



FEDUSA CONSTITUTION

Defending Collective Bargaining, Decent Work,
Advancing Just Transition for Climate Change
and Digital Economy

2021
7th National Congress



CONSTITUTION

OF THE

FEDERATION OF UNIONS OF SOUTH AFRICA

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1. NAME AND HEAD OFFICE

- 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. In this Constitution, unless inconsistent with the context, words used in the singular number shall include the plural, and vice versa, and words implying the masculine gender shall include the feminine.
- 2.5. "DC" shall mean Development Committee
- 2.6. "Federation" shall mean the Federation of Unions of South Africa as well as by the acronym, FEDUSA.
- 2.7. "Fincom" shall mean Financial Committee.
- 2.8. "ManCom" shall mean Management Committee.
- 2.9. "NEC" shall mean National Executive Committee.
- 2.10. "PSC" shall mean Public Sector Committee.
- 2.11. "SJC" shall mean Social Justice & Gender Committee.
- 2.12. "TEC" shall mean Training and Education Committee.
- 2.13. "Monthly Affiliation Fee" shall mean payment by an Affiliate to the Federation monthly, based on the Affiliates current membership totals.
- 2.14. "Registration Fee" shall mean a once-off payment by a new Affiliate who joins the Federation.
- 2.15. "Youth Representative" shall mean a person that is between the ages of 18 to 35 years.
- 2.16. "National Office Bearers" shall mean the President, Deputy President and five (5) Vice- Presidents as

contemplated in section 6.7 of this Constitution.

- 2.17. “Congress”, unless inconsistent with the context, shall refer to National Congress or a Special National Congress.

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. Endorse the principles of Gender Equality;
 - 3.1.5. Maintain its political independence at all times;
 - 3.1.6. Raise, maintain, and administer a common fund or funds for the sound administration and execution of the mission of the Federation; and
 - 3.1.7. Give effect to all aspects of the Constitution of the Republic of South Africa, 1996.

4. MEMBERSHIP

- 4.1. Any trade union or staff association or any grouping of trade unions or staff associations, 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. An Affiliate giving three (3) months’ notice in writing to the National Executive Committee;
 - 4.3.2. The National Executive Committee 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 giving less than three (3) months’ notice, if it decides that circumstances warrant such shorter period of notice.

- 4.4. Failing to pay Affiliation Fees timeously shall lead to suspension after three (3) months and termination of membership 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 Affiliate should submit a written exemption request 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. Any Affiliate suspended in terms of section 4.4 can appeal to the National Executive Committee within one (1) calendar month for re-instatement. Re-instatement shall only take place once all outstanding Affiliation Fees are paid in full. The decision of the National Executive Committee shall be final and binding.
- 4.6. Any Affiliate terminated 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. Registration fees shall be a fee payable on the date of registration of a new Affiliate with the Federation and shall not be refundable upon resignation of such an Affiliate.
- 5.2. Monthly Affiliation fees will be paid as prescribed in terms of section 5.3 of this Constitution and paid monthly as per section 5.4.
- 5.3. The amount payable in terms of registration, and monthly affiliation fees shall be determined from time to time by the National Executive Committee.
- 5.4. All fees, excluding registration fees, shall be paid no later than the 7th day of the following month.
- 5.5. 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.
- 5.6. Affiliation fees applicable for affiliate membership above 100 000 will be based on a sliding scale and proportional payment, as determined by the NEC, from time to time.

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 finalize 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 National Congress. Such a Special National Congress can replace a National 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. If a quorum is not achieved at a duly convened National 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 the National 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 the National Congress.
- 6.6. The Credentials Committee shall be mandated to support the General Secretary to ensure the democratic, orderly, and constitutional preparation for the Congress by confirming the process followed to the Congress:
 - 6.6.1. After examining and reviewing the registration document 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 authorized by the General Secretary to attend the National or Special National 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 6.15 of this Constitution;
 - 6.6.4. After examining and reviewing the Affiliate Arrears Report to determine the voting strength of each

Affiliate in terms of section 6.15 of this Constitution;

- 6.6.5. After examining any proxy vote request that was received in terms of section 6.16 of this Constitution; and
 - 6.6.6. After examining the nominations and the nomination process to ensure compliance with section 6.17 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 11;
 - 6.7.2. Vice-President (Finance) – as contemplated in section 12;
 - 6.7.3. Vice-President (Social Justice & Gender) – as contemplated in section 13;
 - 6.7.4. Vice-President (Public Sector) – as contemplated in section 14; and
 - 6.7.5. Vice-President (Training & Education) – as contemplated in section 15.
- 6.8. The President's term shall be restricted to a maximum of two (2) terms, notwithstanding whether the terms are in succession or not. If there occurs a break after a President has served the first term, he/she will be allowed to serve a second term after a break, if re-elected.
- 6.9. The President, Deputy President and five (5) Vice-Presidents shall, subject to the provision of section 21 of this Constitution, hold office for a term of five (5) years.
- 6.10. In the event of a vacancy for any reason occurring in the office of:
- 6.10.1. President: The Deputy-President shall assume the vacant office of the President for the period of the unexpired portion of the term of office;
 - 6.10.2. Deputy-President: a secret ballot of members of the National Executive Committee shall be conducted for the election of one of the Vice-Presidents to fill such vacancy for the period of the unexpired portion of the term of office;
 - 6.10.3. Vice-President(s): a secret ballot of members of the National Executive Committee shall be conducted for the election of a National Executive Committee member to fill such vacancy for the period of the unexpired portion of the term of office.
- 6.11. Each Affiliate in good standing shall be entitled to attend the Congress with one (1) or more delegate as follows:
- 6.11.1. Two (2) representatives for up to one thousand (1 000) members;

- 6.11.2. Five (5) representatives for up to three thousand (3 000) members;
- 6.11.3. Eight (8) representatives for up to ten thousand (10 000) members;
- 6.11.4. One (1) additional representative for every ten thousand (10 000) members thereafter, up to a maximum of twenty-five (25) representatives per Affiliate.
- 6.12. The General Secretary and other officials as may be decided upon by the National Executive Committee, shall attend the National or Special National Congress. Such officials shall have no voting rights but may be requested to address the meeting.
- 6.13. 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.
- 6.14. The payment for expenses of delegates attending the National Congress shall be determined by the National Executive Committee when approving the Congress Budget.
- 6.15. Each Affiliate shall have the number of votes equal to the number of members the Affiliate represents, as determined by the following formula and criteria:
 - 6.15.1. The Affiliate's paid-up membership divided by the total paid-up membership of the Federation multiplied by one hundred (100) and divided by one (1);
 - 6.15.2. An Affiliate shall always have at least one (1) vote;
 - 6.15.3. 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;
 - 6.15.4. 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.
 - 6.15.5. An Affiliate in arrears with its affiliation fees for more than two (2) months, shall not have the right to vote.
- 6.16. 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 to 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.
- 6.17. 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.

- 6.18. An Affiliate may not nominate or second more than one (1) person for a specific position.
- 6.19. 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 the Congress.
- 6.20. The written nomination shall clearly indicate the following information:
- 6.20.1. The name of the person being nominated and the union of origin;
 - 6.20.2. The name and signature of the General Secretary / Chief Executive Officer of the Affiliate making the nomination;
 - 6.20.3. The name and signature of the General Secretary / Chief Executive Officer of the Affiliate seconding the nomination;
 - 6.20.4. The position for which the person is being nominated;
 - 6.20.5. An indication that the person is aware of the nomination and has consented thereto in writing.
- 6.21. 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.
- 6.22. Each Affiliate shall vote by way of a block vote and each Affiliate's block voting strength shall be determined in terms of section 6.15.
- 6.23. Where Congress deems it necessary to vote on any other matter, such vote shall be by way of a secret ballot and each Affiliate's block voting strength shall be determined in terms of section 6.15.

7. NATIONAL EXECUTIVE COMMITTEE (NEC)

- 7.1. Management of the affairs of the Federation between National Congresses shall be vested in the National Executive Committee.
- 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 twenty thousand (20 000) shall be entitled to one (1) additional National Executive Committee member, those above forty thousand (40 000), two (2) additional National Executive Committee members, and those above one hundred thousand (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 several votes equal to the number of members the Affiliate represents, as determined by the following formula and criteria:
- 7.4.1. The Affiliate's 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 to 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 authorized 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 a 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 Secretary, 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. An Alternate member to each one of the four (4) additional members shall be elected at this National Executive Committee meeting.
- 8.3. A quorum of the Management Committee shall be six (6) representatives, which may include the President.
- 8.4. The Management Committee shall meet once per month or as otherwise agreed, to oversee the day-to-day management of the affairs of the Federation.
- 8.5. 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.
- 8.6. All meetings of the Management Committee shall be recorded into minutes and these minutes shall be made available to the National Executive Committee.
- 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.
- 8.8. Where vacancies arise because of both the additional and alternate Mancom members, the NEC shall elect a member within 30 days, from the date when the member vacated his or her seat, due to Section 8.2 above.
- 8.9. Nominations and elections of the aforementioned vacancies in 8.8 above, shall be held by way of a secret

ballot and finalized within 30 days from the date when the vacancy(ies) arise.

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 National Office-Bearers he / she shall have a casting vote as described in sections 6.16 and 7.5.
- 9.2. The President may delegate any of his / her competencies to the Deputy President and/or Vice-Presidents. Such delegation shall be done in writing and approved by the National Executive Committee and may be withdrawn at any time. This delegation does not deprive the President of the competency he / she has delegated, and he / she can at any time disallow a resolution adopted in terms of such delegated power.

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.
- 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 any appropriate forum concerning the functions of the portfolio and on any other external structure that the National Executive Committee may deem appropriate.

11. VICE-PRESIDENT (DEVELOPMENT)

- 11.1. The Vice-President (Development) shall preside over all meetings of the Development Committee at which he / she is present.
- 11.2. The Vice-President (Development) shall report at each Management Committee and National Executive Committee on matters pertaining to the mandate of the Development Committee listed in section 18.5 of the Constitution.
- 11.3. The Vice-President (Development) shall ensure that the Development Committee functions in terms of

section 18.5 of the Constitution.

- 11.4. The Vice-President (Development) shall ensure that the Development Committee determines and implements a Youth Development Policy for the Federation and establish a Youth Desk.
- 11.5. The Vice-President (Development) shall represent the Federation on any appropriate forum regarding any of the functions of the Development Committee and on any other external structure that the National Executive Committee may deem appropriate.

12. VICE-PRESIDENT (FINANCE)

- 12.1. The Vice-President (Finance) shall preside over all meetings of the Financial Committee at which he / she is present.
- 12.2. The Vice-President (Finance) shall report at each Management Committee and National Executive Committee Meeting on matters pertaining to the mandate of the Financial Committee listed in Section 17 of the Constitution, and exercise supervision over the financial affairs of the Federation.
- 12.3. The Vice-President (Finance) shall ensure that the signatories to the account are accountable to the Financial Committee.
- 12.4. The Vice-President (Finance) shall ensure that the Financial Committee determines and implements a financial policy in terms of this Constitution.
- 12.5. The Vice-President (Finance) shall ensure that Affiliation Fees are paid up and notify the National Executive Committee accordingly.

13. VICE-PRESIDENT (SOCIAL JUSTICE & GENDER)

- 13.1. The Vice-President (Social Justice and Gender) shall preside over all meetings of the Social Justice and Gender Committee at which he / she is present.
- 13.2. The Vice-President (Social Justice and Gender) shall report at each Management Committee and National Executive Committee meeting on matters pertaining to the mandate of the Social Justice and Gender Committee listed in section 18.2 of the Constitution.
- 13.3. The Vice-President (Social Justice and Gender) shall ensure that the Social Justice and Gender Committee functions in terms of section 18.2 of the Constitution.
- 13.4. The Vice-President (Social Justice and Gender) shall represent the Federation on any appropriate forum concerning the functions of the Social Justice and Gender Committee and on any other external structure

that the National Executive Committee may deem appropriate.

14. VICE-PRESIDENT (PUBLIC SECTOR)

- 14.1. The Vice-President (Public Sector) shall preside over all meetings of the Public Sector Committee at which he / she is present.
- 14.2. The Vice-President (Public Sector) shall report at each Management Committee and National Executive Committee Meeting on matters pertaining to the mandate of the Public Sector Committee listed in section 18.3 of the Constitution.
- 14.3. The Vice-President (Public Sector) shall ensure that the Public Sector Committee functions in terms of section 18.3 of the Constitution.
- 14.4. The Vice-President (Public Sector) shall represent the Federation on any appropriate forum concerning the functions of the Public Sector Committee and on any other external structure that the National Executive Committee may deem appropriate.

15. VICE-PRESIDENT (TRAINING & EDUCATION)

- 15.1. The Vice-President (Training & Education) shall preside over all meetings of the Training & Education Committee at which he / she is present.
- 15.2. The Vice-President (Training & Education) shall report at each Management Committee and National Executive Committee Meeting on matters pertaining to the mandate of the Training & Education Committee listed in section 18.4 of the Constitution.
- 15.3. The Vice-President (Training & Education) shall ensure that the Training & Education Committee functions in terms of section 18.4 of the Constitution.
- 15.4. 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.

16. OFFICIALS EMPLOYED BY THE FEDERATION

- 16.1. 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 to promote the goals of the Federation.

- 16.2. The General Secretary shall oversee the performance of all functions as stipulated, including but not limited to the following:
- 16.2.1. Keeping of financial records for the Federation;
 - 16.2.2. Ensuring administrative functionality of the Federation including matters pertaining to agendas, minutes of meetings, and proper record-keeping and document storage;
 - 16.2.3. Conducting all head office correspondence on behalf of the Federation in consultation with the executive structures of the Federation where appropriate;
 - 16.2.4. 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;
 - 16.2.5. Liaising with and building relations with all relevant individuals or groups to further the goals of the Federation;
 - 16.2.6. 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;
 - 16.2.7. Promoting, in general, the interests and affairs of the Federation.

17. FINANCE

- 17.1. Any funds received on behalf of the Federation, shall be deposited to its credit within three (3) working days from receipt thereof, at a bank decided upon by the National Executive Committee.
- 17.2. The financial year shall end on the 31st of December of every year.
- 17.3. 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.
- 17.4. Audited annual financial statements for every year between National Congresses shall be tabled at the following National Congress.
- 17.5. The Financial Committee (FinCom):
- 17.5.1. The National Executive Committee shall at its first meeting following the National Congress appoint a maximum of (9) people, including the General Secretary and the Vice-President

(Finance), to comprise the Financial Committee;

- 17.5.2. 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;
 - 17.5.3. The Financial Committee, together with the National Executive Committee shall determine a financial policy and ensure the implementation of such policy in terms of the Constitution;
 - 17.5.4. 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;
 - 17.5.5. Financial statements shall be submitted monthly to the Management Committee, being responsible for ensuring proper financial procedures and control of the affairs of the Federation;
 - 17.5.6. Audited annual membership totals (as submitted to the Department of Labour) shall be provided to the National Executive Committee by no later than 31 March of the following year.
- 17.6. The Financial Committee shall meet at times and places determined by the Vice-President (Finance) in consultation with the General Secretary.

18. CONSTITUTIONAL COMMITTEES

All Constitutional Committees shall report and make recommendations to the Management Committee (ManCom) and/or National Executive Committee (NEC), for endorsement.

18.1. PROVINCIAL EXECUTIVE COMMITTEES (PEC)

- 18.1.1. 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.
- 18.1.2. For the proper execution of functions and duties imposed on it by the National Executive Committee, the members of Affiliates attending a provincial meeting may elect Provincial Office-Bearers consisting of the Provincial Chairperson, Provincial Vice-Chairperson, Provincial Secretary, Provincial Training Coordinator and Provincial Equity Coordinator.
- 18.1.3. In following the stipulations in section 18.1.1 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 18.1.1 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 authorized by the General Secretary / Chief Executive Officer of the Affiliate in question, as contemplated in section 18.1.1 above.

- 18.1.4. Provincial Executive Committees shall meet at least twice annually, and such meetings shall be scheduled by the Chairperson and Secretary of the Provincial Executive Committees 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.
- 18.1.5. A quorum for Provincial Executive Committee meetings shall be a third of the members of that committee.
- 18.1.6. Notwithstanding anything other contained in this Constitution, the function of the Provincial Executive Committee shall be to:
 - 18.1.6.1. In consultation with the relevant Federation official, ensure that meetings are held according to the schedule explained in 18.1.4, 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. Provincial Executive Committee reports of the relevant five-year period under review, shall be submitted for inclusion in the Congress Agenda along with all the other reports;
 - 18.1.6.2. Represent the Federation, advance and defend its policies as determined by the National Executive Committee and National Congress;
 - 18.1.6.3. Constantly investigate, keep abreast of, and analyze the labour and socio-economic situation in each respective province and keep the National Executive Committee updated about provincial matters of concern, including recruitment to the Federation;
 - 18.1.6.4. Do whatever the National Executive Committee deems necessary to advance the interest of members of the Federation in the province;
 - 18.1.6.5. 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;
 - 18.1.6.6. Provincial Executive Committees shall establish any such subcommittees as determined

by the National Executive Committee from time to time.

18.2. **SOCIAL JUSTICE AND GENDER COMMITTEE (SJC)**

- 18.2.1. The purpose of the Social Justice and Gender Committee 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, disability, and eradication of child labour.
- 18.2.2. The Social Justice and Gender Committee shall consist of at least one (1) representative per Affiliate, ideally the coordinator responsible for Gender and HIV/AIDS, or the identified focal person responsible for these portfolios.
- 18.2.3. The functions of the Social Justice and Gender Committee shall be to:
 - 18.2.3.1. Strive for the elimination of discriminatory practices and to ensure equality in the workplace and society;
 - 18.2.3.2. Create sensitivity to problems related to HIV and AIDS and its effects in the workplace and society;
 - 18.2.3.3. Promote the equality, development, and empowerment of women in the workplace and society and guide FEDUSA on attainment of targets as resolved from time to time;
 - 18.2.3.4. Strive for the elimination of violence against women and children and the eradication of poverty as well as child labour.
- 18.2.4. The Social Justice and Gender Committee shall meet at the times and places determined by the Vice-President (Social Justice and Gender) in consultation with the Social Policy Officer.
- 18.2.5. The Chairperson of the Social Justice and Gender Committee shall be the Vice-President (Social Justice and Gender) as elected by the National Congress.
- 18.2.6. Provincial Equity Coordinators shall be included on the Social Justice and Gender Committee distribution list for minutes of Social Justice and Gender meetings and invitations to events and activities.

18.3. **PUBLIC SECTOR COMMITTEE (PSC)**

- 18.3.1. The purpose of the Public Sector Committee shall be to discuss matters affecting Affiliates organizing in the Public Sector.
- 18.3.2. The Public Sector Committee shall consist of one (1) representative per Affiliate organizing in the Public Sector, ideally a person involved with negotiations and / or research.

- 18.3.3. The functions of the Public Sector Committee shall be to:
 - 18.3.3.1. Arrange training opportunities on relevant matters;
 - 18.3.3.2. Commission research on relevant matters; and
 - 18.3.3.3. Organize public sector activities and coordinating bargaining council strategies.
- 18.3.4. The Public Sector Committee shall meet at the times and places determined by the Vice-President (Public Sector) in consultation with the Secretariat.
- 18.3.5. The Chairperson of the Public Sector Committee shall be the Vice-President (Public Sector) as elected by the National Congress.
- 18.3.6. Members of the Public Sector Committee shall be nominated by the General Secretary / Chief Executive Officer of each Affiliate organizing in the public sector.

18.4. **TRAINING & EDUCATION COMMITTEE (TEC)**

- 18.4.1. The Training and Education Committee shall consist of at least:
 - 18.4.1.1. One (1) representative and one (1) alternate per Affiliate, ideally representatives responsible for training and education within the Affiliate, where at least one (1) of the representatives shall attend meetings and preferably one (1) of the representatives shall be employed by the Union;
 - 18.4.1.2. Members of the Secretariat who are responsible for training and education or the administration thereof;
 - 18.4.1.3. Any person/s appointed by the National Executive Committee to assist with training and education; and
 - 18.4.1.4. A representative from any other constitutional structure within the Federation.
- 18.4.2. The function of the Training and Education Committee shall be to:
 - 18.4.2.1. Discuss matters of policy arising out of the application of training, basic education, tertiary education, and development which could affect Affiliates or their members;
 - 18.4.2.2. Regulate the conduct of representatives who serve on related tripartite forums; and
 - 18.4.2.3. Report to the National Executive Committee on matters pertaining to training, basic education, tertiary education, and skills development;
 - 18.4.2.4. Deal with matters pertaining to Health and Safety which could affect Affiliates or their

members.

- 18.4.3. Members of the Training and Education Committee shall be nominated by the General Secretary / Chief Executive Officer of each affiliate.
- 18.4.4. The Training and Education Committee will meet at times and places determined by the Vice-President (Training and Education) in consultation with the Secretariat.
- 18.4.5. The Chairperson of the Training and Education Committee shall be the Vice-President (Training and Education) as elected by the National Congress.

18.5. **DEVELOPMENT COMMITTEE**

- 18.5.1. The purpose of the Development Committee shall be to stimulate debate regarding critical issues that affect Young Workers' lives, Youth Development, Trade and Industry and Economic Development.
- 18.5.2. The Development Committee shall consist of at least one (1) representative per Affiliate, ideally a person involved with trade and industry and economic development.
- 18.5.3. Functions of the Development Committee shall be to:
 - 18.5.3.1. Create sensitivity to problems related to Young Workers and its effects in the workplace;
 - 18.5.3.2. Promote development and empowerment of Young Workers in the workplace;
 - 18.5.3.3. Organize Young Worker and Youth activities;
 - 18.5.3.4. Establish a Youth Desk constituted by at least one (1) Youth Representative per Affiliate, ideally a person involved with youth development.
 - 18.5.3.5. Deal with matters pertaining to Trade and Industry and Economic Development, which could affect Affiliates or their members.
- 18.5.4. The Development Committee shall meet at times and places determined by the Vice-President (Development) in consultation with the Secretariat.
- 18.5.5. The Chairperson of the Development Committee shall be the Vice-President (Development) as elected by the National Congress.
- 18.5.6. Members of the Development Committee and Youth Representatives serving on the Youth Desk shall be nominated by the General Secretary / Chief Executive Officer of each Affiliate.

19. REPRESENTATION ON STATUTORY AND NON – STATUTORY BODIES

FEDUSA will be represented on statutory and non – statutory bodies as follows:

- 19.1. Affiliates with representation, knowledge and skills in the sector where deployment is required.
- 19.2. NOB's, affiliate representatives and / or FEDUSA Senior Secretariat Members. mandated by NEC,
- 19.3. NOB's, affiliate representatives and FEDUSA Senior Secretariat Members shall not represent the Federation beyond their normal retirement age, subject to clearly defined conditions set out and endorsed by the NEC, where skills and expertise are required to support the deployment.
- 19.4. Gender equality shall form part of FEDUSA's deployment process, aligned to the Federation's Gender Policy.

20. FEDUSA CONSTITUTIONAL REVIEW COMMITTEE

- 20.1 The FEDUSA Constitutional Review Committee (CRC) will reconvene and review its mandate at the onset of each 5 – year Congress period.
- 20.2 Notwithstanding Section 20.1, the NEC can mandate and utilize the expertise of CRC, at its discretion and as required from time to time.
- 20.3 The Committee will consider all required constitutional amendments and will refer its recommendations to the Mancom and NEC for consideration
- 20.4 The Objectives of the CRC is to :
 - 20.4.1 Draft the Final Draft Constitutional Amendments including legal review, where required.
 - 20.4.2 Table the Draft Constitutional Amendments for Mancom consideration.
 - 20.4.3 Table the subsequent Mancom endorsed draft amendments to the NEC for consideration
 - 20.4.4 Table the NEC endorsed amendments to the Credentials Committee. Section 6.5 and 6.6 of the FEDUSA Constitution stipulates that *"A Credentials Committee shall be appointed by the National Executive Committee prior to the National 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 the National Congress."*
 - 20.4.5 The Credentials Committee shall be mandated to support the General Secretary to ensure the democratic, orderly and constitutional preparation for the Congress by confirming the process followed to the Congress"
 - 20.4.6 Release of Final Draft Constitutional Amendments for purposes of alignment to the FEDUSA Credentials

Committee established in terms of Section 6.5 of the FEDUSA Constitution

20.5 Composition Of The CRC

- 20.5.1 Calls for nomination to serve on the CRC will be made at least 1 year prior to the staging of Congress
- 20.5.2 The CRC may be elected at the first NEC Meeting preceding the year of Congress
- 20.5.3 The composition of the CRC will consist of no more than six (6) members of the NEC, taking a gender and youth balance into account.
- 20.5.4 The three (3) largest FEDUSA affiliates will strategically, and for purposes of driving unity, form part of the CRC with the remaining members being nominated from the NEC.
- 20.5.5 The Chairperson of the CRC should be elected by the Committee and ratified by the Mancom / NEC
- 20.5.6 The FEDUSA CRC may co-opt members with particular expertise.
- 20.5.7 The term of appointment of the Committee will not exceed 6 months to satisfy the requirement of the Credentials Committee.
- 20.5.8 A Quorum of 50% +1 members, is required to continue the work of the CRC.

20.6 Accountability

- 20.6.1 The CRC will submit reports and recommendations to the Mancom and NEC for consideration and adoption.

21 DISCIPLINE

- 21.1 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.
- 21.2 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 (20) working days convene a meeting with the complaining Affiliate and respondent Affiliate to endeavor to settle the dispute. The meeting shall be chaired by the President.
- 21.3 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 for the assistance of an independent third party to resolve the matter.

- 21.4 The National Executive Committee may initiate an investigation of a complaint or irregularity that may occur or comes to its attention.
- 21.5 Reasons for lodging a complaint or an investigation may be:
- 21.5.1 The non-payment or irregular payment of affiliation fees.
- 21.5.2 The non-attendance of any two (2) or more meetings of any committee without prior notification or proper apology.
- 21.5.3 Any conduct which may be detrimental to the interest of an Affiliate or the Federation.
- 21.5.4 The non-compliance with any provision of this Constitution or the law.

22 PENALTIES

- 22.1 Any Affiliate who is found guilty of an offence in terms of the provisions of this Constitution may be:
- 22.1.1 Suspended;
- 22.1.2 Expelled; or
- 22.1.3 Fined to a maximum amount not exceeding 50 % of its monthly affiliation fees.
- 22.2 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.
- 22.3 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 capitalize monthly on the balance due.

23 REMOVAL OF NATIONAL OFFICE-BEARERS AND MANCOM MEMBERS

A National Office Bearer and / or Mancom Member shall vacate such office in any one of the following circumstances:

- 23.1 On resignation;
- 23.2 On retirement or death;
- 23.3 On suspension or expulsion from membership of the relevant Affiliate;
- 23.4 On removal by the Affiliate represented by the National Office Bearer;

- 23.5 On removal by the National Executive Committee; or
- 23.6 On ceasing to be a member of the National Executive Committee.

24 REMOVAL OF COMMITTEE MEMBERS

The National Executive Committee may at any time terminate the appointment of any Constitutional Committee Member who:

- 24.1 Is found guilty of misconduct by his / her trade union;
- 24.2 Is not able to perform his / her functions, in terms of the Federation's policy;
- 24.3 Neglects to perform his / her duty;
- 24.4 Fails to properly implement the Federation's policy;
- 24.5 Does not represent the best interest of the Federation on a particular forum or structure;
- 24.6 Is not nominated by the General Secretary / Chief Executive Officer of his / her Affiliate;
- 24.7 Fails to regularly attend meetings.

25 QUORUMS OF MEETINGS

- 25.1 A quorum for all Committee meetings, excluding National Congress, National Executive Committee, Management Committee and Provincial Executive Committees shall be the majority (50 % + 1) of the nominated representatives of such relevant Committee.

26 CONDUCTING OF FEDUSA ELECTIONS WHEN VACANCY(IES) ARISE(S): INTERNAL & EXTERNAL STRUCTURES

- 26.1 At the discretion of the NEC, FEDUSA may utilize the services of an independent oversight authority for conducting any processes requiring nomination / election for:
 - 26.1.1 FEDUSA Constitutional Committees (NOB, Affiliate) [internally conducted via the Office of the FEDUSA General Secretary]
 - 26.1.2 FEDUSA deployment to Statutory and Non – Statutory Boards ; (NOB, NEC, Affiliate and Federation officials

included in the process) [externally conducted via the services of an independent oversight authority]

27 PAYMENT OF HONORARIUMS

FEDUSA will award its elected National Office Bearers (NOB's) with an Honorarium for the commitment to the Federation on an annual basis, at an amount determined by the NEC.

28 GENDER, YOUTH, EQUALITY AND DIVERSITY

28.1 FEDUSA shall advance all efforts to promote and uphold respect for diversity. These include

28.1.1 Women ;

28.1.2 Youth ;

28.1.3 People with Disabilities ;

28.1.4 The LGBTIQ+ Communities

28.2 FEDUSA alignment, compliance and recognition of gender equality shall be aligned with all international standards on the World of Work.

28.3 The FEDUSA Gender Policy as well as the annual Employment Equity Reporting shall prescribe FEDUSA and affiliate compliance, on all aspects of gender equality and diversity.

28.4 Women shall be represented within FEDUSA Leadership and all Constitutional Committees.

28.5 The FEDUSA Gender Policy shall prescribe clear guidelines and targets for both representation, inclusion and decision making.

28.6 FEDUSA affiliates shall prescribe to international norms and standards for gender audits to remain an integral part of governance.

28.7 The NEC, following advice and recommendation from the Social Justice and Gender Committee, shall from time to time evaluate affiliate compliance and report to Congress, in line with the requirements of the FEDUSA Gender Policy.

29 INTERNAL DISPUTE MECHANISM

29.1 Disputes may arise from time to time and the National Executive Committee (NEC) shall endeavour to resolve such disputes.

- 29.2 In the event of a dispute arising between any of FEDUSA's affiliates, such dispute shall be submitted in writing to the General Secretary.
- 29.3 The General Secretary must respond in writing within no later than 7 days of receipt of the correspondence to take the appropriate action to have the dispute resolved as soon as possible.
- 29.4 If the matters remain unresolved, the NEC shall appoint a National Dispute Resolution Committee (NDRC).
- 29.5 The NDRC shall consist of three Members who are not National Office Bearers, nor from the referring affiliate or paid employees of the Federation. The FEDUSA Secretariat shall be responsible for the administrative functions of the Committee.
- 29.6 The NEC shall appoint the Chairperson of the Committee from amongst the elected members of the NDRC, or considering the complexity of the dispute, an external, independent Chairperson may be appointed.
- 29.7 The mandate of the NDRC is to ensure the fair and expeditious resolution of disputes that upholds the principles of impartiality and independence.
- 29.8 The method of appointment of the NDRC shall be by nomination and consensus of the NEC. Should no consensus be reached, a majority vote shall carry.
- 29.9 Parties will be given the opportunity to present their cases to the Chairperson. The Chairperson shall within 7 days provide a written outcome / or recommendation for referral to the NEC.
- 29.10 The decision of the NEC shall be final and binding.
- 29.11 All proceedings under section 29 shall be recorded on audio tape and transcribed in full from those audio tapes and both records shall be stored for a period not less than three (3) years after the final decision of the proceedings.
- 29.12 It shall be the responsibility of any presiding person to ensure the audio recordings are continuous and of a clear quality such that transcription is easily achieved.

30 TERM OF OFFICE

Unless otherwise stipulated in this Constitution, National Office Bearers and members of Committees shall serve for 5 (five) years after each National Congress.

31 AMENDMENT OF THIS CONSTITUTION

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 thirty (30) calendar days in advance.

32 WINDING-UP OF THE FEDERATION

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 :

08 February 2022



PRESIDENT



GENERAL SECRETARY