision or resolution of any other body of the Federation. The National Congress may resolve to refer any matter to the National Executive Committee to finalise or conclude that matter.
- 6.2 The National Congress shall be convened once every five (5) years by the National Executive Committee at such venue as decided on by the National Executive Committee. Notice of the National

Congress shall be given at least three (3) months in advance and such a Congress should preferably be held in the last quarter of a calendar year.

- 6.3 A Special National Congress shall be convened if considered necessary by the National Executive Committee after a written request of not less than 30% of Affiliates. The National Executive Committee shall give at least one (1) month's written notice to the Affiliates of such Special Congress. Such a Special Congress can replace a Congress mentioned in section 6.2.
- 6.4 A quorum for either the National Congress or a Special National Congress shall be a majority of Affiliates, as calculated in terms of voting strength, i.e. Affiliates having more than 50% of the total votes must be present. In the event that a quorum is not achieved at a duly convened Congress, it shall be postponed for one (1) month to be held at the same place and time. Proper notice shall be given to all Affiliates of the postponed National Congress or Special National Congress as well as notification of the date, time and venue of the next meeting. Affiliates attending such a reconvened National Congress or special National Congress shall be required to constitute a quorum.
- 6.5 A Credentials Committee shall be appointed by the National Executive Committee prior to Congress. The Credentials Committee shall consist of three (3) members including the General Secretary. The General Secretary shall call for nominations to serve on the Credentials Committee sixty (60) days prior to Congress.
- 6.6 The Credentials Committee shall be mandated to support the General Secretary to ensure the democratic, orderly and constitutional preparation for Congress by reporting to Congress:
 - 6.6.1 After examining and reviewing the registration documentations to verify whether there is a quorum in terms of section 6.4 of this Constitution. This report shall include:
 - 6.6.1.1 Gender representivity;
 - 6.6.1.2 Voting status; and
 - 6.6.1.3 Representation and voting strength of Affiliates.
 - 6.6.2 After examining and reviewing the delegates of each Affiliate to ensure that they are duly authorised by the General Secretary to attend Congress on behalf of the Affiliate;
 - 6.6.3 After examining and reviewing the credentials of delegates to determine whether Affiliates are in good standing in terms of section 6.12 of this Constitution;

- 6.6.4 After examining and reviewing the Affiliate Arrears Report to determine the voting strength of each Affiliate terms of section 6.12 of this Constitution;
- 6.6.5 After examining any proxy vote request that was received in terms of section 6.13 of this Constitution; and
- 6.6.6 After examining the nominations and the nomination process to ensure compliance with section 6.14 of this Constitution.
- 6.7 The Congress shall be presided over by the President or in his / her absence by the Deputy President. The Congress of the Federation shall be the occasion at which the President, Deputy President and five (5) Vice-Presidents are elected, with the following portfolios:
 - 6.7.1 Vice-President (Development) – as contemplated in section 12;
 - 6.7.2 Vice-President (Finance) – as contemplated in section 13;
 - 6.7.3 Vice-President (Gender) – as contemplated in section 14;
 - 6.7.4 Vice-President (Public Sector) – as contemplated in section 15; and
 - 6.7.5 Vice-President (Training & Development) – as contemplated in section 16.
- 6.8 Each Affiliate in good standing shall be entitled to attend the Congress with one (1) or more delegates as follows:
 - 6.8.1 Two (2) representatives for up to 1000 members.
 - 6.8.2 Five (5) representatives for up to 3000 members.
 - 6.8.3 Eight (8) representatives for up to 10 000 members.
 - 6.8.4 One (1) additional representative for every 10 000 members thereafter, up to a maximum of twenty-five (25) representatives per Affiliate.
- 6.9 The General Secretary and other officials as may be decided upon by the National Executive Committee shall attend the National Congress. Such officials shall have no voting rights but may be requested to address the meeting.
- 6.10 The General Secretary shall invite all Affiliates no later than sixty (60) days before the date of such National Congress, to submit items and resolutions with explanatory memoranda for inclusion on the agenda, and those items and resolutions must be circulated to all Affiliates no later than thirty (30) days

before the date of the National Congress, together with any items or motions submitted by the National Executive Committee.

- 6.11 The payment for expenses of delegates attending the National Congress shall be determined by the National Executive Committee when approving the Congress Budget.
- 6.12 Each Affiliate shall have a number of votes equal to the number of members the Affiliate represents, as determined by the following formula and criteria:
 - 6.12.1 The Affiliates paid-up membership divided by the total paid-up membership of the Federation multiplied by one hundred (100) and divided by one (1).
 - 6.12.2 An Affiliate shall always have at least one (1) vote.
 - 6.12.3 The latest paid-up membership number held by the Federation on the last day of the month preceding the Congress shall be used to determine the Affiliate's vote.
 - 6.12.4 The number derived from the formula shall be rounded up when the decimal is 0,5 or higher and rounded off in the case where the decimal is lower than 0,5.
 - 6.12.5 An Affiliate in arrears with its affiliation fees for more than two (2) months, shall not have the right to vote.
- 6.13 The President shall have no deliberate voting right, but in the event of a split / hung vote the President shall have a casting vote. This shall not apply in the election of National Office-Bearers. A proxy vote on issues shall be allowed with prior notification to the National Executive Committee but it shall not apply to the election of National Office-Bearers.
- 6.14 Nominations for the position of President, Deputy President and five (5) Vice-Presidents may be made by any Affiliate in good standing and such nomination shall be duly seconded by another Affiliate in good standing.
 - 6.14.1 An Affiliate may not nominate or second more than one (1) person for a specific position.
 - 6.14.2 The nomination must be submitted in writing within twenty-one (21) days from the time called, for the attention of the General Secretary who must distribute the list of candidates to Affiliates no less than thirty (30) days before the date set for Congress.
 - 6.14.3 The written nomination should clearly indicate the following information:

- 6.14.3.1 The name of the person being nominated and the union of origin.

- 6.14.3.2 The name and signature of the General Secretary / Chief Executive Officer of the Affiliate making the nomination.
 - 6.14.3.3 The name and signature of the General Secretary / Chief Executive Officer of the Affiliate seconding the nomination.
 - 6.14.3.4 The position for which the person is being nominated.
 - 6.14.3.5 An indication that the person is aware of the nomination and has consented thereto.
- 6.15 The election of National Office-Bearers shall be by way of secret ballot. Where only one (1) nomination has been received, no voting shall be necessary and the candidate shall be duly elected to the position. Each position shall be voted on separately.
 - 6.16 Each Affiliate shall vote by way of a block vote and each Affiliate's block voting strength shall be determined in terms of section 6.12.
 - 6.17 Where Congress deems it necessary to vote on any other matter, such vote shall be by way of secret ballot and each Affiliate's block voting strength shall be determined in terms of section 6.12.

7) NATIONAL EXECUTIVE COMMITTEE

- 7.1 Management of the affairs of the Federation between National Congresses shall be vested in the National Executive Committee (NEC).
- 7.2 The National Executive Committee shall consist of the President, Deputy President, five (5) Vice-Presidents, and representatives from each Affiliate as nominated by those Affiliates.
- 7.3 Each Affiliate shall be entitled to nominate one (1) representative, while those Affiliates with membership above 20 000 shall be entitled to one (1) additional National Executive Committee member, those above 40 000 two (2) additional National Executive Committee members, and those above 100 000 three (3) additional National Executive Committee members. This formula excludes National Office-Bearers who are regarded to represent the Federation, and not their trade unions of origin.
- 7.4 Each Affiliate shall have a number of votes equal to the number of members the Affiliate represents, as determined by the following formula and criteria:

- 7.4.1 The Affiliates paid-up membership divided by FEDUSA's total paid-up membership multiplied by one hundred (100) divided by one (1).
- 7.4.2 An Affiliate shall always have at least one (1) vote.
- 7.4.3 The latest paid-up membership number held by the Federation on the last day of the month preceding the National Executive Committee shall be used to determine the Affiliate's vote.
- 7.4.4 The number derived from the formula shall be rounded up when the decimal is 0,5 or higher and rounded off in the case where the decimal is lower than 0,5.
- 7.4.5 An Affiliate in arrears with its affiliation fees for more than two (2) months, shall not have the right to vote.
- 7.5 The President shall have no deliberate voting right, but in the event of a split / hung vote the President shall have a casting vote. This shall not apply in the election of National Office-Bearers.
- 7.6 A proxy vote on issues shall be allowed with prior notification to the National Executive Committee but it shall not apply to the election of National Office-Bearers.
- 7.7 The National Executive Committee may:
 - 7.7.1 Establish departments and committees as may be required within the Federation including those catering for the needs of specific industries or sectors as represented by the Affiliates of the Federation;
 - 7.7.2 Co-opt or invite persons who, on account of their experience and qualifications may assist in any matter, on condition that such persons shall serve only in an advisory capacity and shall have no vote;
 - 7.7.3 Elect delegates to represent it on such bodies as may be deemed necessary;
 - 7.7.4 Do all such things which are consistent with, and in the interest of the Federation or the promotion of the interests of its Affiliates or their members;
 - 7.7.5 Negotiate and conclude mergers with other trade union groupings if duly authorised by Congress;
 - 7.7.6 Employ staff and review their conditions of service; and
 - 7.7.7 Delegate functions to the Management Committee or any other appropriate structure or person.

- 7.8 Unless otherwise decided, the National Executive Committee shall meet once every two (2) months or as otherwise agreed. At least two (2) weeks' written notice of such meeting together with a copy of the agenda shall be given by the General Secretary.
- 7.9 The President, or in his / her absence the Deputy President, or a majority of members of the National Executive Committee may, in writing, request the General Secretary to convene a special meeting of the National Executive Committee stating the business to be considered.
- 7.10 A quorum for the National Executive Committee meeting shall be the number of Affiliates making up more than 50% of the total vote, in addition to one (1) third of the Affiliates being present. If a quorum is not in attendance within one (1) hour after the scheduled time of the meeting, the meeting shall be postponed for not less than seven (7) and not more than fourteen (14) days to be held at the same time and place. Members attending such a reconvened meeting shall form a quorum.

8) MANAGEMENT COMMITTEE (MANCOM)

- 8.1 The Management Committee (ManCom) shall consist of the National Office-Bearers, General Secretary and Deputy General Secretaries, and four (4) additional members from the National Executive Committee. The election of the four (4) additional members of the Management Committee shall take place at the first meeting of the National Executive Committee following National Congress.
- 8.2 Alternate members to the four (4) additional members shall also be elected at this National Executive Committee meeting. A quorum of the Management Committee shall be six (6) representatives.
- 8.3 The Management Committee shall meet once per month or as otherwise agreed, in order to oversee the day-to-day management of the affairs of the Federation.
- 8.4 The Management Committee shall perform such functions as delegated to it by the National Executive Committee and shall be accountable to the National Executive Committee regarding any decision taken.
- 8.5 All meetings of the Management Committee shall be recorded into minutes and these minutes shall be made available to the National Executive Committee.
- 8.6 Management Committee meetings may be attended by any Affiliate in good standing.
- 8.7 In the case of a deadlock regarding any matter in a meeting of the Management Committee, it shall be referred to the next National Executive Committee for resolution. The decision of the National Executive Committee shall be final and binding.

9) PRESIDENT

- 9.1 The President shall preside over all meetings and National Congresses at which he / she is present, enforce observance of the Constitution, sign minutes of meetings after confirmation, generally exercise supervision over the affairs of the Federation, and perform such other duties as by usage and custom pertain to the office. In the event of an equal vote except in the election of office-bearers he / she shall have a casting vote as described in sections 6.13 and 7.5.

10) DEPUTY PRESIDENT

- 10.1 In the absence of the President, the Deputy President shall exercise the powers and perform the duties of the President as mentioned in section 9.1.
- 10.2 The Deputy President shall perform any other function that the National Executive Committee may deem necessary, from time to time.
- 10.3 The Deputy President shall represent the Federation on statutory and non-statutory bodies at the request of the National Executive Committee.

11) ACTING ARRANGEMENTS

- 11.1 In the absence of the President, the Deputy President and in his / her absence any one (1) of the Vice-Presidents shall exercise the powers and perform the duties of the President. In the event of the President, Deputy President and the Vice-Presidents being either temporarily or permanently unable to perform their duties, the National Executive Committee shall appoint one (1) or more of its members to act in the vacancy or vacancies. These appointees shall hold office until the President, Deputy President or Vice-Presidents are able to resume their duties or until the next election which shall be held at the next National Congress, as appropriate in the circumstances.

12) VICE-PRESIDENT (DEVELOPMENT)

- 12.1 The Vice-President (Development) shall preside over all meetings of the Media and Communication Committee at which he / she is present.
- 12.2 The Vice-President (Development) shall ensure that the Media and Communication Committee develops a Communication and Media Plan for FEDUSA.
- 12.3 The Vice-President (Development) shall present an annual Media and Communication Plan to the National Executive Committee for debate and approval.
- 12.4 The Vice-President (Development) shall represent the Federation on the any appropriate forum and on any other external structure that the National Executive Committee may deem appropriate.

13) VICE-PRESIDENT (FINANCE)

- 13.1 The Vice-President (Finance) shall preside over all meetings of the Financial Committee at which he / she is present, shall report at each Management Committee and National Executive Committee Meeting, and generally exercise supervision over the financial affairs of the Federation.
- 13.2 The Vice-President (Finance) shall ensure that the signatories to the account are accountable to the Financial Committee.
- 13.3 The Vice-President (Finance) shall ensure that the Financial Committee determines and implements financial policy in terms of this Constitution.
- 13.4 The Vice-President (Finance) shall ensure that affiliation fees are paid up and notify the National Executive Committee accordingly.

14) VICE-PRESIDENT (GENDER)

- 14.1 The Vice-President (Gender) shall preside over all meetings of the Equity Forum at which he / she is present.
- 14.2 The Vice-President (Gender) shall report at each National Executive Committee meeting on matters pertaining to the mandate of the Equity Forum listed in section 20 of the Constitution.

- 14.3 The Vice-President (Gender) shall ensure that the Equity Forum functions in terms of section 20 of the Constitution.
- 14.4 The Vice-President (Gender) shall represent the Federation on any appropriate forum with regard to any of the functions of the Equity Forum and on any other external structure that the National Executive Committee may deem appropriate.

15) VICE-PRESIDENT (PUBLIC SECTOR)

- 15.1 The Vice-President (Public Sector) shall preside over all meetings of the Public Sector Committee at which he / she is present.
- 15.2 The Vice-President (Public Sector) shall report at each National Executive Committee Meeting on matters pertaining to the mandate of the Public Sector Committee listed in section 22.
- 15.3 The Vice-President (Public Sector) shall ensure that the Public Sector Committee functions in terms of section 22.
- 15.4 The Vice-President (Public Sector) shall represent the Federation on any appropriate forum with regard to any of the functions of the Public Sector Committee and on any other external structure that the National Executive Committee may deem appropriate.

16) VICE-PRESIDENT (TRAINING & EDUCATION)

- 16.1 The Vice-President (Training & Education) shall preside over all meetings of the Training & Education Committee at which he / she is present.
- 16.2 The Vice-President (Training & Education) shall report at each National Executive Committee Meeting on matters pertaining to the mandate of the Training & Education Committee listed in section 23.
- 16.3 The Vice-President (Training & Education) shall ensure that the Training & Education Committee functions in terms of 23.
- 16.4 The Vice-President (Training & Education) shall represent the Federation on any appropriate forum with regard to any of the functions of the Training & Education Committee and on any other external structure that the National Executive Committee may deem appropriate.

17) OFFICIALS EMPLOYED BY THE FEDERATION

- 17.1 The National Executive Committee shall appoint a General Secretary and such officials and personnel as it deems necessary for the performing of the functions and duties in order to promote the goals of the Federation.
- 17.2 The General Secretary shall oversee the performance of all functions as stipulated, including but not limited to the following:
 - 17.2.1 Keeping of financial records for the Federation.
 - 17.2.2 Ensuring administrative functionality of the Federation including matters pertaining to agendas, minutes of meetings, and proper record-keeping and document storage.
 - 17.2.3 Conducting all head office correspondence on behalf of the Federation in consultation with the executive structures of the Federation where appropriate.
 - 17.2.4 Attending all meetings of the National Executive Committee, Management Committee, Financial Committee, National Congress, and meetings of departments or other committees of the Federation where appropriate.
 - 17.2.5 Liaising with and building relations with all relevant individuals or groups in order to further the goals of the Federation.
 - 17.2.6 Performing any other functions with which the Management Committee or National Executive Committee may charge him / her, from time to time in his / her capacity as chief executive officer of the Federation.
 - 17.2.7 Promoting in general the interests and affairs of the Federation.

18) FINANCE

- 18.1 Any funds received on behalf of the Federation, shall be deposited to its credit within three (3) working days of receipt thereof, at a bank decided upon by the National Executive Committee.
- 18.2 The financial year shall end on the 31st of December of every year.

- 18.3 The accounts of the Federation shall be audited at the close of each financial year by a firm of auditors registered in terms of the relevant legislation governing that profession. The National Executive Committee, who shall be responsible to approve audited annual financial statements, shall appoint such auditors.
- 18.4 Audited annual financial statements for every year between National Congresses shall be tabled at the following National Congress.
- 18.5 The Financial Committee (FinCom):
- 18.5.1 The National Executive Committee shall at its first meeting following the National Congress appoint at least five (5) people, including the General Secretary and the Vice-President (Finance) to comprise the Financial Committee.
- 18.5.2 The Financial Committee shall, with the approval of the Management Committee, to its best advantage in the name of the Federation, invest funds in excess of operational requirements.
- 18.5.3 The Financial Committee together with the National Executive Committee shall determine financial policy and ensure the implementation of such policies in terms of this constitution.
- 18.5.4 The Financial Committee shall consider relevant matters of financial nature or matters posing financial implications prior to the National Executive Committee meeting for the sake of facilitating decision-making.
- 18.5.5 Financial statements shall be submitted on a monthly basis to the Management Committee, being responsible for ensuring proper financial procedures and control of the affairs of the Federation.
- 18.5.6 Audited annual membership totals (as submitted to the Department of Labour) shall be provided to the National Executive Committee by no later March of the following year.

19) PROVINCIAL EXECUTIVE COMMITTEES

- 19.1 The National Executive Committee shall establish Provincial Executive Committees (PECs), and the General Secretary / Chief Executive Officer of each Affiliate may nominate a maximum of three (3) representatives to attend meetings, and these representatives shall be eligible to attend meetings of Provincial Executive Committees, may hold an office and may vote on any matter under consideration in the Provincial Executive Committee.

- 19.2 For the proper execution of functions and duties imposed on it by the National Executive Committee, the members of Affiliates attending a provincial meeting shall elect Provincial Office-Bearers consisting of the Provincial Chairperson, Provincial Vice-Chairperson, Provincial Secretary, Provincial Training Coordinator and Provincial Equity Coordinator.
- 19.3 In following the stipulations by section 19.1 above, Provincial Executive Committees shall be repopulated and Provincial Office-Bearers shall be elected at least six (6) months after National Congress, and shall hold office until the next election after National Congress. In the event of vacancies occurring, those vacancies shall be filled at the next meeting of the Provincial Executive Committee within the prescriptions of section 19.1 above. A maximum of two (2) additional members can be co-opted, on the condition that the co-option is approved by the National Executive Committee and authorised by the General Secretary / CEO of the Affiliate in question, as contemplated in section 19.1 above.
- 19.4 Provincial Executive Committees shall meet at least twice annually, and such meetings shall be scheduled by the Chairperson and Secretary of the PEC in question in consultation with the relevant Federation official. A majority (50% + 1) of Provincial Executive Committee members may request that a Special Provincial Executive Committee meeting be held, or such meeting shall be held on request of the National Executive Committee.
- 19.5 A quorum for Provincial Executive Committee meetings shall be a third of the members of that committee.
- 19.6 Notwithstanding anything other contained in this Constitution the function of the Provincial Executive Committee shall be to:
- 19.6.1 In consultation with the relevant Federation official, ensure that meetings are held according to the schedule explained in 19.4, and submit within thirty (30) days after meetings a copy of the draft minutes to the relevant Federation official for inclusion in the agenda of the National Executive Committee. PEC reports of the relevant five-year period under review shall be submitted for inclusion on the Congress Agenda along with all the other reports.
- 19.6.2 Represent the Federation, advance and defend its policies as determined by the National Executive Committee and National Congress.
- 19.6.3 Constantly investigate, keep abreast of, and analyse the labour and socio-economic situation in each respective province and keep the National Executive Committee updated about provincial matters of concern to the Federation.

- 19.6.4 Do whatever the National Executive Committee deems necessary to advance the interest of members of the Federation in the province.
- 19.6.5 Cooperate and participate with Affiliates, government bodies or related institutions and forums within the province in order to benefit members of the Federation in the province.
- 19.6.6 Provincial Executive Committees shall establish any such subcommittees as determined by the National Executive Committee from time to time.

20) EQUITY FORUM

- 20.1. The purpose of the Equity Forum (EF) shall be to stimulate dynamic debate and dialogue around critical issues that affect worker's lives on topics such as the impact of HIV and AIDS, violence against women and children, workplace discrimination, sexual harassment in the workplace, gender inequality, poverty and the eradication of child labour.
- 20.2 The Equity Forum shall consist of at least two (2) representatives [one (1) representative] per Affiliate, ideally the Gender and / or HIV and AIDS Co-ordinators or the identified focal person responsible for these portfolios.
- 20.3 The functions of the Equity Forum shall be to:
 - 20.3.1 Strive for the elimination of discriminatory practices and to ensure equality in the workplace;
 - 20.3.2 Create sensitivity to problems related to HIV and AIDS and its effects in the workplace;
 - 20.3.3 Promote the equality of women in the workplace; and
 - 20.3.4 Arrange education and training workshops on matters related to the purpose of the Equity Forum, as outlined above and as the need arises.
- 20.4 The Equity Forum shall meet at the times and places determined by the Equity Forum Chairperson in consultation with the Social Policy Officer.
- 20.5 The Equity Forum shall meet at least twice a year or as the need arises.
- 20.6 The Equity Forum Chairperson shall be the Vice-President (Gender) as elected by the National Congress.

- 20.7 Members of the Equity Forum shall be nominated by the General Secretary / Chief Executive Officer of each Affiliate and shall serve for a period of five (5) years after every National Congress.
- 20.8 Provincial Equity Coordinators shall be included on the Equity Forum distribution list for minutes of Equity Forum meetings and invitations to events and activities.
- 20.9 The Equity Forum may terminate the appointment of any Equity Forum representative who fails to regularly attend meetings, is not nominated in terms of section 20.7, is no longer performing his / her duties, or fails to represent the interests of the Federation.

21) MEDIA & COMMUNICATION COMMITTEE

- 21.1 The purpose of the Media and Communication Committee (MCC) shall be to discuss the Federation's media profile and that of affiliated trade unions with a view to share information and strategise.
- 21.2 The Media and Communication Committee shall consist of one (1) representative per Affiliate, ideally the person responsible for media and / or communication.
- 21.3 The functions of the Media and Communication Committee shall be to:
- 21.3.1 Arrange training opportunities on communications and media;
 - 21.3.2 Organise media activities and strategies; and
 - 21.3.3 Monitor and evaluate the Federation's online profile and publications.
- 21.4 The Media and Communication Committee shall meet at the times and places determined by the Media and Communication Officer and the Media and Communication Committee Chairperson.
- 21.5 The Media and Communication Committee shall meet at least twice a year or as otherwise decided, to plan media activities and strategies.
- 21.6 The Media and Communication Committee Chairperson shall be the Vice-President (Development) as elected by the National Congress.
- 21.7 Members of the Media and Communication Committee shall be nominated by the General Secretary / Chief Executive Officer of each Affiliate and shall serve for a period of five (5) years after every National Congress.

- 21.8 The Media and Communication Committee may at any time terminate the appointment of any Media and Communication Committee representative who misbehaves, is not nominated in terms of section 21.7, is no longer performing his / her duties, and / or is not representing the interests of the Federation.

22) PUBLIC SECTOR COMMITTEE

- 22.1 The purpose of Public Sector Committee (PSC) shall be to discuss matters affecting Affiliates organising in the Public Sector.
- 22.2 The Public Sector Committee shall consist of one (1) representative per Affiliate organising in the Public Sector, ideally a person involved with negotiations and / or research.
- 22.3 The functions of the Public Sector Committee shall be to:
- 22.3.1 Arrange training opportunities on relevant matters;
 - 22.3.2 Commission research on relevant matters; and
 - 22.3.3 Organise public sector activities and coordinating bargaining council strategies.
- 22.4 The Public Sector Committee shall meet at the times and places determined by the Public Sector Coordinator and the Vice-President (Public Sector).
- 22.5 The Public Sector Committee shall meet at least twice a year or as otherwise decided, to plan activities and strategies.
- 22.6 The Chairperson of the Public Sector Committee shall be the Vice-President (Public Sector) as elected by the National Congress.
- 22.7 Members of the Public Sector Committee shall be nominated by the General Secretary / Chief Executive Officer of each Affiliate organising in the public sector and shall serve for a period of five (5) years after every National Congress.
- 22.8 The Public Sector Committee may at any time terminate the appointment of any Public Sector Committee representative who misbehaves, is not nominated in terms of section 22.7, is no longer performing his / her duties, and / or is not representing the interests of the Federation.

23) TRAINING & EDUCATION COMMITTEE

- 23.1 The Training and Education Committee (TEC) shall consist of:
 - 23.1.1 One (1) representative and one (1) alternate per Affiliate responsible for training and education within the Union, where at least one (1) of the representatives shall attend meetings and preferably one (1) of the representatives shall be employed by the Union;
 - 23.1.2 Members of the Secretariat who are responsible for training and education or the administration thereof;
 - 23.1.3 Any person/s appointed by the National Executive Committee to assist with training and education; and
 - 23.1.4 A representative from any other constitutional structure within the Federation.
- 23.2 The Training and Education Committee shall:
 - 23.2.1 Discuss matters of policy arising out of the application of training, education and development which could affect Affiliates or their members;
 - 23.2.2 Regulate the conduct of representatives who serve on related tripartite forums; and
 - 23.2.3 Report to the National Executive Committee on matters pertaining to training, education and skills development.
- 23.3 Term of office of office-bearers (Chairperson and Vice-Chairperson):
 - 23.3.1 Training and Education Committee Office-Bearers are elected by the members of the Training and Education Committee and they shall serve for a period of five (5) years after every National Congress.
 - 23.3.2 The position of Chairperson and Vice-Chairperson are based on such conditions as the National Executive Committee may determine, and the National Executive Committee may at any time terminate the appointment of any member of the Training and Education Committee, who:
 - 23.3.2.1 Has been found guilty of misconduct by his / her trade union;
 - 23.3.2.2 Is not able to perform his / her functions, in terms of the Federation's policy;

- 23.3.2.3 Neglects to perform his / her duty;
 - 23.3.2.4 Fails to properly implement the Federation's policy; or
 - 23.3.2.5 Does not represent the best interest of the Federation on a particular forum or structure.
- 23.4 The Chairperson of the Training and Education Committee shall:
- 23.4.1 Represent the Federation on issues relating to training and education;
 - 23.4.2 Be consulted on issues relating to training and education;
 - 23.4.3 Be an ex officio member of the National Executive Committee; and
 - 23.4.3 Liaise with the Secretariat where and when necessary.
- 23.5 Meetings:
- 23.5.1 The Training and Education Committee shall meet at times and places determined by the Secretariat in consultation with the Chairperson.
 - 23.5.2 The Training and Education Committee shall annually meet at a planning workshop to revise the schedule and focus of training for the following year.
 - 23.5.3 The quorum for a meeting of the Training and Education Committee shall be five (5) members, including the officials of the Federation.
 - 23.5.4 The decision of the Training and Education Committee members present at a meeting shall be the decision of the Training and Education Committee.

24) DISCIPLINE

- 24.1 The National Executive Committee or any Affiliate may lodge a complaint against another Affiliate. Such a complaining Affiliate shall motivate the complaint in writing and shall be forwarded to both the National Executive Committee and the respondent Affiliate.
- 24.2 The respondent Affiliate shall within fourteen (14) working days reply to the National Executive Committee and the complaining Affiliate. The General Secretary shall within twenty working days

convene a meeting chaired by the President with the complaining Affiliate and the respondent Affiliate in order to endeavour to settle the dispute.

- 24.3 If the Affiliates are unable to reach an agreement or if the National Executive Committee is unable to solve the problem, both parties may agree to call the assistance of an independent third party to resolve the matter.
- 24.4 The National Executive Committee may initiate an investigation of a complaint or irregularity that may occur or comes to its attention.
- 24.5 Reasons for lodging a complaint or an investigation may be:
 - 24.5.1 The non-payment or irregular payment of affiliation fees.
 - 24.5.2 The non-attendance of any two (2) or more meetings of any committee without prior notification or proper apology.
 - 24.5.3 Any conduct which may be detrimental to the interest of an Affiliate or the Federation.
 - 24.5.4 The non-compliance with any provision of this Constitution or the law.

25) PENALTIES

- 25.1 Any Affiliate who is found guilty of an offence in terms of the provisions of this Constitution may be:
 - 25.1.1 Suspended;
 - 25.1.2 Expelled; or
 - 25.1.3 Fined to a maximum amount not exceeding 50 percent of its monthly affiliation fees.
- 25.2 In the event of non-payment of affiliation fees, the relevant Affiliate shall forfeit its voting rights and members of such Affiliate holding an office in structures of the Federation shall forfeit such position until all monies due are paid in full.
- 25.3 All amounts due by an Affiliate in terms of the Constitution shall bear interest from the due date of payment, where an Affiliate is three (3) months in arrears. Such interest shall be calculated in line with the repo rate as determined by the Monetary Policy Committee of the South African Reserve Bank (SARB) from time to time. The repo rate and arrears shall capitalise monthly on the balance due.

26) REMOVAL OF NATIONAL OFFICE-BEARERS

- 26.1 A National Office-Bearer shall vacate his / her position on retirement, resignation, death, or when the Affiliate the office-bearer represents or the National Executive Committee decides to remove the person from office.

27) AMENDMENT OF THIS CONSTITUTION


- 27.1 This Constitution may be amended at Congress or by the National Executive Committee. Any such amendment shall be carried by a two-thirds majority of National Executive Committee and of Congress. Notification of an intended amendment shall be given to all Affiliates in writing, at least 30 calendar days in advance.

28) WINDING-UP OF THE FEDERATION

- 28.1 The affairs of the Federation shall be wound up if a two-thirds majority of Affiliates in good standing resolves in favour of such a resolution. After all outstanding debts are paid, a two-thirds majority may rule on how the remaining funds or assets should be dealt with, the options including – but not limited to – transferring it to another body corporate or to dividing it proportionally between Affiliates in good standing.

END

Signed as adopted on 7 February 2012:



Mr Koos Bezuidenhout
President



Mr Dennis George
General Secretary