

## **SOUTH AFRICAN DEMOCRATIC TEACHERS' UNION (SADTU)**

### **BACKGROUND**

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

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

SADTU presently represents more than 200 000 teachers, making it the largest teacher organisation in the country. It has become an affiliate of COSATU, the trade union federation in South Africa. The Union also enjoys international affiliation to Education International (EI), the All Africa Teachers' Organisation (AATO) and the Southern Africa Teachers' Organisation (SATO).

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

# **SADTU CONSTITUTION**

As Amended  
in October 2010

## INDEX

### SADTU Constitution – October 2010

1.0	PREAMBLE .....	5
2.0	NAME.....	5
3.0	HEAD OFFICE.....	5
4.0	LEGAL STATUS .....	5
5.0	AIM .....	6
6.0	OBJECTIVES .....	6
7.0	MEMBERSHIP	
7.1	Eligibility (full membership).....	8
7.2	Eligibility (associate membership).....	8
7.3	Honorary Membership .....	8
7.4	Application.....	9
7.5	Subscriptions .....	9
7.6	Register .....	10
7.7	Termination of Membership.....	10
7.8	Code of Discipline .....	11
8.0	PRINCIPLES OF REPRESENTATION .....	11
9.0	SITE STRUCTURES	
9.1	Demarcation of Sites .....	12
9.2	Site Biennial General Meeting .....	12
9.3	Site General Meeting.....	12
9.4	Functions of Site Executive Committee.....	12
10.0	BRANCH STRUCTURES	
10.1	Branches .....	13
10.2	Branch Biennial General Meeting .....	13
10.3	Branch Mass Meeting (BMM) .....	13
10.4	Site Steward Council .....	14
10.5	Branch Executive Committee.....	15
10.6	Duties of Branch Executive Committee Members .....	16
11.0	REGIONAL STRUCTURES	
11.1	Demarcation of Regions.....	17
11.2	Regional Biennial General Meeting .....	17
11.3	Regional Executive Committee .....	18
11.4	Duties of Regional Office Bearers .....	18
12.0	PROVINCIAL STRUCTURES	
12.1	Demarcation of Provinces .....	19
12.2	Provincial Conference .....	19

12.3	Provincial General Council .....	20
12.4	Provincial Executive Committee.....	21
12.5	Provincial Working Committee .....	21
12.6	Duties of Provincial Office Bearers.....	21
13.0	NATIONAL STRUCTURES	
13.1	National Congress.....	23
13.2	National General Council .....	24
13.3	National Executive Committee .....	24
13.4	National Working Committee .....	26
13.5	Duties of National Office Bearers .....	26
14.0	BALLOTS	
14.1	General .....	27
14.2	Ballot Procedure .....	27
15.0	PROCEDURES FOR ELECTIONS	
15.1	Elections under Normal Elective Requirements and Circumstances.....	28
15.2	Elections under Special Circumstances:	
	Bi - Elections.....	32
16.0	FINANCES .....	33
17.0	INDEMINIFICATION OF OFFICIALS, OFFICE BEARERS AND COMMITTEE MEMBERS .....	35
18.0	AMALGAMATION .....	35
19.0	DISSOLUTION .....	35
20.0	AMENDMENTS .....	36
21.0	INTERPRETATION .....	36
22.0	SADTU LOGO.....	37

## 1. PREAMBLE

We, teachers and **Education Workers** of South Africa, having committed ourselves to the transformation of education and dedicated ourselves to the development of an education system which is fully accessible, equal and qualitative, free of apartheid legacy and which is the just expression of the will of the people, as enshrined in the Constitution of the country, hereby proclaim the need for a single teachers and **Education Workers** in education' union in our land. Further, recognizing the deeply embedded class and gender disparities in South African society, SADTU commits itself to eliminating all gender and class based discrimination in Education in South Africa. To this end, SADTU shall endeavour to inculcate the values of egalitarianism and social justice among its members and the broader society.

## 2. NAME

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

## 3. HEAD OFFICE

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

## 4. LEGAL STATUS

4.1 The Union shall be a body corporate with perpetual succession, capable of entering into contractual and other relations and of suing and being sued in its own name. It shall hold property apart from its members. The liability of members shall be limited to the amount of their subscriptions outstanding or other monies due to the Union at any time.

4.2 The Union is an association not for gain.

## 5. AIM

The aim of the Union shall be to unite teachers and **Education Workers** in education and educationalists and to work for a non-racial, non-sexist,

just and democratic system of education in a free and democratic South Africa. It shall observe and act in accordance with the spirit and principle of democracy in all the Union's activities.

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

## 6. OBJECTIVES

The objectives of the Union shall be:

- 6.1 to recruit all teachers and **Education Workers** and educationalists who support the aims and objectives of the Union;
- 6.2 to seek and to maintain itself as a union to be recognised by the education authorities and to negotiate on behalf of its members, to advance their individual and collective interests by entering into collective bargaining relations with the education authorities for the purposes of negotiating and entering into collective agreements;
- 6.3 to promote and further the interests of its members and to voice collectively their opinions on matters pertaining to education;
- 6.4 to co-operate with or join organisations, both locally and internationally, where it is in the interests of the Union to do so;
- 6.5 To promote and advance the education, cultural and social interests of workers and working class communities in South Africa, Africa, and the whole world.
- 6.6 to eradicate discrimination based on gender, sexism and the sexual harassment of teachers and **Education Workers** and learners;
- 6.7 to establish affirmative action programmes for women and to maximise participation of women at all levels of the Union and the education system as a whole;
- 6.8 to eradicate racism and discrimination in employment and

education generally;

- 6.9 to encourage the development of the aesthetic aspects of the **Learner's** life and to help promote his or her educational, spiritual and physical development;
- 6.10 to foster an esprit de corps among teachers and **Education Workers** in education and to promote and maintain high standards of ethical conduct, professional integrity and efficiency in the promotion and maintenance of standards of teaching and learning;
- 6.11 to plan educational change and development, and conduct research into educational matters;
- 6.12 to promote or oppose, as the case may be, any laws and administrative procedures that affect the interests of the members in particular and education in general;
- 6.13 to institute legal proceedings on behalf of the Union or its members in pursuance of the objects of the Union and to render, where appropriate, legal assistance to members in matters relating to education and employment;
- 6.14 to establish and administer funds for the benefit of members and their dependants;
- 6.15 to purchase, lease, hire or acquire any movable or immovable property which the Union may deem necessary;
- 6.16 to foster an understanding of social, political and economic matters at national and international level; and
- 6.17 to do all such other things as are in the interests of the Union and its members, and which are consistent with the aims and objects of the Union.

## **7. MEMBERSHIP**

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

### **7.1 Eligibility (Full membership)**

**All persons practising as teachers and Education Workers**, in both formal and non-formal institutions of learning are eligible for membership. The NEC may admit teachers who have been barred from the profession or who are not able to practice because they have been barred from the profession for ideological reasons that are consistent with the aims and objects of the Union.

### **7.2 Eligibility (associate membership)**

All persons professionally admitted to the teaching profession but no longer practising as such, all persons who qualified as teachers and are not yet employed as such and student teachers and **Education Workers** are eligible for associate membership. Associate members are not entitled to vote or stand for election as Office Bearers, though they may participate in the proceedings of the Union and may be admitted as observers to Conferences and Congresses of the Union and may be assigned to perform Union duties

### **7.3 Honorary membership**

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

### **7.4 Application**

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

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

## **7.5 Subscriptions**

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

- (a) a member who is unemployed for thirty days or more; or
- (b) a member who is unable to work for thirty days or more on account of ill health; or
- (c) an associate member; or
- (d) any other reason which the NEC or the relevant union structure may consider appropriate.

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

## **7.6 Register**

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

## **7.7 Termination of membership**

- 7.7.1 Any member may resign from the Union after giving three month's written notice to her or his Branch Secretary.
- 7.7.2 Should a member, in the opinion of the BEC, conduct herself or himself in a manner which is detrimental to the interests of the Union and its members, her or his membership and benefits arising therefrom may be suspended, or she or he may be expelled from the Union. Before any such sanctions are invoked the relevant committee or Council shall invoke disciplinary proceedings. The member may appeal the decision to the next higher and relevant committee or council. The appeal shall be lodged with the Secretary of the structure in writing at least seven days before the sitting of the Committee or Council. A member may further appeal to the NEC or any higher structure.
- 7.7.3. A member whose contract of employment has been terminated by her or his employer as a result of a labour dispute, or under circumstances which in the opinion of the relevant union structures renders her or his dismissal unfair, shall remain a member of the Union, and such a member shall be exempted from the payment of subscriptions until she or he is re-employed or until such date as the BEC may determine.
- 7.7.4 A member whose contract of employment as a teacher or educationalist has been terminated but who intends resuming employment as such shall remain a member for a period not exceeding twelve months. Membership shall automatically cease if she or he has not recommenced employment as a teacher or educationalist at the expiry of twelve months.
- 7.7.5 Membership shall lapse when subscriptions are six months in arrears.

## **7.8 Code of Discipline**

All members, including Office Bearers, shall be subject to the SADTU Code of Discipline, which shall be determined by the NEC from time to

time, and also to any disciplinary processes or sanctions defined in such Code.

## **8. PRINCIPLES OF REPRESENTATION**

8.1 The Union shall be governed by both direct and representative forms of democracy. Members of the Union shall participate directly in the affairs of the Union at the level of the Site and the Branch and in the election of those who shall be responsible for governing the Union at regional, provincial and national levels.

8.2 Proportional representation shall be a guiding principle in determining the number of elected representatives to the following governance meetings:

### **8.2.1 National Congress**

The National Congress shall consist of the National Office Bearers ("NOB's"), Provincial Office Bearers ("POB's"), Regional Chairpersons and Secretaries and one Branch delegate per 350 paid-up members or part thereof in the Branch, provided that each Branch shall be entitled to at least one delegate.

### **8.2.2 National General Council ("NGC")**

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

### **8.2.3 Provincial Conference**

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

### **8.2.4 Provincial General Council ("PGC")**

The PGC shall consist of the Provincial Office Bearers, Regional Chairpersons and Secretaries, Branch Chairpersons and one additional Branch delegate per 500 paid-up

members or part thereof, provided that each Branch shall be entitled to at least one additional delegate.

### **8.2.5 Regional Biennial General Meeting**

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

## **9. SITE STRUCTURES**

### **9.1 Demarcation of Sites**

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

### **9.2 Site Biennial General Meeting**

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

9.2.2. The term of office for the SEC shall be two years.

### **9.3. Site General Meeting**

9.3.1. The Site General Meeting shall mandate and recall representatives on the SEC.

9.3.2 discuss and implement policy and decisions of the Union; and

9.3.3 discuss grievances.

### **9.4 Functions of the Site Executive Committee**

9.4.1 to recruit members in the Site;

9.4.2 to receive and attend to complaints of members concerning their employment and where necessary to report such complaints to the BEC;

9.4.3 to communicate the decisions and policies of the Union to members;

9.4.4 to report to the BEC and Branch Site Stewards' Council.

*(Please note that the repetition has been corrected in clause 9.4.3 & 9.4.4)*

## **10. BRANCH STRUCTURES**

## **10.1 Branches**

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

## **10.2 Branch Biennial General Meeting (BBGM)**

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

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

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

## **10.3 Branch Mass Meeting (BMM)**

10.3.1 Branch Mass Meeting **shall** be called once every three months by the **Secretary in consultation with the** Chairperson, acting on her or his own, or on a decision of the Branch Executive Committee, or on the **request** of at least 5 sites.

10.3.2 A Branch Mass Meeting may only be called on written notice to members of the date, time, place and business of the meeting at least seven days prior to the date of the meeting, provided that shorter notice may be given at the discretion of the **Secretary in consultation with the Chairperson** in respect of extraordinary meetings.

10.3.3 One third of members or 50 members in the Branch, which ever

is lesser shall constitute a quorum. If within an hour of the time fixed for a meeting the meeting is not quorate, the meeting shall stand adjourned.

- 10.3.4 If any meeting is not quorate an agreed date, time and place shall be decided and written notice be given of the adjourned meeting, and at such a meeting the members present shall constitute a quorum.
- 10.3.5 A Branch Mass Meeting shall have the power to:
- (a) Mandate and recall from office elected officials of the branch **subject to fair processes provided for by the constitution.**
  - (b) Ratify, amend or reverse any decisions of the Branch Executive Committee and Site Steward Council.
  - (c) Elect delegates and formulate resolutions for submission to the National Congress, National General Council, Provincial Conference, Provincial General Council and Regional Biennial General meeting.
  - (d) Discuss and implement policies and decisions of the Union.

#### **10.4 Site Steward Council (“SSC”)**

- 10.4.1 The SSC shall comprise of the BEC and one Site Steward per Site
- 10.4.2 Meetings of the SSC shall take place on dates and at times fixed by the Chairperson and Secretary, or insofar as practicable, in conjunction with other members of the BEC. Members of the SSC shall be notified in writing of the date, time, place and business of the meeting. Meetings shall be held at least once every three months.
- 10.4.3 A majority of sites present shall constitute a quorum. If within half an hour of the time fixed for a meeting, the meeting is not quorate, the meeting shall stand adjourned to an agreed date, time and place. A written notice of the adjourned meeting shall be given to all. At the adjourned meeting, sites present shall constitute a quorum.
- 10.4.4 The functions and powers of the SSC in a Branch shall include:
- (a) admitting or declining applications for membership and reviewing the state of membership generally;
  - (b) disciplining members including the suspension or expulsion of members for conduct detrimental to the interests of the Union and its members;
  - (c) ratifying, amending or reversing any decision of the BEC;

- (d) attending to the grievances of members and disputes that might arise both amongst members and with the educational authorities;
- (e) reporting to members on the policies, decisions and activities of the Union;
- (f) giving effect to the policies and decisions adopted by the Union at regional, provincial and national level;
- (g) ensuring compliance by members with the aims and objects of this Constitution; and
- (h) electing delegates and formulating resolutions for submission to a National Congress, Provincial Conference, **Provincial General Council** and Regional Biennial General Meeting.
- (i) to adjudicate on the financial statement of the Branch.

#### **10.5 Branch Executive Committee ("BEC")**

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

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

##### 10.6.1 Chairperson

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

#### 10.6.2 Deputy Chairperson

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

#### 10.6.3 Treasurer

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

#### 10.6.4 Secretary

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

#### 10.6.5 Deputy Secretary

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

#### 10.6.6 Portfolio Convenors

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

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

## **11. REGIONAL STRUCTURES**

### **11.1 Demarcation of Regions**

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

### **11.2 Regional Biennial General Meeting**

11.2.1 The Regional Biennial General Meeting ("BGM") shall consist of the Regional Office Bearers ("ROB's"), Branch Executive Committees and one Branch delegate per 100 paid-up members or part thereof.

11.2.2 The Regional BGM shall have such powers and duties as may be assigned to it by National and Provincial structures and shall include:

- (a) The election of ROB's, namely the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and Portfolio Convenors as determined by the National Congress.
- (b) The adoption of a detailed report of the Region's activities and audited financial statements for the period under review.
- (c) The ratification, amendment or reversal of any decision of the Regional Executive Committee or a Biennial General Meeting of a Branch within the Region.

### **11.3 Regional Executive Committee ("REC")**

11.3.1 The REC shall consist of the Regional Office Bearers and Chairpersons and Secretaries of Branches.

11.3.2 The REC shall meet at least once every three months. Meetings of the REC shall take place on dates and at times fixed by the **Secretary in consultation with the Chairperson and Secretary**, or

insofar as practicable, in conjunction with other ROB's. Members of the REC shall be notified in writing of the date, time, place and business of the meeting.

11.3.3 A majority of Branches present shall constitute a quorum. If within one hour there is no quorum, the meeting stands adjourned to an agreed date, time and place. A written notice of the adjourned meeting shall be given to all members of the REC.

11.3.4 The REC shall have the following powers and functions:

- (a) The management of the affairs of the Region.
- (b) The supervision and co-ordination of Branches in the Region.
- (c) The implementation of programmes and decisions of the Union in the Region.
- (d) The submission of reports of all matters raised at its meetings to the Branches in the Region and the Provincial structure.

#### **11.4 The duties of the Regional Office Bearers shall be:**

##### 11.4.1 Chairperson

The Chairperson shall preside at all meetings of the Region at which she or he is present, enforce observance of the

Constitution, sign minutes of meetings after confirmation thereof, represent the Region on the Provincial Executive Committee ("PEC"), **Provincial General Council (PGC)** and National General Council ("NGC") meetings and perform such other duties imposed by decisions of the Union.

##### 11.4.2 Deputy Chairperson

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

##### 11.4.3 Treasurer

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

auditing purposes and submit quarterly financial statements to meetings of the REC.

#### 11.4.4 Secretary

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

#### 11.4.5 Deputy Secretary

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

#### 11.4.6 Portfolio Convenors

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

## 12. PROVINCIAL STRUCTURES

### 12.1 Demarcation of Provinces

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

### 12.2 Provincial Conference

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

- 12.2.2 The Provincial Conference shall meet at least once every three years and shall be convened by the Provincial Executive Committee on written notice to all Branches and Regions of the date, time, place and business of the Conference.
- 12.2.3 The Provincial Conference shall have the powers and duties as may be assigned to it by the National structures and shall include:
- (a) The election of POB's, namely the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and Portfolio Convenors as determined by the National Congress.
  - (b) The supervision and co-ordination of the Branches and Regions in the Province.
  - (c) The ratification, amendment or reversal of any decision of the Provincial General Council, Provincial Executive Committee and Regional Biennial General meeting
  - (d) The formulation of policies and programmes of action for the Province.
  - (e) The implementation of decisions of the National Congress, National General Council and National Executive Committee of the Union;
  - (f) The management of the affairs of the Province between meetings of the Provincial Conference shall be vested in the Provincial General Council and the Provincial Executive Committee.

### **12.3 Provincial General Council ("PGC")**

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

date, time and place. A written notice of the adjourned meeting shall be given to all Branches.

#### **12.4 Provincial Executive Committee ("PEC")**

12.4.1. The PEC shall consist of the Provincial Office Bearers and Chairperson and Secretary of each Region. The majority of PEC members shall constitute a quorum provided that at least 50% of the regions shall be present

12.4.2 The PEC shall meet at least once every three months and its functions shall include:

- (a) the management of the Province;
- (b) the supervision and co-ordination of the Regions and Branches in the Province;
- (c) the submission of reports on all matters raised at its meetings to the Regions in the Province and the National Executive Committee;
- (d) the implementation of decisions of the National Congress, National General Council, National Executive Committee, Provincial Conference and Provincial General Council.

#### **12.5 Provincial Working Committee ("PWC")**

12.5.1 The Provincial Office Bearers shall be the working committee with specific and limited decision making powers.

12.5.2 The PWC shall:

- (a) carry out decisions and instructions of the PEC to which it shall be accountable,
- (b) meet at least once a month; and
- (c) ensure that Regions and Branches are functional.

#### **12.6 The duties of the Provincial Office Bearers shall be:**

##### **12.6.1 Chairperson**

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

##### **12.6.2 Deputy Chairperson**

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

#### **12.6.3 Treasurer**

The Treasurer shall be in charge of all monies and assets of the Province, sign all cheques drawn on behalf of the Province, audit the membership of the Province, supervise the financial affairs of the Province, monitor the financial affairs of the Branches and Regions and perform such other duties imposed by decisions of the Union. In conjunction with the Secretary she or he shall ensure that funds are administered and managed in accordance with the financial policy of the Union and present financial statements at each ordinary meeting of the PEC.

#### **12.6.4 Secretary**

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

#### **12.6.5 Deputy Secretary**

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

#### **12.6.6 Portfolio Convenors**

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

### **13. NATIONAL STRUCTURES**

### **13.1 National Congress**

- 13.1.1 The National Congress shall be the supreme governing body of the Union and shall meet at least once every four years.
- 13.1.2 The National Congress shall consist of the National Office Bearers, Provincial Office Bearers, Regional Chairpersons and Secretaries and one Branch delegate per 350 paid-up members or part thereof in the Branch, provided that each Branch shall be entitled to at least one delegate.
- 13.1.3 The National Congress shall be convened by the National Executive Committee on written notice to the Provinces, Regions and Branches of the date, time, place and business of the Congress.
- 13.1.4 A majority of delegates shall constitute a quorum. In the event that there is no quorum within two hours of the time fixed for the congress, the meeting shall stand adjourned to an agreed date, time and place. At such adjourned meeting the delegates present shall constitute a quorum. A written notice of the adjourned congress shall be given to all Provinces, Regions and Branches.
- 13.1.5 The National Congress shall adopt policies by means of resolutions in furtherance of the aims and objects of the Union and will consider and decide upon:
- (a) confirmation of the agenda;
  - (b) credentials of delegates;
  - (c) amendments to the constitution, codes of ethics, codes of discipline and standing rules;
  - (d) reports from the National General Council, National Executive Committee and National Office Bearers;
  - (e) financial reports including the auditors' reports;
  - (f) resolutions;
  - (g) election of National Office Bearers;
  - (h) establishment of portfolios as formal structures of the Union; and
  - (i) any other matter entrusted to it under this Constitution or which is in the interest of the Union.

### **13.2 National General Council ("NGC")**

- 13.2.1 The National General Council shall consist of the National Office

Bearers, Provincial Chairpersons and Secretaries, Regional Chairpersons and one additional Regional delegate per 5 000 paid-up members or part thereof, provided that each Region shall be entitled to at least one additional delegate.

- 13.2.2 The National General Council shall meet at least once a year and its functions shall include:
- (a) the ratification of decisions of the National Executive Committee; and
  - (b) the adoption of policy issues of major importance in between National Congresses.

### **13.3 National Executive Committee (“NEC”)**

- 13.3.1 The management of the affairs of the Union shall vest in the NEC.
- 13.3.2 The composition Of the NEC shall be the National Office Bearers and the Chairperson and Secretary of each Province.
- 13.3.3 The NEC shall meet at least once every three months on a date to be fixed by the President in consultation with the General Secretary. Meetings of the NEC shall be convened on written notice of the date, time, place and business of the meeting. A majority of Provinces present shall constitute a quorum. If within one hour there is no quorum, the meeting stands adjourned to an agreed date, time and place. A written notice of the adjourned meeting shall be given to all Provinces. If at least three Provinces deem it necessary to call an emergency meeting of the NEC, then they have a right to request that such meeting be convened at the earliest possible date.
- 13.3.4 Subject to the provisions of this Constitution, the NEC shall have the power to:
- (a) engage and dismiss any employees of the Union including the General Secretary and to determine their remuneration and to define their duties;
  - (b) appoint sub-committees for the purpose of investigating, reporting or administering any matter or duty referred or delegated to it by the NEC, and to dissolve such sub-committees;
  - (c) review the decisions of the Provincial Conferences, Provincial General Councils, Provincial Executive Committees, Regional Biennial General Meeting, Regional Executive Committees

- and Branch Meetings and to confirm or reverse such decisions;
- (d) execute Union policies and programmes as decided by the National Congress;
  - (e) institute or defend legal proceedings by or against the Union or individual members in relation to their employment or in furtherance of any of the aims and objects of the Union provided that it is not inconsistent with any matter specifically provided for in this Constitution;
  - (f) acquire by purchase, lease or otherwise any moveable and immovable property and to hold the same on behalf of the Union and to sell, let, mortgage or otherwise deal with or dispose of any moveable or immovable assets of the Union provided that no immovable property shall be acquired, sold, mortgaged, let or leased for a period of longer than five years unless four weeks' written notice of intention to do so has been given to each Province, Region and Branch of the Union;
  - (g) operate banking accounts on behalf of the Union, to control the funds and finances of the Union and to allocate funds to Provinces, Regions and Branches;
  - (h) establish or close down Provinces and to define the areas of jurisdiction of Provinces;
  - (i) suspend any PEC, REC or BEC for action contrary to the terms of this constitution or to the policies or decisions of the National Congress, NGC or NEC and to take over the management of the affairs of the Province, Region or Branch until such other Committees are elected;
  - (j) decide on all matters of procedure on which this Constitution is silent;
  - (k) assess and determine the status of Office Bearers and the need for full time officials at all levels of the Union;
  - (l) appoint acting Office Bearers should any of the persons not be able to carry out their functions;
  - (m) make or repeal the standing rules of the Union provided that it is not inconsistent with this Constitution;
  - (n) take such other decisions and actions as may in the opinion of the NEC be in the interest of the Union and which are consistent with the objects and any matter specifically provided for in this Constitution; and

(o) a majority of Provinces present shall constitute a quorum. In the event that there is no quorum within one hour of the time fixed for the meeting, the meeting shall stand adjourned to an agreed date, time and place. A written notice of the adjourned meeting shall be given to all Provinces.

#### **13.4 National Working Committee (“NWC”)**

13.4.1 The National Office Bearers shall be the working committee of the Union with specific and limited decision making powers.

13.4.2 The National Working Committee shall:

- (a) carry out decisions and instructions of the National Congress, NGC and NEC;
- (b) ensure that Provinces, Regions and Branches are functional; and
- (c) submit a report to each meeting of the NEC.

#### **13.5 The duties of the National Office Bearers shall be:**

13.5.1 President

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

13.5.2 Deputy President

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

13.5.3 Treasurer

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

13.5.4 General Secretary

The **General** Secretary shall, in consultation with the President, issue notices convening national meetings of the Union, conduct all Union correspondence, keep originals of letters received and copies of letters dispatched and table correspondence at meetings of the NEC. She or he shall further attend all national

meetings of the Union, record the minutes, in conjunction with the Treasurer ensure that the funds of the Union are administered and managed in accordance with the financial policy, prepare and circulate the annual report of the activities of the Union which will include the audited financial statements, supervision of persons employed by the Union and perform such duties imposed by decisions of the Union.

13.5.5 Deputy General Secretary

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

13.5.6 Vice Presidents

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

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

**14. BALLOTS**

**14.1 General**

14.1.1 A ballot must be taken when it is required in terms of this constitution.

14.1.2 A ballot must be taken of those members in respect of whom the Union intends to call a strike.

**14.2 Ballot Procedure**

The following is the ballot procedure:

14.2.1 the relevant committee or meeting must appoint at least two scrutineers who may be members of the Union. The scrutineers must supervise the ballots being counted;

14.2.2 each voter shall, in the presence of the scrutineer, be issued with a ballot paper which clearly describes the issue and makes it impossible to identify the voter;

14.2.3 the voter shall make her or his mark in secret and shall deposit the ballot paper in a ballot box;

14.2.4 the chairperson shall inform the meeting or committee;

14.2.5 the body of the Union conducting the ballot must act on the results of the decision of the majority voting in the ballot subject to the provisions of this constitution and the decisions of National Congress or National General Council;

14.2.6 the Provincial Secretary must keep branch and regional ballot

papers and the General Secretary must keep national ballots. These ballot papers must be kept for three years.

## **15. PROCEDURES FOR ELECTIONS**

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

### **15.1.1 Candidate Nomination**

15.1.1.1 Opening and Closure of Candidate Nominations

- a) In accordance with SADTU constitution, the nomination of candidates shall be by the relevant structures (members in the case of site elections) present at the respective election
- b) Nominations shall be opened and declared closed on dates and times determined by the relevant structural Executive Committee.

15.1.1.2 Nomination Screening and Validation

- a) On closure of nominations, the electoral officer will screen all received forms in order to test their validity. A nomination shall be deemed invalid unless-
  - (i) the nominee has indicated his/her acceptance of nomination by completing the relevant section of the nomination form; **or the nominee has submitted a letter indicating acceptance of nomination.**
  - (ii) the nomination form has been duly signed by the authorized or designated office bearer in that structure; **or duly signed by a member in the case of a site.**
  - (iii) **the nomination form has been duly submitted at the place and within the time prescribed by the executive structure.**
- b) A structure cannot nominate or second two different candidates for the same position.
- c) The Electoral officer upon presentation of the nomination audit report shall proceed to give an opportunity to those validly nominated, who otherwise have reconsidered their nominations to withdraw.

### 15.1.1.3 Electoral Officers

**Electoral Officers will be the following:**

- (a) At site will be members of the BECs**
- (b) Branch will be members of the ROBs**
- (c) Region will be members of the POBs**
- (d) Province will be NOBs or an independent agency**
- (e) National will be an independent agency**

### 15.1.2 Voting Method

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

### 15.1.3 Voting Procedures

- a) **On completion of the nomination process the Electoral Officer shall prepare ballot paper where a number of contested positions may appear on one ballot paper. Names on the ballot paper shall be arranged in alphabetical order.**
- b) Voting shall be by secret ballot and subject to c) below, conducted simultaneously for all positions.
- c) In the event, where one candidate contests more than one position, different rounds of voting shall be conducted starting with the position appearing first on the constitution.

15.1.3.1 Voting will be conducted according to the following

procedures:

- (a) **In the Regional Biennial General Meeting (RBGM), Provincial General Council (PGC), Provincial Conference, National General Council (NGC) the National Congress, the voter shall be required to produce his/her Voting Identity Card/ Name Tag to the Electoral Officer. In the Site, Branch and REC members shall use their Identity Documents or other acceptable identification documentation for elections.**
- (b) His/her name shall be checked against the voter's register and when found; crossed off to ensure that the voter does not vote again;
- (c) Subject to 15.1.3 (c) above, voting for all positions shall be conducted concurrently. This means that, a voter shall be issued with ballot papers for all contested positions;
- (d) If a voter claims that s/he has spoiled his/ her ballot paper prior to it being lodged into the ballot box, the Electoral Officer shall issue him/her with a replacement ballot paper.

#### **15.1.4 Credentials List**

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

#### **15.1.5 Counting Procedures**

##### **15.1.5.1 Reconciliation**

- a) Votes shall be counted as soon as voting has been completed.
- b) Once the count has been completed, the Electoral Officer completes the results form, which records the number of spoilt ballots, abstentions and total number of votes cast per candidate.

#### 15.1.5.2 Recounts

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

#### 15.1.5.3 Declaration of the Result

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

### **15.1.6 Election Observers**

- a) The election meeting shall appoint observers who shall in turn be entitled to witness the voting and the counting process.
- b) All observers however are subject to the authority of the Electoral Officer. During the elections no one, unless authorized by the Electoral Officer, is allowed to touch ballot papers, or any other election materials. No information that may compromise the secrecy of the ballot may be disclosed.

### **15.1.7 Electoral Complaints**

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

who are not candidates to the election together with the election observers. The decision of this meeting shall be final subject to approval by the Conference or relevant structure.

- e) During this process of objection and complaint the Ballot Box must be sealed and be kept in the safe place by the Provincial Secretary or relevant Secretary of the Structure.

## **15.2 Elections under Special Circumstances: Bi – Elections**

### **15.2.1 Bi – Elections may be conducted in (NGC, PGC, REC and Branch Mass Meetings) of the Union to elect an office bearer outside the usual term of office where an office bearer:**

- a) Dies or resigns
- b) Is dismissed from the Union
- c) Has failed to attend 3 consecutive meetings of the Executive or any other constitutional structure that she\he is obliged to attend without a written apology or valid reason
- d) When she/he is no longer an educator in the site, branch, region and province

### 15.2.2 Bi-Elections should be conducted in the following way in the different/relevant structures:

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

### 15.2.3 Procedures for bi-elections:

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

- a) The Secretary or any person mandated by the Executive at the relevant structure where the position or office exists, shall notify structures in writing of the existence of that position/office being available and reasons that such position/office has become available
- b) The above official shall issue a notice to all structures for the nomination of candidates and the closing date for receipt of nominations
- c) The official of the structure higher than the structure where the position/office exists or an independent observer appointed in the case of the Provincial or National structure, shall be responsible to handle all the nomination forms until the elections have been completed
- d) Vacancies emanating from such bi-elections to be filled at the same meeting.**

## **16. FINANCES**

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

**which will be adopted by the NEC from time to time in line with financial policy.**

- 16.5 In the event of any one or more signatories being unable or more signatories being unable or unwilling to be a signatory to such cheques, the National Executive Committee may appoint such other signatories as it deems suitable.
- 16.6 Monthly allocations to Provinces, Regions and Branches shall be made on the account authorisation of three signatories to the National Congress shall determine the proportional basis according to which allocations are to be made. The National Executive Committee shall decide on any appropriate measures to be taken in the event of failure by a Province, Region or Branch to account for funds allocated.
- 16.7 The Treasurer shall submit to the National Executive Committee at each ordinary meeting a detailed report on financial affairs of the Union.
- 16.8 The books of the Union shall be audited at least once a year by certified auditors approved by the National Executive Committee.
- 16.9 The financial year of the Union shall commence on 1 January and end on 31 December of each year.
- 16.10 All funds of the Union shall be managed according to the financial Policy stipulated in the Finance Manual and determined by the National Executive Committee from time to time.
- 16.11 True copies of the consolidated audited accounts of the Union together with the auditors' report shall be made available to all members of the Union at all offices of the Union.
- 16.12 The National Executive Committee may at any time with a view to securing funds for any particular lawful purpose contemplated by the Constitution impose a levy provided that not less than fourteen days notice of the proposed levy has been given to all Provinces, Regions and Branches; provided further that any Provincial Conference may demand that a ballot of members of the Union be taken on the subject. The purpose of the levy shall be clearly set out in the notice as well as the period of operation of such levy. Such levies may differentiate on the basis of earnings and may be either fixed amounts or a percentage of earnings. Under no circumstances shall the amount of the levy exceed two and a half percent of any member's earnings for any calendar year and shall not apply for more than one year.
- 16.13 No Profits or gains of the Union will be distributed to any person and the funds of the Union shall be utilised solely for the attainment of the objectives for which the Union was established.

**17. INDEMNIFICATION OF OFFICIALS, OFFICE BEARERS AND COMMITTEE MEMBERS**

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

**18. AMALGAMATION**

18.1 If any association or union with the same or similar scope of this Union intends to dissolve with a view to its members joining and its unexpended funds being transferred to the Union, then notwithstanding anything to the contrary contained in this Constitution, the members of the dissolving association or union shall be automatically admitted to full membership of the Union on the date of dissolution provided that the provisions of this clause shall cease to apply in respect of any member of the dissolving association or union who within three months of the aforementioned date notifies the Union in writing that she or he does not wish to be a member. This clause in no way restricts a member of the dissolved association or union terminating her or his membership of the Union at any time in terms of clause 7.7 of this Constitution.

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

**19. DISSOLUTION**

19.1. The Union may be dissolved by resolution of the National Congress in which a majority of at least two-thirds have voted in favour.

19.2 In the event of the resolution being adopted as provided by the National Congress or the remaining members of the National Executive Committee shall appoint a liquidator to wind up the affairs of the Union. The liquidator shall not be a member of the Union.

19.3 The liquidator shall take the necessary steps to liquidate the debts of The Union from its unexpended funds and any other monies realised from any assets of the Union. The liquidator's fees and expenses shall rank in order of preference as though the expenses were the cost of a sequestration of an insolvent estate.

19.4 After payment of all debts the remaining fund, if any, shall be

transferred to another non-profit, tax-exempt organisation(s) with objects similar to the Union as the National Congress may decide.

- 19.5 The available members of the Union's last appointed National Executive Committee shall ensure that the provisions of section 103 of the Labour Relations Act No. 66 of 1995, as amended, are complied with in the winding up of the Union.

## **20. AMENDMENTS**

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

## **21. INTERPRETATION**

21.1 Any matter not provided for in this Constitution shall be dealt with by the National Executive Committee and in the event of any doubt or dispute as to the meaning or interpretation of any phrase, clause, term or expression used in this Constitution, the resolution of the National Congress or National General Council, the interpretation thereof shall be made by the National Executive Committee and its decision shall be final.

21.2 In the event that there is a conflict between decisions taken by the different representative structures of the Union, decisions of the more representative structures shall take precedence. The order of precedence nationally, in each Province, Region and in each Branch shall be:

National Congress  
National General Council  
National Executive Committee  
National Working Committee  
Provincial Conference  
Provincial General Council  
Provincial Executive Committee

Provincial Working Committee  
Regional Biennial General Meeting  
Regional Executive Committee  
Branch Biennial General Meeting  
Site Stewards Council  
Branch Executive Committee  
Site Meeting  
Site Executive Committee

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

## **22. REGISTRATION OF SADTU LOGO**

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